

# Legislative Analysis



## STATE PARK LAND TRANSFER

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 971 (Substitute S-5)**

**Sponsor: Sen. Cameron S. Brown**

**Senate Bill 972 (Substitute S-1)**

**Sponsor: Sen. Patricia L. Birkholz**

**House Committee: Conservation, Forestry, and Outdoor Recreation**

**Senate Committee: Natural Resources and Environmental Affairs**

**Complete to 4-25-06**

## A SUMMARY OF SENATE BILLS 971 (S-5) AND 972 (S-1) AS PASSED BY THE SENATE 3-22-06

Senate Bill 971 (S-5) would amend Part 741 (State Parks System) of the Natural Resources and Environmental Protection Act to do the following:

- Require the DNR to submit to the Citizens Committee for Michigan State Parks any proposal regarding the transfer of more than 100 acres or more than 15 percent of the total acreage of a state park, and hold a public hearing (in the vicinity of the state park) on the proposed transfer.
- Require the committee to review the proposal and make a non-binding recommendation to the DNR regarding the proposed transfer.
- Require the DNR to make a recommendation on the transfer to the legislature.
- Prohibit the transfer of more than 100 acres or more than 15 percent of a state park's total acreage unless authorized by law.
- Require the committee to submit to the Legislature periodic reports on state parks.
- Require the DNR to notify the committee prior to recommending the transfer of any land dedicated as a wilderness area, wild area, or a natural area, and place a notice in a newspaper of general circulation describing the proposed transfer.

Senate Bill 972 (S-1) would amend Part 21 (General Real Estate Powers) of the act to prohibit the DNR from designating as surplus land any land within a state park or state recreation area, except as provided in Senate Bill 971 (S-5).

The bills are tie-barred to each other so that neither would go into effect unless both were enacted into law. The bills are described below in further detail.

## **Senate Bill 971 (S-5)**

The bill would amend the Natural Resources and Environmental Protection Act (MCL 324.74102a et al). Currently under the law, the Citizens Committee for Michigan State Parks is required to periodically evaluate periodically state parks programs, facilities, services, and relationships to assure that the committee's goals and objectives are being achieved. Under the bill, within two years after the legislation's effective date and periodically after that date, the committee also would have to submit reports on the state parks programs, facilities, services, and relationships to the legislative standing committees with jurisdiction over issues pertaining to natural resources and the environment.

Additionally, the committee would have to review and make recommendations to the DNR on whether land within a state park should be transferred as provided in the bill.

Under the bill, before recommending that the state transfer more than 100 acres or more than 15 percent of the total acreage of a state park, by sale or otherwise, the DNR would have to submit to the committee for its review and recommendation a proposal with detailed information regarding the potential transfer. The DNR also would have to hold a public hearing in the vicinity of the state park.

Upon receiving the proposal, the committee would have to review it and make a recommendation to the DNR; however, the recommendation would not be binding on the department.

After the public hearing and receipt of the committee's recommendation, the DNR could prepare a written recommendation for the transfer. The written recommendation would have to include the committee's recommendation and be submitted to the standing committees of the Senate and the House of Representatives with jurisdiction over natural resources and environmental issues, as well as the Senate and House Appropriations committees. If the recommendation were for the transfer of more than 100 acres or more than 15 percent of a state park's total acreage, whichever is less, to another public entity without compensation, the recommendation would have to include a proposed deed restriction on the land that provided for public access to the land for purposes of hunting and fishing and other similar recreational uses.

The bill would prohibit the transfer of more than 100 acres or more than 15 percent of a state park's total acreage unless authorized specifically by law.

The bill specifies that state park land, other than park land described above, cannot be sold unless all of the following conditions are met:

- The department has posted on its website notice of the proposed sale.
- The department has provided written notice of the proposed sale to the standing committees of the legislature with jurisdiction over issues primarily dealing with natural resources and the environment.

-The sale is not completed for a period of at least 60 days after the notice has been provided to the standing committees.

Further, the bill would require the department to publish on its website a list of the acreage of each state park on the effective date of the legislation.

Under the bill, "state park" would mean land within the dedicated boundary of a state park or state recreation area that was designated as such on the bill's effective date and any land within the dedicated boundary of a state park or state recreation area designated by the DNR director after the bill took effect.

"Total acreage of a state park" would mean the total acreage within the dedicated boundaries of a state park on the bill's effective date, or the largest amount of acreage included within the dedicated boundaries of a state park after the bill's effective date, whichever was greater.

### **Senate Bill 972 (S-1)**

The bill would amend the Natural Resources and Environmental Protection Act (MCL 324. 2131). Under Part 21 of the act, except as otherwise provided, the DNR may designate as surplus any state-owned land under its control that has been dedicated for public use. The DNR may, on the state's behalf, sell the land if it determines all of the following:

- The sale will not diminish the quality or utility of other state-owned land.
- The sale is not otherwise restricted by law.
- The sale is in the state's best interests.
- The land either is occupied for a private use through inadvertent trespass, or has been dedicated for public use for at least five years and is not needed to meet a DNR requirement.

The bill would prohibit the DNR from designating any land within a state park or state recreation area as surplus land, except as provided in Section 74102b (which Senate Bill 971 (S-5) would add).

### **FISCAL IMPACT:**

While the revised procedure may require more department staff effort, there would not be a need for a budget adjustment or to change staff assignments. There would be no fiscal impact on the State or on local governmental units.

Legislative Analyst: J. Hunault  
Fiscal Analyst: Kirk Lindquist

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■ 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.