

**SUBSTITUTE FOR
SENATE BILL NO. 1238**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 1902, 1905, 1907, and 1907a (MCL 324.1902,
324.1905, 324.1907, and 324.1907a), section 1902 as amended by 2004
PA 587, section 1905 as added by 1995 PA 60, section 1907 as
amended by 2008 PA 229, and section 1907a as added by 2002 PA 52.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1902. (1) In accordance with section 35 of article IX of
2 the state constitution of 1963, the Michigan natural resources
3 trust fund is established in the state treasury. The trust fund
4 shall consist of all bonuses, rentals, delayed rentals, and
5 royalties collected or reserved by the state under provisions of
6 leases for the extraction of nonrenewable resources from state
7 owned lands. However, the trust fund shall not include bonuses,
8 rentals, delayed rentals, and royalties collected or reserved by

the state from the following sources:

(a) State owned lands acquired with money appropriated from the former game and fish protection fund or the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

(b) State owned lands acquired with money appropriated from the subfund account created by former section 4 of former 1976 PA 204.

(c) State owned lands acquired with money appropriated from related federal funds made available to the state under **THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT**, 16 USC 669 to ~~669i~~, ~~commonly known as the federal aid in wildlife restoration act,~~ **669K**, or **THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT**, 16 USC 777 to ~~777l~~, ~~commonly known as the federal aid in fish restoration act.~~ **777N**.

(d) Money received by the state from net proceeds allocable to the nonconventional ~~fuel~~ **SOURCE PRODUCTION** credit contained in section ~~29-45K~~ of the internal revenue code of 1986, 26 USC ~~29-~~ **45K**, as provided for in section 503.

(2) Notwithstanding subsection (1), until the trust fund reaches an accumulated principal of \$500,000,000.00, \$10,000,000.00 of the revenues from bonuses, rentals, delayed rentals, and royalties described in this section, but not including money received by the state from net proceeds allocable to the nonconventional ~~fuel~~ **SOURCE PRODUCTION** credit contained in section ~~29-45K~~ of the internal revenue code of 1986, 26 USC ~~29-~~ **45K**, as provided for in section 503, otherwise dedicated to the trust fund

that are received by the trust fund each state fiscal year shall be transferred to the state treasurer for deposit into the Michigan state parks endowment fund. However, until the trust fund reaches an accumulated principal of \$500,000,000.00, in any state fiscal year, not more than 50% of the total revenues from bonuses, rentals, delayed rentals, and royalties described in this section, but not including net proceeds allocable to the nonconventional ~~fuel~~ **SOURCE PRODUCTION** credit contained in section 29-45K of the internal revenue code of 1986, 26 USC 29-45K, as provided in section 503, otherwise dedicated to the trust fund that are received by the trust fund each state fiscal year shall be transferred to the Michigan state parks endowment fund. To implement this subsection, until the trust fund reaches an accumulated principal of \$500,000,000.00, the department shall transfer 50% of the money received by the trust fund each month pursuant to subsection (1) to the state treasurer for deposit into the Michigan state parks endowment fund. The department shall make this transfer on the last day of each month or as soon as practicable thereafter. However, not more than a total of \$10,000,000.00 shall be transferred in any state fiscal year pursuant to this subsection.

~~—— (3) In addition to the contents of the trust fund described in subsection (1), the trust fund shall consist of money transferred to the trust fund pursuant to section 1909.~~

(3) ~~(4)~~ The trust fund may receive appropriations, money, or other things of value.

(4) ~~(5)~~ The state treasurer shall direct the investment of the

1 trust fund. The state treasurer shall have the same authority to
 2 invest the assets of the trust fund as is granted to an investment
 3 fiduciary under the public employee retirement system investment
 4 act, 1965 PA 314, MCL 38.1132 to ~~38.1140~~**38.1140M**.

5 (5) ~~(6)~~—The department shall annually prepare a report
 6 containing an accounting of revenues and expenditures from the
 7 trust fund. This report shall identify the interest and earnings of
 8 the trust fund from the previous year, the investment performance
 9 of the trust fund during the previous year, and the total amount of
 10 appropriations from the trust fund during the previous year. This
 11 report shall be provided to the senate and house of representatives
 12 appropriations committees and the standing committees of the senate
 13 and house of representatives with jurisdiction over issues
 14 pertaining to natural resources and the environment.

15 (6) ~~(7)~~—As used in this section, "Michigan state parks
 16 endowment fund" means the Michigan state parks endowment fund
 17 established in section 35a of article IX of the state constitution
 18 of 1963 and provided for in section 74119.

19 Sec. 1905. (1) The Michigan natural resources trust fund board
 20 is established within the department. The board shall have the
 21 powers and duties of an agency transferred under a type I transfer
 22 pursuant to section 3 of the executive organization act of 1965,
 23 ~~Act No. 380 of the Public Acts of 1965, being section 16.103 of the~~
 24 ~~Michigan Compiled Laws. 1965 PA 380, MCL 16.103.~~ The board shall be
 25 administered under the supervision department and the department
 26 shall offer its cooperation and aid to the board and shall provide
 27 suitable offices and equipment for the board.

1 (2) The board shall consist of 5 members. The members shall
2 include the director or a member of the commission as determined by
3 the commission, and 4 residents of the state to be appointed by the
4 governor with the advice and consent of the senate. **AN INDIVIDUAL**
5 **SHALL NOT BE APPOINTED TO SERVE MORE THAN 2 FULL TERMS.**

6 (3) The terms of the appointive members shall be 4 years,
7 except that of those first appointed, 1 shall be appointed for 1
8 year, 1 shall be appointed for 2 years, 1 shall be appointed for 3
9 years, and 1 shall be appointed for 4 years.

10 (4) The appointive members may be removed by the governor for
11 inefficiency, neglect of duty, or malfeasance in office.

12 (5) Vacancies on the board shall be filled for the unexpired
13 term in the same manner as the original appointments.

14 (6) The board may incur expenses necessary to carry out its
15 powers and duties under this part and shall compensate its members
16 for actual expenses incurred in carrying out their official duties.

17 Sec. 1907. (1) The board shall determine which lands and
18 rights in land within the state should be acquired and which public
19 recreation facilities should be developed with money from the trust
20 fund and shall submit to the legislature in January of each year a
21 list of those lands and rights in land and those public recreation
22 facilities that the board has determined should be acquired or
23 developed with trust fund money, compiled in order of priority. In
24 preparing the list under this subsection, the board shall ~~give~~ **DO**
25 **ALL OF THE FOLLOWING:**

26 (A) **GIVE PARTICULAR CONSIDERATION TO A PROJECT OR ACQUISITION**
27 **THAT IS LOCATED WITHIN A LOCAL UNIT OF GOVERNMENT THAT HAS ADOPTED**

Senate Bill No. 1238 as amended November 8, 2012

1 A RESOLUTION IN SUPPORT OF THE PROJECT OR ACQUISITION.

2 (B) IDENTIFY EACH PARCEL OF LAND THAT IS RECOMMENDED FOR
3 ACQUISITION BY LEGAL DESCRIPTION AND INCLUDE THE ESTIMATED COST OF
4 ACQUISITION AND ASSESSED VALUE.

5 (C) PROVIDE A SCORING OF EACH PARCEL OF LAND RECOMMENDED FOR
6 ACQUISITION INDIVIDUALLY.

7 (D) GIVE CONSIDERATION TO AN ACQUISITION THAT MEETS ANY OF THE
8 FOLLOWING:

9 (i) IS LOCATED WITHIN A COUNTY THAT CONTAINS 50% OR MORE
10 PRIVATELY OWNED LAND.

11 <<

12
13 (ii) >> ALLOWS MOTORIZED RECREATIONAL USE.

14 (E) GIVE PARTICULAR consideration to the acquisition of land
15 and rights in land for recreational trails that intersect the
16 downtown areas of cities and villages.

17 (2) IN PREPARING THE LIST OF LANDS TO BE ACQUIRED UNDER
18 SUBSECTION (1), THE FOLLOWING APPLY:

19 (A) THE BOARD SHALL NOT PARTICIPATE IN THE ACQUISITION OF LAND
20 UNDER EITHER OR BOTH OF THE FOLLOWING CIRCUMSTANCES:

21 (i) IF ANY ASPECT OF THE SALE WAS NOT VOLUNTARY ON THE PART OF
22 THE SELLER.

23 (ii) IF THE BOARD DETERMINES THAT THE SELLER WAS HARASSED,
24 INTIMIDATED, OR COERCED INTO SELLING HIS OR HER LAND BY THE
25 DEPARTMENT, A LOCAL UNIT OF GOVERNMENT, OR A QUALIFIED CONSERVATION
26 ORGANIZATION.

27 (B) A PROJECT OR ACQUISITION MAY BE NAMED IN HONOR OR MEMORY

1 **OF AN INDIVIDUAL OR ORGANIZATION.**

2 (3) ~~(2) This~~ **THE** list **PREPARED UNDER SUBSECTION (1)** shall be
3 accompanied by estimates of total costs for the proposed
4 acquisitions and developments.

5 (4) ~~(3)~~ The board shall supply with each list **PREPARED UNDER**
6 **SUBSECTION (1)** a statement of the guidelines used in listing and
7 assigning the priority of these proposed acquisitions and
8 developments.

9 (5) ~~(4)~~ The legislature shall approve by law the lands and
10 rights in land and the public recreation facilities to be acquired
11 or developed each year with money from the trust fund.

12 (6) **AS USED IN THIS SECTION, "QUALIFIED CONSERVATION**
13 **ORGANIZATION" MEANS THAT TERM AS IT IS DEFINED IN SECTION 70 OF THE**
14 **GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.70.**

15 Sec. 1907a. (1) If within 2 years after a parcel of property
16 that is approved for acquisition or development by the legislature
17 has not been acquired or developed in the manner determined by the
18 board and is not open for public use, the board shall report to the
19 standing committees of the senate and the house of representatives
20 with jurisdiction over issues related to natural resources and the
21 environment on the status of the project and the reason why the
22 property has not been purchased or developed in the manner
23 determined by the board. **THE DEPARTMENT SHALL POST ON ITS WEBSITE A**
24 **BIMONTHLY REPORT OF PROJECT STATUS CONTAINING INFORMATION DESCRIBED**
25 **IN THIS SUBSECTION.**

26 (2) **FOLLOWING THE APPROPRIATION OF MONEY FROM THE TRUST FUND,**
27 **IF THE PUBLIC RECREATION PROJECT CHANGES SIGNIFICANTLY, THE BOARD**

1 SHALL SUBMIT THE CHANGES TO THE JOINT CAPITAL OUTLAY SUBCOMMITTEE
2 OF THE LEGISLATURE TO REVIEW WHETHER THE PROPOSED CHANGED PROJECT
3 IS CONSISTENT WITH THE PURPOSE OF THE APPROPRIATION. AS USED IN
4 THIS SUBSECTION, "CHANGES SIGNIFICANTLY" MEANS CHANGES TO A PROJECT
5 SUCH THAT THE PROJECT WOULD NOT HAVE BEEN FUNDED HAD THE CHANGE
6 BEEN IN PLACE DURING THE EVALUATION OF THE PROJECT.