



HOUSE BILL No. 5503

January 16, 1996, Introduced by Rep. Bodem and referred to the Committee on Tourism and Recreation.

A bill to amend sections 503 and 509 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," being sections 324.503 and 324.509 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 503 and 509 of Act No. 451 of the
2 Public Acts of 1994, being sections 324.503 and 324.509 of the
3 Michigan Compiled Laws, are amended to read as follows:

4 Sec. 503. (1) The department shall protect and conserve the
5 natural resources of this state; provide and develop facilities
6 for outdoor recreation; prevent the destruction of timber and
7 other forest growth by fire or otherwise; promote the reforesting
8 of forest lands belonging to the state; prevent and guard against
9 the pollution of lakes and streams within the state and enforce

1 all laws provided for that purpose with all authority granted by
2 law; and foster and encourage the protecting and propagation of
3 game and fish. The department has the power and jurisdiction
4 over the management, control, and disposition of all land under
5 the public domain, except for those lands under the public domain
6 that are managed by other state agencies to carry out their
7 assigned duties and responsibilities. On behalf of the people of
8 the state, the department may accept gifts and grants of land and
9 other property and may buy, sell, exchange, or condemn land and
10 other property, for any of the purposes contemplated by this
11 part. The department may accept funds, money, or grants for
12 development of salmon and steelhead trout fishing in this state
13 from the government of the United States, or any of its depart-
14 ments or agencies, pursuant to the anadromous fish conservation
15 act, Public Law 89-304, 16 U.S.C. 757a to 757g, and may use this
16 money in accordance with the terms and provisions of that act.
17 However, the acceptance and use of federal funds does not commit
18 state funds and does not place an obligation upon the legislature
19 to continue the purposes for which the funds are made available.

20 (2) The department may lease lands OWNED OR CONTROLLED BY
21 THE DEPARTMENT OR MAY GRANT CONCESSIONS ON LANDS owned or con-
22 trolled by ~~it that have been designated for use for recreational~~
23 ~~purposes, but only to responsible legal units, within this state,~~
24 ~~of national or state recognized groups devoted principally to~~
25 ~~development of character and citizenship training and physical~~
26 ~~fitness of youth, the financial support of which is by voluntary~~
27 ~~public subscriptions or contributions, and the property of which~~

~~1 is exempt from taxation under the laws of this state. The~~
~~2 department may lease land in the Porcupine mountain state park to~~
~~3 third parties for purposes as it considers desirable. THE~~
4 DEPARTMENT TO ANY PERSON FOR ANY PURPOSE THAT THE DEPARTMENT
5 DETERMINES TO BE NECESSARY TO IMPLEMENT THIS PART. IN GRANTING A
6 CONCESSION, THE DEPARTMENT SHALL PROVIDE THAT EACH CONCESSION IS
7 AWARDED AT LEAST EVERY 7 YEARS BASED ON EXTENSION, RENEGOTIATION,
8 OR COMPETITIVE BIDDING. Any lease entered into under this subsec-
9 tion shall limit the purposes for which the leased land is to be
10 used and shall authorize the department to terminate the lease
11 upon a finding that the land is being used for purposes other
12 than those permitted in the lease. MONEY RECEIVED FROM A LEASE
13 OF TAX REVERTED LANDS SHALL BE CREDITED TO THE FUND PROVIDING
14 FINANCIAL SUPPORT FOR THE MANAGEMENT OF THOSE LEASED LANDS,
15 UNLESS OTHERWISE PROVIDED BY LAW. MONEY RECEIVED FROM A LEASE OF
16 ALL OTHER LANDS SHALL BE CREDITED TO THE FUND FROM WHICH THE
17 LANDS WERE PURCHASED, EXCEPT FOR PROGRAM INCOME FROM
18 PROGRAM-RELATED LEASES, IN WHICH CASE THE MONEY SHALL BE CREDITED
19 TO THE FUND PROVIDING FINANCIAL SUPPORT FOR THE MANAGEMENT OF
20 THOSE LEASED LANDS. FOR LANDS MANAGED BY THE FOREST MANAGEMENT
21 DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES, THIS WILL BE
22 EITHER THE FOREST DEVELOPMENT FUND ESTABLISHED PURSUANT TO PART
23 505 OR THE FOREST RECREATION FUND CREATED IN PART 831. FOR LANDS
24 MANAGED BY THE WILDLIFE OR FISHERIES DIVISION, THIS WILL BE THE
25 GAME AND FISH PROTECTION FUND CREATED IN PART 435.

26 (3) When any sales of land are made by the department, the
27 deeds by which lands are conveyed may reserve all mineral, coal,

1 oil, and gas rights to the state, but shall not reserve the
2 rights to sand, gravel, clay, or other nonmetallic minerals. The
3 department shall also have the power to provide that all deeds
4 issued for lands along watercourses and streams shall contain a
5 clause reserving the right of ingress and egress over and across
6 the lands. Whenever an exchange of land is made, either with the
7 United States government, a corporation, or an individual, for
8 the purpose of consolidating the state forest reserves, the
9 department may issue deeds without reserving to the state the
10 mineral, coal, oil, and gas rights and the rights of ingress and
11 egress. The department may sell the limestone, sand, gravel, or
12 other nonmetallic minerals. However, the department shall not
13 sell a mineral or nonmetallic mineral right if the sale would
14 violate ~~the sand dune protection and management act, Act No. 222~~
15 ~~of the Public Acts of 1976, being sections 281.651 to 281.694 of~~
16 ~~the Michigan Compiled Laws~~ PART 353, PART 637, or any other pro-
17 vision of law. The department may sell all reserved mineral,
18 coal, oil, and gas rights to such lands upon terms and conditions
19 as the department considers proper. The owner of such lands as
20 shown by the records shall be given priority in case the depart-
21 ment authorizes any sale of such lands, and, unless the landowner
22 waives such rights, the department shall not sell such rights to
23 any other person. For the purpose of this section, mineral
24 rights do not include rights to sand, gravel, clay, or other non-
25 metallic minerals.

26 Sec. 509. (1) The department may require that a person
27 obtain a permit for the use of a state park. ~~or a state forest~~

1 ~~campground.~~ The department may establish and collect fees for
 2 permits to use state parks. ~~, state forest campgrounds, and spe-~~
 3 ~~cific state forest areas.~~ The revenue realized by the department
 4 from permit fees and concessions at state parks shall be credited
 5 to a separate fund of the state treasury and shall be available
 6 for appropriation to the department of natural resources for
 7 improvement and maintenance of state parks. ~~The permit fees for~~
 8 ~~state forest campgrounds shall be used for the operation, mainte-~~
 9 ~~nance, and development of state forest campgrounds. Any unex-~~
 10 ~~pected permit fees for state forest campgrounds, along with any~~
 11 ~~excess collections from prior fiscal years, shall be carried over~~
 12 ~~into subsequent fiscal years and shall be available for appropri-~~
 13 ~~ation for the operation, maintenance, and development of state~~
 14 ~~forest campgrounds.~~

15 (2) The department may establish and collect fees for the
 16 processing of applications for the use of state forests that
 17 require extensive review. The fees shall cover the cost to the
 18 department of processing the applications. MONEY RECEIVED PURSU-
 19 ANT TO THIS SUBSECTION SHALL BE CREDITED TO THE FOREST DEVELOP-
 20 MENT FUND ESTABLISHED PURSUANT TO PART 505.

21 Section 2. This amendatory act shall not take effect unless
 22 Senate Bill No. _____ or House Bill No. 5502 (request
 23 no. 05781'95) of the 88th Legislature is enacted into law.