

HOUSE BILL No. 6567

December 3, 2002, Introduced by Rep. Kooiman and referred to the Committee on Local Government and Urban Policy.

A bill to provide for the acquisition of real property for use as a public park by certain local units of government; to provide for the construction, maintenance, management, and control of certain parks; to prescribe the powers and duties of certain local units of government and public officials; to provide for the issuance of bonds; and to provide immunity from civil liability under certain circumstances.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "converted public parks act".

3 Sec. 3. As used in this act:

4 (a) "Abandoned oil and gas field" means an underground res-
5 ervoir containing oil or gas, or both, that has not been plugged
6 promptly after having been drilled as a dry hole or that has not
7 been used for its intended purpose during 12 consecutive months.

1 Field and pool have the same meaning if only 1 underground
2 reservoir is involved. However, field, unlike pool, may relate
3 to 2 or more pools.

4 (b) "Converted public park" means a park that is constructed
5 on an area of land or water, or both, that includes either an
6 abandoned oil and gas field or a landfill, or both.

7 (c) "Field" means an underground reservoir or reservoirs
8 containing oil or gas, or both. Field also includes the same
9 general surface area that is underlaid or appears to be underlaid
10 by at least 1 pool. Field and pool have the same meaning if only
11 1 underground reservoir is involved. However, field, unlike
12 pool, may relate to 2 or more pools.

13 (d) "Hazardous waste" means waste or a combination of waste
14 and other discarded material including solid, liquid, semisolid,
15 or contained gaseous material that because of its quantity, qual-
16 ity, concentration, or physical, chemical, or infectious charac-
17 teristics may cause or significantly contribute to an increase in
18 mortality or an increase in serious irreversible illness or seri-
19 ous incapacitating but reversible illness, or may pose a substan-
20 tial present or potential hazard to human health or the environ-
21 ment if improperly treated, stored, transported, disposed of, or
22 otherwise managed. Hazardous waste does not include material
23 that is solid or dissolved material in domestic sewage discharge,
24 solid or dissolved material in an irrigation return flow dis-
25 charge, industrial discharge that is a point source subject to
26 permits under section 402 of title IV of the federal water
27 pollution control act, chapter 758, 86 Stat. 880, 33 U.S.C. 1342,

1 or is a source, special nuclear, or by-product material as
2 defined by the atomic energy act of 1954, chapter 1073, 68
3 Stat. 919.

4 (e) "Landfill" means a disposal facility or part of a facil-
5 ity where hazardous waste is placed in or on land and which is
6 not a pile, a land treatment facility, a surface impoundment, an
7 injection well, a salt dome formation, a salt bed formation, or
8 an underground mine or cave.

9 (f) "Oil and gas" means oil and gas, or a combination of
10 both, and also means oil, gas, casinghead gas, casinghead gaso-
11 line, gas distillate, or other hydrocarbons, or any combination
12 or combinations of these substances, which may be found in or
13 produced from a common source of supply of oil, gas, oil and gas,
14 or gas distillate.

15 (g) "Owner" means the person who has the right to drill a
16 well into a pool, to produce from a pool, and to receive and dis-
17 tribute the value of the production from the pool for himself or
18 herself either individually or in combination with others.

19 (h) "Park" means an area of land or water, or both, dedi-
20 cated to 1 or more of the following uses:

21 (i) Recreational purposes, including but not limited to
22 landscaped tracts; picnic grounds; playgrounds; athletic fields;
23 camps; campgrounds; zoological and botanical gardens; swimming,
24 boating, hunting, fishing, and birding areas; and foot and bridle
25 paths.

26 (ii) Open or scenic space.

1 (iii) Environmental, conservation, nature, or wildlife
2 areas.

3 (i) "Pool" or "common source of supply" means a natural
4 underground reservoir containing or appearing to contain a common
5 accumulation of oil and gas. Each productive zone of a general
6 structure that is completely separate from any other zone in the
7 structure, or that may for the purposes of this act be declared
8 by the department of environmental quality to be completely sepa-
9 rate, is included in the term pool or common source of supply.
10 Any reference to a separately owned tract, although in general
11 terms broad enough to include the surface and all underlying
12 common sources of supply of oil and gas, shall have reference
13 thereto only in relation to the common source of supply or por-
14 tion thereof included within the unit area of a particular unit.

