

HOUSE BILL No. 5955

September 27, 2012, Introduced by Rep. Bumstead and referred to the Committee on Government Operations.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 74101 (MCL 324.74101), as amended by 2010 PA
33, and by adding sections 74127, 74128, and 74129.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 74101. As used in this part:

2 (a) "Commercial motor vehicle" means a commercial vehicle as
3 defined in section 7 of the Michigan vehicle code, 1949 PA 300, MCL
4 257.7.

5 (b) "Improvement program" means the construction,
6 reconstruction, development, improvement, bettering, operating,
7 maintaining, and extending a facility at a state park, including a
8 site improvement, impoundment, road and parking lot, toilet
9 building, concession building, shelter building, bathhouse,
10 utility, outdoor center, visitor service facility, ski area, ski

1 tow, ski shelter, and administration unit.

2 (c) "Motor vehicle" means a vehicle that is self-propelled.

3 (d) "Nonresident motor vehicle" means a motor vehicle other
4 than a commercial motor vehicle that is not registered as a motor
5 vehicle in this state.

6 (e) "Recreation passport fee" means that term as defined in
7 section 2001.

8 (f) "Resident motor vehicle" means a motor vehicle other than
9 a commercial motor vehicle that is registered as a motor vehicle in
10 this state.

11 (g) "State park" means a state park or state recreation area
12 **PROVIDED FOR IN THIS PART OR AS OTHERWISE** designated by the
13 director.

14 (h) "State park improvement account" means the state park
15 improvement account of the Michigan conservation and recreation
16 legacy fund provided for in section 2030.

17 (i) "State park revenues" means all revenues collected for
18 state parks, including but not limited to, revenue from recreation
19 passport fees, motor vehicle permits, concession fees, nonmotorized
20 trail permits, fees, leases, camping fees, sale of farm animals
21 from Maybury state park, donations, and gifts.

22 **SEC. 74127. (1) THE MICHIGAN CAPITOL STATE PARK IS**
23 **ESTABLISHED.**

24 **(2) THE MICHIGAN CAPITOL STATE PARK CONSISTS OF THE STATE**
25 **CAPITOL BUILDING IN LANSING AND THE GROUNDS OF THE STATE CAPITOL**
26 **BUILDING BOUNDED BY OTTAWA STREET ON THE NORTH, ALLEGAN STREET ON**
27 **THE SOUTH, CAPITOL AVENUE ON THE EAST, AND WALNUT STREET ON THE**

1 WEST.

2 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE
3 MICHIGAN CAPITOL STATE PARK SHALL BE UNDER THE EXCLUSIVE CONTROL OF
4 THE MICHIGAN CAPITOL STATE PARK COMMISSION CREATED IN SECTION
5 74128.

6 SEC. 74128. (1) THE MICHIGAN CAPITOL STATE PARK COMMISSION IS
7 ESTABLISHED.

8 (2) THE MICHIGAN CAPITOL STATE PARK COMMISSION SHALL CONSIST
9 OF THE FOLLOWING MEMBERS:

10 (A) THE SECRETARY OF THE SENATE.

11 (B) THE CLERK OF THE HOUSE OF REPRESENTATIVES.

12 (C) AN INDIVIDUAL, JOINTLY APPOINTED BY THE SECRETARY OF THE
13 SENATE AND THE CLERK OF THE HOUSE OF REPRESENTATIVES, WHO HAS
14 EXPERTISE AND EXPERIENCE IN FUND-RAISING FOR THE RESTORATION AND
15 MAINTENANCE OF HISTORIC STRUCTURES.

16 (D) THE CAPITOL ARCHITECT APPOINTED UNDER SUBSECTION (3).

17 (3) THE GOVERNOR SHALL APPOINT AN INDIVIDUAL WITH KNOWLEDGE
18 AND EXPERTISE IN HISTORIC ARCHITECTURE TO SERVE AS THE CAPITOL
19 ARCHITECT. THE CAPITOL ARCHITECT SHALL SERVE AT THE PLEASURE OF THE
20 GOVERNOR. THE GOVERNOR SHALL APPOINT A CAPITOL ARCHITECT UNDER THIS
21 SUBSECTION WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE
22 AMENDATORY ACT THAT ADDED THIS SECTION.

23 (4) MEMBERS OF THE MICHIGAN CAPITOL STATE PARK COMMISSION
24 SHALL SERVE WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE MICHIGAN
25 CAPITOL STATE PARK COMMISSION MAY BE REIMBURSED FOR THEIR ACTUAL
26 AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
27 OFFICIAL DUTIES AS MEMBERS OF THE MICHIGAN CAPITOL STATE PARK

1 COMMISSION.

2 (5) A MAJORITY OF THE MEMBERS OF THE MICHIGAN CAPITOL STATE
3 PARK COMMISSION CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS
4 AT A MEETING OF THE MICHIGAN CAPITOL STATE PARK COMMISSION. AN
5 AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE MICHIGAN
6 CAPITOL STATE PARK COMMISSION IS REQUIRED FOR OFFICIAL ACTION OF
7 THE MICHIGAN CAPITOL STATE PARK COMMISSION.

