

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 971

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 35103 and 74102a (MCL 324.35103 and
324.74102a), section 35103 as amended by 1996 PA 290 and section
74102a as added by 2004 PA 392, and by adding section 74102b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 35103. (1) The department shall annually review all state
2 land under its control and identify those tracts that in its
3 judgment best exhibit the characteristics of a wilderness area,
4 wild area, or natural area. The department shall determine which
5 land in its judgment is most suitable for dedication as wilderness
6 areas, wild areas, or natural areas. The department shall
7 administer the proposed land so as to protect its natural values.
8 (2) A citizen may propose to the department land that in his

1 or her judgment exhibits the characteristics of a wilderness area,
2 wild area, or natural area and is suitable for dedication by the
3 department as such or may propose the alteration or withdrawal of
4 previously dedicated areas. Land under control of the department
5 that has been dedicated or designated before August 3, 1972 as a
6 natural area, nature study area, preserve, natural reservation,
7 wilderness, or wilderness study area shall be considered by the
8 department and, if eligible, proposed for dedication. The proposals
9 of the department shall be filed with both houses of the
10 legislature.

11 (3) Within 90 days after land is proposed in accordance with
12 subsections (1) or (2), the department shall make the dedication or
13 issue a written statement of its principal reasons for denying the
14 proposal. The department shall dedicate a wilderness area, wild
15 area, or natural area, or alter or withdraw the dedication, by
16 promulgating a rule. The department shall hold a public hearing
17 relative to the dedication in the county where the land to be
18 dedicated is located before a rule making the dedication may be
19 promulgated. Not more than 10% of state land under the control of
20 the department shall be dedicated pursuant to this subsection. All
21 persons who have notified the department in writing during a
22 calendar year of their interest in dedication of areas under this
23 part shall be furnished by the department with a notice of all
24 areas pending dedication or alteration or withdrawal from
25 dedication during that calendar year.

26 (4) The department may exchange dedicated land for the purpose
27 of acquiring other land that, in its judgment, is more suitable for

1 the purposes of this part.

2 (5) EXCEPT AS PROVIDED IN SUBSECTION (4), PRIOR TO
3 RECOMMENDING THE TRANSFER OF ANY LAND THAT IS DEDICATED AS A
4 WILDERNESS AREA, A WILD AREA, OR A NATURAL AREA UNDER THIS PART,
5 THE DEPARTMENT SHALL NOTIFY THE CITIZENS COMMITTEE FOR MICHIGAN
6 STATE PARKS CREATED IN SECTION 74102A AND SHALL PLACE A PUBLIC
7 NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA IN WHICH
8 THE DEDICATED LAND IS LOCATED DESCRIBING THE PROPOSED TRANSFER.
9 EXCEPT AS PROVIDED IN SUBSECTION (4), DEDICATED LAND SHALL NOT BE
10 TRANSFERRED EXCEPT AS SPECIFICALLY AUTHORIZED BY LAW.

11 Sec. 74102a. (1) The citizens committee for Michigan state
12 parks is created within the department.

13 (2) The committee shall consist of 17 individuals appointed by
14 the director with the advice of the commission.

15 (3) The members first appointed to the committee shall be
16 appointed within 60 days after the effective date of the amendatory
17 act that added this section.

18 (4) Members of the committee shall serve for terms of 4 years
19 or until a successor is appointed, whichever is later, except that
20 of the members first appointed 6 shall serve for 4 years, 6 shall
21 serve for 3 years, and 5 shall serve for 2 years.

22 (5) If a vacancy occurs on the committee, the director shall
23 make an appointment for the unexpired term in the same manner as
24 the original appointment.

25 (6) The committee may remove a member of the committee for
26 incompetency, dereliction of duty, malfeasance, misfeasance, or
27 nonfeasance in office, or any other good cause upon a majority vote

1 of the members. An individual shall be removed from the committee
2 if he or she does not attend 4 consecutive meetings of the
3 committee.

4 (7) The first meeting of the committee shall be called by the
5 director. At the first meeting, the committee shall elect from
6 among its members a chairperson and other officers as it considers
7 necessary or appropriate. After the first meeting, the committee
8 shall meet at least twice each year, or more frequently at the call
9 of the chairperson or if requested by 9 or more members.

10 (8) Nine members of the committee constitute a quorum for the
11 transaction of business at a meeting of the committee. A majority
12 of the members present and serving are required for official action
13 of the committee.

