

SENATE BILL NO. 727

October 1, 1997, Introduced by Senators HOFFMAN, GEAKE,
DINGELL, NORTH, MC MANUS and STILLE and referred to the
Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 831.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SUBCHAPTER 7 FOREST RECREATION
2 PART 831 STATE FOREST RECREATION
3 SEC. 83101. AS USED IN THIS PART:
4 (A) "CONCESSION" MEANS AN AGREEMENT BETWEEN THE DEPARTMENT
5 AND A PERSON UNDER TERMS AND CONDITIONS AS SPECIFIED BY THE
6 DEPARTMENT TO PROVIDE SERVICES OR RECREATIONAL OPPORTUNITIES FOR
7 PUBLIC USE.
8 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.
9 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.
10 (D) "FUND" MEANS THE FOREST RECREATION FUND CREATED IN
11 SECTION 83104.

SB 727, As Passed Senate, October 22, 1997

SB 727 as amended October 21, 1997

2

1 (E) "LEASE" MEANS A CONVEYANCE BY THE DEPARTMENT TO A PERSON
2 OF A PORTION OF THE STATE'S INTEREST IN LAND UNDER SPECIFIC TERMS
3 AND FOR VALUABLE CONSIDERATION, THEREBY GRANTING TO THE LESSEE
4 THE POSSESSION OF THAT PORTION CONVEYED DURING THE PERIOD
5 STIPULATED.

6 (F) "STATE FOREST" MEANS THOSE LANDS DESIGNATED AS STATE
7 FORESTS BY THE DEPARTMENT.

8 SEC. 83102. THE DEPARTMENT SHALL DEVELOP, OPERATE, MAIN-
9 TAIN, AND PROMOTE AN INTEGRATED RECREATION SYSTEM THAT PROVIDES
10 OPPORTUNITIES FOR HUNTING, FISHING, CAMPING, HIKING, SNOWMOBIL-
11 ING, BOATING, TRAIL RELATED ACTIVITIES, AND OTHER FORMS OF RECRE-
12 ATION WITHIN EACH STATE FOREST.

13 SEC. 83103. (1) IN IMPLEMENTING SECTION 83102, THE DEPART-
14 MENT MAY DO ANY OF THE FOLLOWING:

15 (A) ENTER INTO CONTRACTS OR AGREEMENTS WITH A PERSON AS MAY
16 BE NECESSARY TO IMPLEMENT THIS PART.

17 (B) GRANT CONCESSIONS WITHIN THE BOUNDARIES OF A STATE
18 FOREST TO A PERSON. IN GRANTING A CONCESSION, THE DEPARTMENT
19 SHALL PROVIDE THAT EACH CONCESSION IS AWARDED AT LEAST EVERY 7
20 YEARS BASED ON EXTENSION, RENEGOTIATION, OR COMPETITIVE BIDDING.
HOWEVER, IF THE DEPARTMENT DETERMINES THAT A CONCESSION REQUIRES A
CAPITAL INVESTMENT IN WHICH REASONABLE FINANCING OR AMORTIZATION
NECESSITATES A LONGER TERM, THE DEPARTMENT MAY GRANT A CONCESSION
FOR UP TO A 15-YEAR TERM. A CONCESSION GRANTED UNDER THIS
SUBDIVISION SHALL REQUIRE, UNLESS THE DEPARTMENT AUTHORIZES
OTHERWISE, THAT ALL BUILDINGS AND EQUIPMENT SHALL BE REMOVED FROM
THE STATE FOREST PROPERTY AT THE END OF THE CONCESSION'S TERM.

21 (C) LEASE PROPERTY TO A PERSON.

22 (D) ACCEPT GIFTS, GRANTS, OR BEQUESTS FROM ANY PUBLIC OR
23 PRIVATE SOURCE OR FROM THE FEDERAL GOVERNMENT OR A LOCAL UNIT OF
24 GOVERNMENT FOR FURTHERING THE PURPOSES OF THIS PART.

25 (2) UNLESS OTHERWISE PROVIDED BY STATE OR FEDERAL LAW, ALL
26 MONEY COLLECTED UNDER THIS SECTION SHALL BE DEPOSITED INTO THE
27 FUND.

SB 727, As Passed Senate, October 22, 1997

SB 727 as amended October 21, 1997

3

1 SEC. 83104. (1) THE FOREST RECREATION FUND IS CREATED
2 WITHIN THE STATE TREASURY.

3 (2) THE FUND MAY RECEIVE MONEY AS PROVIDED IN THIS PART AND
4 FROM ANY OTHER SOURCE. THE STATE TREASURER SHALL DIRECT THE
5 INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE
6 FUND INTEREST AND EARNINGS FROM THE FUND INVESTMENTS. MONEY
7 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL BE CAR-
8 RIED OVER IN THE FUND TO THE NEXT AND SUCCEEDING FISCAL YEAR.

