

HOUSE BILL No. 4475

April 19, 2017, Introduced by Reps. Howell, LaFave, VanderWall, Bellino, Rendon, Maturen, Kivela and Glenn and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending the heading of subpart 1 of part 21 and amending
sections 301, 503, 504, 1901, 1903, 2010, 2101, 2104, 2106, 2126,
2130, 2131, 2132, 2136, 40501, and 72118 (MCL 324.301, 324.503,
324.504, 324.1901, 324.1903, 324.2010, 324.2101, 324.2104,
324.2106, 324.2126, 324.2130, 324.2131, 324.2132, 324.2136,
324.40501, and 324.72118), section 301 as amended and section 2010
as added by 2004 PA 587, section 503 as amended by 2012 PA 294,
section 504 as amended by 2009 PA 47, sections 1901, 2101, 2106,
2130, and 2136 as added by 1995 PA 60, section 1903 as amended by
2011 PA 117, section 2104 as amended by 1998 PA 28, section 2126 as
amended by 2011 PA 323, sections 2131 and 2132 as amended by 2012
PA 622, section 40501 as amended by 2008 PA 416, and section 72118
as added by 2016 PA 288, and by adding sections 2132a, 2137, and

2138.

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.

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

9 (d) "Director" means the director of the department of natural
10 resources.

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

13 (f) "Michigan conservation and recreation legacy fund" means
14 the Michigan conservation and recreation legacy fund established in
15 section 40 of article IX of the state constitution of 1963 and
16 provided for in section 2002.

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

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

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

22 (j) "Rule" means a rule promulgated pursuant to the
23 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
24 24.328.

25 Sec. 503. (1) The department shall protect and conserve the

1 natural resources of this state; provide and develop facilities for
2 outdoor recreation; prevent the destruction of timber and other
3 forest growth by fire or otherwise; promote the reforestation of
4 forestlands belonging to this state; prevent and guard against the
5 pollution of lakes and streams within this state and enforce all
6 laws provided for that purpose with all authority granted by law;
7 and foster and encourage the protection and propagation of game and
8 fish. **BEFORE ISSUING AN ORDER OR PROMULGATING A RULE UNDER THIS ACT**
9 **THAT WILL DESIGNATE OR CLASSIFY LAND MANAGED BY THE DEPARTMENT FOR**
10 **ANY PURPOSE, THE DEPARTMENT SHALL CONSIDER, IN ADDITION TO ANY**
11 **OTHER MATTERS REQUIRED BY LAW, BOTH OF THE FOLLOWING:**

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

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

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

1 for at least 30 days, and notified the affected local units of the
2 estimated payments at least 30 days before the acquisition.

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

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

13 **(3) THE DEPARTMENT SHALL NOT ACQUIRE SURFACE RIGHTS TO LAND**
14 **NORTH OF THE MASON-ARENAC LINE DURING A STATE FISCAL YEAR UNLESS**
15 **BOTH OF THE FOLLOWING APPLY:**

16 **(A) ALL PAYMENTS UNDER SUBPART 13 OR 14 OF PART 21 OR SECTION**
17 **51106 THAT HAVE BECOME DUE FOR THAT FISCAL YEAR HAVE BEEN PAID.**

18 **(B) AT LEAST 70% OF EACH PAYMENT UNDER SUBPART 13 OR 14 OF**
19 **PART 21 OR SECTION 51106 THAT BECAME DUE AFTER THE EFFECTIVE DATE**
20 **OF THE 2017 AMENDATORY ACT THAT ADDED THIS SUBSECTION AND BEFORE**
21 **THE STATE FISCAL YEAR OF ACQUISITION HAS BEEN PAID.**

22 **(4) ~~(5)~~ SUBSECTION (3) DOES NOT PROHIBIT THE ACQUISITION FROM**
23 **A PRIVATE OWNER OF SURFACE RIGHTS TO LAND UNDER AN OPTION AGREEMENT**
24 **IN EFFECT ON THE DATE WHEN THE PAYMENT DESCRIBED IN SUBSECTION (3)**
25 **BECAME DUE IF THE ACQUISITION TAKES PLACE WITHIN 60 DAYS AFTER THAT**
26 **DATE. For the purposes of subsections (3) and (4), SUBSECTION (3) ,**
27 **the number of acres of land in which the department owns surface**

rights does not include **LAND SO ACQUIRED OR** any of the following:

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

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

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

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

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

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

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

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

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

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

(v) Land acquired by the department through litigation.

