

Act No. 377
Public Acts of 2004
Approved by the Governor
October 12, 2004
Filed with the Secretary of State
October 12, 2004
EFFECTIVE DATE: October 12, 2004

STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004

Introduced by Reps. Pumford, Hart, Moolenaar, Emmons, Pastor, Vander Veen, Farhat, Shackleton, Meyer, Hardman, Plakas, Stewart, Pappageorge, Rick Johnson, Kolb, DeRossett, Richardville, Bisbee, Kooiman, Ehardt, Julian, Hummel, Newell, Dennis, Caul, Bradstreet, Palmer, Gaffney, Cheeks, Farrah, Brandenburg, Wojno, Gleason, Caswell, Shaffer, Nofs, Sak, Stahl, Huizenga and Whitmer

ENROLLED HOUSE BILL No. 5313

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 52706 (MCL 324.52706), as amended by 2002 PA 356.

The People of the State of Michigan enact:

Sec. 52706. (1) The department, the department of treasury, or other state officer having charge of state land, may sell homestead, tax, swamp, or primary school land to a public agency for forestry purposes, at a price set by the department, department of treasury, or other state officer. However, the amount of land sold shall not exceed the amount that may be necessary for the public agency, and any land that is sold shall be suitable for and used solely for a forestry purpose unless conveyed as provided in this section. Prime land sold to a public agency under this section shall be used only for a forestry purpose. When the prime land is no longer used for a forestry purpose, the land shall revert to this state.

(2) Except as provided in subsection (5), the department shall not retain a reversionary interest in municipal forestland conveyed to a public agency under this section before the effective date of the amendatory act that added this subsection. The department shall relinquish any such reversionary interest within 3 years after the effective date of the amendatory act that added this subsection or within 90 days after the department receives a written request for relinquishment from the public agency that owns the municipal forestland subject to the reversionary interest, whichever is earlier. The department shall relinquish its reversionary interest by an instrument approved by the department of attorney general and recorded with the register of deeds of the county where the municipal forestland is located. The instrument shall include provisions implementing subsection (3).

(3) Beginning 4 years after the effective date of the amendatory act that added this subsection, a public agency to which a reversionary interest was relinquished under subsection (2) shall not convey the municipal forestland formerly subject to the reversionary interest unless the conveyance is approved by the department.

(4) A public agency to which a reversionary interest was relinquished under subsection (2) shall not convey the municipal forestland formerly subject to the reversionary interest for less than fair market value. If a public agency to which a reversionary interest was relinquished under subsection (2) conveys the municipal forestland formerly subject to the reversionary interest, the public agency shall distribute the proceeds of the conveyance as follows:

(a) Except as provided in subdivision (b), 50% of the proceeds shall be retained by that public agency and the remaining 50% of the proceeds shall be submitted to the department of treasury for deposit as follows:

(i) The first \$18,000,000.00 in total proceeds from all such conveyances shall be deposited in the general fund.

(ii) Any proceeds in excess of \$18,000,000.00 shall be deposited in the fire protection fund created in section 732a of the Michigan vehicle code, 1949 PA 300, MCL 257.732a.

(b) If the municipal forestland is conveyed to another public agency, all of the proceeds shall be retained by the public agency conveying the municipal forestland.

(5) Subsection (2) does not apply to prime land.

(6) A public agency to which a reversionary interest is relinquished under subsection (2) shall not convey the municipal forestland formerly subject to the reversionary interest to a third person unless the public agency has conducted a public hearing on the proposed conveyance. The public agency may conduct a second public hearing on the proposed conveyance if the public agency determines that a second public hearing may be necessary. Notice of a public hearing under this subsection shall be published at least twice in a newspaper of general circulation in the county or counties where the municipal forestland is located, not more than 28 or less than 7 days before the hearing. The notice shall describe where the municipal forestland is located, specify the approximate size of the municipal forestland, describe its current use, and identify the person to whom the municipal forestland is proposed to be sold, if known.

(7) The requirements of subsection (6) do not relieve the public agency of any notice, hearing, or other requirements imposed by any other law.

(8) If, before 4 years after the effective date of the amendatory act that added this subsection, municipal forestland formerly subject to a reversionary interest that was relinquished under subsection (2) is conveyed by the public agency to which the reversionary interest was relinquished under subsection (2), the public agency shall notify the department within 60 days of the conveyance. Notice of the conveyance shall be in a form prescribed by the department.

(9) If municipal forestland was conveyed to a public agency under this section and the municipal forestland is subsequently conveyed by the public agency to the department, then, for purposes of subparts 13 and 14 of part 21, the municipal forestland shall not be considered to have been reacquired by the department on or after January 1, 1933 for natural resource purposes unless the municipal forestland was originally acquired by the department on or after January 1, 1933 for natural resource purposes.

(10) As used in this section:

(a) "Municipal forestland" means homestead, tax, swamp, or primary school land sold to a public agency under this section solely for a forestry purpose.

(b) "Prime land" means land that meets 1 or more of the following requirements:

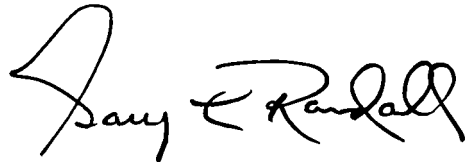
(i) Is within a boundary of a program administered by the department.

(ii) Provides access to a public body of water.

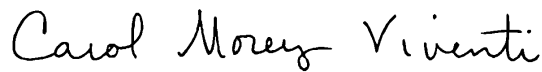
(iii) Is not less than 80 acres in size and, at any time during the preceding 10 years, had a basal area of not less than 90 square feet per acre.

(c) "Public agency" means a school district, public educational institution, governmental unit of this state or agency of this state, or a municipality.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor