



House  
Legislative  
Analysis  
Section  
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## STATE PARK VOLUNTEERS

AS ENROLLED

House Bill 5245 as introduced  
First Analysis (2-23-94)

Sponsor: Rep. James M. Middaugh  
Committee: Conservation, Environment  
& Great Lakes

### ***THE APPARENT PROBLEM:***

It is evident to anyone who visits or who works in Michigan's state park and recreation system that the system has undergone many years of neglect. In an effort to improve the system, legislators, the Department of Natural Resources, and outdoor recreation interest groups are promoting a plan that would provide the state parks with a stable source of funding. The plan, named the "Michigan States Park Initiative," consists of a package of twelve bills, and evolves around the concept of a state parks endowment fund, from which interest and earnings could be drawn to supplement current appropriations. (For further information, see the House Legislative Analysis Section analysis of House Bill 5064). The plan includes Senate Bill 971, which would encourage volunteer projects at state parks through the creation of an Adopt-A-Park program, similar to the current Adopt-A-Highway program under the Department of Transportation. In conjunction with this measure, legislation has been proposed that would provide immunity from liability for these volunteers.

### ***THE CONTENT OF THE BILL:***

House Bill 5245 is part of a twelve-bill package that would, among other things, establish a state park endowment fund to provide a permanent source of funding for state parks.

House Bill 5245 would extend immunity under the governmental liability for negligence act to a volunteer working in a state park. The bill would amend Public Act 149 of 1960, the act regulating state park improvements, to grant a volunteer appointed by the Department of Natural Resources (DNR) the same immunity as a department employee. While serving in a volunteer capacity, however, the individual could not carry a firearm.

MCL 318.311e

### ***FISCAL IMPLICATIONS:***

The Department of Natural Resources estimates that the bill would probably result in a savings in state funds, since it is assumed that extending immunity to volunteers would attract more volunteers to work in state parks, and work that is performed by volunteers is obviously work done at less cost to the state. (2-22-94)

### ***ARGUMENTS:***

#### ***For:***

Michigan's state park and recreation system has undergone drastic cutbacks in personnel and services during the past decade as a result of increasingly smaller general fund appropriations. In response, a plan has been put together by legislators, the Department of Natural Resources (DNR), and interest groups to provide a permanent source of funding for the system. The plan, named the "Michigan State Parks Initiative," consists of a package of twelve bills that would establish a state park endowment fund, and would permit \$40 million of the proceeds of the accident fund's sale to be appropriated for that endowment fund and another \$20 million to be appropriated for a proposed Civilian Conservation Corps Endowment Fund. The plan would also include an Adopt-A-Park program to encourage volunteer projects at state parks. Work performed by these volunteers and by the Civilian Conservation Corps, which provides jobs for Michigan youths from urban and rural areas, would offer an important savings to the state parks system. The provisions of the bill would be an important element in the Adopt-A-Park program, since it is assumed that more volunteers would be attracted to work in state parks if they were granted the same immunity from civil liability as department employees. Without such provision, volunteers might find themselves vulnerable to lawsuits arising out of accidents occurring in state parks, where, for example, a person was injured on a hiking trail that volunteers helped prepare. For

House Bill 5245 (2-23-94)

the DNR, increased volunteer involvement would result in substantial savings, since work performed by volunteers obviously would reduce personnel costs.

***Against:***

Some people believe that it is poor policy to offer immunity from liability; a person should be held accountable for his or her own actions, and injured parties should be able to have legal recourse.

***Response:***

Liability protection for volunteers is common in Michigan statute; people should not have to put themselves at risk legally and financially to perform a community service.

***POSITIONS:***

The Department of Natural Resources supports the bill. (2-22-94)