1 (5) ~~(6)~~ The department shall maintain a record of land as
 2 described in subsection ~~(5) (a)~~ **(4) (A)** to (c). The record shall
 3 include the location, acreage, date of acquisition, and use of the
 4 land. ~~The department shall post and maintain on its website all of~~
 5 ~~the following information:~~

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

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

14 (6) ~~(7)~~ By October 1, 2014, the department shall develop a
 15 written strategic plan to guide the acquisition and disposition of
 16 state lands managed by the department, submit the plan to the
 17 ~~senate and house committees with primary responsibility for natural~~
 18 ~~resources and outdoor recreation and the corresponding~~
 19 ~~appropriation subcommittees, **RELEVANT LEGISLATIVE COMMITTEES**, and~~
 20 post the plan on the department's website. In developing the plan,
 21 the department shall solicit input from the public and local units
 22 of government.

23 (7) ~~(8)~~ The strategic plan shall do all of the following:

24 (a) Divide this state into regions.

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

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

1 department:

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

4 (ii) Maximizing outdoor recreation opportunities.

5 (iii) Forests.

6 (iv) Wildlife and fisheries.

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

10 (i) Land to be acquired.

11 (ii) Land to be disposed of.

12 (iii) Plans for natural resource management.

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

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

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

24 ~~—— (9) The department shall not implement the strategic plan as~~
25 ~~it applies to land north of the Mason-Arenac line. This subsection~~
26 ~~does not apply after the enactment of legislation adopting the~~
27 ~~strategic plan.~~

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

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

(9) THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE RELEVANT LEGISLATIVE COMMITTEES AND POST AND, SUBJECT TO SUBDIVISION (B), ANNUALLY UPDATE ON THE DEPARTMENT'S WEBSITE ALL OF THE FOLLOWING:

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

(B) THE NUMBER OF ACRES OF LAND, EXCLUDING LAND DESCRIBED IN SUBSECTION (4), IN WHICH THE DEPARTMENT OWNS SURFACE RIGHTS NORTH OF THE MASON-ARENAC LINE, SOUTH OF THE MASON-ARENAC LINE, AND IN TOTAL FOR THIS STATE. FOR LAND NORTH OF THE MASON-ARENAC LINE, THE DEPARTMENT SHALL UPDATE THIS INFORMATION ON ITS WEBSITE AS OF THE DATES THAT PAYMENTS DESCRIBED IN SUBSECTION (3) ARE DUE.

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

(i) ACRES OF LAND MANAGED BY THE DEPARTMENT.

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

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

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

(v) ACRES OF STATE-OWNED MINERAL RIGHTS MANAGED BY THE

1 DEPARTMENT THAT ARE UNDER A DEVELOPMENT LEASE.

2 (vi) ACRES OF STATE FORESTLAND.