14 (9) The business that the committee may perform shall be
15 conducted at a public meeting of the committee held in compliance
16 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

17 (10) A writing prepared, owned, used, in the possession of, or
18 retained by the committee in the performance of an official
19 function is subject to the freedom of information act, 1976 PA 442,
20 MCL 15.231 to 15.246.

21 (11) Members of the committee shall serve without
22 compensation. However, members of the committee may be reimbursed
23 for their actual and necessary expenses incurred in the performance
24 of their official duties as members of the committee.

25 (12) The committee shall do all of the following:

26 (a) Advise and make recommendations to the governor, the
27 commission, and the legislature on state parks policy and provide

1 guidance on state parks development, management, and planning
2 issues.

3 (b) Seek the development of a broad variety of programs,
4 facilities, and services for our citizens utilizing the state
5 parks.

6 (c) Inform and educate the public about the importance of and
7 need for state parks.

8 (d) Strive to involve citizens in the planning and development
9 of state parks and to ensure that the facilities, programs, and
10 projects are barrier-free and accessible to all citizens.

11 (e) Establish and maintain effective public relations
12 regarding state parks, utilizing all appropriate communications
13 media.

14 (f) Advise on financial planning and pursue adequate budget
15 support for state parks.

16 (g) Serve as a liaison and coordinate with other agencies to
17 ensure a cooperative effort to provide the most effective and
18 economical services possible at state parks.

19 (h) ~~Evaluate~~ **WITHIN 2 YEARS AFTER THE EFFECTIVE DATE OF THE**
20 **AMENDATORY ACT THAT ADDED SUBDIVISION (J) AND PERIODICALLY**
21 **THEREAFTER, EVALUATE AND SUBMIT A REPORT TO THE STANDING COMMITTEES**
22 **OF THE LEGISLATURE WITH JURISDICTION OVER ISSUES PERTAINING TO**
23 **NATURAL RESOURCES AND THE ENVIRONMENT ON** the state parks programs,
24 facilities, services, and relationships ~~periodically~~ to assure
25 that the committee's goals and objectives are being achieved.

26 (i) Advise and make recommendations to the department on the
27 gem of the parks award, the state parks volunteer of the year

1 award, and the state parks employee of the year award established
2 under section 74124.

3 (J) REVIEW AND MAKE RECOMMENDATIONS TO THE DEPARTMENT ON
4 WHETHER LAND WITHIN A STATE PARK SHOULD BE TRANSFERRED AS PROVIDED
5 IN SECTION 74102B.

6 (13) The chairperson of the committee shall ensure that all
7 proposed policy positions of the committee are sent to the
8 committee members at least 1 week in advance of the meeting at
9 which the policy position will be acted upon. The committee may
10 adopt an emergency resolution that has not been sent to committee
11 members at least 1 week prior to a meeting of the committee, but
12 only upon the approval of 3/4 of those present at the meeting.

13 SEC. 74102B. (1) PRIOR TO RECOMMENDING THAT THE STATE TRANSFER
14 MORE THAN 100 ACRES OR MORE THAN 15% OF THE TOTAL ACREAGE OF A
15 STATE PARK, WHICHEVER IS LESS, BY SALE OR OTHERWISE, THE DEPARTMENT
16 SHALL DO BOTH OF THE FOLLOWING:

17 (A) SUBMIT A PROPOSAL WITH DETAILED INFORMATION REGARDING THE
18 POTENTIAL TRANSFER TO THE COMMITTEE FOR ITS REVIEW AND
19 RECOMMENDATION.

20 (B) SUBMIT A PROPOSAL WITH DETAILED INFORMATION REGARDING THE
21 POTENTIAL TRANSFER TO THE COMMISSION FOR ITS REVIEW AND APPROVAL.

22 (C) HOLD A PUBLIC HEARING, FOLLOWING APPROPRIATE PUBLIC
23 NOTICE, IN THE VICINITY OF THE STATE PARK.

24 (2) UPON RECEIPT OF A PROPOSAL UNDER SUBSECTION (1), THE
25 COMMITTEE SHALL REVIEW THE PROPOSAL AND MAKE A RECOMMENDATION TO
26 THE DEPARTMENT. THE COMMITTEE'S RECOMMENDATION IS NOT BINDING ON
27 THE DEPARTMENT.

