

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1997

Introduced by Senators Hoffman, Geake, Dingell, North, McManus, Stille and Shugars

ENROLLED SENATE BILL No. 727

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 324.101 to 324.90106) by adding part 831.

The People of the State of Michigan enact:

SUBCHAPTER 7 FOREST RECREATION
PART 831 STATE FOREST RECREATION

Sec. 83101. As used in this part:

- (a) "Concession" means 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.
- (b) "Department" means the department of natural resources.
- (c) "Director" means the director of the department.
- (d) "Fund" means the forest recreation fund created in section 83104.
- (e) "Lease" means a conveyance by the department to a person of a portion of the state's interest in land under specific terms and for valuable consideration, thereby granting to the lessee the possession of that portion conveyed during the period stipulated.
- (f) "State forest" means those lands designated as state forests by the department.

Sec. 83102. The department shall develop, operate, maintain, and promote an integrated recreation system that provides opportunities for hunting, fishing, camping, hiking, snowmobiling, off-road vehicle trail riding, boating, trail

related activities, and other forms of recreation within each state forest. However, the development, operation, and maintenance of snowmobile trails and snowmobile programs shall be undertaken pursuant to the direction of the Michigan snowmobile advisory committee created in section 82102a. By January 1, 2000, the Michigan snowmobile advisory committee shall provide for the contract grooming of all snowmobile trails in state forests.

Sec. 83103. (1) In implementing section 83102, the department may do any of the following:

(a) Enter into contracts or agreements with a person as may be necessary to implement this part.

(b) Grant concessions within the boundaries of a state forest to a person. In granting a concession, the department shall provide that each concession is awarded at least every 7 years based on extension, renegotiation, or competitive bidding. However, if the department determines that a concession requires a capital investment in which reasonable financing or amortization necessitates a longer term, the department may grant a concession for up to a 15-year term. A concession granted under this subdivision shall require, unless the department authorizes otherwise, that all buildings and equipment shall be removed from the state forest property at the end of the concession's term.

(c) Lease property to a person.

(d) Accept gifts, grants, or bequests from any public or private source or from the federal government or a local unit of government for furthering the purposes of this part.

(2) Unless otherwise provided by state or federal law, all money collected under this section shall be deposited into the fund.

Sec. 83104. (1) The forest recreation fund is created within the state treasury.

(2) The fund may receive money as provided in this part and from any other source. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from the fund investments. Money remaining in the fund at the end of a fiscal year shall be carried over in the fund to the next and succeeding fiscal year.

(3) Money in the fund shall be used by the department to develop, maintain, operate, and promote forest recreation activities and to implement this part.

Sec. 83105. (1) The department may appoint persons to function as volunteers for the purpose of facilitating forest recreation activities. While a volunteer is serving in such a capacity, the volunteer has the same immunity from civil liability as a department employee and shall be treated in the same manner as an employee under section 8 of 1964 PA 170, MCL 691.1408.

(2) A volunteer under subsection (1) shall not carry a firearm when functioning as a volunteer.

Sec. 83106. (1) The department may require a person to obtain a permit for camping in designated state forest campgrounds and may establish and collect a fee for the camping permit. However, at least 6 months before increasing a camping permit fee, the department shall provide written notice of its intent to do so to the standing committees of the senate and the house of representatives that have primary jurisdiction over legislation pertaining to natural resources and the environment.

(2) The department may require a person to obtain a permit, except as otherwise provided by law, for the use of lands and facilities within the state forest as designated by the department for recreation use.

(3) Money collected under this section shall be deposited into the fund.

Sec. 83107. To ensure compliance with this part, rules promulgated under this part and this act, including the state land use rules provided in R 299.331 to R 299.335 of the Michigan administrative code, and any orders of the director, the director may commission state forest officers to enforce within the boundaries of the state forest these rules and any laws of this state specified in those rules as enforceable by commissioned state forest officers. In performing those enforcement activities, commissioned state forest officers are vested with the powers, privileges, prerogatives, and immunities conferred upon peace officers under the laws of this state.

Sec. 83108. The department may promulgate rules to implement this part.

Sec. 83109. A person who violates this part or a rule promulgated under this part is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

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

(a) House Bill No. 5254.

(b) House Bill No. 5278.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Maya Rudolph

Clerk of the House of Representatives.

Approved _____

Governor.