

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 727

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.

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, [OFF-ROAD VEHICLE TRAIL RIDING,] BOATING, TRAIL RELATED  
ACTIVITIES, AND OTHER FORMS OF RECRE-  
12 ATION WITHIN EACH STATE FOREST. HOWEVER, THE DEVELOPMENT, OPERA-  
13 TION, AND MAINTENANCE OF SNOWMOBILE TRAILS AND SNOWMOBILE PRO-  
14 GRAMS SHALL BE UNDERTAKEN PURSUANT TO THE DIRECTION OF THE  
15 MICHIGAN SNOWMOBILE ADVISORY COMMITTEE CREATED IN  
16 SECTION 82102A. BY JANUARY 1, 2000, THE MICHIGAN SNOWMOBILE  
17 ADVISORY COMMITTEE SHALL PROVIDE FOR THE CONTRACT GROOMING OF ALL  
18 SNOWMOBILE TRAILS IN STATE FORESTS.

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

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

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

1 A CAPITAL INVESTMENT IN WHICH REASONABLE FINANCING OR  
2 AMORTIZATION NECESSITATES A LONGER TERM, THE DEPARTMENT MAY GRANT  
3 A CONCESSION FOR UP TO A 15-YEAR TERM. A CONCESSION GRANTED  
4 UNDER THIS SUBDIVISION SHALL REQUIRE, UNLESS THE DEPARTMENT  
5 AUTHORIZES OTHERWISE, THAT ALL BUILDINGS AND EQUIPMENT SHALL BE  
6 REMOVED FROM THE STATE FOREST PROPERTY AT THE END OF THE  
7 CONCESSION'S TERM.

8 (C) LEASE PROPERTY TO A PERSON.

9 (D) ACCEPT GIFTS, GRANTS, OR REQUESTS FROM ANY PUBLIC OR  
10 PRIVATE SOURCE OR FROM THE FEDERAL GOVERNMENT OR A LOCAL UNIT OF  
11 GOVERNMENT FOR FURTHERING THE PURPOSES OF THIS PART.

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

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

17 (2) THE FUND MAY RECEIVE MONEY AS PROVIDED IN THIS PART AND  
18 FROM ANY OTHER SOURCE. THE STATE TREASURER SHALL DIRECT THE  
19 INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE  
20 FUND INTEREST AND EARNINGS FROM THE FUND INVESTMENTS. MONEY  
21 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL BE CAR-  
22 RIED OVER IN THE FUND TO THE NEXT AND SUCCEEDING FISCAL YEAR.

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

26 SEC. 83105. (1) THE DEPARTMENT MAY APPOINT PERSONS TO  
27 FUNCTION AS VOLUNTEERS FOR THE PURPOSE OF FACILITATING FOREST

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1 RECREATION ACTIVITIES. WHILE A VOLUNTEER IS SERVING IN SUCH A  
2 CAPACITY, THE VOLUNTEER HAS THE SAME IMMUNITY FROM CIVIL LIABIL-  
3 ITY AS A DEPARTMENT EMPLOYEE AND SHALL BE TREATED IN THE SAME  
4 MANNER AS AN EMPLOYEE UNDER SECTION 8 OF 1964 PA 170, MCL  
5 691.1408.

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

8 SEC. 83106. (1) THE DEPARTMENT MAY REQUIRE A PERSON TO  
9 OBTAIN A PERMIT FOR CAMPING IN DESIGNATED STATE FOREST CAMP-  
10 GROUNDS AND MAY ESTABLISH AND COLLECT A FEE FOR THE CAMPING  
11 PERMIT. HOWEVER, AT LEAST 6 MONTHS BEFORE INCREASING A CAMPING  
12 PERMIT FEE, THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF ITS  
13 INTENT TO DO SO TO THE STANDING COMMITTEES OF THE SENATE AND THE  
14 HOUSE OF REPRESENTATIVES THAT HAVE PRIMARY JURISDICTION OVER LEG-  
15 ISLATION PERTAINING TO NATURAL RESOURCES AND THE ENVIRONMENT.

16 (2) THE DEPARTMENT MAY REQUIRE A PERSON TO OBTAIN A PERMIT,  
17 EXCEPT AS OTHERWISE PROVIDED BY LAW, FOR THE USE OF LANDS AND  
18 FACILITIES WITHIN THE STATE FOREST AS DESIGNATED BY THE DEPART-  
19 MENT FOR RECREATION USE.

20 (3) MONEY COLLECTED UNDER THIS SECTION SHALL BE DEPOSITED  
21 INTO THE FUND.

22 SEC. 83107. TO ENSURE COMPLIANCE WITH THIS PART, RULES  
23 PROMULGATED UNDER THIS PART AND THIS ACT, INCLUDING THE STATE  
24 LAND USE RULES PROVIDED IN R 299.331 TO R 299.335 OF THE MICHIGAN  
25 ADMINISTRATIVE CODE, AND ANY ORDERS OF THE DIRECTOR, THE DIRECTOR  
26 MAY COMMISSION STATE FOREST OFFICERS TO ENFORCE WITHIN THE  
27 BOUNDARIES OF THE STATE FOREST THESE RULES AND ANY LAWS OF THIS

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1 STATE SPECIFIED IN THOSE RULES AS ENFORCEABLE BY COMMISSIONED  
2 STATE FOREST OFFICERS. IN PERFORMING THOSE ENFORCEMENT ACTIVI-  
3 TIES, COMMISSIONED STATE FOREST OFFICERS ARE VESTED WITH THE  
4 POWERS, PRIVILEGES, PREROGATIVES, AND IMMUNITIES CONFERRED UPON  
5 PEACE OFFICERS UNDER THE LAWS OF THIS STATE.

6 SEC. 83108. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLE-  
7 MENT THIS PART.

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

12 Enacting section 1. This amendatory act does not take  
13 effect unless all of the following bills of the 89th Legislature  
14 are enacted into law:

15 (a) House Bill No. 5254.

16 (b) House Bill No. 5278.