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

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

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

6 (10) FOR LEGISLATIVE CONSIDERATION AND APPROVAL, AS PROVIDED
 7 IN SUBSECTION (8), BY OCTOBER 1, 2021, and every 6-5 years
 8 thereafter, the department shall **PROPOSE AN** update **TO** the strategic
 9 plan, and ~~submit and post the updated plan in the manner provided~~
 10 ~~in subsection (7).~~ **SUBMIT THE PROPOSED UPDATED PLAN TO THE RELEVANT**
 11 **LEGISLATIVE COMMITTEES, AND POST THE PROPOSED UPDATED PLAN ON THE**
 12 **DEPARTMENT'S WEBSITE. THE DEPARTMENT SHALL DEVELOP THE PROPOSED**
 13 **UPDATED PLAN IN CONSULTATION WITH THE GENERAL PUBLIC AND**
 14 **ORGANIZATIONS REPRESENTING LOCAL UNITS OF GOVERNMENT, HUNTERS,**
 15 **FISHERS, TRAPPERS, AND MOTORIZED AND NONMOTORIZED TRAIL USERS.** At
 16 least 60 days before posting the **PROPOSED** updated plan, the
 17 department shall prepare, submit, ~~and post in the manner provided~~
 18 ~~in subsection (7) a report on progress~~ **TO THE RELEVANT LEGISLATIVE**
 19 **COMMITTEES, AND POST ON THE DEPARTMENT'S WEBSITE A REPORT THAT**
 20 **COVERS ALL OF THE FOLLOWING AND INCLUDES DEPARTMENT CONTACT**
 21 **INFORMATION FOR PERSONS WHO WISH TO COMMENT ON THE REPORT:**

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

26 (B) **ANY** proposed changes to the goals, including the rationale
 27 for the changes. ~~The submittal and posting shall include department~~

~~contact information for persons who wish to comment on the report.~~

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

(11) ~~(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~~ **RELEVANT LEGISLATIVE COMMITTEES** 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) (e)~~. **(7) (C)**. The statement shall include department contact information for persons who wish to comment on the acquisition or disposition and **SHALL** 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).~~

(12) IF LAND OWNED BY THIS STATE THAT IS MANAGED BY THE DEPARTMENT AND LAND OWNED BY THE FEDERAL GOVERNMENT CONSTITUTE 40% OR MORE OF THE LAND IN A COUNTY OR IF LAND OWNED BY THIS STATE THAT IS MANAGED BY THE DEPARTMENT, LAND OWNED BY THE FEDERAL GOVERNMENT, AND COMMERCIAL FOREST LAND CONSTITUTE 50% OR MORE OF THE LAND IN A COUNTY, BEFORE ACQUIRING LAND IN THAT COUNTY, THE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE BODIES OF THE COUNTY AND THE TOWNSHIP OR TOWNSHIPS WHERE THE LAND IS LOCATED IN WRITING OF THE PROPOSED ACQUISITION. THE NOTICE SHALL INCLUDE INFORMATION LISTED IN

1 SUBSECTION (13) (A) (i) TO (iv) . AT THE REQUEST OF THE LEGISLATIVE
2 BODY OF THE COUNTY OR A TOWNSHIP WHERE THE LAND IS LOCATED, THE
3 DEPARTMENT SHALL SEND A REPRESENTATIVE TO A MEETING OF THE COUNTY
4 BOARD OF COMMISSIONERS TO PROVIDE TESTIMONY ON THE PROPOSED
5 ACQUISITION. THE DEPARTMENT SHALL NOT ACQUIRE THE LAND IF, NOT MORE
6 THAN 60 DAYS AFTER THE DEPARTMENT SENT THE NOTICE OF THE PROPOSED
7 ACQUISITION TO THE COUNTY BOARD OF COMMISSIONERS, THE DEPARTMENT
8 RECEIVES A COPY OF A RESOLUTION ADOPTED BY THE COUNTY BOARD
9 REJECTING THE PROPOSED ACQUISITION. HOWEVER, DESPITE THE COUNTY'S
10 REJECTION OF THE PROPOSED ACQUISITION, THE DEPARTMENT MAY ACQUIRE
11 THE LAND IF THE DEPARTMENT RECEIVES A COPY OF A RESOLUTION
12 APPROVING THE ACQUISITION ADOPTED BY THE TOWNSHIP BOARD OF EACH
13 TOWNSHIP WHERE THE LAND IS LOCATED. THE TOWNSHIP BOARD SHALL ALSO
14 SEND A COPY OF SUCH A RESOLUTION TO THE COUNTY BOARD OF
15 COMMISSIONERS.

