

# SENATE BILL No. 39

January 27, 2015, Introduced by Senators CASPERSON and BOOHER and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503, 504, 2104, 2106, 2126, 2130, 2131, 2132, 2136, 52501, 52503, and 52506 (MCL 324.503, 324.504, 324.2104, 324.2106, 324.2126, 324.2130, 324.2131, 324.2132, 324.2136, 324.52501, 324.52503, and 324.52506), section 503 as amended by 2012 PA 294, section 504 as amended by 2009 PA 47, section 2104 as amended by 1998 PA 28, sections 2106, 2130, and 2136 as added by 1995 PA 60, section 2126 as amended by 2011 PA 323, sections 2131 and 2132 as amended by 2012 PA 622, and section 52501 as amended and sections 52503 and 52506 as added by 2004 PA 125, and by adding sections 514, 2137, and 72117.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 503. (1) The department shall protect and conserve the  
2 natural resources of this state; provide and develop facilities for

1 outdoor recreation; prevent the destruction of timber and other  
2 forest growth by fire or otherwise; promote the reforestation of  
3 forestlands belonging to this state; prevent and guard against the  
4 pollution of lakes and streams within this state and enforce all  
5 laws provided for that purpose with all authority granted by law;  
6 and foster and encourage the protection and propagation of game and  
7 fish.

8 (2) The department has the power and jurisdiction over the  
9 management, control, and disposition of all land under the public  
10 domain, except for those lands under the public domain that are  
11 managed by other state agencies to carry out their assigned duties  
12 and responsibilities. On behalf of the people of this state, the  
13 department may accept gifts and grants of land and other property  
14 and may buy, sell, exchange, or condemn land and other property,  
15 for any of the purposes of this part. ~~Beginning September 30, 2012,~~  
16 ~~the~~ **THE** department shall not acquire surface rights to land unless  
17 the department has estimated the amount of annual payments in lieu  
18 of taxes on the land, posted the estimated payments on its website  
19 for at least 30 days, and notified the affected local units of the  
20 estimated payments at least 30 days before the acquisition.

21 (3) ~~Before May 1, 2015, the~~ **THE** department shall not acquire  
22 surface rights to land if the department owns, or as a result of  
23 the acquisition will own, the surface rights to more than 4,626,000  
24 acres of land. **THIS PROHIBITION APPLIES UNDER ANY OF THE FOLLOWING**  
25 **CIRCUMSTANCES:**

26 (A) **BEGINNING MAY 1, 2019 AND EVERY 5 YEARS THEREAFTER, UNTIL**  
27 **LEGISLATION IS ENACTED APPROVING THE MOST RECENT STRATEGIC PLAN**

1 REQUIRED UNDER SUBSECTION (10).

2 (B) IF ANY PAYMENT UNDER SUBPART 13 OR 14 OF PART 21 OR  
3 SECTION 51106 IS NOT MADE IN FULL AND ON TIME, UNTIL DECEMBER 31 OF  
4 THAT YEAR, OR UNTIL FULL PAYMENT IS MADE, WHICHEVER OCCURS LATER.

5 (4) ~~Beginning May 1, 2015, the~~ THE department shall not  
6 acquire surface rights to land north of the Mason-Arenac line if  
7 the department owns, or as a result of the acquisition will own,  
8 the surface rights to more than 3,910,000 acres of land north of  
9 the Mason-Arenac line. ~~This subsection does not apply after the~~  
10 ~~enactment of legislation adopting the strategic plan.~~ THIS

11 PROHIBITION APPLIES UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

12 (A) BEGINNING MAY 1, 2019 AND EVERY 5 YEARS THEREAFTER, UNTIL  
13 LEGISLATION IS ENACTED APPROVING THE MOST RECENT STRATEGIC PLAN  
14 REQUIRED UNDER SUBSECTION (10).

15 (B) IF ANY PAYMENT UNDER SUBPART 13 OR 14 OF PART 21 OR  
16 SECTION 51106 FOR LAND LOCATED NORTH OF THE MASON-ARENAC LINE IS  
17 NOT MADE IN FULL AND ON TIME, UNTIL DECEMBER 31 OF THAT YEAR, OR  
18 UNTIL FULL PAYMENT IS MADE, WHICHEVER OCCURS LATER.

19 (5) For the purposes of subsections (3) and (4), the number of  
20 acres of land in which the department owns surface rights does not  
21 include any of the following:

22 (a) Land in which the department has a conservation easement.

23 (b) Land **THAT, BEFORE JULY 2, 2012, WAS** platted under the land  
24 division act, 1967 PA 288, MCL 560.101 to 560.293, or a predecessor  
25 act ~~before July 2, 2012 if~~ AND acquired by the department. ~~before~~  
26 ~~July 2, 2012.~~

27 (c) Any of the following if acquired on or after July 2, 2012:

1 (i) Land with an area of not more than 80 acres, or a right-of-  
2 way, for accessing other land owned by the department.

3 (ii) A trail, subject to all of the following:

4 (A) If the traveled portion of the trail is located within an  
5 abandoned railroad right-of-way, the land excluded is limited to  
6 the abandoned railroad right-of-way.

7 (B) If the traveled portion of the trail is located in a  
8 utility easement, the land excluded is limited to the utility  
9 easement.

10 (C) If sub-subparagraphs (A) and (B) do not apply, the land  
11 excluded is limited to the traveled portion of the trail and  
12 contiguous land. The area of the contiguous land shall not exceed  
13 the product of 100 feet multiplied by the length of the trail in  
14 feet.

15 (iii) Land that, on July 2, 2012 was commercial forestland as  
16 defined in section 51101 if the land continues to be used in a  
17 manner consistent with part 511.

18 (iv) Land acquired by the department by gift, including the  
19 gift of funds specifically dedicated to land acquisition.

20 (v) Land acquired by the department through litigation.

21 (6) The department shall maintain a record of land as  
22 described in subsection (5) (a) to (c). The record shall include the  
23 location, acreage, date of acquisition, and use of the land. The  
24 department shall post and maintain on its website all of the  
25 following information:

26 (a) The number of acres of land, including land as described  
27 in subsection (5), in which the department owns surface rights

1 north of the Mason-Arenac line, south of the Mason-Arenac line, in  
2 total for this state, and by program.

