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House Bill 4111 (Substitute H-1 as passed by the House)
Sponsor: Representative Bruce Rendon
House Committee: Natural Resources, Tourism, and Outdoor Recreation
Senate Committee: Outdoor Recreation and Tourism

Date Completed: 4-13-11

CONTENT

The bill would amend Part 5 of the Natural Resources and Environmental Protection Act, which governs the Department of Natural Resources (DNR), to authorize the DNR to appoint volunteers to facilitate certain responsibilities, and provide governmental immunity for volunteers.

Part 5 requires the DNR to do all of the following:

- Protect and conserve the State's natural resources.
- Provide and develop facilities for outdoor recreation.
- Prevent the destruction of timber and other forest growth by fire or otherwise.
- Promote the reforestation of forestland belonging to the State.
- Prevent and guard against the pollution of lakes and streams within the State and enforce all laws provided for that purpose with all authority granted by law.
- Foster and encourage the protection and propagation of game and fish.

The bill would allow the DNR to appoint people to serve as volunteers to facilitate the Department's responsibilities under Part 5. While serving in such a capacity, a volunteer would have the same immunity from civil liability as a DNR employee and would have to be treated in the same manner as an employee under Section 8 of the governmental immunity law.

(Under that section, a governmental agency may provide and pay for the services of an attorney to advise and represent an officer, employee, or volunteer in a civil action arising from the person's negligence while acting on behalf of the agency; and also may compromise, settle, and pay claims. In addition, a governmental agency may provide and pay for the services of an attorney to advise and represent an officer or employee in a criminal action related to the person's conduct in the course of employment.)

The bill also would allow a volunteer, subject to the DNR's direction, to use equipment and machinery necessary for the volunteer service, including equipment and machinery to improve wildlife habitat on State game areas.

MCL 324.503

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.