8 (6) THE BUSINESS THAT THE MICHIGAN CAPITOL STATE PARK
9 COMMISSION MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF
10 THE MICHIGAN CAPITOL STATE PARK COMMISSION HELD IN COMPLIANCE WITH
11 THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

12 (7) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
13 RETAINED BY THE MICHIGAN CAPITOL STATE PARK COMMISSION IN THE
14 PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF
15 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

16 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE
17 MICHIGAN CAPITOL STATE PARK COMMISSION SHALL DO ALL OF THE
18 FOLLOWING:

19 (A) OPERATE AND MANAGE THE MICHIGAN CAPITOL STATE PARK.

20 (B) MAINTAIN AND RESTORE THE CAPITOL BUILDING.

21 (C) MAINTAIN AND IMPROVE THE GROUNDS OF THE MICHIGAN CAPITOL
22 STATE PARK.

23 (D) CONTRACT WITH ANY PERSON FOR PURPOSES OF PROCURING GOODS
24 OR SERVICES OR OTHERWISE CARRYING OUT ITS RESPONSIBILITIES WITH
25 REGARD TO THE MICHIGAN CAPITOL STATE PARK.

26 (E) MAKE RECOMMENDATIONS TO THE GOVERNOR, THE SENATE, AND THE
27 HOUSE OF REPRESENTATIVES REGARDING FUNDING FOR THE MICHIGAN CAPITOL

1 STATE PARK, INCLUDING FUNDING FROM THE MICHIGAN STATE PARKS
2 ENDOWMENT FUND CREATED UNDER SECTION 35A OF ARTICLE IX OF THE STATE
3 CONSTITUTION OF 1963 AND PROVIDED FOR IN SECTION 74119 AND THE
4 MICHIGAN CAPITOL RESTORATION FUND CREATED IN SECTION 74129.

5 (9) THE MICHIGAN CAPITOL STATE PARK COMMISSION DOES NOT HAVE
6 AUTHORITY AND SHALL NOT EXERCISE CONTROL OVER THE INTERNAL
7 DECISIONS OF THE SENATE OR THE HOUSE OF REPRESENTATIVES AS THEY
8 RELATE TO THE ALLOCATION OF SPACE IN THE CAPITOL BUILDING OR THE
9 CAPITOL BUILDING PARKING LOT, INCLUDING LEGISLATIVE OR STAFF
10 OFFICES. ALL DECISIONS CONCERNING SPACE IN THE CAPITOL BUILDING AND
11 THE CAPITOL BUILDING PARKING LOT SHALL BE MADE ACCORDING TO THE
12 RULES OR PRACTICES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

13 (10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART, A MOTOR
14 VEHICLE PARK PERMIT OR RECREATION PASSPORT FEE IS NOT REQUIRED FOR
15 ENTRY INTO THE MICHIGAN CAPITOL STATE PARK. ENTRY INTO THE MICHIGAN
16 CAPITOL STATE PARK IS UNDER THE EXCLUSIVE CONTROL OF THE MICHIGAN
17 CAPITOL STATE PARK COMMISSION.

18 SEC. 74129. (1) THE MICHIGAN CAPITOL RESTORATION FUND IS
19 CREATED WITHIN THE STATE TREASURY.

20 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
21 ANY SOURCE FOR DEPOSIT INTO THE MICHIGAN CAPITOL RESTORATION FUND,
22 INCLUDING PRIVATE GIFTS, BEQUESTS, AND DONATIONS. THE STATE
23 TREASURER SHALL DIRECT THE INVESTMENT OF THE MICHIGAN CAPITOL
24 RESTORATION FUND. THE STATE TREASURER SHALL CREDIT TO THE MICHIGAN
25 CAPITOL RESTORATION FUND INTEREST AND EARNINGS FROM FUND
26 INVESTMENTS.

27 (3) MONEY IN THE MICHIGAN CAPITOL RESTORATION FUND AT THE

1 CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
2 LAPSE TO THE GENERAL FUND.

3 (4) THE MICHIGAN CAPITOL STATE PARK COMMISSION SHALL BE THE
4 ADMINISTRATOR OF THE MICHIGAN CAPITOL RESTORATION FUND FOR AUDITING
5 PURPOSES.

6 (5) THE MICHIGAN CAPITOL STATE PARK COMMISSION SHALL EXPEND
7 MONEY FROM THE MICHIGAN CAPITOL RESTORATION FUND, UPON
8 APPROPRIATION, ONLY FOR THE OPERATION, MAINTENANCE, AND RESTORATION
9 OF THE MICHIGAN CAPITOL STATE PARK.

10 Enacting section 1. This amendatory act does not take effect
11 unless all of the following bills of the 96th Legislature are
12 enacted into law:

13 (a) Senate Bill No.____ or House Bill No. 5958(request no.
14 02399'11).

15 (b) Senate Bill No.____ or House Bill No. 5957(request no.
16 02400'11).

17 (c) Senate Bill No.____ or House Bill No. 5956(request no.
18 02400'11 a).