3 (b) The number of acres of land, excluding land as described  
4 in subsection (5), in which the department owns surface rights  
5 north of the Mason-Arenac line, south of the Mason-Arenac line, in  
6 total for this state, and by program.

7 (7) By October 1, 2014, the department shall develop a written  
8 strategic plan to guide the acquisition and disposition of state  
9 lands managed by the department, submit the plan to the senate and  
10 house committees with primary responsibility for natural resources  
11 and outdoor recreation and the corresponding appropriation  
12 subcommittees, and post the plan on the department's website. In  
13 developing the plan, the department shall solicit input from the  
14 public and local units of government.

15 (8) The strategic plan shall do all of the following:

16 (a) Divide this state into regions.

17 (b) ~~Identify~~ **FOR EACH REGION, IDENTIFY BY PARCEL** lands managed  
18 by the department ~~in each region.~~ **AND THE AUTHORIZED USES OF THOSE**  
19 **LANDS.**

20 (c) Set forth for each region measurable strategic performance  
21 goals with respect to all of the following for land managed by the  
22 department:

23 (i) Maximizing ~~availability of points of access to the land and~~  
24 to bodies of water on or adjacent to the land, **INCLUDING REMOVAL OF**  
25 **GATES, BERMS, AND OTHER HUMAN-MADE BARRIERS.**

26 (ii) Maximizing outdoor recreation opportunities.

27 (iii) Forests.

1 (iv) Wildlife and fisheries.

2 (d) To assist in achieving the goals set forth in the  
3 strategic plan pursuant to subdivision (c), identify all of the  
4 following:

5 (i) Land to be acquired.

6 (ii) Land to be disposed of.

7 (iii) Plans for natural resource management.

8 (e) To the extent feasible, identify public lands in each  
9 region that are not managed by the department but affect the  
10 achievement of the goals set forth in the strategic plan pursuant  
11 to subdivision (c).

12 (f) Identify ways that the department can better coordinate  
13 the achievement of the goals set forth in the strategic plan  
14 pursuant to subdivision (c), recognizing that public lands are  
15 subject to multiple uses and both motorized and nonmotorized uses.

16 ~~—— (9) The department shall not implement the strategic plan as~~  
17 ~~it applies to land north of the Mason Arenac line. This subsection~~  
18 ~~does not apply after the enactment of legislation adopting the~~  
19 ~~strategic plan.~~

20 (9) ~~(10)~~—The department shall annually report on the  
21 implementation of the plan and submit and post the report in the  
22 manner provided in subsection (7).

23 (10) ~~(11) Beginning July 2, 2020~~ **BY OCTOBER 1, 2018** and every  
24 ~~6–5~~ years thereafter, the department shall update the strategic  
25 plan and submit and post the updated plan in the manner provided in  
26 subsection (7). At least 60 days before posting the updated plan,  
27 the department shall prepare, submit, and post in the manner

1 provided in subsection (7) a report on progress toward the goals  
2 set forth pursuant to subsection (8)(c) ~~in portions of this state~~  
3 ~~where, subject to subsection (9), the plan is being implemented and~~  
4 any proposed changes to the goals, including the rationale for the  
5 changes. The submittal and posting shall include department contact  
6 information for persons who wish to comment on the report.

7 (11) ~~(12)~~ At least 30 days before acquiring or disposing of  
8 land, the department shall submit to the senate and house  
9 committees with primary responsibility for natural resources and  
10 outdoor recreation and the corresponding appropriations  
11 subcommittees a statement identifying the land and describing the  
12 effect of the proposed transaction on achieving the goals set forth  
13 in the strategic plan pursuant to subsection (8)(c). The statement  
14 shall include department contact information for persons who wish  
15 to comment on the acquisition or disposition and **SHALL** be in a  
16 standard format. The department shall also post the statement on  
17 its website for at least 30 days before the acquisition or  
18 disposition. ~~This subsection does not apply before the department~~  
19 ~~submits the strategic plan to legislative committees as required~~  
20 ~~under subsection (7).~~

21 (12) ~~(13)~~ The department may accept funds, money, or grants  
22 for development of salmon and steelhead trout fishing in this state  
23 from the government of the United States, or any of its departments  
24 or agencies, pursuant to the anadromous fish conservation act, 16  
25 USC 757a to 757f, and may use this money in accordance with the  
26 terms and provisions of that act. However, the acceptance and use  
27 of federal funds does not commit state funds and does not place an

1 obligation upon the legislature to continue the purposes for which  
2 the funds are made available.

3 (13) ~~(14)~~—The department may appoint persons to serve as  
4 volunteers for the purpose of facilitating the responsibilities of  
5 the department as provided in this part. Subject to the direction  
6 of the department, a volunteer may use equipment and machinery  
7 necessary for the volunteer service, including, but not limited to,  
8 equipment and machinery to improve wildlife habitat on state game  
9 areas.

10 (14) ~~(15)~~—The department may lease lands owned or controlled  
11 by the department or may grant concessions on lands owned or  
12 controlled by the department to any person for any purpose that the  
13 department determines to be necessary to implement this part. In  
14 granting a concession, the department shall provide that each  
15 concession is awarded at least every 7 years based on extension,  
16 renegotiation, or competitive bidding. However, if the department  
17 determines that a concession requires a capital investment in which  
18 reasonable financing or amortization necessitates a longer term,  
19 the department may grant a concession for up to a 15-year term. A  
20 concession granted under this subsection shall require, unless the  
21 department authorizes otherwise, that all buildings and equipment  
22 ~~shall~~ be removed at the end of the concession's term. Any lease  
23 entered into under this subsection shall limit the purposes for  
24 which the leased land is to be used and shall authorize the  
25 department to terminate the lease upon a finding that the land is  
26 being used for purposes other than those permitted in the lease.  
27 Unless otherwise provided by law, money received from a lease or a

1 concession of tax reverted land shall be credited to the fund  
2 providing financial support for the management of the leased land.  
3 Money received from a lease of all other land shall be credited to  
4 the fund from which the land was purchased. However, money received  
5 from program-related leases on these lands shall be credited to the  
6 fund providing financial support for the management of the leased  
7 lands. For land managed by the forest management division of the  
8 department, that fund is either the forest development fund  
9 established pursuant to section 50507 or the forest recreation  
10 account of the Michigan conservation and recreation legacy fund  
11 provided for in section 2005. For land managed by the wildlife or  
12 fisheries division of the department, that fund is the game and  
13 fish protection account of the Michigan conservation and recreation  
14 legacy fund provided for in section 2010.