1 (3) FOLLOWING THE PUBLIC HEARING UNDER SUBSECTION (1) AND
2 RECEIPT OF THE COMMITTEE'S RECOMMENDATION UNDER SUBSECTION (2), IF
3 THE COMMISSION HAS APPROVED THE PROPOSED TRANSFER, THE DEPARTMENT
4 MAY PREPARE A WRITTEN RECOMMENDATION FOR THE TRANSFER OF LAND
5 WITHIN A STATE PARK. THE WRITTEN RECOMMENDATION SHALL INCLUDE THE
6 COMMITTEE'S RECOMMENDATION. THE WRITTEN RECOMMENDATION SHALL BE
7 SUBMITTED TO THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF
8 REPRESENTATIVES WITH JURISDICTION OVER ISSUES PRIMARILY PERTAINING
9 TO NATURAL RESOURCES AND THE ENVIRONMENT AND TO THE SENATE AND
10 HOUSE APPROPRIATIONS COMMITTEES. IF THE RECOMMENDATION IS FOR THE
11 TRANSFER OF MORE THAN 100 ACRES OR MORE THAN 15% OF THE TOTAL
12 ACREAGE OF A STATE PARK, WHICHEVER IS LESS, TO ANOTHER PUBLIC
13 ENTITY WITHOUT COMPENSATION, THE RECOMMENDATION SHALL INCLUDE A
14 PROPOSED DEED RESTRICTION ON THE LAND THAT PROVIDES FOR PUBLIC
15 ACCESS TO THE LAND FOR PURPOSES OF HUNTING AND FISHING AND OTHER
16 SIMILAR RECREATIONAL USES OF THE LAND.

17 (4) THE TRANSFER OF MORE THAN 100 ACRES OR MORE THAN 15% OF
18 THE TOTAL ACREAGE OF A STATE PARK, WHICHEVER IS LESS, IS PROHIBITED
19 UNLESS SPECIFICALLY AUTHORIZED BY LAW.

20 (5) STATE PARK LAND, OTHER THAN STATE PARK LAND DESCRIBED IN
21 SUBSECTION (4), SHALL NOT BE SOLD UNLESS ALL OF THE FOLLOWING
22 CONDITIONS ARE MET:

23 (A) THE DEPARTMENT HAS POSTED ON ITS WEBSITE NOTICE OF THE
24 PROPOSED SALE.

25 (B) THE DEPARTMENT HAS PROVIDED WRITTEN NOTICE OF THE PROPOSED
26 SALE TO THE STANDING COMMITTEES OF THE LEGISLATURE WITH
27 JURISDICTION OVER ISSUES PRIMARILY DEALING WITH NATURAL RESOURCES

1 AND THE ENVIRONMENT.

2 (C) THE COMMISSION HAS APPROVED THE SALE.

3 (D) THE SALE IS NOT COMPLETED FOR A PERIOD OF AT LEAST 30 DAYS
4 AFTER THE NOTICE HAS BEEN PROVIDED TO THE STANDING COMMITTEES UNDER
5 SUBDIVISION (B).

6 (6) THE DEPARTMENT SHALL PUBLISH ON ITS WEBSITE A LIST OF THE
7 ACREAGE OF EACH STATE PARK ON THE EFFECTIVE DATE OF THE AMENDATORY
8 ACT THAT ADDED THIS SUBSECTION.

9 (7) AS USED IN THIS SECTION:

10 (A) "STATE PARK" MEANS LAND WITHIN THE DEDICATED BOUNDARY OF A
11 STATE PARK OR STATE RECREATION AREA THAT WAS DESIGNATED AS A STATE
12 PARK OR STATE RECREATION AREA ON THE EFFECTIVE DATE OF THE
13 AMENDATORY ACT THAT ADDED THIS SECTION AND ANY LAND WITHIN THE
14 DEDICATED BOUNDARY OF A STATE PARK OR STATE RECREATION AREA THAT IS
15 DESIGNATED AS A STATE PARK OR STATE RECREATION AREA BY THE DIRECTOR
16 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
17 SECTION.

18 (B) "TOTAL ACREAGE OF A STATE PARK" MEANS THE TOTAL ACREAGE
19 WITHIN THE DEDICATED BOUNDARIES OF A STATE PARK ON THE EFFECTIVE
20 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION OR THE LARGEST
21 AMOUNT OF ACREAGE INCLUDED WITHIN THE DEDICATED BOUNDARIES OF A
22 STATE PARK AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
23 ADDED THIS SECTION, WHICHEVER IS GREATER.

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. 972 of the 93rd Legislature is enacted into
26 law.