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Senate Bill 971 (Substitute S-1)

Senate Bill 972 (as introduced 1-24-06)

Sponsor: Senator Cameron S. Brown (S.B. 971)

Senator Patricia L. Birkholz (S.B. 972)

Committee: Natural Resources and Environmental Affairs

Date Completed: 3-3-06

CONTENT

<u>Senate Bill 971 (S-1)</u> would amend Part 741 (State Parks System) of the Natural Resources and Environmental Protection Act to do the following:

- -- Require the Department of Natural Resources (DNR) to submit to the Citizens Committee for Michigan State Parks a proposal regarding the transfer of more than 20% of a State park, and hold a public hearing on the proposed transfer.
- -- Require the Committee to review the proposal and make a 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 20% of a State park's total acreage unless authorized by law.
- -- Require the Committee to submit to the Legislature periodic reports on State parks.

<u>Senate Bill 972</u> 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.

The bills are tie-barred to each other. They are described below in further detail.

Senate Bill 971 (S-1)

The Act requires the Citizens Committee for Michigan State Parks to evaluate periodically the State parks programs, facilities, services, and relationships to assure that the Committee's goals and objectives are being achieved. Under the bill, beginning two years after it took effect, the Committee also would have to submit periodic 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 20% 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 non-binding recommendation to the DNR.

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. The written recommendation would have to 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 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 20% of a State park's total acreage unless authorized specifically by law.

Under the bill, "State park" would mean a State park or State recreation area that was designated as such on the bill's effective date, and any 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 of a State park on the bill's effective date, or the largest amount of acreage included within a State park after the bill's effective date, whichever was greater.

Senate Bill 972

Under Part 21, except as otherwise provided, the DNR may designate as surplus any Stateowned 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 State park land as surplus land.

MCL 324.74102a et al. (S.B. 971) 324.2131 (S.B. 972)

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bills would cost the State an indeterminate amount. If the DNR determined that more than 20% of the land currently comprising a State park should be offered for sale, the bills would establish a longer process for implementing that decision. The DNR would be required to hold a public hearing, obtain a recommendation from the Citizens Committee for Michigan State Parks, and make a recommendation to the Legislature. Finally, transfer of the parcel could not occur unless the transfer was authorized in enacted legislation. This longer process would be more staff-intensive than what is currently required for the sale of DNR-owned land, but would be necessary only if the DNR determined that more than 20% of the acreage of a State park should be sold.

Fiscal Analyst: Jessica Runnels

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