

HOUSE BILL No. 4681

April 20, 1989, Introduced by Reps. Emerson, Harrison, Bartnik, Knight, Hoekman, Ostling and Sofio and referred to the Committee on Conservation, Recreation and Environment.

A bill 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.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 Sec. 3. A resolution adopted by the commission of natural
2 resources authorizing the issuance of bonds shall contain ALL OF
3 the following:

4 (a) A description in reasonable detail of the land to be
5 acquired and the improvement program as approved by the legisla-
6 ture, for which the bonds are to be issued.

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

16 (c) A provision that the state park revenues shall be
17 pledged for the payment of the bonds. However, the pledge of
18 state park revenues shall be on a parity with pledges of the rev-
19 enues previously or subsequently made by the commission pursuant
20 to any other resolution authorizing the issuance of bonds under
21 this act and the resolution shall ~~so recite~~ STATE THAT THE
22 PLEDGE COMPLIES WITH THIS SUBDIVISION.

23 (d) A listing by the commission of the state parks or por-
24 tions of state parks previously posted or to be posted within a
25 time specified in the resolution and in accordance with section
26 9.

1 (e) A covenant that the park permit fees provided in section
2 10 shall be revised from time to time within the limits permitted
3 by law when necessary to insure that the revenues to be derived
4 from the fees shall be sufficient to pay the principal of and
5 interest on bonds issued pursuant to this act and other obliga-
6 tions of the commission in connection with the issuance of
7 bonds.

8 (f) A provision requiring the fiscal agent to set aside
9 money from the state park revenue bond receiving fund into a fund
10 to be designated as the state park revenue bond and interest
11 redemption fund in a sum proportionately sufficient to provide
12 for the payment of the principal of and interest upon all bonds
13 payable from the fund as and when the principal and interest
14 becomes due and payable in the manner ~~as shall be~~ prescribed by
15 the commission. In addition the resolution shall authorize the
16 commission to provide that a reasonable excess amount may be set
17 aside by the fiscal agent from time to time as directed by the
18 commission in the state park revenue bond and interest redemption
19 fund to produce and provide a reserve to meet a possible future
20 deficiency in the fund. The resolution shall further provide
21 that out of the revenues remaining each quarter, after having
22 first met the requirements of the state park revenue bond and
23 interest redemption fund, including the reserve for the fund, the
24 commission may by direction to the fiscal agent next set aside
25 additional money in the state park revenue bond and interest
26 redemption fund for the purpose of calling bonds for redemption,
27 subject to approval by the state administrative board. The

1 resolution shall also contain a provision for the investment of
2 funds held by the fiscal agent.

3 (g) A provision that money on deposit in the state park rev-
4 enue bond receiving fund after setting aside the amounts in the
5 state park revenue bond and interest redemption fund shall be
6 considered to be surplus money, and to the extent in excess of a
7 constant balance of \$100,000.00, shall be deposited quarterly by
8 the fiscal agent upon the order of the commission in the state
9 treasury in a special fund to be designated as the state park
10 improvement fund. This special fund shall be subject to appro-
11 priation by the legislature for the improvement, land acquisi-
12 tion, operation, and maintenance of state parks and recreation
13 areas and for no other purpose. ~~Five dollars~~ NOT LESS THAN
14 \$10.00 of each annual permit and ~~\$1.00~~ NOT LESS THAN \$2.00 of
15 each daily permit projected to be sold in a fiscal year may be
16 appropriated for the maintenance and operation of state parks and
17 recreation areas in that fiscal year.

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

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

25 (j) A provision that in the event of a default in the pay-
26 ment of principal of or interest on the bonds, or in the
27 performance of an agreement or covenant contained in the

1 resolution, the holders of a specified percentage of the
2 outstanding bonds may institute 1 OR MORE OF the following for
3 the equal benefit of the holders of all of the bonds:

4 (i) An action of mandamus or any other suit, action, or pro-
5 ceeding to enforce the rights of the holders of the bonds.

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

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

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

13 (2) ~~AN~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN
14 annual park permit shall be issued and shall authorize the entry
15 of the motor vehicle to which it is originally attached within
16 the confines of any state park or recreation area during the cal-
17 endar year in which issued. The fee for the annual park permit
18 shall be ~~-\$10.00-~~ \$15.00 IN 1990, 1991, AND 1992, \$18.00 IN 1993
19 AND 1994, AND \$20.00 IN 1995 AND THEREAFTER, except that an owner
20 of a resident motor vehicle, who is 65 years of age or older,
21 shall be issued a special annual park permit for ~~-\$1.00-~~ 1/2 THE
22 AMOUNT OF THE ANNUAL PARK PERMIT.

23 (3) A daily park permit, valid for 1 day only, shall be
24 issued for a fee to be fixed by the commission, but in an amount
25 not to exceed ~~-\$2.00-~~ \$4.00 for resident motor vehicles and
26 ~~-\$3.00-~~ \$6.00 for nonresident motor vehicles. The fee for
27 nonresident motor vehicles may be ~~-\$2.00-~~ \$4.00 in all parks

1 except where nonresident day use is extremely high. The
2 commission shall identify ~~such~~ parks WHERE NONRESIDENT DAY USE
3 IS EXTREMELY HIGH and set the nonresident fee at ~~\$3.00~~ \$6.00.
4 The daily permit shall authorize the entry of the motor vehicle
5 to which it is originally attached within the confines of a state
6 park during the day in which issued.

7 (4) A resident motor vehicle is a vehicle ~~which~~ THAT is
8 registered as a motor vehicle in this state.

9 (5) This act shall apply only to the entry of motor vehicles
10 into the state parks and to the park permits authorized in this
11 act and shall not obviate the necessity of obtaining additional
12 permits for special services or park privileges as previously or
13 subsequently may be required by law or by rules promulgated by
14 the commission. The director of the department of natural
15 resources shall designate each person, partnership, or corpora-
16 tion in the state authorized to sell park permits and shall
17 require as a condition of the designation that a surety bond be
18 furnished in an amount and in a form and with the surety as shall
19 be acceptable to the director. A person, partnership, or corpo-
20 ration so designated by the director of the department of natural
21 resources after being designated may issue park permits in
22 accordance with this act.

23 (6) COMMERCIAL MOTOR COACHES OR VANS ARE NOT ELIGIBLE TO
24 ENTER A STATE PARK WITH AN ANNUAL PARK PERMIT. THE COMMISSION OF
25 NATURAL RESOURCES MAY ESTABLISH A DAILY FEE NOT TO EXCEED \$15.00
26 TO ALLOW COMMERCIAL MOTOR COACHES OR VANS WITH A CAPACITY OF OVER
27 12 PASSENGERS DAILY ENTRY INTO A STATE PARK.

1 (7) THE DEPARTMENT OF NATURAL RESOURCES MAY ADD TO THE COST
2 OF A RESERVATION OR FOR PAYMENT FOR A MOTOR VEHICLE ENTRANCE OR
3 CAMPING FEE THE CHARGES THAT THE STATE INCURS BECAUSE OF THE USE
4 OF A CREDIT CARD.