

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 728

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 831.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SUBCHAPTER 7 FOREST RECREATION

2 PART 831 STATE FOREST RECREATION

3 SEC. 83101. AS USED IN THIS PART:

4 (A) "CONCESSION" MEANS AN AGREEMENT BETWEEN THE DEPARTMENT
5 AND A PERSON UNDER TERMS AND CONDITIONS AS SPECIFIED BY THE
6 DEPARTMENT TO PROVIDE SERVICES OR RECREATIONAL OPPORTUNITIES FOR
7 PUBLIC USE.

8 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

9 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

10 (D) "FUND" MEANS THE FOREST RECREATION FUND CREATED IN
11 SECTION 83104.

1 (E) "LEASE" MEANS A CONVEYANCE BY THE DEPARTMENT TO A PERSON
2 OF A PORTION OF THE STATE'S INTEREST IN LAND UNDER SPECIFIC TERMS
3 AND FOR VALUABLE CONSIDERATION, THEREBY GRANTING TO THE LESSEE
4 THE POSSESSION OF THAT PORTION CONVEYED DURING THE PERIOD
5 STIPULATED.

6 (F) "STATE FOREST" MEANS THOSE LANDS DESIGNATED AS STATE
7 FORESTS BY THE DEPARTMENT.

8 SEC. 83102. THE DEPARTMENT SHALL DEVELOP, OPERATE, MAIN-
9 TAIN, AND PROMOTE AN INTEGRATED RECREATION SYSTEM THAT PROVIDES
10 OPPORTUNITIES FOR HUNTING, FISHING, CAMPING, HIKING, SNOWMOBIL-
11 ING, OFF-ROAD VEHICLE TRAIL RIDING, BOATING, TRAIL RELATED ACTIV-
12 ITIES, AND OTHER FORMS OF RECREATION WITHIN EACH STATE FOREST.
13 IN DEVELOPING, OPERATING, MAINTAINING, AND PROMOTING THIS RECRE-
14 ATION SYSTEM, THE DEPARTMENT SHALL FOCUS ON MAINTAINING THE
15 INTEGRITY OF THE FOREST WHILE SUPPORTING RECREATION ACTIVITIES
16 AND EXPERIENCES FOR WHICH A LARGE LAND BASE, RUSTIC NATURE, AND
17 THE FOREST AND FOREST VALUES ARE CRITICAL TO THE ACTIVITY.

18 SEC. 83103. (1) IN IMPLEMENTING SECTION 83102, THE DEPART-
19 MENT MAY DO ANY OF THE FOLLOWING:

20 (A) ENTER INTO CONTRACTS OR AGREEMENTS WITH A PERSON AS MAY
21 BE NECESSARY TO IMPLEMENT THIS PART.

22 (B) GRANT CONCESSIONS WITHIN THE BOUNDARIES OF A STATE
23 FOREST TO A PERSON. IN GRANTING A CONCESSION, THE DEPARTMENT
24 SHALL PROVIDE FOR ALL OF THE FOLLOWING:

25 (i) THAT THE CONCESSION OR ANY RELATED STRUCTURE, FACILITY,
26 EQUIPMENT, OR SERVICE IS COMPATIBLE WITH THE NATURAL RESOURCE

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1 VALUES OF THE SURROUNDING FOREST AREA AND IS APPROPRIATE FOR THE
2 FOREST RECREATION SYSTEM.

3 (ii) THAT EACH CONCESSION IS AWARDED AT LEAST EVERY 7 YEARS
4 BASED ON EXTENSION, RENEGOTIATION, OR COMPETITIVE BIDDING.
5 HOWEVER, IF THE DEPARTMENT DETERMINES THAT A CONCESSION REQUIRES
6 A CAPITAL INVESTMENT IN WHICH A REASONABLE FINANCING OR AMORTIZA-
7 TION NECESSITATES A LONGER TERM, THE DEPARTMENT MAY GRANT A CON-
8 CESSION FOR UP TO A 15-YEAR TERM.

[(iii) THAT A CONCESSION REQUIRING A CAPITAL EXPENDITURE OF
MORE THAN \$100,000.00 FOR A BUILDING OR STRUCTURE BE PROVIDED FOR IN
THE STATE FOREST MANAGEMENT PLAN FOR THE STATE FOREST IN WHICH THE
CONCESSION IS PROPOSED TO BE LOCATED.]

9 [(iv)] THAT ALL BUILDINGS AND EQUIPMENT SHALL BE REMOVED FROM
10 THE STATE FOREST PROPERTY AT THE END OF THE CONCESSION TERM,
11 UNLESS THE DEPARTMENT AUTHORIZES OTHERWISE.

12 [(v)] THAT NO CONCESSION OR CONCESSION OPERATOR IS GRANTED
13 THE AUTHORITY TO CHARGE A FEE FOR ACCESS TO PUBLIC LAND OR A
14 PUBLIC RECREATION RESOURCE.

15 [(vi)] THAT ALL PRICES, RATES, AND CHARGES AND ALL SERVICES OR
16 ITEMS OFFERED IN THE OPERATION OF THE CONCESSION SHALL BE
17 APPROVED BY THE DEPARTMENT.

18 (C) LEASE PROPERTY TO A PERSON.

19 (D) ACCEPT GIFTS, GRANTS, OR REQUESTS FROM ANY PUBLIC OR
20 PRIVATE SOURCE OR FROM THE FEDERAL GOVERNMENT OR A LOCAL UNIT OF
21 GOVERNMENT FOR FURTHERING THE PURPOSES OF THIS PART.

22 (2) UNLESS OTHERWISE PROVIDED BY STATE OR FEDERAL LAW, ALL
23 MONEY COLLECTED UNDER THIS SECTION SHALL BE DEPOSITED INTO THE
24 FUND.

