



**House
Legislative
Analysis
Section**

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FOREST RECREATION

Houses Bill 5502 and 5503
Sponsor: Rep. Beverly Bodem
Committee: Tourism and Recreation

Complete to 2-15-96

A SUMMARY OF HOUSE BILLS 5502 AND 5503 AS INTRODUCED 1-16-96

House Bills 5502 (MCL 324.831) and 5503 (MCL 324.503) would amend the Natural Resources and Environmental Protection Act (NREPA) to establish a Forest Recreation Fund, and to require that the Department of Natural Resources (DNR) develop and promote an integrated recreation system within each state forest and promulgate rules to implement this system. The bills are tie-barred to each other.

State Forest Recreation. House Bill 5502 would add a new Forest Recreation category (Subchapter 7) to Chapter 2 of NREPA, which pertains to the management of renewable resources. Part 831 of the new section would require that the Department of Natural Resources (DNR) develop, operate, maintain, and promote an integrated recreation system to provide opportunities for hunting, fishing, camping, hiking, snowmobiling, boating, trail related activities, and other forms of recreation within each state forest. In implementing this provision, the DNR could enter into contracts or agreements, grant concessions within the boundaries of a state forest, lease property, or accept gifts, grants, or bequests from public or private sources, from the federal government, or from a local unit of government. All money collected under this provision would be deposited into the Forest Recreation Fund which the bill would create, and the money would be used by the department to develop, maintain, operate, and promote forest recreation activities and to implement the provisions of the act.

DNR Concessions. Under House Bill 5502, the DNR could grant concessions (defined under the bill to mean an agreement between the department and a person under terms and conditions as specified by the department to provide services or recreational opportunities for public use) within the boundaries of a state forest. Each concession would have to be awarded at least every seven years, based on extension, renegotiation, or competitive bidding.

Volunteer Service. The DNR could appoint volunteers to facilitate forest recreation activities. While serving, a volunteer would be treated in the same manner and would have the same immunity from civil liability that is afforded a department employee under the provisions of the governmental immunity act. However, while serving in the capacity of volunteer, a person would not be permitted to carry a firearm.

State Forest Officers. The director of the DNR could commission state forest officers to enforce within the boundaries of the state forest the rules promulgated under the act, including the state land use rules established under the Michigan Administrative Code regarding state lands other than state parks and recreation areas, laws specified as enforceable by

House Bills 5502 and 5503 (2-15-96)

commissioned state forest officers in those rules, and orders established by the director. In performing enforcement activities, commissioned state forest officers would be vested with the powers, privileges, prerogatives, and immunities conferred upon peace officers under state law.

Permits. The DNR could establish and collect a fee for camping in designated state forest campgrounds. In addition, the department could require a person to obtain a permit, and establish and collect a fee -- except as otherwise provided by law -- for the use of lands and facilities within a state forest that were designated by the department for recreational use. However, at least six months prior to the imposition, or increase, of a fee, the department would have to provide public notice to the general public, and notify in writing the standing committees of the legislature that have jurisdiction over issues primarily related to natural resources and the environment. Money collected for fees and permits would be deposited into the Forest Recreation Fund.

Penalties. A violation of this part of the act, or a rule promulgated under this part, would be a misdemeanor punishable by imprisonment for up to 90 days, a fine of up to \$500, or both.

House Bill 5503. Currently, provisions concerning state forests -- including state forest campground permit fee provisions -- are governed by Part 5 of Subchapter 4 of NREPA. House Bill 5503 would amend these provisions to make them consistent with House Bill 5502, to delete archaic language, and to require that money received from the lease of tax reverted lands be credited to the fund providing financial support for the management of the land. Money received from the lease of other lands would be credited to the fund from which the lands were purchased, except for program income from program-related leases, which would be credited to the fund providing financial support for their management. For lands managed by the Forest Management Division of the DNR, that would be either the Forest Development Fund or the newly created Forest Recreation Fund. For lands managed by the Wildlife or Fisheries Divisions, this would be the Game and Fish Protection Fund. The bill would also delete current provisions pertaining to the lease of state lands to nonprofit organizations and the lease of state land in the Porcupine Mountain State Park, and would specify, instead, that the DNR could lease lands or grant concessions to anyone for any purpose that it determined as being necessary to implement the provisions of the act.

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.