16 (13) IF SUBSECTION (12) DOES NOT APPLY TO A COUNTY, THE
17 DEPARTMENT SHALL NOT ACQUIRE LAND IN THAT COUNTY UNLESS THE
18 DEPARTMENT HAS DONE ALL OF THE FOLLOWING:

19 (A) AT LEAST 45 DAYS BEFORE THE ACQUISITION, NOTIFIED THE
20 LEGISLATIVE BODIES OF THE COUNTY AND THE TOWNSHIP OR TOWNSHIPS
21 WHERE THE LAND IS LOCATED OF ALL OF THE FOLLOWING, IN WRITING:

22 (i) THE LOCATION AND ACREAGE OF THE LAND.

23 (ii) HOW THE LAND WILL BE USED AND ESTIMATED PAYMENTS IN LIEU
24 OF TAXES.

25 (iii) THE EFFECT THE PROPOSED ACQUISITION IS EXPECTED TO HAVE
26 ON ACHIEVING THE GOALS SET FORTH IN THE STRATEGIC PLAN PURSUANT TO
27 SUBSECTION (7) (C) .

1 (iv) DEPARTMENT CONTACT INFORMATION AND THE DURATION OF THE
2 COMMENT PERIOD, FOR PERSONS WHO WISH TO COMMENT ON THE PROPOSED
3 ACQUISITION.

4 (B) PROVIDED AN OPPORTUNITY FOR REPRESENTATIVES OF ALL LOCAL
5 UNITS OF GOVERNMENT WHERE THE LAND IS LOCATED TO MEET IN PERSON
6 WITH A DEPARTMENT REPRESENTATIVE TO DISCUSS THE PROPOSED
7 ACQUISITION.

8 (14) ~~(13)~~—The department may accept funds, money, or grants
9 for development of salmon and steelhead trout fishing in this state
10 from the government of the United States, or any of its departments
11 or agencies, pursuant to the anadromous fish conservation act, 16
12 USC 757a to 757f, and may use this money in accordance with the
13 terms and provisions of that act. However, the acceptance and use
14 of federal funds does not commit state funds and does not place an
15 obligation upon the legislature to continue the purposes for which
16 the funds are made available.

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

24 (16) ~~(15)~~—The department may lease lands owned or controlled
25 by the department or may grant concessions on lands owned or
26 controlled by the department to any person for any purpose that the
27 department determines to be necessary to implement this part. ~~In~~

1 ~~granting a concession, the~~ **THE** department shall ~~provide that each~~
2 ~~concession is awarded at least every~~ **GRANT EACH CONCESSION FOR A**
3 **TERM OF NOT MORE THAN** 7 years based on extension, renegotiation, or
4 competitive bidding. However, if the department determines that a
5 concession requires a capital investment in which reasonable
6 financing or amortization necessitates a longer term, the
7 department may grant a concession for up to a 15-year term. A
8 concession granted under this subsection shall require, unless the
9 department authorizes otherwise, that all buildings and equipment
10 ~~shall be removed at the end of the concession's term.~~ Any lease
11 entered into under this subsection shall limit the purposes for
12 which the leased land is to be used and shall authorize the
13 department to terminate the lease upon a finding that the land is
14 being used for purposes other than those permitted in the lease.
15 Unless otherwise provided by law, money received from a lease or a
16 concession of tax reverted land shall be credited to the fund
17 providing financial support for the management of the leased land.
18 Money received from a lease of ~~all~~ **ANY** other land shall be credited
19 to the fund from which the land was purchased. However, money
20 received from program-related leases on these lands shall be
21 credited to the fund providing financial support for the management
22 of the leased lands. For land managed by the forest management
23 division of the department, that fund is either the forest
24 development fund established pursuant to section 50507 or the
25 forest recreation account of the Michigan conservation and
26 recreation legacy fund provided for in section 2005. For land
27 managed by the wildlife or fisheries division of the department,

1 that fund is the game and fish protection account of the Michigan
2 conservation and recreation legacy fund provided for in section
3 2010.