[(3) NOT LESS THAN 3 MONTHS BEFORE GRANTING A CONCESSION FOR
MORE THAN \$500,000.00 OR THAT WILL REQUIRE A CAPITAL EXPENDITURE OF
MORE THAN \$500,000.00, THE DEPARTMENT SHALL NOTIFY EACH MEMBER OF
THE HOUSE OF REPRESENTATIVES AND SENATE WITH PRIMARY RESPONSIBILITY
FOR NATURAL RESOURCES ISSUES OF ITS INTENTION TO GRANT THE
CONCESSION AND OF SPECIFIC DETAILS ON THE NATURE OF THE CONCESSION.]

25 [(4)] BY DECEMBER 31 OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT
26 TO THE LEGISLATURE A REPORT THAT PROVIDES DETAILS ON ALL

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1 CONCESSIONS AWARDED DURING THE PREVIOUS YEAR UNDER
2 SUBSECTION (1).

3 SEC. 83104. (1) THE FOREST RECREATION FUND IS CREATED
4 WITHIN THE STATE TREASURY.

5 (2) THE FUND MAY RECEIVE MONEY AS PROVIDED IN THIS PART AND
6 FROM ANY OTHER SOURCE. THE STATE TREASURER SHALL DIRECT THE
7 INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE
8 FUND INTEREST AND EARNINGS FROM THE FUND INVESTMENTS. MONEY
9 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL BE CAR-
10 RIED OVER IN THE FUND TO THE NEXT AND SUCCEEDING FISCAL YEAR.

11 (3) MONEY IN THE FUND SHALL BE USED BY THE DEPARTMENT TO
12 DEVELOP, MAINTAIN, OPERATE, AND PROMOTE FOREST RECREATION ACTIVI-
13 TIES AND TO IMPLEMENT THIS PART.

14 SEC. 83105. (1) THE DEPARTMENT MAY APPOINT PERSONS TO FUNC-
15 TION AS VOLUNTEERS FOR THE PURPOSE OF FACILITATING FOREST RECRE-
16 ATION ACTIVITIES. WHILE A VOLUNTEER IS SERVING IN SUCH A CAPAC-
17 ITY, THE VOLUNTEER HAS THE SAME IMMUNITY FROM CIVIL LIABILITY AS
18 A DEPARTMENT EMPLOYEE AND SHALL BE TREATED IN THE SAME MANNER AS
19 AN EMPLOYEE UNDER SECTION 8 OF 1964 PA 170, MCL 691.1408.

20 (2) A VOLUNTEER UNDER SUBSECTION (1) SHALL NOT CARRY A FIRE-
21 ARM WHEN FUNCTIONING AS A VOLUNTEER.

22 SEC. 83106. (1) THE DEPARTMENT MAY REQUIRE A PERSON TO
23 OBTAIN A PERMIT FOR CAMPING IN DESIGNATED STATE FOREST CAMP-
24 GROUNDS AND MAY ESTABLISH AND COLLECT A FEE FOR THE CAMPING
25 PERMIT. HOWEVER, AT LEAST 6 MONTHS BEFORE INCREASING A CAMPING
26 PERMIT FEE, THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF ITS
27 INTENT TO DO SO TO THE STANDING COMMITTEES OF THE SENATE AND THE

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1 HOUSE OF REPRESENTATIVES THAT HAVE PRIMARY JURISDICTION OVER
2 LEGISLATION PERTAINING TO NATURAL RESOURCES AND THE ENVIRONMENT.

3 (2) THE DEPARTMENT MAY REQUIRE A PERSON TO OBTAIN A PERMIT,
4 EXCEPT AS OTHERWISE PROVIDED BY LAW, FOR THE USE OF LANDS AND
5 FACILITIES WITHIN THE STATE FOREST AS DESIGNATED BY THE DEPART-
6 MENT FOR RECREATION USE.

7 (3) MONEY COLLECTED UNDER THIS SECTION SHALL BE DEPOSITED
8 INTO THE FUND.

9 SEC. 83107. TO ENSURE COMPLIANCE WITH THIS PART, RULES
10 PROMULGATED UNDER THIS PART AND THIS ACT, INCLUDING THE STATE
11 LAND USE RULES PROVIDED IN R 299.331 TO R 299.335 OF THE MICHIGAN
12 ADMINISTRATIVE CODE, AND ANY ORDERS OF THE DIRECTOR, THE DIRECTOR
13 MAY COMMISSION STATE FOREST OFFICERS TO ENFORCE UPON PROPERTIES
14 ADMINISTERED BY THE DEPARTMENT THESE RULES AND ANY LAWS OF THIS
15 STATE SPECIFIED IN THOSE RULES AS ENFORCEABLE BY COMMISSIONED
16 STATE FOREST OFFICERS. IN PERFORMING THOSE ENFORCEMENT ACTIVI-
17 TIES, COMMISSIONED STATE FOREST OFFICERS ARE VESTED WITH THE
18 POWERS, PRIVILEGES, PREROGATIVES, AND IMMUNITIES CONFERRED UPON
19 PEACE OFFICERS UNDER THE LAWS OF THIS STATE.

20 SEC. 83108. THE DEPARTMENT MAY PROMULGATE RULES TO IMPL-
21 MENT THIS PART.

22 SEC. 83109. A PERSON WHO VIOLATES THIS PART OR A RULE
23 PROMULGATED UNDER THIS PART IS RESPONSIBLE FOR A STATE CIVIL
24 INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE
25 THAN \$500.00.

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

4 (a) House Bill No. 5254.

5 (b) House Bill No. 5278.