9 (3) MONEY IN THE FUND SHALL BE USED BY THE DEPARTMENT TO
10 DEVELOP, MAINTAIN, OPERATE, AND PROMOTE FOREST RECREATION ACTIVI-
11 TIES AND TO IMPLEMENT THIS PART.

12 SEC. 83105. (1) THE DEPARTMENT MAY APPOINT PERSONS TO FUNC-
13 TION AS VOLUNTEERS FOR THE PURPOSE OF FACILITATING FOREST RECRE-
14 ATION ACTIVITIES. WHILE A VOLUNTEER IS SERVING IN SUCH A CAPAC-
15 ITY, THE VOLUNTEER HAS THE SAME IMMUNITY FROM CIVIL LIABILITY AS
16 A DEPARTMENT EMPLOYEE AND SHALL BE TREATED IN THE SAME MANNER AS
17 AN EMPLOYEE UNDER SECTION 8 OF 1964 PA 170, MCL 691.1408.

18 (2) A VOLUNTEER UNDER SUBSECTION (1) SHALL NOT CARRY A FIRE-
19 ARM WHEN FUNCTIONING AS A VOLUNTEER.

20 SEC. 83106. (1) THE DEPARTMENT MAY REQUIRE A PERSON TO
21 OBTAIN A PERMIT FOR CAMPING IN DESIGNATED STATE FOREST CAMP-
22 GROUNDS AND MAY ESTABLISH AND COLLECT A FEE FOR THE CAMPING
23 PERMIT. HOWEVER, AT LEAST 6 MONTHS BEFORE INCREASING A CAMPING
PERMIT FEE, THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF ITS
INTENT TO DO SO TO THE STANDING COMMITTEES OF THE SENATE AND THE
HOUSE OF REPRESENTATIVES THAT HAVE PRIMARY JURISDICTION OVER
LEGISLATION PERTAINING TO NATURAL RESOURCES AND THE ENVIRONMENT.

24 (2) THE DEPARTMENT MAY REQUIRE A PERSON TO OBTAIN A PERMIT,
25 EXCEPT AS OTHERWISE PROVIDED BY LAW, FOR THE USE OF LANDS AND
26 FACILITIES WITHIN THE STATE FOREST AS DESIGNATED BY THE
27 DEPARTMENT FOR RECREATION USE.

SB 727, As Passed Senate, October 22, 1997

SB 727 as amended October 21, 1997

4

1 (3) MONEY COLLECTED UNDER THIS SECTION SHALL BE DEPOSITED
2 INTO THE FUND.

3 SEC. 83107. TO ENSURE COMPLIANCE WITH THIS PART, RULES
4 PROMULGATED UNDER THIS PART AND THIS ACT, INCLUDING THE STATE
5 LAND USE RULES PROVIDED IN R 299.331 TO R 299.335 OF THE MICHIGAN
6 ADMINISTRATIVE CODE, AND ANY ORDERS OF THE DIRECTOR, THE DIRECTOR
7 MAY COMMISSION STATE FOREST OFFICERS TO ENFORCE WITHIN THE BOUND-
8 ARIES OF THE STATE FOREST THESE RULES AND ANY LAWS OF THIS STATE
9 SPECIFIED IN THOSE RULES AS ENFORCEABLE BY COMMISSIONED STATE
10 FOREST OFFICERS. IN PERFORMING THOSE ENFORCEMENT ACTIVITIES,
11 COMMISSIONED STATE FOREST OFFICERS ARE VESTED WITH THE POWERS,
12 PRIVILEGES, PREROGATIVES, AND IMMUNITIES CONFERRED UPON PEACE
13 OFFICERS UNDER THE LAWS OF THIS STATE.

14 SEC. 83108. THE DEPARTMENT MAY PROMULGATE RULES TO IMPL-
15 MENT THIS PART.

16 SEC. 83109. A PERSON WHO VIOLATES THIS PART OR A RULE
17 PROMULGATED UNDER THIS PART IS RESPONSIBLE FOR A STATE CIVIL
18 INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN
19 \$500.00.

20 Enacting section 1. This amendatory act does not take
21 effect unless Senate Bill No. 728

22 of the 89th Legislature is enacted
23 into law.