4 (17) ~~(16)~~ When the department sells land, the deed ~~by which~~
5 ~~the land is conveyed~~ may reserve all mineral, coal, oil, and gas
6 rights to this state only ~~when~~ **IF** the land is in production or is
7 leased or permitted for production, or ~~when~~ **IF** the department
8 determines that the land has unusual or sensitive environmental
9 features or that it is in the best interest of this state to
10 reserve those rights as determined by commission policy. However,
11 the department shall not reserve the rights to sand, gravel, clay,
12 or other nonmetallic minerals. When the department sells land that
13 contains subsurface rights, the department shall include a deed
14 restriction that restricts the subsurface rights from being severed
15 from the surface rights in the future. If the landowner severs the
16 subsurface rights from the surface rights, the subsurface rights
17 revert to this state. The deed may reserve to this state the right
18 of ingress and egress over and across land along watercourses and
19 streams. Whenever an exchange of land is made with the United
20 States government, a corporation, or an individual for the purpose
21 of consolidating the state forest reserves, the department may
22 issue deeds without reserving to this state the mineral, coal, oil,
23 and gas rights and the rights of ingress and egress. The department
24 may sell the limestone, sand, gravel, or other nonmetallic
25 minerals. However, the department shall not sell a mineral or
26 nonmetallic mineral right if the sale would violate part 353, part
27 637, or any other provision of law. The department may sell all

1 reserved mineral, coal, oil, and gas rights to such lands upon
2 terms and conditions as the department considers proper and may
3 sell oil and gas rights as provided in part 610. The owner of those
4 lands as shown by the records shall be given priority in case the
5 department authorizes any sale of those lands, and, unless the
6 landowner waives that priority, the department shall not sell such
7 rights to any other person. For the purpose of this section,
8 mineral rights do not include rights to sand, gravel, clay, or
9 other nonmetallic minerals.

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

26 (a) Net proceeds allocable to the nonconventional source
27 production credit determined under section 45k of the internal

1 revenue code of 1986, 26 USC 45k, under this subsection shall be
2 credited to the environmental protection fund created in section
3 503a.

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

7 **(19)** ~~(18)~~—As used in this section:

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

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

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

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

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

26 **(F) "RELEVANT LEGISLATIVE COMMITTEES" MEANS THE SENATE AND**
27 **HOUSE COMMITTEES WITH PRIMARY RESPONSIBILITY FOR NATURAL RESOURCES**

1 **AND OUTDOOR RECREATION AND THE CORRESPONDING APPROPRIATION**
2 **SUBCOMMITTEES.**

3 **(G) ~~(f)~~—"Strategic plan" or "plan" means the plan developed**
4 **under subsection ~~(7)~~-(6), AS UPDATED UNDER SUBSECTION (10), IF**
5 **APPLICABLE.**

6 Sec. 504. (1) The department shall promulgate rules to protect
7 and preserve lands and other property under its control from
8 depredation, damage, or destruction or wrongful or improper use or
9 occupancy. **IF REQUESTED BY THE CHAIR OF A STANDING COMMITTEE OF THE**
10 **SENATE OR HOUSE OF REPRESENTATIVES THAT CONSIDERS LEGISLATION**
11 **PERTAINING TO CONSERVATION, THE ENVIRONMENT, NATURAL RESOURCES,**
12 **RECREATION, TOURISM, OR AGRICULTURE, THE DEPARTMENT SHALL PROVIDE**
13 **TESTIMONY TO THE COMMITTEE ON THE IMPLEMENTATION AND EFFECTS OF A**
14 **RULE PROMULGATED UNDER THIS SUBSECTION THAT LIMITS THE USE OF OR**
15 **ACCESS TO MORE THAN 500 ACRES OF STATE FOREST OR SIGNIFICANTLY**
16 **RESTRICTS CURRENT PRACTICES IN STATE FOREST. THE DEPARTMENT SHALL**
17 **PROVIDE THE TESTIMONY AT A HEARING OF THE COMMITTEE SCHEDULED**
18 **WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE RULE.**

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

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

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

27 (c) Manage land under its control to prevent any net decrease

1 in the acreage of such land that is open to hunting.

