

# HOUSE BILL NO. 5409

October 19, 2021, Introduced by Reps. Howell, Cherry, Roth, Sneller, Clemente, Puri, Liberati, Shannon, O'Malley and Eisen and referred to the Committee on Transportation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 2045 (MCL 324.2045), as amended by 2013 PA 81.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2045. (1) The department shall distribute **revenue from**  
2 **donations under section 805 of the Michigan vehicle code, 1949 PA**  
3 **300, MCL 257.805, and** recreation passport fee revenue, **in**  
4 **aggregate**, as follows:

5           (a) First, for necessary expenses incurred by the secretary of

1 state each state fiscal year in administration and implementation  
 2 of section 805 of the Michigan vehicle code, 1949 PA 300, MCL  
 3 257.805. Funds appropriated for necessary expenses shall be based  
 4 ~~upon~~**on** an established cost allocation methodology that reflects  
 5 actual costs. Appropriations under this subdivision in a state  
 6 fiscal year shall not exceed \$1,000,000.00. **However, an additional**  
 7 **\$350,000.00 may be appropriated for the state fiscal year ending**  
 8 **September 30, 2023, for 1-time expenses incurred by the secretary**  
 9 **of state to implement the 2021 amendatory act that added subsection**  
 10 **(11) to section 805 of the Michigan vehicle code, 1949 PA 300, MCL**  
 11 **257.805.**

12 (b) The next \$10,700,000.00 received each fiscal year shall be  
 13 deposited in the state park improvement account.

14 (c) The next \$1,030,000.00 received each fiscal year shall be  
 15 deposited in the waterways account.

16 (d) The remaining revenue **received each fiscal year** shall be  
 17 deposited as follows:

18 (i) ~~50%~~**80%** in the state park improvement account to be used  
 19 for capital improvements, ~~at state parks, including state~~  
 20 ~~recreation areas.~~

21 ~~(ii) 30% in the state park improvement account to be used for~~  
 22 ~~operations, and maintenance at state parks, including state~~  
 23 ~~recreation areas.~~

24 **(ii) ~~(iii)~~2.75%** in the state park improvement account to be used  
 25 for operations, maintenance, and capital improvements of state park  
 26 cultural and historic resources.

27 **(iii) ~~(iv)~~0.25%** in the state park improvement account to be used  
 28 to do all of the following:

29 (A) Promote, in ~~concert~~**cooperation** with other state agencies,

1 the use of state parks, state-operated public boating access sites,  
 2 state forest campgrounds, and state forest nonmotorized trails and  
 3 pathways.

4 (B) Promote the use of the internet for state park camping  
 5 reservations and for payment of the recreation passport fee in  
 6 conjunction with motor vehicle registration.

7 (C) **Conduct recreation passport sales incentive programs for**  
 8 **employees and organizations that process motor vehicle**  
 9 **registrations.**

10 (iv) ~~(v)~~—10% in the local public recreation facilities fund  
 11 created in section 1911, to be used for development of public  
 12 recreation facilities ~~for~~**of** local units of government.

13 (v) ~~(vi)~~—7% in the forest recreation account to be used for  
 14 operating, maintaining, and making capital improvements to state  
 15 forest campgrounds and the state forest system of pathways and  
 16 nonmotorized trails, including, but not limited to, equestrian  
 17 trails.

18 (2) For each state fiscal year, beginning with the 2011-2012  
 19 state fiscal year, the state treasurer shall adjust the amounts set  
 20 forth in subsection (1)(b) and (c) by an amount determined by the  
 21 state treasurer to reflect the cumulative percentage change in the  
 22 ~~consumer price index~~**Consumer Price Index** for the most recent 1-  
 23 year period for which data are available. As used in this  
 24 subsection, "~~consumer price index~~"**"Consumer Price Index"** means the  
 25 most comprehensive index of consumer prices available for this  
 26 state from the ~~bureau of labor statistics~~**Bureau of Labor**  
 27 **Statistics** of the United States ~~department of labor~~**Department of**  
 28 **Labor**.

