

SUBSTITUTE FOR
HOUSE BILL NO. 4475

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 301, 503, 2106, 2133, and 72118 (MCL 324.301,
324.503, 324.2106, 324.2133, and 324.72118), section 301 as amended
by 2004 PA 587, section 503 as amended by 2012 PA 294, sections
2106 and 2133 as added by 1995 PA 60, and section 72118 as added by
2016 PA 288, and by adding subpart 17 to part 21.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 301. Except as otherwise defined in this act, as used in
2 this act:

3 (a) "Commission" means the commission of natural resources.

4 (b) "Department" means the director of the department of
5 natural resources or his or her designee to whom the director
6 delegates a power or duty by written instrument.

1 (c) "Department of natural resources" means the principal
2 state department created in section 501.

3 (d) "Director" means the director of the department of natural
4 resources.

5 (e) "Local unit of government" OR "**LOCAL UNIT**" means a
6 municipality or county.

7 (f) "Michigan conservation and recreation legacy fund" means
8 the Michigan conservation and recreation legacy fund established in
9 section 40 of article IX of the state constitution of 1963 and
10 provided for in section 2002.

11 (g) "Municipality" means a city, village, or township.

12 (h) "Person" means an individual, partnership, corporation,
13 association, governmental entity, or other legal entity.

14 (i) "Public domain" means all land owned by ~~the~~**THIS** state or
15 land deeded to ~~the~~**THIS** state under state law.

16 (j) "Rule" means a rule promulgated pursuant to the
17 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
18 24.328.

19 Sec. 503. (1) The department shall protect and conserve the
20 natural resources of this state; provide and develop facilities for
21 outdoor recreation; prevent the destruction of timber and other
22 forest growth by fire or otherwise; promote the reforestation of
23 forestlands belonging to this state; prevent and guard against the
24 pollution of lakes and streams within this state and enforce all
25 laws provided for that purpose with all authority granted by law;
26 and foster and encourage the protection and propagation of game and
27 fish. **BEFORE ISSUING AN ORDER OR PROMULGATING A RULE UNDER THIS ACT**

1 THAT WILL DESIGNATE OR CLASSIFY LAND MANAGED BY THE DEPARTMENT FOR
2 ANY PURPOSE, THE DEPARTMENT SHALL CONSIDER, IN ADDITION TO ANY
3 OTHER MATTERS REQUIRED BY LAW, ALL OF THE FOLLOWING:

4 (A) PROVIDING FOR ACCESS TO AND USE OF THE PUBLIC LAND FOR
5 RECREATION AND TOURISM.

6 (B) THE EXISTENCE OF OR POTENTIAL FOR NATURAL RESOURCES-BASED
7 INDUSTRIES, INCLUDING FOREST MANAGEMENT, MINING, OR OIL AND GAS
8 DEVELOPMENT ON THE PUBLIC LAND.

9 (C) THE POTENTIAL IMPACT OF THE DESIGNATION OR CLASSIFICATION
10 ON PRIVATE PROPERTY IN THE IMMEDIATE VICINITY.

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

24 ~~—— (3) Before May 1, 2015, the department shall not acquire~~
25 ~~surface rights to land if the department owns, or as a result of~~
26 ~~the acquisition will own, the surface rights to more than 4,626,000~~
27 ~~acres of land.~~

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

(3) IF ANY PAYMENT UNDER SUBPART 13 OR 14 OF PART 21 OR SECTION 51106 FOR LAND LOCATED NORTH OF THE MASON-ARENAC LINE IS NOT MADE IN FULL AND ON TIME DURING A FISCAL YEAR, THEN, UNTIL THE END OF THAT FISCAL YEAR, THE DEPARTMENT SHALL NOT PURCHASE SURFACE RIGHTS TO LAND LOCATED NORTH OF THE MASON-ARENAC LINE UNLESS 1 OR BOTH OF THE FOLLOWING APPLY:

(A) FULL PAYMENT WAS MADE LATER DURING THAT FISCAL YEAR.

(B) THE SPECIFIC ACQUISITION IS APPROVED BY RESOLUTION ADOPTED BY THE FOLLOWING, AS APPLICABLE:

(i) IF THE LAND IS LOCATED IN A SINGLE TOWNSHIP, THE TOWNSHIP BOARD.

(ii) IF THE LAND IS LOCATED IN 2 OR MORE TOWNSHIPS, THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY WHERE THE LAND IS LOCATED.

~~(4) (5) For the purposes of subsections (3) and (4), the number of acres of (9), RESPECTIVELY, land in which the department~~
ACQUIRES OR owns surface rights does not include any of the following:

(A) LAND ACQUIRED UNDER AN OPTION AGREEMENT IN EFFECT ON THE DATE WHEN THE PAYMENT DESCRIBED IN SUBSECTION (3) BECAME DUE IF THE ACQUISITION TAKES PLACE WITHIN 120 DAYS AFTER THE PAYMENT BECAME DUE.

1 (B) ~~(a)~~ Land in which the department has a conservation
2 easement.

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

7 (D) ~~(c)~~ Any of the following if acquired on or after July 2,
8 2012:

9 (i) Land with an area of not more than 80 acres, or a right-
10 of-way, for accessing other land owned by the department **OR FOR**
11 **ACCESSING THE WATERS OF THE STATE AS DEFINED IN SECTION 3101.**

12 (ii) ~~A~~ **LAND FOR A** trail, subject to all of the following:

13 (A) If the traveled portion of the **PROPOSED** trail is located
14 within an abandoned railroad right-of-way, the land excluded is
15 limited to the abandoned railroad right-of-way.

16 (B) If the traveled portion of the **PROPOSED** trail is located
17 in a utility easement, the land excluded is limited to the utility
18 easement.

19 (C) If sub-subparagraphs (A) and (B) do not apply, the land
20 excluded is limited to the traveled portion of the **PROPOSED** trail
21 and contiguous land. ~~The~~ **FOR THE PURPOSES OF THE EXCLUSION, THE**
22 area of the contiguous land shall not exceed the product of 100
23 feet multiplied by the length of the **PROPOSED** trail in feet.

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

27 (iv) Land acquired by the department by gift, including the

1 gift of funds specifically dedicated to land acquisition.

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

3 (5) ~~(6)~~—The department shall maintain a record of land as
 4 described in subsection ~~(5)(a)~~ **(4)(A)** to ~~(e)~~ **(D)**. The record shall
 5 include the location, acreage, date of acquisition, and use of the
 6 land. ~~The department shall post and maintain on its website all of~~
 7 ~~the following information:~~

8 ~~—— (a) The number of acres of land, including land as described~~
 9 ~~in subsection (5), in which the department owns surface rights~~
 10 ~~north of the Mason Arenac line, south of the Mason Arenac line, in~~
 11 ~~total for this state, and by program.~~

12 ~~—— (b) The number of acres of land, excluding land as described~~
 13 ~~in subsection (5), in which the department owns surface rights~~
 14 ~~north of the Mason Arenac line, south of the Mason Arenac line, in~~
 15 ~~total for this state, and by program.~~

16 (6) ~~(7)~~—By October 1, 2014, the department shall develop a
 17 written strategic plan to guide the acquisition and disposition of
 18 state lands managed by the department, submit the plan to the
 19 ~~senate and house committees with primary responsibility for natural~~
 20 ~~resources and outdoor recreation and the corresponding~~
 21 ~~appropriation subcommittees, **RELEVANT LEGISLATIVE COMMITTEES**, and~~
 22 post the plan on the department's website. In developing the plan,
 23 the department shall solicit input from the public and local units
 24 of government.

25 (7) ~~(8)~~—The strategic plan shall do all of the following:

26 (a) Divide this state into regions.

27 (b) Identify lands managed by the department in each region.

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

(i) Maximizing availability of points of access to the land and to bodies of water on or adjacent to the land.

(ii) Maximizing outdoor recreation opportunities.

(iii) Forests.

(iv) Wildlife and fisheries.

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

(i) Land to be acquired.

(ii) Land to be disposed of.

(iii) Plans for natural resource management.

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

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

(G) IDENTIFY CRITICAL TRAIL CONNECTORS TO ENHANCE MOTORIZED AND NONMOTORIZED NATURAL-RESOURCE-DEPENDENT OUTDOOR RECREATION ACTIVITIES FOR PUBLIC ENJOYMENT.

~~—————(9) The department shall not implement the strategic plan as it applies to land north of the Mason-Arenac line. This subsection~~

1 ~~does not apply after the enactment of legislation adopting the~~
2 ~~strategic plan.~~

3 ~~—— (10) The department shall annually report on the~~
4 ~~implementation of the plan and submit and post the report in the~~
5 ~~manner provided in subsection (7).~~

6 (8) ~~(11) Beginning July 2, 2020~~ THE LEGISLATURE APPROVES THE
7 STRATEGIC PLAN ENTITLED "DEPARTMENT OF NATURAL RESOURCES MANAGED
8 PUBLIC LAND STRATEGY" ISSUED BY THE DEPARTMENT AND DATED JULY 1,
9 2013. THE DEPARTMENT SHALL IMPLEMENT THE MOST RECENT LEGISLATIVELY
10 APPROVED STRATEGIC PLAN AND SHALL NOT CHANGE THE PLAN EXCEPT BY A
11 PLAN UPDATE PROPOSED PURSUANT TO SUBSECTION (10) AND SUBSEQUENTLY
12 APPROVED BY THE LEGISLATURE.

13 (9) THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE RELEVANT
14 LEGISLATIVE COMMITTEES AND POST AND ANNUALLY UPDATE ON THE
15 DEPARTMENT'S WEBSITE ALL OF THE FOLLOWING:

16 (A) A REPORT ON THE IMPLEMENTATION OF THE PLAN.

17 (B) THE NUMBER OF ACRES OF LAND IN WHICH THE DEPARTMENT OWNS
18 SURFACE RIGHTS NORTH OF THE MASON-ARENAC LINE, SOUTH OF THE MASON-
19 ARENAC LINE, AND IN TOTAL FOR THIS STATE.

20 (C) INFORMATION ON THE TOTAL NUMBER OF EACH OF THE FOLLOWING:

21 (i) ACRES OF LAND MANAGED BY THE DEPARTMENT.

22 (ii) ACRES OF STATE PARK AND STATE RECREATION AREA LAND.

23 (iii) ACRES OF STATE GAME AND STATE WATERFOWL AREAS.

24 (iv) ACRES OF LAND MANAGED BY THE DEPARTMENT AND OPEN FOR
25 PUBLIC HUNTING.

26 (v) ACRES OF STATE-OWNED MINERAL RIGHTS MANAGED BY THE
27 DEPARTMENT THAT ARE UNDER A DEVELOPMENT LEASE.

1 (vi) ACRES OF STATE FORESTLAND.

2 (vii) PUBLIC BOATING ACCESS SITES MANAGED BY THE DEPARTMENT.

3 (viii) MILES OF MOTORIZED TRAILS MANAGED BY THE DEPARTMENT.

4 (ix) MILES OF NONMOTORIZED TRAILS MANAGED BY THE DEPARTMENT.

5 (10) FOR LEGISLATIVE CONSIDERATION AND APPROVAL, AS PROVIDED
 6 IN SUBSECTION (8), BY JULY 1, 2021, and every 6 years thereafter,
 7 the department shall **PROPOSE AN** update **TO** the strategic plan, and
 8 ~~submit and post the updated plan in the manner provided in~~
 9 ~~subsection (7).~~ **SUBMIT THE PROPOSED UPDATED PLAN TO THE RELEVANT**
 10 **LEGISLATIVE COMMITTEES, AND POST THE PROPOSED UPDATED PLAN ON THE**
 11 **DEPARTMENT'S WEBSITE.** At least 60 days before posting the **PROPOSED**
 12 updated plan, the department shall prepare, submit, ~~and post in~~
 13 ~~the manner provided in subsection (7) a report on progress TO THE~~
 14 **RELEVANT LEGISLATIVE COMMITTEES, AND POST ON THE DEPARTMENT'S**
 15 **WEBSITE A REPORT THAT COVERS ALL OF THE FOLLOWING AND INCLUDES**
 16 **DEPARTMENT CONTACT INFORMATION FOR PERSONS WHO WISH TO COMMENT ON**
 17 **THE REPORT:**

18 (A) **PROGRESS** toward the goals set forth **IN THE STRATEGIC PLAN**
 19 pursuant to subsection ~~(8)(c) in portions of this state where,~~
 20 ~~subject to subsection (9), the plan is being implemented and any~~
 21 **(7) (C) .**

22 (B) **ANY** proposed changes to the goals, including the rationale
 23 for the changes. ~~The submittal and posting shall include department~~
 24 ~~contact information for persons who wish to comment on the report.~~

25 (C) **THE DEPARTMENT'S ENGAGEMENT AND COLLABORATION WITH LOCAL**
 26 **UNITS OF GOVERNMENT.**

27 ~~—— (12) At least 30 days before acquiring or disposing of land,~~

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

(11) SUBJECT TO SUBSECTION (12), IF LAND OWNED BY THIS STATE AND MANAGED BY THE DEPARTMENT, LAND OWNED BY THE FEDERAL GOVERNMENT, AND LAND THAT IS COMMERCIAL FORESTLAND AS DEFINED IN SECTION 51101 CONSTITUTE 40% OR MORE OF THE LAND IN A COUNTY, THE DEPARTMENT SHALL NOT ACQUIRE LAND IN THAT COUNTY IF, NOT MORE THAN 60 DAYS AFTER THE DEPARTMENT SENT THE NOTICE OF THE PROPOSED ACQUISITION TO THE BOARD UNDER SECTION 2165, THE DEPARTMENT RECEIVES A COPY OF A RESOLUTION REJECTING THE PROPOSED ACQUISITION ADOPTED BY THE FOLLOWING, AS APPLICABLE:

(A) IF THE LAND IS LOCATED IN A SINGLE TOWNSHIP, THE TOWNSHIP BOARD.

(B) IF THE LAND IS LOCATED IN 2 OR MORE TOWNSHIPS, THE COUNTY BOARD OF COMMISSIONERS.

(12) SUBSECTION (11) DOES NOT APPLY TO LAND DESCRIBED IN

1 **SUBSECTION (4) (D) .**

2 (13) The department may accept funds, money, or grants for
3 development of salmon and steelhead trout fishing in this state
4 from the government of the United States, or any of its departments
5 or agencies, pursuant to the anadromous fish conservation act, 16
6 USC 757a to 757f, and may use this money in accordance with the
7 terms and provisions of that act. However, the acceptance and use
8 of federal funds does not commit state funds and does not place an
9 obligation upon the legislature to continue the purposes for which
10 the funds are made available.

11 (14) The department may appoint persons to serve as volunteers
12 ~~for the purpose of facilitating the responsibilities of~~ **TO ASSIST**
13 the department **IN MEETING ITS RESPONSIBILITIES** as provided in this
14 part. Subject to the direction of the department, a volunteer may
15 use equipment and machinery necessary for the volunteer service,
16 including, but not limited to, equipment and machinery to improve
17 wildlife habitat on state game areas.

18 (15) The department may lease lands owned or controlled by the
19 department or may grant concessions on lands owned or controlled by
20 the department to any person for any purpose that the department
21 determines to be necessary to implement this part. ~~In granting a~~
22 ~~concession, the~~ **THE** department shall ~~provide that each concession~~
23 ~~is awarded at least every~~ **GRANT EACH CONCESSION FOR A TERM OF NOT**
24 **MORE THAN** 7 years based on extension, renegotiation, or competitive
25 bidding. However, if the department determines that a concession
26 requires a capital investment in which reasonable financing or
27 amortization necessitates a longer term, the department may grant a

1 concession for up to a 15-year term. A concession granted under
2 this subsection shall require, unless the department authorizes
3 otherwise, that all buildings and equipment ~~shall be~~ removed at the
4 end of the concession's term. Any lease entered into under this
5 subsection shall limit the purposes for which the leased land is to
6 be used and shall authorize the department to terminate the lease
7 upon a finding that the land is being used for purposes other than
8 those permitted in the lease. Unless otherwise provided by law,
9 money received from a lease or a concession of tax reverted land
10 shall be credited to the fund providing financial support for the
11 management of the leased land. Money received from a lease of ~~all~~
12 **ANY** other land shall be credited to the fund from which the land
13 was purchased. However, money received from program-related leases
14 on these lands shall be credited to the fund providing financial
15 support for the management of the leased lands. For land managed by
16 the forest management division of the department, that fund is
17 either the forest development fund established pursuant to section
18 50507 or the forest recreation account of the Michigan conservation
19 and recreation legacy fund provided for in section 2005. For land
20 managed by the wildlife or fisheries division of the department,
21 that fund is the game and fish protection account of the Michigan
22 conservation and recreation legacy fund provided for in section
23 2010.

24 (16) When the department sells land, the deed ~~by which the~~
25 ~~land is conveyed~~ may reserve all mineral, coal, oil, and gas rights
26 to this state only ~~when~~ **IF** the land is in production or is leased
27 or permitted for production, or ~~when~~ **IF** the department determines

1 that the land has unusual or sensitive environmental features or
2 that it is in the best interest of this state to reserve those
3 rights as determined by commission policy. However, the department
4 shall not reserve the rights to sand, gravel, clay, or other
5 nonmetallic minerals. When the department sells land that contains
6 subsurface rights, the department shall include a deed restriction
7 that restricts the subsurface rights from being severed from the
8 surface rights in the future. If the landowner severs the
9 subsurface rights from the surface rights, the subsurface rights
10 revert to this state. The deed may reserve to this state the right
11 of ingress and egress over and across land along watercourses and
12 streams. Whenever an exchange of land is made with the United
13 States government, a corporation, or an individual for the purpose
14 of consolidating the state forest reserves, the department may
15 issue deeds without reserving to this state the mineral, coal, oil,
16 and gas rights and the rights of ingress and egress. The department
17 may sell the limestone, sand, gravel, or other nonmetallic
18 minerals. However, the department shall not sell a mineral or
19 nonmetallic mineral right if the sale would violate part 353, part
20 637, or any other provision of law. The department may sell all
21 reserved mineral, coal, oil, and gas rights to such lands upon
22 terms and conditions as the department considers proper and may
23 sell oil and gas rights as provided in part 610. The owner of those
24 lands as shown by the records shall be given priority in case the
25 department authorizes any sale of those lands, and, unless the
26 landowner waives that priority, the department shall not sell such
27 rights to any other person. For the purpose of this section,

1 mineral rights do not include rights to sand, gravel, clay, or
2 other nonmetallic minerals.

3 (17) The department may enter into contracts for the sale of
4 the economic share of royalty interests it holds in hydrocarbons
5 produced from devonian or antrim shale qualifying for the
6 nonconventional source production credit determined under section
7 45k of the internal revenue code of 1986, 26 USC 45k. However, in
8 entering into these contracts, the department shall ~~assure~~**ENSURE**
9 that revenues to the natural resources trust fund under these
10 contracts are not less than the revenues the natural resources
11 trust fund would have received if the contracts were not entered
12 into. The sale of the economic share of royalty interests under
13 this subsection may occur under contractual terms and conditions
14 considered appropriate by the department and as approved by the
15 state administrative board. Funds received from the sale of the
16 economic share of royalty interests under this subsection shall be
17 transmitted to the state treasurer for deposit in the state
18 treasury as follows:

19 (a) Net proceeds allocable to the nonconventional source
20 production credit determined under section 45k of the internal
21 revenue code of 1986, 26 USC 45k, under this subsection shall be
22 credited to the environmental protection fund created in section
23 503a.

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

27 (18) As used in this section:

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

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

8 (c) "Mason-Arenac line" means the line formed by the north
 9 boundaries of Mason, Lake, Osceola, Clare, Gladwin, and Arenac
 10 ~~counties.~~**COUNTIES.**

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

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

19 **(F) "RELEVANT LEGISLATIVE COMMITTEES" MEANS THE SENATE AND**
 20 **HOUSE COMMITTEES WITH PRIMARY RESPONSIBILITY FOR NATURAL RESOURCES**
 21 **AND OUTDOOR RECREATION AND THE CORRESPONDING APPROPRIATION**
 22 **SUBCOMMITTEES.**

23 **(G) ~~(f)~~"Strategic plan" or "plan" means the plan developed**
 24 **under subsection ~~(7)~~(6), AS UPDATED UNDER SUBSECTION (10), IF**
 25 **APPLICABLE.**

26 **Sec. 2106. (1) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE**
 27 **AND MAKE AVAILABLE IN WRITING TO PERSONS SEEKING TO PURCHASE LAND**

1 FROM, SELL LAND TO, OR EXCHANGE LAND WITH THE DEPARTMENT UNDER THIS
2 PART INFORMATION ABOUT RELEVANT REQUIREMENTS AND PROCEDURES UNDER
3 THIS PART AND SECTION 503(11) AND (12).

4 (2) If ~~the department determines that it is in the best~~
5 interests of ~~the~~ **THIS** state to exchange any of the lands ~~mentioned~~
6 **DESCRIBED** in section 2104 for lands of an equal area or of
7 approximately equal value belonging to private individuals, the
8 department shall maintain a description of the lands to be conveyed
9 and a description of the lands belonging to individuals to be
10 deeded to ~~the~~ **THIS** state.

11 (3) Before any of the lands are deeded to an individual as
12 provided in this subpart, the person or persons owning ~~the~~ **ANY**
13 lands to be deeded to ~~the~~ **THIS** state shall execute a conveyance of
14 those lands to ~~the~~ **THIS** state. **THE DEPARTMENT SHALL ACCEPT DELIVERY**
15 **OF THE DEED.** The attorney general shall examine the title to the
16 lands deeded to ~~the~~ **THIS** state and certify to the department
17 whether or not the conveyance is sufficient to vest in ~~the~~ **THIS**
18 state a good and sufficient title to the land free from any liens
19 or encumbrances. If the attorney general certifies that the deed
20 vests in ~~the~~ **THIS** state a good and sufficient title to the deeded
21 lands free from any liens or encumbrances, the department shall
22 **WITHIN 30 DAYS** execute a deed to the individual of the lands to be
23 conveyed by ~~the~~ **THIS** state. ~~selected by the department in lieu of~~
24 ~~the lands.~~

25 Sec. 2133. (1) ~~A notice of a sealed or oral bid public auction~~
26 ~~sale of surplus lands shall be published at least once in a~~
27 ~~newspaper as defined in section 1461 of the revised judicature act~~

~~of 1961, Act No. 236 of the Public Acts of 1961, being section 600.1461 of the Michigan Compiled Laws, not less than 10 days before the sale. The newspaper shall be published in the county where the surplus lands are located. If a newspaper is not published in the county where the surplus lands are located, the notice shall be published in a newspaper in a county nearest to the county in which the lands are located. A notice shall describe the general location of the surplus lands to be offered at the sale and the date, time, and place of the sale. Upon request, the department shall furnish a list of surplus lands being offered for sale at public auction. The surplus land sale list shall include all of the following:~~

(a) The date, time, and place of sale.

(b) Descriptions of surplus lands being offered.

(c) The conditions of sale.

~~(2) A notice of a negotiated sale of surplus lands shall be published at least once in a newspaper as defined in section 1461 of the revised judicature act of 1961 not less than 10 days before the department authorizes the sale. The newspaper shall be published in the county where the surplus lands are located. If a newspaper is not published in the county where the surplus lands are located, the notice shall be published in a newspaper in a county nearest to the county in which the lands are located. A notice shall describe the general location of the surplus lands offered in a negotiated sale and the date, time, and place that the department will meet to authorize the sale. Upon request, the department shall furnish a list of surplus lands being offered in a~~

1 negotiated sale. The surplus land negotiated sale list shall
2 include both of the following:

3 (a) The date, time, and place that the department will meet to
4 authorize the sale.

5 (b) Descriptions of surplus lands being offered.

6 SUBPART 17

7 NOTICE

8 SEC. 2165. (1) AT LEAST 30 DAYS BEFORE DISPOSING OF,
9 ACQUIRING, LEASING, OR DEVELOPING LANDS THAT ARE MORE THAN 80 ACRES
10 IN SIZE, THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

11 (A) PROVIDE NOTICE IN WRITING TO THE LEGISLATIVE BODIES OF THE
12 LOCAL UNITS OF GOVERNMENT WHERE THE LAND IS LOCATED.

13 (B) POST THE NOTICE ON ITS WEBSITE.

14 (C) PUBLISH THE NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION
15 IN THE COUNTY WHERE THE LAND IS LOCATED.

16 (2) THE NOTICE UNDER SUBSECTION (1) SHALL CONTAIN ALL OF THE
17 FOLLOWING INFORMATION:

18 (A) THE ACREAGE, THE LOCATION BY ADDRESS OR BY DISTANCE AND
19 DIRECTION FROM SPECIFIED ROADS OR HIGHWAYS, AND THE LEGAL
20 DESCRIPTION OF THE LAND.

21 (B) THE PROPOSED TIMING OF THE LAND TRANSACTION.

22 (C) THE PROPOSED USE FOR THE LAND.

23 (D) THE OPPORTUNITY FOR THE LEGISLATIVE BODY OF A LOCAL UNIT
24 OF GOVERNMENT WHERE THE LAND IS LOCATED, OR 5 OR MORE RESIDENTS OF
25 OR OWNERS OF LAND IN THE COUNTY WHERE THE LAND IS LOCATED, TO
26 REQUEST A GENERAL PUBLIC MEETING ON THE PROPOSED TRANSACTION AND
27 THE DATE BY WHICH THE REQUEST MUST BE RECEIVED BY THE DEPARTMENT

1 UNDER SUBSECTION (3).

2 (E) A WEBSITE ADDRESS WHERE ADDITIONAL INFORMATION ON THE
3 PROPOSED TRANSACTION CAN BE FOUND.

4 (F) FOR PERSONS WHO WISH TO COMMENT ON OR ASK QUESTIONS ABOUT
5 THE PROPOSED TRANSACTION, THE NAME, TELEPHONE NUMBER, ELECTRONIC
6 MAIL ADDRESS, AND MAILING ADDRESS OF A DEPARTMENT CONTACT PERSON.

7 (G) FOR THE WEBSITE NOTICE, THE FOLLOWING ADDITIONAL
8 INFORMATION:

9 (i) FOR THE ACQUISITION, LEASE FROM ANOTHER PERSON, OR
10 DEVELOPMENT OF LAND, THE FUND SOURCE THAT WILL BE USED.

11 (ii) FOR THE ACQUISITION OF LAND, THE ESTIMATED ANNUAL
12 PAYMENTS IN LIEU OF TAXES.

13 (iii) THE EFFECT THE PROPOSAL IS EXPECTED TO HAVE ON ACHIEVING
14 THE STRATEGIC PERFORMANCE GOALS SET FORTH IN THE STRATEGIC PLAN
15 PURSUANT TO SECTION 503(7).

16 (3) IF THE LEGISLATIVE BODY OF A LOCAL UNIT OF GOVERNMENT
17 WHERE THE LAND IS LOCATED OR 5 OR MORE RESIDENTS OF OR OWNERS OF
18 LAND IN THE COUNTY WHERE THE LAND IS LOCATED REQUEST A GENERAL
19 PUBLIC MEETING AND THE DEPARTMENT RECEIVES THE NECESSARY REQUEST OR
20 REQUESTS WITHIN 15 DAYS AFTER PROVIDING NOTICE UNDER SUBSECTION
21 (1), THE DEPARTMENT SHALL MEET WITH THE GENERAL PUBLIC IN THE
22 COUNTY WHERE THE LAND IS LOCATED TO DISCUSS THE PROPOSED
23 DISPOSITION, ACQUISITION, LEASE, OR DEVELOPMENT. THE DEPARTMENT
24 SHALL SEND A REPRESENTATIVE TO THE MEETING WHO IS FAMILIAR WITH THE
25 PROPOSAL.

26 (4) THE DEPARTMENT SHALL PROVIDE NOTICE OF A MEETING UNDER
27 SUBSECTION (3) BY ALL OF THE FOLLOWING MEANS:

1 (A) WRITTEN NOTICE TO THE LEGISLATIVE BODY OF EACH LOCAL UNIT
2 OF GOVERNMENT WHERE THE LAND IS LOCATED.

3 (B) WRITTEN NOTICE TO EACH RESIDENT OR OWNER OF LAND THAT
4 REQUESTED THE MEETING UNDER SUBSECTION (3).

5 (C) POSTING OF THE NOTICE ON THE DEPARTMENT'S WEBSITE.

6 (5) THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR
7 REPRESENTATIVES OF ALL LOCAL UNITS OF GOVERNMENT WHERE THE LAND IS
8 LOCATED TO MEET IN PERSON WITH A DEPARTMENT REPRESENTATIVE WHO IS
9 FAMILIAR WITH THE PROPOSED DISPOSITION, ACQUISITION, LEASE, OR
10 DEVELOPMENT TO DISCUSS THE PROPOSAL.

11 (6) SUBSECTIONS (1) TO (5) DO NOT APPLY TO EITHER OF THE
12 FOLLOWING:

13 (A) A LEASE WITH A TERM OF 10 YEARS OR LESS.

14 (B) A LEASE LIMITED TO EXPLORATION FOR AND PRODUCTION OF OIL
15 AND GAS.

16 (7) AS USED IN THIS SECTION:

17 (A) "DEVELOPMENT" MEANS DEVELOPMENT THAT WOULD SIGNIFICANTLY
18 CHANGE OR IMPACT THE CURRENT USE OF THE LAND SUBJECT TO
19 DEVELOPMENT. "DEVELOPING" HAS A CORRESPONDING MEANING. THE REMOVAL
20 OF A BERM, GATE, OR OTHER HUMAN-MADE BARRIER UNDER SECTION 504 IS
21 NOT DEVELOPMENT.

22 (B) "NEWSPAPER" MEANS THAT TERM AS DEFINED IN SECTION 1461 OF
23 THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.1461.

24 Sec. 72118. (1) The department shall make a comprehensive
25 inventory of forest roads that are state roads. The department
26 shall divide the state into 5 regions and complete the inventory in
27 regional phases. The Upper Peninsula shall be a separate region or

1 regions. The department shall inventory the 2 most northerly
2 regions in the Lower Peninsula by December 31, 2017. The department
3 shall inventory the remaining regions by December 31, 2018. The
4 inventory shall meet both of the following requirements:

5 (a) Identify the location, condition, and development level of
6 the forest roads.

7 (b) Determine types of motorized and nonmotorized use
8 currently restricted on each forest road segment and the seasons
9 during which those uses are currently restricted.

10 (2) Beginning when the inventory for a region is completed or
11 required to be completed, whichever occurs first, all of the
12 following apply:

13 (a) The forest roads within that region ~~shall be~~ **ARE** open to
14 motorized use by the public unless designated otherwise by **AN ORDER**
15 **OF** the department ~~pursuant to~~ **UNDER** section 504(7). **504.** However,
16 ~~beginning on the effective date of the amendatory act that added~~
17 ~~this section,~~ forest roads in the Upper Peninsula ~~shall be~~ **ARE** open
18 to motorized use by the public unless designated otherwise ~~pursuant~~
19 ~~to section 504(7).~~ **BY AN ORDER OF THE DEPARTMENT UNDER SECTION 504.**

20 (b) If a timber harvest is planned for a particular area in
21 that region, the department shall evaluate whether the timber
22 harvest activity offers the opportunity to connect existing forest
23 roads and trails in that area.

24 (c) The department shall not newly restrict a road or trail in
25 that region from being used to access public land unless the
26 department has provided each local unit of government in which the
27 public land is located written notice that includes the reason for

1 the restriction. This subdivision does not apply to a restriction
2 imposed to protect public health or safety in an emergency
3 situation.

4 (3) The department shall annually post to its website the
5 total miles of forest roads open to motorized use in all
6 inventoried regions and a map or maps of those forest roads.

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

9 Enacting section 2. This amendatory act does not take effect
10 unless all of the following bills of the 99th Legislature are
11 enacted into law:

12 (a) Senate Bill No. 302.

13 (b) Senate Bill No. 303.