15 (j) "Site restoration" means the filling and leveling of all
16 cellars, pits, and excavations; the removal or elimination of all
17 debris; the elimination of conditions that may create a fire or
18 pollution hazard; the minimization of erosion; and the restora-
19 tion of the well site as nearly as practicable to the original
20 land contour or to a condition approved by the department of
21 environmental quality after consulting with the surface owner of
22 the land and with the operator of a natural gas storage field if
23 the well site is within the boundary of a natural gas storage
24 field.

25 Sec. 5. (1) A county board of commissioners of a county may
26 purchase an abandoned oil and gas field, including the surface
27 rights and the oil and gas rights, for the construction of a

1 converted public park. Prior to constructing the park, site
2 restoration must be completed. The county may finance the land
3 acquisition and construction of the park by resolution adopted by
4 the county board of commissioners, and with a vote of the major-
5 ity of the electors of the county voting on the question, may
6 borrow money, pledge its full faith and credit for repayment, and
7 issue its bonds or notes to pay all or part of the cost of
8 acquiring, planning, and developing a converted public park, and
9 constructing, reconstructing, altering, or renewing buildings and
10 other structures related to that converted public park.

11 (2) The revenue bonds shall be issued pursuant to the reve-
12 nue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140, or any
13 other applicable act.

14 (3) Bonds or notes shall be authorized by a resolution
15 adopted by the county board of commissioners. The full faith and
16 credit of the county may be pledged for the prompt payment of the
17 principal and interest on any borrowing by a county pursuant to
18 this act. The county's full faith and credit may be pledged to
19 the payment of principal and interest of revenue bonds notwith-
20 standing any provision of law. Any bonds or notes shall be
21 issued in the name of the county operating under this act and
22 shall be executed by the chairperson of the county board of com-
23 missioners and the county clerk, who shall also cause their fac-
24 simile signatures to be affixed to any interest coupons to be
25 attached to any bonds. The county clerk shall affix the seal of
26 the county to the bonds or notes. Bonds or notes issued under
27 this act are negotiable instruments and shall mature in not more

1 than 40 years from the date of issue. The bonds or notes and the
2 interest on the bonds and notes are exempt from taxation by this
3 state or by any taxing authority within this state.

4 (4) The issuance of bonds or notes under this act is subject
5 to the provisions of the revised municipal finance act, 2001 PA
6 34, MCL 141.2101 to 141.2821. The amount of borrowings by a
7 county pursuant to this act shall not be subject to any limita-
8 tions or provisions contained in any law applicable to the county
9 except that a county may not borrow pursuant to this act in an
10 amount which taken together with other indebtedness of the county
11 will exceed 10% of the assessed valuation of the county as last
12 equalized by the state.

13 Sec. 7. A county may adopt rules and regulations for the
14 use and maintenance of the converted public park, including the
15 hours of operation during which the converted public park is open
16 to the public. These rules and regulations shall not be contrary
17 to or inconsistent with the laws of this state. Rules and regu-
18 lations shall not take effect until all of the following occur:

19 (a) The elapse of 9 days after the rules are approved and
20 adopted by the county board of commissioners.

21 (b) The publication of the rules and regulations once a week
22 for 2 consecutive weeks in a newspaper of general circulation in
23 the county in which the converted public park to which the rules
24 and regulations apply is located.

25 (c) The posting of a copy of the rules and regulations near
26 each gate or principal entrance into the converted public park.

1 Sec. 9. A county may appoint park rangers who may be
2 deputized by a sheriff to enforce the laws of this state.
3 Whether deputized or not, park rangers may enforce the rules and
4 regulations adopted by the county board of commissioners and have
5 the powers, privileges, and immunities conferred upon peace offi-
6 cers by the laws of this state. Park rangers shall exercise
7 their authority and powers only within the boundaries of the con-
8 verted public park.

9 Sec. 11. The county may charge and collect reasonable fees
10 for the use of the converted public park. All charges and fees
11 for the use of the converted public park shall be used to main-
12 tain and improve that park.

13 Sec. 13. The county shall be exempt from liability for any
14 injury or threat of injury arising or resulting from any past,
15 present, or future contamination related to the abandoned oil and
16 gas field or landfill located on the property unless the county
17 is responsible for an activity that causes the release or threat
18 of release that is the source of the contamination.

19 Sec. 15. The powers granted by this act are in addition to,
20 and not a limitation on, those granted by law or charter.