15 (15) ~~(16)~~—When the department sells land, the deed by which  
16 the land is conveyed may reserve all mineral, coal, oil, and gas  
17 rights to this state only when the land is in production or is  
18 leased or permitted for production, or when the department  
19 determines that the land has unusual or sensitive environmental  
20 features or that it is in the best interest of this state to  
21 reserve those rights as determined by commission policy. However,  
22 the department shall not reserve the rights to sand, gravel, clay,  
23 or other nonmetallic minerals. When the department sells land that  
24 contains subsurface rights, the department shall include a deed  
25 restriction that restricts the subsurface rights from being severed  
26 from the surface rights in the future. If the landowner severs the  
27 subsurface rights from the surface rights, the subsurface rights

1 revert to this state. The deed may reserve to this state the right  
2 of ingress and egress over and across land along watercourses and  
3 streams. Whenever an exchange of land is made with the United  
4 States government, a corporation, or an individual for the purpose  
5 of consolidating the state forest reserves, the department may  
6 issue deeds without reserving to this state the mineral, coal, oil,  
7 and gas rights and the rights of ingress and egress. The department  
8 may sell the limestone, sand, gravel, or other nonmetallic  
9 minerals. However, the department shall not sell a mineral or  
10 nonmetallic mineral right if the sale would violate part 353, part  
11 637, or any other provision of law. The department may sell all  
12 reserved mineral, coal, oil, and gas rights to such lands upon  
13 terms and conditions as the department considers proper and may  
14 sell oil and gas rights as provided in part 610. The owner of those  
15 lands as shown by the records shall be given priority in case the  
16 department authorizes any sale of those lands, and, unless the  
17 landowner waives that priority, the department shall not sell such  
18 rights to any other person. For the purpose of this section,  
19 mineral rights do not include rights to sand, gravel, clay, or  
20 other nonmetallic minerals.

21 (16) ~~(17)~~—The department may enter into contracts for the sale  
22 of the economic share of royalty interests it holds in hydrocarbons  
23 produced from devonian or antrim shale qualifying for the  
24 nonconventional source production credit determined under section  
25 45k of the internal revenue code of 1986, 26 USC 45k. However, in  
26 entering into these contracts, the department shall ~~assure~~—**ENSURE**  
27 that revenues to the natural resources trust fund under these

1 contracts are not less than the revenues the natural resources  
2 trust fund would have received if the contracts were not entered  
3 into. The sale of the economic share of royalty interests under  
4 this subsection may occur under contractual terms and conditions  
5 considered appropriate by the department and as approved by the  
6 state administrative board. Funds received from the sale of the  
7 economic share of royalty interests under this subsection shall be  
8 transmitted to the state treasurer for deposit in the state  
9 treasury as follows:

10 (a) Net proceeds allocable to the nonconventional source  
11 production credit determined under section 45k of the internal  
12 revenue code of 1986, 26 USC 45k, under this subsection shall be  
13 credited to the environmental protection fund created in section  
14 503a.

15 (b) Proceeds related to the production of oil or gas from  
16 devonian or antrim shale shall be credited to the natural resources  
17 trust fund or other applicable fund as provided by law.

18 (17) ~~(18)~~ As used in this section:

19 (a) "Concession" means an agreement between the department and  
20 a person under terms and conditions as specified by the department  
21 to provide services or recreational opportunities for public use.

22 (b) "Lease" means a conveyance by the department to a person  
23 of a portion of this state's interest in land under specific terms  
24 and for valuable consideration, thereby granting to the lessee the  
25 possession of that portion conveyed during the period stipulated.

26 (c) "Mason-Arenac line" means the line formed by the north  
27 boundaries of Mason, Lake, Osceola, Clare, Gladwin, and Arenac

1 ~~counties.~~**COUNTIES.**

2 (d) "Natural resources trust fund" means the Michigan natural  
3 resources trust fund established in section 35 of article IX of the  
4 state constitution of 1963 and provided for in section 1902.

5 (e) "Net proceeds" means the total receipts received from the  
6 sale of royalty interests under subsection ~~(17)~~**(16)** less costs  
7 related to the sale. Costs may include, but are not limited to,  
8 legal, financial advisory, geological or reserve studies, and  
9 accounting services.

10 (f) "Strategic plan" or "plan" means the plan developed under  
11 subsection (7), **AS UPDATED UNDER SUBSECTION (10), IF APPLICABLE.**

12 Sec. 504. (1) ~~The~~**SUBJECT TO SUBSECTION (7), THE** department  
13 shall promulgate rules to protect and preserve lands and other  
14 property under its control from depredation, damage, or destruction  
15 or wrongful or improper use or occupancy.

16 (2) Subject to subsection (4), the department shall do all of  
17 the following:

18 (a) Keep land under its control open to hunting unless the  
19 department determines that the land should be closed to hunting  
20 because of public safety, fish or wildlife management, or homeland  
21 security concerns or as otherwise required by law.

22 (b) Manage land under its control to support and promote  
23 hunting opportunities to the extent authorized by law.

24 (c) Manage land under its control to prevent any net decrease  
25 in the acreage of such land that is open to hunting.

26 (3) Subject to subsection (4), by April 1 ~~7, 2010~~ and each  
27 year, ~~thereafter,~~ the department shall submit to the legislature a

1 report that includes all of the following:

2 (a) The location and acreage of land under its control  
3 previously open to hunting that the department closed to hunting  
4 during the 1-year period ending the preceding March 1, together  
5 with the reasons for the closure.

6 (b) The location and acreage of land under its control  
7 previously closed to hunting that the department opened to hunting  
8 during the 1-year period ending the preceding March 1 to compensate  
9 for land closed to hunting under subdivision (a).

10 (4) Subsections (2) and (3) do not apply to commercial  
11 forestland as defined in section 51101.

12 (5) SUBJECT TO SUBSECTION (6), THE DEPARTMENT SHALL PROMOTE  
13 PUBLIC ENJOYMENT OF THIS STATE'S WILDLIFE AND OTHER NATURAL  
14 RESOURCES BY PROVIDING PUBLIC ACCESS TO ALL LANDS UNDER THE CONTROL  
15 OF THE DEPARTMENT FOR ALL NATURAL RESOURCE DEPENDENT OUTDOOR  
16 RECREATION ACTIVITIES INCLUDING MOTORIZED AND NONMOTORIZED  
17 ACTIVITIES.

18 (6) SUBSECTION (5) DOES NOT DO ANY OF THE FOLLOWING:

19 (A) INVALIDATE A DEPARTMENT RULE OR ORDER REGULATING THE USE  
20 OF STATE PARK LAND IN EFFECT ON THE EFFECTIVE DATE OF THIS  
21 SUBSECTION.

22 (B) REQUIRE THE DEPARTMENT TO AUTHORIZE THE USE OF AN ORV, AS  
23 DEFINED IN SECTION 81101, ON SURFACES OTHER THAN FOREST ROADS,  
24 FOREST TRAILS, ROUTES, OR DESIGNATED AREAS UNDER PART 811.

25 (7) THE DEPARTMENT SHALL NOT ISSUE AN ORDER UNDER SUBSECTION  
26 (1) THAT LIMITS THE USE OF OR ACCESS TO ANY LANDS UNLESS 1 OR MORE  
27 OF THE FOLLOWING APPLY:

1 (A) THE LANDS WERE ACQUIRED WITH MONEY APPROPRIATED FROM FUNDS  
2 MADE AVAILABLE TO THIS STATE UNDER THE PITTMAN-ROBERTSON WILDLIFE  
3 RESTORATION ACT, 16 USC 669 TO 669I, OR THE DINGELL-JOHNSON SPORT  
4 FISH RESTORATION ACT, 16 USC 777 TO 777N.

5 (B) THE LANDS WERE ACQUIRED WITH MONEY FROM THE GAME AND FISH  
6 PROTECTION ACCOUNT ESTABLISHED UNDER SECTION 2010 OR THE GAME AND  
7 FISH PROTECTION FUND FORMERLY CREATED IN SECTION 43553.

8 (C) THE ORDER IS IN RESPONSE TO AN ENVIRONMENTAL OR PUBLIC  
9 HEALTH EMERGENCY. AN ORDER AUTHORIZED UNDER THIS SUBDIVISION  
10 EXPIRES 90 DAYS AFTER ITS EFFECTIVE DATE UNLESS AN EARLIER  
11 EXPIRATION DATE IS SET FORTH IN THE ORDER. THE DEPARTMENT SHALL NOT  
12 REISSUE AN ORDER UNDER THIS SUBDIVISION.

13 (8) ~~(5)~~—This section does not authorize the department to  
14 promulgate a rule that applies to commercial fishing except as  
15 otherwise provided by law.

16 (9) ~~(6)~~—The department shall not promulgate or enforce a rule  
17 that prohibits an individual who is licensed or exempt from  
18 licensure under 1927 PA 372, MCL 28.421 to 28.435, from carrying a  
19 pistol in compliance with that act, whether concealed or otherwise,  
20 on property under the control of the department.

21 (10) ~~(7)~~—The department shall issue orders necessary to  
22 implement rules promulgated under this section. These orders shall  
23 be effective upon posting.

24 (11) ~~(8)~~—A person who violates a rule promulgated under this  
25 section or an order issued under this section is responsible for a  
26 state civil infraction and may be ordered to pay a civil fine of  
27 not more than \$500.00.

1           SEC. 514. (1) IF AN OFFICER OR EMPLOYEE OF THE DEPARTMENT IS  
2 RESPONSIBLE FOR AN ACT OF TRESPASS AS DESCRIBED IN SECTION 552 OF  
3 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.552, COMMITTED IN THE  
4 COURSE OF EMPLOYMENT OR SERVICE, THE OWNER OR LESSEE OF THE LANDS  
5 OR PREMISES MAY RECOVER, IN A CAUSE OF ACTION AGAINST THE  
6 DEPARTMENT FOR \$750.00 OR ACTUAL PROPERTY DAMAGES, WHICHEVER IS  
7 GREATER, AND ACTUAL AND REASONABLE ATTORNEY FEES.

8           (2) SUBSECTION (1) APPLIES NOTWITHSTANDING 1964 PA 170, MCL  
9 691.1401 TO 691.1419.

10           Sec. 2104. (1) Any of the lands under the control of the  
11 department, the title to which is in this state and which may be  
12 sold and conveyed or are a part of the state lands, as well as  
13 lands later acquired by this state, or any part ~~or portion~~ of those  
14 lands, may be exchanged for lands of equal area or approximately  
15 equal value belonging to the United States or owned by private  
16 individuals if ~~in the opinion of the department~~ it is in the  
17 interest of ~~the~~ **THIS** state to do so.

18 ~~—— (2) If the department charges an application fee for a~~  
19 ~~proposed sale of land under this section and the state land~~  
20 ~~proposed for sale is sold to another party within 3 years after the~~  
21 ~~date a completed application is received by the department, the~~  
22 ~~department shall refund the application fee in full to the~~  
23 ~~applicant if the applicant has informed the department of his or~~  
24 ~~her current address.~~

25           (2) EFFECTIVE 30 DAYS AFTER THE DEPARTMENT RECEIVES AN  
26 APPLICATION FROM A PRIVATE INDIVIDUAL TO EXCHANGE THAT INDIVIDUAL'S  
27 LAND FOR SURPLUS STATE LAND, THE APPLICATION SHALL BE CONSIDERED TO

1 BE COMPLETE UNLESS THE DEPARTMENT PROCEEDS AS PROVIDED UNDER  
2 SUBSECTION (3).

3 (3) IF, BEFORE THE EXPIRATION OF THE 30-DAY PERIOD UNDER  
4 SUBSECTION (2), THE DEPARTMENT NOTIFIES THE APPLICANT, IN WRITING,  
5 THAT THE APPLICATION IS NOT COMPLETE, SPECIFYING THE INFORMATION  
6 NECESSARY TO MAKE THE APPLICATION COMPLETE, THE RUNNING OF THE 30-  
7 DAY PERIOD UNDER SUBSECTION (2) IS TOLLED UNTIL THE APPLICANT  
8 SUBMITS TO THE DEPARTMENT THE SPECIFIED INFORMATION, AT WHICH TIME  
9 THE APPLICATION SHALL BE CONSIDERED TO BE COMPLETE.

10 (4) WITHIN 90 DAYS AFTER THE APPLICATION IS CONSIDERED TO BE  
11 COMPLETE, THE DEPARTMENT SHALL APPROVE OR DENY THE APPLICATION AND  
12 NOTIFY THE APPLICANT IN WRITING. IF THE DEPARTMENT DENIES THE  
13 APPLICATION, THE NOTICE SHALL SET FORTH THE REASONS FOR THE DENIAL.  
14 IF THE DEPARTMENT FAILS TO TIMELY APPROVE OR DENY THE APPLICATION,  
15 THE APPLICATION SHALL BE CONSIDERED TO BE APPROVED.

16 (5) THE DEPARTMENT MAY CHARGE A FEE FOR AN APPLICATION FOR THE  
17 EXCHANGE OF STATE LAND ONLY IF THE APPLICATION IS APPROVED. THE FEE  
18 SHALL NOT EXCEED THE ACTUAL REASONABLE COST OF PROCESSING AN  
19 APPLICATION FOR AN EXCHANGE OF STATE LAND OR \$300.00, WHICHEVER IS  
20 LESS.

21 Sec. 2106. (1) ~~If the department determines that it is in the~~  
22 ~~best interests of the~~ THIS state to exchange any of the lands  
23 ~~mentioned~~ DESCRIBED in section 2104 for lands of an equal area or  
24 of approximately equal value belonging to private individuals, the  
25 department shall maintain a description of the lands to be conveyed  
26 and a description of the lands belonging to individuals to be  
27 deeded to ~~the~~ THIS state.

1           (2) HOWEVER, THE DEPARTMENT SHALL NOT DESIGNATE LAND AS  
2 SURPLUS ONLY FOR THE PURPOSE OF BEING EXCHANGED FOR OTHER LAND. IF  
3 LAND IS DESIGNATED AS SURPLUS, THE DEPARTMENT SHALL SELL THE LAND  
4 FOR CASH OR EXCHANGE THE LAND FOR OTHER LAND OF EQUAL AREA OR  
5 APPROXIMATELY EQUAL VALUE THAT THE DEPARTMENT HAS DESIGNATED FOR  
6 ACQUISITION, AT THE OPTION OF THE PERSON SEEKING TO ACQUIRE THE  
7 SURPLUS LAND. UPON REQUEST, THE DEPARTMENT SHALL CONSIDER THE  
8 EXCHANGE OF LAND THAT IS NOT DESIGNATED AS SURPLUS LAND, APPLYING  
9 THE SAME CRITERIA AS APPLY TO THE DESIGNATION OF LAND AS SURPLUS  
10 LAND. EXCHANGE OF THE LAND IS SUBJECT TO THE SAME PROCEDURES AS  
11 APPLY TO THE EXCHANGE OF SURPLUS LAND UNDER THIS SUBPART.

12           (3) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE AND MAKE  
13 AVAILABLE IN WRITING TO PERSONS SEEKING TO PURCHASE LAND FROM, SELL  
14 LAND TO, OR EXCHANGE LAND WITH THE DEPARTMENT UNDER THIS PART  
15 INFORMATION ABOUT THE REQUIREMENTS OF SUBSECTION (2) AND OTHER  
16 RELEVANT REQUIREMENTS AND PROCEDURES UNDER THIS PART.

17           (4) Before any of the lands are deeded to an individual as  
18 provided in this subpart, the person or persons owning ~~the~~ANY  
19 lands to be deeded to ~~the~~THIS state shall execute a conveyance of  
20 those lands to ~~the~~THIS state. **THE DEPARTMENT SHALL ACCEPT DELIVERY**  
21 **OF THE DEED.** The attorney general shall examine the title to the  
22 lands deeded to ~~the~~THIS state and certify to the department  
23 whether or not the conveyance is sufficient to vest in ~~the~~THIS  
24 state a good and sufficient title to the land free from any liens  
25 or encumbrances. If the attorney general certifies that the deed  
26 vests in ~~the~~THIS state a good and sufficient title to the deeded  
27 lands free from any liens or encumbrances, the department shall

1 **WITHIN 30 DAYS** execute a deed to the individual of the lands to be  
2 conveyed by ~~the~~**THIS** state. ~~selected by the department in lieu of~~  
3 ~~the lands.~~

4       Sec. 2126. Before the department grants an easement under this  
5 subpart, the individual applying for the easement shall pay charges  
6 as required by the department. The charges shall be the same as  
7 those charges required for the granting of an easement under  
8 section 2129. **HOWEVER, THE DEPARTMENT MAY CHARGE A FEE FOR AN**  
9 **APPLICATION FOR THE GRANT OF AN EASEMENT ONLY IF THE APPLICATION IS**  
10 **APPROVED. THE FEE SHALL NOT EXCEED THE ACTUAL REASONABLE COST OF**  
11 **PROCESSING AN APPLICATION FOR AN EASEMENT OR \$300.00, WHICHEVER IS**  
12 **LESS.**

13       Sec. 2130. (1) As used in this subpart:

14       (a) "Board" means the Michigan natural resources trust fund  
15 board established in ~~part 19.~~**SECTION 1905.**

16       (b) "Fund" means the land exchange facilitation fund created  
17 in section 2134.

18       (c) "Land" includes lands, tenements, and real estate and  
19 rights to and interests in lands, tenements, and real estate.

20       (D) **"QUALIFIED CONSERVATION ORGANIZATION" MEANS THAT TERM AS**  
21 **DEFINED IN SECTION 70(5) OF THE GENERAL PROPERTY TAX ACT, 1893 PA**  
22 **206, MCL 211.70.**

23       (2) **THIS SUBPART DOES NOT LIMIT THE AUTHORITY OF THE**  
24 **DEPARTMENT TO SELL OR EXCHANGE LAND AS PROVIDED IN SUBPART 3.**

25       Sec. 2131. (1) Except as otherwise provided in subsection (2)  
26 or (3), the department may designate as surplus land any state  
27 owned land that is under the control of the department and that has

1 been dedicated for public use and may, on behalf of ~~the~~**THIS** state,  
2 sell that land if the department determines all of the following:

3 (a) That the sale will not materially diminish the quality or  
4 utility of other state owned land adjoining the land to be sold.

5 (b) That the sale is not otherwise restricted by law.

6 (c) That the sale is in the best interests of ~~the~~**THIS** state,  
7 giving due regard to the variety, use, and quantity of lands then  
8 under the control of the department.

9 (d) That 1 or more of the following conditions are met:

10 (i) The land has been dedicated for public use for not less  
11 than 5 years immediately preceding its sale and is not needed to  
12 meet a department objective.

13 (ii) The land is occupied for a private use through inadvertent  
14 trespass.

15 (iii) The sale will promote the development of the forestry or  
16 forest products industry or the mineral extraction and utilization  
17 industry **OR OTHER ECONOMIC ACTIVITY** in this state.

18 (2) The department shall not authorize the sale of surplus  
19 land as provided in subsection (1) if the proceeds from the sale of  
20 the land will cause the balance of the fund to exceed  
21 \$25,000,000.00.

22 (3) Except as provided in section 74102b, the department shall  
23 not designate as surplus land any land within a state park or state  
24 recreation area.

25 Sec. 2132. (1) Subject to subsection (2), the department may  
26 sell surplus land at a price established using the method that the  
27 department determines to be most appropriate, such as any of the

1 following:

2 (a) Appraisal. **THE DEPARTMENT SHALL NOT REJECT AN APPRAISAL**  
3 **FROM AN APPRAISER WHO IS INCLUDED ON A LIST OF APPRAISERS APPROVED**  
4 **BY THE DEPARTMENT.**

5 (b) Appraisal consulting.

6 (c) A schedule adopted by the department for pricing property  
7 with uniform characteristics and low utility.

8 (d) The true cash value of nearby land as determined by the  
9 local assessor.

10 (2) If the department offers tax reverted land for sale and  
11 the land is not sold within 9 months, the department may sell the  
12 land to a qualified buyer who submits an offer that represents a  
13 reasonable price for the property as determined by the department.

14 (3) The sale of surplus land shall be conducted by the  
15 department through 1 of the following methods:

16 (a) A public auction sale.

17 (b) A negotiated sale.

18 (4) Subject to ~~subsection (1)~~, **SUBSECTIONS (1) AND (9)**, the  
19 sale of surplus land through a public auction sale shall be to the  
20 highest bidder.

21 (5) **EFFECTIVE 30 DAYS AFTER THE DEPARTMENT RECEIVES AN**  
22 **APPLICATION TO PURCHASE SURPLUS LAND, THE APPLICATION SHALL BE**  
23 **CONSIDERED TO BE COMPLETE UNLESS THE DEPARTMENT PROCEEDS AS**  
24 **PROVIDED UNDER SUBSECTION (6).**

25 (6) **IF, BEFORE THE EXPIRATION OF THE 30-DAY PERIOD UNDER**  
26 **SUBSECTION (5), THE DEPARTMENT NOTIFIES THE APPLICANT, IN WRITING,**  
27 **THAT THE APPLICATION IS NOT COMPLETE, SPECIFYING THE INFORMATION**

1 NECESSARY TO MAKE THE APPLICATION COMPLETE, THE RUNNING OF THE 30-  
2 DAY PERIOD UNDER SUBSECTION (5) IS TOLLED UNTIL THE APPLICANT  
3 SUBMITS TO THE DEPARTMENT THE SPECIFIED INFORMATION, AT WHICH TIME  
4 THE APPLICATION SHALL BE CONSIDERED TO BE COMPLETE.

5 (7) WITHIN 90 DAYS AFTER THE APPLICATION IS CONSIDERED TO BE  
6 COMPLETE, THE DEPARTMENT SHALL DO 1 OF THE FOLLOWING:

7 (A) APPROVE THE APPLICATION AND SELL THE LAND TO THE APPLICANT  
8 THROUGH A NEGOTIATED SALE.

9 (B) DENY THE APPLICATION TO PURCHASE THE LAND AND NOTIFY THE  
10 APPLICANT IN WRITING. IF THE DEPARTMENT DENIES THE APPLICATION, THE  
11 NOTICE SHALL SET FORTH THE REASONS FOR THE DENIAL.

12 (8) IF THE DEPARTMENT FAILS TO TIMELY APPROVE OR DENY THE  
13 APPLICATION, THE APPLICATION SHALL BE CONSIDERED TO BE APPROVED.

14 (9) IF A PERSON WHO SUBMITS AN APPLICATION TO PURCHASE LAND OR  
15 BIDS ON LAND AT A PUBLIC AUCTION OWNS LAND CONTIGUOUS TO THE LAND  
16 THAT THE PERSON SEEKS TO PURCHASE, OFFERS FAIR MARKET VALUE FOR  
17 THAT LAND, AND IS NOT A QUALIFIED CONSERVATION ORGANIZATION, THE  
18 DEPARTMENT SHALL GIVE PREFERENCE TO THAT PERSON OVER OTHER PERSONS  
19 WHO DO NOT MEET THESE CRITERIA. THIS SUBSECTION DOES NOT APPLY  
20 UNLESS THE FAIR MARKET VALUE OF THE LAND THAT THE PERSON SEEKS TO  
21 PURCHASE IS LESS THAN \$250,000.00.

22 (10) THE DEPARTMENT MAY CHARGE A FEE FOR AN APPLICATION FOR  
23 THE PURCHASE OF SURPLUS LAND ONLY IF THE APPLICATION IS APPROVED.  
24 THE FEE SHALL NOT EXCEED THE ACTUAL REASONABLE COST OF PROCESSING  
25 AN APPLICATION TO PURCHASE SURPLUS LAND OR \$300.00, WHICHEVER IS  
26 LESS.

27 (11) ~~(5)~~—A notice of the sale of surplus land shall be given

1 as provided in section 2133.

2 (12) ~~(6)~~—The proceeds from the sale of surplus land shall be  
3 deposited into the fund.

4 (13) ~~(7)~~—Surplus land that is sold under this subpart shall be  
5 conveyed by quitclaim deed approved by the attorney general.

6 (14) ~~(8)~~—Each application, as later amended or supplemented,  
7 submitted by a private person under subsection (3)(b) for the  
8 purchase of the land identified in that application as a prospect  
9 for purchase ~~—~~shall be considered and acted upon by the department  
10 to final decision ~~—~~before any other application submitted at a  
11 later date by a different private person for the purchase or  
12 exchange of the same land.

13 (15) **THE DEPARTMENT SHALL NOT GIVE PREFERENCE TO A QUALIFIED**  
14 **CONSERVATION ORGANIZATION OVER ANOTHER PRIVATE ENTITY OR AN**  
15 **INDIVIDUAL IN THE ADMINISTRATION OF THIS PART.**

16 Sec. 2136. (1) **IF LAND OWNED BY THIS STATE, THE FEDERAL**  
17 **GOVERNMENT, OR QUALIFIED CONSERVATION ORGANIZATIONS AND LAND THAT**  
18 **IS COMMERCIAL FORESTLAND AS DEFINED IN SECTION 51101 CONSTITUTES**  
19 **33% OR MORE OF THE LAND IN A COUNTY OR TOWNSHIP, THE DEPARTMENT**  
20 **SHALL NOT PURCHASE LAND IN THAT COUNTY OR TOWNSHIP UNLESS THE**  
21 **PURCHASE IS APPROVED BY A RESOLUTION ADOPTED BY THE LEGISLATIVE**  
22 **BODY OF THE COUNTY, THE TOWNSHIP OR CITY AND, IF APPLICABLE, THE**  
23 **VILLAGE WHERE THE LAND IS LOCATED.**

24 (2) This subpart does not limit the authority of the  
25 department to ~~do 1 or both of the following:~~

26 ~~——(a) To exchange land as provided in subpart 3.~~

27 ~~——(b) To sell land as provided in the general property tax act,~~

1 ~~Act No. 206 of the Public Acts of 1893, being sections 211.1 to~~  
2 ~~211.157 of the Michigan Compiled Laws.~~

3       **SEC. 2137. UPON REQUEST, THE DEPARTMENT SHALL CONSIDER SELLING**  
4 **LAND THAT IS NOT DESIGNATED AS SURPLUS LAND, APPLYING THE SAME**  
5 **CRITERIA AS APPLY TO THE DESIGNATION OF LAND AS SURPLUS LAND. SALE**  
6 **OF THE LAND IS SUBJECT TO THE SAME PROCEDURES AS APPLY TO THE SALE**  
7 **OF SURPLUS LAND UNDER THIS SUBPART.**

8       Sec. 52501. As used in this part:

9       **(A) "ALLOWABLE SALE QUANTITY" OR "ASQ" MEANS THE MAXIMUM**  
10 **VOLUME OF TIMBER THAT MAY BE HARVESTED FROM STATE FOREST EVERY 10**  
11 **STATE FISCAL YEARS.**

12       **(B) ~~(a)~~"Breast height" means 4.5 feet from highest ground at**  
13 **the base of the tree.**

14       **(C) ~~(b)~~"Certification" means a process where an independent**  
15 **third party organization assesses and evaluates forest management**  
16 **practices according to the standards of a certification program**  
17 **resulting in an ~~THE~~ issuance of a certificate of compliance or**  
18 **conformity.**

19       **(D) ~~(c)~~"Certification program" means a program that develops**  
20 **specific standards that measure whether forest management practices**  
21 **are consistent with principles of sustainable forestry.**

22       **(E) ~~(d)~~"Conservation" means the wise use of natural**  
23 **resources.**

24       **(F) ~~(e)~~"Diameter class specifications" means a classification**  
25 **of trees based on the diameter at breast height.**

26       **(G) ~~(f)~~"Plan" means the forestry development, conservation,**  
27 **and recreation management plan for state forests as provided for in**

1 section 52503.

2 (H) ~~(g)~~—"Reforestation" means adequate stocking of forestland  
3 is assured by natural seeding, sprouting, suckering, or by planting  
4 seeds or seedlings.

5 (I) ~~(h)~~—"Residual basal area" means the sum of the cross-  
6 sectional area of trees 4 inches or greater in diameter measured at  
7 breast height left standing within a stand after a harvest.

8 (J) ~~(i)~~—"State forest" means state land owned or controlled by  
9 the department that is designated as state forest by the director.

10 (K) ~~(j)~~—"Sustainable forestry" means forestry practices that  
11 are designed to meet present and future needs by employing a land  
12 stewardship ethic that integrates the reforestation, managing,  
13 growing, nurturing, and harvesting of trees for useful products  
14 with the conservation of soil, air and water quality, wildlife and  
15 fish habitat, and visual qualities.

16 Sec. 52503. (1) The department shall adopt a forestry  
17 development, conservation, and recreation management plan for state  
18 owned lands owned or controlled by the department. Parks and  
19 recreation areas, state game areas, and other wildlife areas on  
20 these lands shall be managed according to their primary purpose.  
21 The department may update the plan as the department considers  
22 necessary or appropriate. The plan and any plan updates shall be  
23 consistent with section 52502 and shall be designed to assure a  
24 stable, long-term, sustainable timber supply from the state forest  
25 as a whole.

26 (2) The plan and any plan updates shall include all of the  
27 following:

1 (a) An identification of the interests of local communities,  
2 outdoor recreation interests, the tourism industry, and the forest  
3 products industry.

4 ~~(b) An identification of the annual capability of the state~~  
5 ~~forest and management goals based on that level of productivity.~~ BY  
6 OCTOBER 1, 2015, AN ALLOWABLE SALE QUANTITY FOR EACH FOREST  
7 MANAGEMENT AREA AND FOR THIS STATE IN TOTAL. THE ASQ SHALL BE  
8 ESTABLISHED BASED ON ACCUMULATED GROWTH AND SUSTAINABLE YIELDS AND  
9 SHALL NOT EXCEED THE SUSTAINABLE GROWTH RATE. IN ESTABLISHING AN  
10 ASQ, THE DEPARTMENT MAY ALSO CONSIDER PHYSICAL, BIOLOGICAL,  
11 ENVIRONMENTAL, AND RECREATIONAL OBJECTIVES FOR STATE FOREST.

