

Act No. 127
Public Act of 1989
September 20, 1989
Filed by the Secretary of State
September 20, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Reps. Emerson, Harrison, Bartnik, Knight, Hoekman, Ostling and Sofio

ENROLLED HOUSE BILL No. 4681

AN ACT to amend sections 3 and 10 of Act No. 149 of the Public Acts of 1960, entitled "An act to authorize the state conservation commission to acquire land and undertake an improvement program at certain state parks; to provide for financing through the issuance of revenue bonds; to provide the terms, conditions and limitations on such bonds; to prescribe the powers and duties of certain state officers; to authorize the imposition of certain charges and fees for the payment and security of such bonds and for other purposes; to authorize the refunding of such bonds; and to prescribe penalties for violations of this act," as amended by Act No. 330 of the Public Acts of 1980, being sections 318.303 and 318.310 of the Michigan Compiled Laws; and to add section 3a.

The People of the State of Michigan enact:

Section 1. Sections 3 and 10 of Act No. 149 of the Public Acts of 1960, as amended by Act No. 330 of the Public Acts of 1980, being sections 318.303 and 318.310 of the Michigan Compiled Laws, are amended and section 3a is added to read as follows:

Sec. 3. A resolution adopted by the commission of natural resources authorizing the issuance of bonds shall contain all of the following:

(a) A description in reasonable detail of the land to be acquired and the improvement program as approved by the legislature, for which the bonds are to be issued.

(b) The bond maturities, the maximum rate of interest, the form of the bonds, which may be either coupon bonds registered as to principal only or bonds registered as to both principal and interest, the terms of redemption before maturity with or without premium, the manner in which the bonds and the interest coupons shall be executed, and other terms and conditions as shall be necessary in connection with the bonds and the security for the bonds. The premium on a redemption before maturity shall not exceed 3% of the par value.

(c) A provision that the state park revenues shall be pledged for the payment of the bonds. However, the pledge of state park revenues shall be on a parity with pledges of the revenues previously or subsequently made by the commission pursuant to any other resolution authorizing the issuance of bonds under this act and the resolution shall state that the pledge complies with this subdivision.

(d) A listing by the commission of the state parks or portions of state parks previously posted or to be posted within a time specified in the resolution and in accordance with section 9.

(e) A covenant that the park permit fees provided in section 10 shall be revised from time to time within the limits permitted by law when necessary to insure that the revenues to be derived from the fees shall be sufficient to pay the principal of and interest on bonds issued pursuant to this act and other obligations of the commission in connection with the issuance of bonds.

(f) A provision requiring the fiscal agent to set aside money from the state park revenue bond receiving fund into a fund to be designated as the state park revenue bond and interest redemption fund in a sum proportionately sufficient to provide for the payment of the principal of and interest upon all bonds payable from the fund as and when the principal and interest becomes due and payable in the manner prescribed by the commission. In addition the resolution shall authorize the commission to provide that a reasonable excess amount may be set aside by the fiscal agent from time to time as directed by the commission in the state park revenue bond and interest redemption fund to produce and provide a reserve to meet a possible future deficiency in the fund. The resolution shall further provide that out of the revenues remaining each quarter, after having first met the requirements of the state park revenue bond and interest redemption fund, including the reserve for the fund, the commission may by direction to the fiscal agent next set aside additional money in the state park revenue bond and interest redemption fund for the purpose of calling bonds for redemption, subject to approval by the state administrative board. The resolution shall also contain a provision for the investment of funds held by the fiscal agent.

(g) A provision that money on deposit in the state park revenue bond receiving fund after setting aside the amounts in the state park revenue bond and interest redemption fund shall be considered to be surplus money, and to the extent in excess of a constant balance of \$100,000.00, shall be deposited quarterly by the fiscal agent upon the order of the commission in the state treasury in a special fund to be designated as the state park improvement fund. This special fund shall be subject to appropriation by the legislature for the improvement, operation, and maintenance of state parks and recreation areas and for no other purpose. Not less than \$10.00 of each annual permit and not less than \$2.00 of each daily permit projected to be sold in a fiscal year may be appropriated for the maintenance and operation of state parks and recreation areas in that fiscal year.

(h) The terms and conditions under which additional bonds payable from the state park revenues of equal standing with a prior issue of bonds may be issued.

(i) A provision for deposit and expenditure of the proceeds of sale of the bonds and for investment of the proceeds of sale of the bonds and of other funds of the commission relating to bonds authorized by this act.

(j) A provision that in the event of a default in the payment of principal of or interest on the bonds, or in the performance of an agreement or covenant contained in the resolution, the holders of a specified percentage of the outstanding bonds may institute 1 or more of the following for the equal benefit of the holders of all of the bonds:

(i) An action of mandamus or any other suit, action, or proceeding to enforce the rights of the holders of the bonds.

(ii) An action upon the defaulted bonds or coupons.

(iii) Any other action as may be provided by law.

Sec. 3a. The increased fee revenue as a result of this amendatory act that added this section shall not be used to reduce the state general fund/general purpose support for state park operations. If the state general fund/general purpose support for state park operations does not equal or exceed the amount appropriated in fiscal year 1988-89, then this amendatory act shall be repealed.

Sec. 10. (1) The commission may require park permits and impose and collect park permit fees for entry into a state park or portion of a state park posted in the manner prescribed by this act. The commission shall prepare and distribute suitable park permits to carry out this act.

(2) Except as otherwise provided in this section, an annual park permit shall be issued and shall authorize the entry of the motor vehicle to which it is originally attached within the confines of any state park or recreation area during the calendar year in which issued. The fee for the annual park permit shall be \$15.00 in 1990, 1991, and 1992, \$18.00 in 1993 and 1994, and \$20.00 in 1995 and thereafter, except that an owner of a resident motor vehicle, who is 65 years of age or older, shall be issued a special annual park permit for 1/4 the amount of the annual park permit.

(3) A daily park permit, valid for 1 day only, shall be issued for a fee to be fixed by the commission, but in an amount not to exceed \$4.00 for resident motor vehicles and \$6.00 for nonresident motor vehicles. The fee for nonresident motor vehicles may be \$4.00 in all parks except where nonresident day use is extremely high. The commission shall identify parks where nonresident day use is extremely high and set the nonresident fee at \$6.00. The daily permit shall authorize the entry of the motor vehicle to which it is originally attached within the confines of a state park during the day in which issued.

(4) A resident motor vehicle is a vehicle that is registered as a motor vehicle in this state.

(5) This act shall apply only to the entry of motor vehicles into the state parks and to the park permits authorized in this act and shall not obviate the necessity of obtaining additional permits for special services or park privileges as previously or subsequently may be required by law or by rules promulgated by the

commission. The director of the department of natural resources shall designate each person, partnership, or corporation in the state authorized to sell park permits and shall require as a condition of the designation that a surety bond be furnished in an amount and in a form and with the surety as shall be acceptable to the director. A person, partnership, or corporation so designated by the director of the department of natural resources after being designated may issue park permits in accordance with this act.

(6) Commercial motor coaches or vans are not eligible to enter a state park with an annual park permit. The commission of natural resources may establish a daily fee not to exceed \$15.00 to allow commercial motor coaches or vans with a capacity of over 12 passengers daily entry into a state park.

(7) The department of natural resources may add to the cost of a reservation or for payment for a motor vehicle entrance or camping fee the charges that the state incurs because of the use of a credit card.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.