

Legislative Analysis



ALLOW DNR TO USE VOLUNTEERS

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House Bill 4111 (Substitute H-1)

Sponsor: Rep. Bruce Rendon

Committee: Natural Resources, Tourism, and Outdoor Recreation

Complete to 3-15-11

A SUMMARY OF HOUSE BILL 4111 AS REPORTED FROM COMMITTEE

The bill would allow the Department of Natural Resources to appoint volunteers to help in carrying out department conservation responsibilities. While serving in this capacity, a volunteer would have the same immunity from civil liability as a department employee. The volunteer also would be treated in the same manner as a DNR employee under Section 8 of the Governmental Immunity Act, under which a governmental agency is authorized to provide attorney services and pay claims for employees in civil actions and provide attorney services in criminal actions. They could use equipment and machinery necessary for the volunteer service, including equipment and machinery to improve wildlife habitat on state game areas.

(The original bill said that volunteers could not carry firearms while functioning as volunteers. The committee substitute removed that provision.)

The bill would amend Section 503(MCL 324.503) of the Natural Resources and Environmental Protection Act (NREPA), one of the sections that spell out the general powers and duties of the DNR. The section says, in part:

The department shall protect and conserve the natural resources of this state; provide and develop facilities for outdoor recreation; prevent the destruction of timber and other forest growth by fire or otherwise; promote the reforestation of forestlands 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; and foster and encourage the protecting and propagation of game and fish. The department has the power and jurisdiction over the management, control, and disposition of all land under the public domain, except for those lands under the public domain that are managed by other state agencies to carry out their assigned duties and responsibilities.

Section 83105 of NREPA currently allows the use of volunteers to assist in forest recreation activities, and carries the same immunity provisions as proposed in this bill and the same prohibition on firearms. That section was added by Public Act 418 of 1998.

FISCAL IMPACT:

House Bill 4111 would have no significant fiscal impact on the Department of Natural Resources.

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