

104TH CONGRESS
2D SESSION

H. R. 4023

To amend the Act of October 21, 1970, establishing the Sleeping Bear Dunes National Lakeshore to permit certain persons to continue to use and occupy certain areas within the lakeshore, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 4, 1996

Mr. STUPAK (for himself, Mr. KNOLLENBERG, Mr. UPTON, Mr. BARCIA, Ms. RIVERS, Mr. CHRYSLER, Mr. LEVIN, Mr. EHLERS, Mr. HOEKSTRA, and Mr. DINGELL) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Act of October 21, 1970, establishing the Sleeping Bear Dunes National Lakeshore to permit certain persons to continue to use and occupy certain areas within the lakeshore, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENT OF ACT ESTABLISHING SLEEPING**
4 **BEAR DUNES NATIONAL LAKESHORE.**

5 (a) EXTENSIONS.—Section 10 of the Act of October
6 21, 1970, establishing the Sleeping Bear Dunes National

1 Lakeshore (84 Stat. 1079; 16 U.S.C. 460x-9) is amended
2 by adding the following at the end thereof:

3 “(e) EXTENSIONS OF USE AND OCCUPANCY.—

4 “(1) NOTICE.—The Secretary shall transmit a
5 notice to all owners of improved property described
6 in section 11(a) (16 U.S.C. 460x-10(a)) who have
7 retained a right of use and occupancy, or their suc-
8 cessors in interest who currently possess such rights.
9 The notice shall notify such owners, occupiers, or
10 successors in interest of their right to extend such
11 right of use and occupancy pursuant to this sub-
12 section.

13 “(2) ELECTION.—Any owner notified under
14 paragraph (1) may elect, within 180 days of receiv-
15 ing notice pursuant to paragraph (1), to extend his
16 or her right of use and occupancy beyond the other-
17 wise applicable termination date. Such extension
18 shall terminate on the later of the following:

19 “(A) The date of death of the person who
20 owned or occupied the property on January 1,
21 1996.

22 “(B) The date 25 years after the date of
23 the election under this paragraph.

24 If the person who owned or occupied the property on
25 January 1, 1996, dies before the date 25 years after

1 the date of the election under this paragraph, the
2 right of use and occupancy of the property may be
3 transferred by such person, by will or otherwise, only
4 to a member or members of such person's immediate
5 family for the remainder of the term of the extension
6 under this subsection.

7 “(3) CONDITIONS.—Any extension under this
8 subsection shall be subject to subsections (c) and (d)
9 in the same manner and to the same extent as is a
10 retained right under subsection (b), except that ter-
11 mination of the extension by the Secretary shall take
12 effect only after 180 days after the Secretary has
13 notified the person holding the extension of the Sec-
14 retary's intention to terminate the extension. Any
15 extension under this subsection shall be conditioned
16 upon the annual payment by person to whom such
17 extension is issued of an amount determined in ac-
18 cordance with paragraph (4). Any such extension
19 shall also be conditioned upon the following:

20 “(A) An agreement by the person to whom
21 such extension is issued to assume all respon-
22 sibilities for maintenance, repair, and replace-
23 ment of all improvements located on the prop-
24 erty concerned and to indemnify and hold
25 harmless the United States for any liability

1 which may arise in connection with such prop-
2 erty.

3 “(B) An agreement by the person to whom
4 such extension is issued to make pro rata pay-
5 ments to local governments providing services
6 to persons residing within the boundaries of the
7 lakeshore in such reasonable amounts and at
8 such times as may be determined by such local
9 governments in order to reimburse such local
10 governments for the costs of providing such
11 services.

12 “(4) AMOUNT.—The amount of each payment
13 to be made by a person under paragraph (3) shall
14 be such person’s annual pro rata share of an amount
15 determined according to a formula where the numer-
16 ator is the value of the property used or occupied by
17 such person and the denominator is 100. The value
18 of the property for purposes of this paragraph shall
19 be the value of the property at the time of its acqui-
20 sition by the United States, indexed for inflation ac-
21 cording to the Consumer Price Index, as determined
22 by the Secretary. Notwithstanding sections 1341
23 and 3302 of title 31 of the United States Code, such
24 annual payments shall be retained by the Secretary
25 and shall be available for use by the Secretary with-

1 out further appropriation for purposes of mainte-
2 nance and administration of the national lakeshore.

3 “(f) **AUTHORITY TO LEASE TO FAMILY.**—Following
4 an extension under subsection (e) of a right of use and
5 occupancy for any property, the Secretary may lease the
6 property to any member or members of the immediate
7 family of such owner for a definite or indefinite term, at
8 the discretion of the Secretary. The Secretary may, after
9 180 days notice to the lessee, terminate any such lease
10 when the Secretary determines that the structures on the
11 property will be removed and the property will be restored
12 to its natural condition in order to improve the natural
13 landscape and provide better opportunities for public ac-
14 cess and enjoyment. Any such lease shall be subject to the
15 same conditions as referred to in paragraph (3) of sub-
16 section (e) and lease payments shall be retained by the
17 Secretary in the same manner as provided in paragraph
18 (4) of subsection (e).”.

19 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—
20 Section 10(c) of such Act is amended by striking “many”
21 and inserting “may”. Section 11(a)(2) of such Act is
22 amended by striking “section 10 (b) or (d)” and inserting
23 “section 10”.

○