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SFA**BILL ANALYSIS**

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Senate Bills 727 and 728 (as introduced 10-1-97)
Sponsor: Senator Philip E. Hoffman
Committee: Natural Resources and Environmental Affairs

Date Completed: 10-14-97

CONTENT

The bills would amend to the Natural Resources and Environmental Protection Act (NREPA) to govern forest recreation and require the Department of Natural Resources (DNR) to develop an integrated recreation system, which could include the granting of concessions within a State forest and leasing of property. Senate Bill 727 would add Part 831 to the NREPA to establish the "Forest Recreation Fund" for the development of forest recreation activities; permit the DNR to appoint volunteers to facilitate forest recreation activities; require a person to obtain a permit for camping in a designated State forest campground; permit the DNR Director to commission State forest officers to enforce State laws and rules in State forests; and, establish penalties for violating the bill. Senate Bill 728 would delete the current provisions that permit the DNR to lease lands to certain groups, and specifies the funds that would receive money from a lease.

The bills are tie-barred to each other. The following is a brief description of the bills.

Senate Bill 727

State Forest Recreation

The bill would add Part 831 to the Act to require the DNR to develop, operate, maintain, and promote an integrated recreation system that provided opportunities for hunting fishing, camping, hiking, snowmobiling, boating, trail-related activities, and other forms of recreation within each State forest.

In implementing this requirement, the Department could do any of the following:

- Enter into contracts or agreements with a person as necessary to implement the bill.
- Grant concessions within the boundaries of a State forest to a person. In granting a concession, the DNR would have to provide that each concession was awarded at least every seven years based on extension, renegotiation, or competitive bidding. ("Concession" would mean an agreement between the DNR and a person under terms and conditions specified by the Department to provide services or recreational opportunities for public use.)
- Lease property to a person.
- Accept gifts, grants, or requests from any public or private source or from the Federal government or a local government for furthering the purposes of Part 831.

Unless otherwise provided by State or Federal law, all money collected under these provisions would have to be deposited in the Forest Recreation Fund.

Forest Recreation Fund

The Forest Recreation Fund would be created within the State Treasury. The Fund could receive money as provided in the bill and from any other source. The State Treasurer would have to direct the Fund's investment, and would have to credit to the Fund interest and earnings from its investments. Money remaining in the Fund at the end of the fiscal year would have to be carried over in the Fund to the next and succeeding fiscal year. The Department would have to use the money in the Fund to develop, maintain, operate, and promote forest recreation activities and to implement Part 831.

Volunteers

The DNR could appoint persons to act as volunteers for facilitating forest recreation activities. While a volunteer was serving in this capacity, he or she would have the same immunity from civil liability as a Department employee and would be treated in the same manner as an employee under the governmental immunity Act. A volunteer could not carry a firearm when functioning as a volunteer.

Permits

The DNR could require a person to obtain a permit for camping in designated State forest campgrounds and could establish and collect a fee for the camping permit.

The DNR could require a person to obtain a permit, except as otherwise provided by law, for using land and facilities within a State forest as designated by the Department for recreation use.

Enforcement

To ensure compliance with Part 831, rules promulgated under it and the Act, including the State land use rules (R 299.331-299.335) of the Administrative Code, and any of the Director's orders, the Director could commission State forest officers to enforce within the boundaries of the State forest these rules and any State laws specified in the rules as enforceable by commissioned State forest officers. In performing those enforcement activities, commissioned State forest officers would be vested with the powers, privileges, prerogatives, and immunities conferred upon peace officers under State laws. The Department could promulgate rules to implement the bill's provisions.

Penalties

A violation of Part 831 or a rule promulgated under it would be a misdemeanor punishable by imprisonment for up to 90 days and/or a fine of not more than \$500.

Senate Bill 728

The bill would delete provisions under the Act that permit the Department to lease lands it owns or controls that have been designated for recreational purposes, but only to responsible legal units, within the State, of national or State-recognized groups devoted principally to development of character and citizenship training and physical fitness of youth, the financial support of which is by voluntary public subscriptions or contributions, and the property of which is exempt from taxation under State law. The bill also would delete a provision that permits the DNR to lease land in the Porcupine Mountain State Park to third parties for purposes as it considers desirable.

Under the bill, the DNR could lease lands it owned or controlled or could grant concessions on lands it owned or controlled to any person for any purpose the Department determined to be necessary to implement the Act. In granting a concession, the DNR would have to provide that each concession was awarded at least every seven years based on extension, renegotiation, or competitive bidding.

Unless otherwise provided by law, money received from a lease of tax-reverted lands would have to be credited to the fund receiving financial support for the management of those leased lands. Money received from a lease of all other lands would have to be credited to the fund from which the lands were purchased, except for money received from program-related leases, in which case the money would have to be credited to the fund providing financial support for the management of those leased lands. For lands managed by the forest management division of the DNR, this would be either the Forest Development Fund or the proposed Forest Recreation Fund. For lands managed by the wildlife fisheries division, this would be the Game and Fish Protection Fund.

Currently, the DNR may establish and collect fees for the processing of applications for the use of State forests that require extensive review. The fees must cover the Department's cost for processing the applications. Under the bill, money received pursuant to this provision would have to be credited to the Forest Development Fund.

The bill also would delete provisions on the use of permit fees for State forest campgrounds and specific State forest areas.

Proposed MCL 32.83101-324.83109 (S.B. 727)
MCL 324.503 & 324.509 (S.B. 728)

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bills would have no overall fiscal impact on State government.

Current law (MCL 324.509) authorizes the Department to enter into concession contracts and collect fees for both State Park and State Forest uses. The bills would separate State Parks from State Forest permit programs, and clarify what fund would receive forest camping revenue (Forest Recreation Fund) and forest land use revenue (Forest Development Fund). The bills also provide additional clarification of enforcement authority on State forest lands.

The bills would have no fiscal impact on local government.

Fiscal Analyst: G. Cutler

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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.