12 (C) BEGINNING OCTOBER 1, 2015, FOR EACH FOREST MANAGEMENT AREA  
13 AND FOR THIS STATE, A MINIMUM SALE QUANTITY FOR EACH OF THE NEXT 10  
14 STATE FISCAL YEARS NECESSARY TO ACHIEVE A HARVEST OF AT LEAST 95%  
15 OF THE ALLOWABLE SALE QUANTITY FOR THAT FOREST MANAGEMENT AREA AND  
16 FOR THIS STATE.

17 (D) BEGINNING OCTOBER 1, 2015, MANAGEMENT GOALS FOR EACH  
18 FOREST MANAGEMENT AREA BASED ON THE MINIMUM SALE QUANTITIES SET  
19 FORTH PURSUANT TO SUBDIVISION (C).

20 (E) ~~(e)~~ Methods to promote and encourage the use of the state  
21 forest for outdoor recreation, tourism, and the forest products  
22 industry.

23 (F) ~~(d)~~ A landscape management plan for the state forest  
24 incorporating biodiversity conservation goals, indicators, and  
25 measures.

26 (G) ~~(e)~~ Standards for sustainable forestry consistent with  
27 section 52502.

1 (H) ~~(f)~~—An identification of environmentally sensitive areas.

2 (I) ~~(g)~~—An identification of the need for forest treatments to  
3 maintain and sustain healthy, vigorous forest vegetation and  
4 quality habitat for wildlife and environmentally sensitive species.

5 Sec. 52506. By January 1 of each year, the department shall  
6 prepare and submit to the ~~commission of~~ natural resources  
7 **COMMISSION**, the standing committees of the senate and the house of  
8 representatives with primary jurisdiction over forestry issues, and  
9 the senate and house appropriations committees a report that  
10 details the following from the previous state fiscal year:

11 (a) The number of harvestable acres in the state forest, as  
12 determined by the certification program under section ~~52506-52505~~,  
13 **IN EACH FOREST MANAGEMENT AREA AND FOR THIS STATE.**

14 (B) **THE MINIMUM SALE QUANTITY FOR THE YEAR AND THE ALLOWABLE**  
15 **SALE QUANTITY FOR EACH FOREST MANAGEMENT AREA AND FOR THIS STATE AS**  
16 **SET FORTH IN THE STATE FORESTRY DEVELOPMENT, CONSERVATION, AND**  
17 **RECREATION MANAGEMENT PLAN UNDER SECTION 52503.**

18 (C) ~~(b)~~—The number of acres of the state forest that were  
19 harvested and the number of cords of wood that were harvested from  
20 the state forest **IN EACH FOREST MANAGEMENT AREA AND IN THIS STATE**  
21 **IN TOTAL.**

22 (D) **THE NUMBER OF ACRES OF STATE FOREST THAT WERE NOT**  
23 **HARVESTED IN EACH FOREST MANAGEMENT AREA AND IN THIS STATE IN**  
24 **TOTAL, AND THE REASONS THE ACREAGE WAS NOT HARVESTED.**

25 (E) ~~(e)~~—The number of acres of state owned lands owned or  
26 controlled by the department other than state forestlands that were  
27 harvested and the number of cords of wood that were harvested from

1 those lands IN EACH FOREST MANAGEMENT AREA AND IN THIS STATE IN  
2 TOTAL.

3 (F) THE NUMBER OF ACRES OF STATE OWNED LANDS OWNED OR  
4 CONTROLLED BY THE DEPARTMENT OTHER THAN STATE FORESTLANDS THAT WERE  
5 NOT HARVESTED IN EACH FOREST MANAGEMENT AREA AND IN THIS STATE IN  
6 TOTAL, AND THE REASONS THE ACREAGE WAS NOT HARVESTED.

7 (G) ~~(d)~~—Efforts by the department to promote recreational  
8 opportunities in the state forest.

9 (H) ~~(e)~~—Information on the public's utilization of the  
10 recreational opportunities offered by the state forest.

11 (I) ~~(f)~~—Efforts by the department to promote wildlife habitat  
12 in the state forest.

13 (J) ~~(g)~~—The status of the plan and whether the department  
14 recommends any changes in the plan.

15 (K) ~~(h)~~—Status of certification efforts required in section  
16 52505 and ~~, beginning in 2006,~~ a definitive statement of whether  
17 the department is maintaining certification of the entire state  
18 forest.

19 ~~——(i) A description of any activities that have been undertaken~~  
20 ~~on forest pilot project areas described in section 52511.~~

21 SEC. 72117. (1) ANY ROAD OR TRAIL APPROVED, USED, OR DEVELOPED  
22 BY THE DEPARTMENT FOR FOREST MANAGEMENT PURPOSES ON LANDS OWNED OR  
23 CONTROLLED BY THE DEPARTMENT SHALL REMAIN OPEN FOR MOTORIZED AND  
24 NONMOTORIZED PUBLIC USE WHEN TIMBER IS NOT BEING HARVESTED. THE  
25 DEPARTMENT SHALL NOT ERECT ANY GATE, BERM, OR OTHER BARRIER  
26 LIMITING ACCESS TO ANY SUCH ROAD OR TRAIL.

27 (2) IN ADDITION, THE DEPARTMENT SHALL SEEK TO SITE ROADS AND

1 TRAILS NEEDED FOR FOREST MANAGEMENT PURPOSES SO THAT THEY SERVE AS  
2 CONNECTING TRAILS IN THE STATEWIDE TRAIL NETWORK PROVIDED FOR IN  
3 SECTION 72114.

4 Enacting section 1. This amendatory act takes effect 90 days  
5 after the date it is enacted into law.

6 Enacting section 2. This amendatory act does not take effect  
7 unless Senate Bill No. 40

8 of the 98th Legislature is enacted into law.