29 (3) By January 15 of each year, the department, in

1 consultation with the department of state, shall estimate the  
2 amount of additional **recreation passport fee** revenue that would  
3 have been collected ~~as recreation passport fees~~ during the  
4 immediately preceding state fiscal year if owners of resident motor  
5 vehicles described in sections 74116(4)(c) and 78119(4)(b) were not  
6 exempt under those provisions from paying the recreation passport  
7 fee. The department shall estimate the amount as follows:

8 (a) Determine the total number of resident motor vehicles  
9 described in sections 74116(4)(c) and 78119(4)(b).

10 (b) Multiply the number under subdivision (a) by the  
11 percentage of resident motor vehicles with single-year  
12 registrations for which a recreation passport fee was paid during  
13 the preceding state fiscal year.

14 (c) Subtract from the result under subdivision (b) the number  
15 of resident motor vehicles described in sections 74116(4)(c) and  
16 78119(4)(b) for which a recreation passport fee was paid during the  
17 preceding state fiscal year under rules promulgated under section  
18 74120(3).

19 (d) Multiply the result under subdivision (c) by the current  
20 amount of the recreation passport fee during the preceding state  
21 fiscal year.

22 (4) The legislature shall annually appropriate from the  
23 general fund a sum equal to the amount estimated under subsection  
24 (3). The sum appropriated shall be distributed as provided in  
25 subsection (1)(d).

26 (5) The department shall submit a report to the standing  
27 committees and appropriations subcommittees of the legislature with  
28 jurisdiction over issues pertaining to natural resources and the  
29 environment by February 1 each year. The report shall provide

1 information on all of the following for the preceding state fiscal  
2 year:

3 (a) The total amount of recreation passport fee revenue  
4 received by the department and the amounts allocated under  
5 subsection (1).

6 (b) The total amount of annual and daily state park motor  
7 vehicle permit fee revenue received by the department under section  
8 74117.

9 (c) The total amount of seasonal or daily state-operated  
10 public boating access site revenue received by the department under  
11 section 78105(3).

12 (d) Details on the specific uses of the revenue described in  
13 subdivisions (a), (b), and (c) and the amounts expended for each  
14 specific use.

15 (e) The amount of revenue received during the preceding state  
16 fiscal year under subsection (4).

17 (f) The adequacy of the revenue described in subdivisions (a)  
18 and (e) for each of the purposes for which it is allocated under  
19 subsection (1).

20 (g) The impact of the state park revenue stream described in  
21 subdivisions (a), (b), and (d) on the Michigan state parks  
22 endowment fund created in section 35a of article IX of the state  
23 constitution of 1963 and provided for in section 74119.

24 (h) Other relevant issues that affect funding needs for the  
25 state park system.

26 (6) By February 1, 2012 and every 2 years thereafter, the  
27 department shall submit a report to the standing committees and  
28 appropriations subcommittees of the legislature with jurisdiction  
29 over issues pertaining to natural resources and the environment.

1 The report shall provide information on how frequently motor  
2 vehicles for which the registrant declined to pay the recreation  
3 passport fee entered state parks and state-operated public boating  
4 access sites designated under section 78105 during the registration  
5 period. The information shall be based on random audits conducted  
6 by the department. A report under this subsection may be combined  
7 with a report required under subsection (5).

8 (7) The department may prepare a list of frequently asked  
9 questions and answers concerning the recreation passport fee. The  
10 department and the department of state may post the information on  
11 their websites. The department of state may provide the information  
12 with ~~any~~ applications for registration of motor vehicles that are  
13 mailed by the department of state.

14 Enacting section 1. This amendatory act takes effect 90 days  
15 after the date it is enacted into law.

16 Enacting section 2. This amendatory act does not take effect  
17 unless all of the following bills of the 101st Legislature are  
18 enacted into law:

19 (a) Senate Bill No. \_\_\_\_ or House Bill No. 5408 (request no.  
20 02675'21).

21 (b) Senate Bill No. \_\_\_\_ or House Bill No. 5410 (request no.  
22 03429'21).