



HOUSE BILL No. 4053

January 11, 1995, Introduced by Reps. Crissman, Voorhees and Bullard and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 3 of Act No. 17 of the Public Acts of 1921, entitled as amended

"An act to provide for the protection and conservation of the natural resources of the state; to provide and develop facilities for outdoor recreation; to create a conservation department; to define the powers and duties thereof; to provide rules and regulations concerning the use and occupancy of lands and property under its control and penalties for the violation thereof; to provide for the transfer to said department of the powers and duties now vested by law in certain boards, commissions and officers of the state; and for the abolishing of the boards, commissions and offices the powers and duties of which are hereby transferred,"

being section 299.3 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 17 of the Public Acts of
2 1921, being section 299.3 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 3. (1) The department of ~~conservation~~ NATURAL
5 RESOURCES shall protect and conserve the natural resources of the

1 state of Michigan; provide and develop facilities for outdoor
 2 recreation; prevent the destruction of timber and other forest
 3 growth by fire or otherwise; promote the reforestation of forest
 4 lands belonging to the state; prevent and guard against the pol-
 5 lution of lakes and streams within the state, and enforce all
 6 laws provided for that purpose with all authority granted by law;
 7 ~~and~~ and foster and encourage the ~~protecting~~ PROTECTION and
 8 propagation of game and fish. On behalf of the people of the
 9 state, the ~~commission of conservation~~ DEPARTMENT OF NATURAL
 10 RESOURCES may accept gifts and grants of land and other property
 11 and ~~shall have authority to~~ MAY buy, sell, exchange, or condemn
 12 land and other property, for any of the purposes contemplated by
 13 this act. The department of ~~conservation~~ NATURAL RESOURCES may
 14 accept funds, ~~moneys~~ MONEY, or grants for development of salmon
 15 and steelhead trout fishing in this state from the government of
 16 the United States, or any of its departments or agencies, pursu-
 17 ant to ~~federal Public Law 89-304~~ THE ANADROMOUS FISH CONSERVA-
 18 TION ACT, PUBLIC LAW 89-304, 16 U.S.C. 757a TO 757g and may use
 19 the ~~same~~ FUNDS, MONEY, OR GRANTS in accordance with the terms
 20 and provisions ~~thereof. Provided, That~~ OF THAT ACT. HOWEVER,
 21 the acceptance and use of federal funds ~~commits no~~ DOES NOT
 22 COMMIT state funds and ~~places no~~ DOES NOT PLACE AN obligation
 23 upon the legislature to continue the purposes for which the funds
 24 are made available.

25 (2) The department of ~~conservation~~ NATURAL RESOURCES may
 26 lease lands owned or controlled by it ~~which~~ THAT have been
 27 designated for use for recreational purposes, but only to

1 responsible legal units, within this state, of national or state
2 recognized groups devoted principally to development of character
3 and citizenship training and physical fitness of youth, the
4 financial support of which is by voluntary public subscriptions
5 or contributions, and the property of which is exempt from taxa-
6 tion under the laws of this state. The department of
7 ~~conservation shall also have the authority to~~ NATURAL RESOURCES
8 MAY ALSO lease land in the Porcupine mountain state park to third
9 parties for such purposes as it ~~shall consider~~ CONSIDERS
10 desirable. ~~Any~~ A lease ~~so made~~ ENTERED INTO UNDER THIS
11 SECTION shall contain provisions limiting the purposes for which
12 the LEASED land ~~so leased~~ is to be used and a provision autho-
13 rizing the department of ~~conservation~~ NATURAL RESOURCES to ter-
14 minate the lease upon a finding that the land is being used for
15 purposes other than ~~as so limited or contrary to the intent~~
16 ~~hereof~~ THOSE ALLOWED IN THE LEASE AGREEMENT.

17 (3) THE DEPARTMENT OF NATURAL RESOURCES SHALL NOT ESTABLISH
18 A PUBLIC LAKE ACCESS FOR THE LAUNCHING OF BOATS IN AN INLAND LAKE
19 UNLESS THE DEPARTMENT CONDUCTS A PUBLIC HEARING IN THE COUNTY IN
20 WHICH THE PUBLIC ACCESS IS PROPOSED AND FOLLOWING THAT HEARING
21 BASED UPON THE PREPONDERANCE OF THE TESTIMONY AT THE HEARING AND
22 THE DEPARTMENT'S INDEPENDENT INVESTIGATION THE DEPARTMENT DETER-
23 MINES ALL OF THE FOLLOWING:

24 (A) THAT ACQUIRING ACCESS TO THE LAKE, IF NECESSARY, IS CON-
25 SISTENT WITH ALL APPLICABLE POLICIES AND CRITERIA OF THE MICHIGAN
26 NATURAL RESOURCES TRUST FUND ACT, ACT NO. 101 OF THE PUBLIC ACTS

1 OF 1985, BEING SECTIONS 318.501 TO 318.516 OF THE MICHIGAN
2 COMPILED LAWS.

3 (B) THE ENHANCED USAGE OF THE LAKE WILL NOT RESULT IN THE
4 DEGRADATION OF THE ECOLOGICAL INTEGRITY OF THE LAKE.

5 (C) THE ENHANCED USAGE BY BOATS ON THE LAKE WILL NOT RESULT
6 IN THE ENDANGERMENT OF THE PUBLIC.

7 (4) WHEN CALCULATING THE POTENTIAL FOR DEGRADATION OF THE
8 LAKE AND THE POTENTIAL ENDANGERMENT TO THE PUBLIC UNDER
9 SUBSECTION (3)(B) AND (C), THE DEPARTMENT OF NATURAL RESOURCES
10 SHALL USE AS THE BASE MEASUREMENT FOR DENSITY OF USE WITHOUT THE
11 PUBLIC ACCESS, THE TOTAL MAXIMUM PROJECTED USE BY ALL OF THE
12 EXISTING RESIDENTIAL AND COMMERCIAL PROPERTY OWNERS AND THEIR
13 GUESTS ON THE LAKE.