



SENATE BILL No. 771

November 29, 1995, Introduced by Senators HOFFMAN and MC MANUS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," as amended, being sections 324.101 to 324.90106 of the Michigan Compiled Laws, by adding part 831.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 451 of the Public Acts of 1994, as
2 amended, being sections 324.101 to 324.90106 of the Michigan
3 Compiled Laws, is amended by adding part 831 to read as follows:

4 SUBCHAPTER 7 FOREST RECREATION

5 PART 831 STATE FOREST RECREATION

6 SEC. 83101. AS USED IN THIS PART:

7 (A) "CONCESSION" MEANS AN AGREEMENT BETWEEN THE DEPARTMENT
8 AND A PERSON UNDER TERMS AND CONDITIONS AS SPECIFIED BY THE

1 DEPARTMENT TO PROVIDE SERVICES OR RECREATIONAL OPPORTUNITIES FOR
2 PUBLIC USE.

3 (B) "FUND" MEANS THE FOREST RECREATION FUND CREATED IN SEC-
4 TION 83104.

5 (C) "LEASE" MEANS A CONVEYANCE BY THE DEPARTMENT TO A PERSON
6 OF A PORTION OF THE STATE'S INTEREST IN LAND UNDER SPECIFIC TERMS
7 AND FOR VALUABLE CONSIDERATION, THEREBY GRANTING TO THE LESSEE
8 THE POSSESSION OF THAT PORTION CONVEYED DURING THE PERIOD
9 STIPULATED.

10 (D) "STATE FOREST" MEANS THOSE LANDS DESIGNATED AS STATE
11 FORESTS BY THE DEPARTMENT.

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

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

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

21 (B) GRANT CONCESSIONS WITHIN THE BOUNDARIES OF A STATE
22 FOREST TO A PERSON. IN GRANTING A CONCESSION, THE DEPARTMENT
23 SHALL PROVIDE THAT EACH CONCESSION IS AWARDED AT LEAST EVERY 7
24 YEARS BASED ON EXTENSION, RENEGOTIATION, OR COMPETITIVE BIDDING.

25 (C) LEASE PROPERTY TO A PERSON.

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

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

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

9 (2) THE FUND MAY RECEIVE MONEY AS PROVIDED IN THIS PART AND
10 FROM ANY OTHER SOURCE. THE STATE TREASURER SHALL DIRECT THE
11 INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE
12 FUND INTEREST AND EARNINGS FROM THE FUND INVESTMENTS. MONEY
13 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL BE CAR-
14 RIED OVER IN THE FUND TO THE NEXT AND SUCCEEDING FISCAL YEAR.

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

18 SEC. 83105. (1) THE DEPARTMENT MAY APPOINT PERSONS TO FUNC-
19 TION AS VOLUNTEERS FOR THE PURPOSE OF FACILITATING FOREST RECRE-
20 ATION ACTIVITIES. WHILE A VOLUNTEER IS SERVING IN SUCH A CAPAC-
21 ITY, THE VOLUNTEER HAS THE SAME IMMUNITY FROM CIVIL LIABILITY AS
22 A DEPARTMENT EMPLOYEE AND SHALL BE TREATED IN THE SAME MANNER AS
23 AN EMPLOYEE UNDER SECTION 8 OF ACT NO. 170 OF THE PUBLIC ACTS OF
24 1964, BEING SECTION 691.1408 OF THE MICHIGAN COMPILED LAWS.

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

1 SEC. 83106. (1) THE DEPARTMENT MAY REQUIRE A PERSON TO
2 OBTAIN A PERMIT FOR CAMPING IN DESIGNATED STATE FOREST
3 CAMPGROUNDS AND MAY ESTABLISH AND COLLECT A FEE FOR THE CAMPING
4 PERMIT.

5 (2) THE DEPARTMENT MAY REQUIRE A PERSON TO OBTAIN A PERMIT,
6 EXCEPT AS OTHERWISE PROVIDED BY LAW, FOR THE USE OF LANDS AND
7 FACILITIES WITHIN THE STATE FOREST AS DESIGNATED BY THE DEPART-
8 MENT FOR RECREATION USE. THE DEPARTMENT MAY ESTABLISH AND COL-
9 LECT A FEE FOR PERMITS ISSUED UNDER THIS SUBSECTION. HOWEVER, AT
10 LEAST 6 MONTHS PRIOR TO THE IMPOSITION OF A FEE OR INCREASE OF A
11 FEE UNDER THIS SUBSECTION FOR A PARTICULAR USE OR ACTIVITY WITHIN
12 A STATE FOREST, THE DEPARTMENT SHALL PROVIDE PUBLIC NOTICE OF THE
13 FEE OR INCREASE IN THE FEE TO THE GENERAL PUBLIC AND SHALL NOTIFY
14 IN WRITING THE STANDING COMMITTEES OF THE LEGISLATURE THAT HAVE
15 JURISDICTION OVER ISSUES PRIMARILY RELATED TO NATURAL RESOURCES
16 AND THE ENVIRONMENT.

17 (3) MONEY COLLECTED UNDER THIS SECTION SHALL BE DEPOSITED
18 INTO THE FUND.

19 SEC. 83107. TO ENSURE COMPLIANCE WITH THIS PART, RULES
20 PROMULGATED UNDER THIS PART AND THIS ACT, INCLUDING THE STATE
21 LAND USE RULES PROVIDED IN R 299.331 TO R 299.335 OF THE MICHIGAN
22 ADMINISTRATIVE CODE, AND ANY ORDERS OF THE DIRECTOR, THE DIRECTOR
23 MAY COMMISSION STATE FOREST OFFICERS TO ENFORCE WITHIN THE BOUND-
24 ARIES OF THE STATE FOREST THESE RULES AND ANY LAWS OF THIS STATE
25 SPECIFIED IN THOSE RULES AS ENFORCEABLE BY COMMISSIONED STATE
26 FOREST OFFICERS. IN PERFORMING THOSE ENFORCEMENT ACTIVITIES,
27 COMMISSIONED STATE FOREST OFFICERS ARE VESTED WITH THE POWERS,

1 PRIVILEGES, PREROGATIVES, AND IMMUNITIES CONFERRED UPON PEACE
2 OFFICERS UNDER THE LAWS OF THIS STATE.

3 SEC. 83108. THE DEPARTMENT MAY PROMULGATE RULES TO IMPL-
4 MENT THIS PART.

5 SEC. 83109. A VIOLATION OF THIS PART OR A RULE PROMULGATED
6 UNDER THIS PART IS A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
7 NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR
8 BOTH.

9 Section 2. This amendatory act shall not take effect unless
10 Senate Bill No. 772
11 of the 88th Legislature is enacted into law.