2 (3) Subject to subsection (4), by April 1, ~~2010 and each~~
3 year, ~~thereafter,~~ the department shall submit to the legislature a
4 report that includes all of the following:

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

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

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

15 **(5) THE DEPARTMENT IS URGED TO PROMOTE PUBLIC ENJOYMENT OF**
16 **THIS STATE'S WILDLIFE AND OTHER NATURAL RESOURCES BY PROVIDING**
17 **PUBLIC ACCESS TO LANDS UNDER THE CONTROL OF THE DEPARTMENT FOR**
18 **OUTDOOR RECREATION ACTIVITIES DEPENDENT ON NATURAL RESOURCES,**
19 **PROVIDING REASONABLE CONSIDERATION FOR BOTH MOTORIZED AND**
20 **NONMOTORIZED ACTIVITIES.**

21 **(6) IF, AFTER COMPLETION OF THE FOREST ROAD INVENTORY UNDER**
22 **SECTION 72118, THE DEPARTMENT RECEIVES A WRITTEN RESOLUTION FROM A**
23 **RECREATIONAL USERS ORGANIZATION OR THE LEGISLATIVE BODY OF A LOCAL**
24 **UNIT OF GOVERNMENT REQUESTING THE REMOVAL OF A BERM, GATE, OR OTHER**
25 **HUMAN-MADE BARRIER ON LAND UNDER THE DEPARTMENT'S CONTROL, THE**
26 **DEPARTMENT SHALL NOTIFY THE REQUESTOR IN WRITING WITHIN 60 DAYS OF**
27 **1 OF THE FOLLOWING:**

1 (A) THAT THE BARRIER WILL BE REMOVED. IN THIS CASE, THE
2 DEPARTMENT SHALL REMOVE THE BARRIER WITHIN 180 DAYS AFTER RECEIVING
3 THE WRITTEN REQUEST.

4 (B) THE REASONS THE DEPARTMENT BELIEVES THE BARRIER SHOULD NOT
5 BE REMOVED AND THE RIGHT OF THE RECREATIONAL USERS ORGANIZATION OR
6 LOCAL UNIT OF GOVERNMENT, WITHIN 21 DAYS AFTER THE DEPARTMENT SENDS
7 THE WRITTEN NOTICE, TO REQUEST IN WRITING A PUBLIC MEETING ON THE
8 MATTER. IF THE RECREATIONAL USERS ORGANIZATION OR LOCAL UNIT OF
9 GOVERNMENT REQUESTS A PUBLIC MEETING AS PROVIDED IN THIS
10 SUBDIVISION, THE DEPARTMENT SHALL CONDUCT A PUBLIC MEETING WITHIN
11 THE CITY, VILLAGE, OR TOWNSHIP WHERE THE BARRIER IS LOCATED TO
12 EXPLAIN THE DEPARTMENT'S POSITION AND RECEIVE COMMENTS ON THE
13 PROPOSED REMOVAL. AFTER THE MEETING, AND WITHIN 180 DAYS AFTER
14 RECEIVING THE REQUEST TO REMOVE THE BARRIER, THE DEPARTMENT SHALL
15 APPROVE OR DENY THE REQUEST AND NOTIFY THE REQUESTOR IN WRITING. IF
16 THE REQUEST IS DENIED, THE NOTICE SHALL INCLUDE THE REASONS FOR
17 DENIAL. IF THE REQUEST IS APPROVED, THE BARRIER SHALL BE REMOVED AS
18 FOLLOWS:

19 (i) UNLESS SUBPARAGRAPH (ii) APPLIES, BY THE DEPARTMENT WITHIN
20 180 DAYS AFTER THE PUBLIC MEETING.

21 (ii) WITHIN 30 DAYS, IF THE RECREATIONAL USERS ORGANIZATION OR
22 LEGISLATIVE BODY REQUESTING THE REMOVAL OF THE BARRIER AGREES WITH
23 THE DEPARTMENT TO REMOVE THE BARRIER UNDER THE DEPARTMENT'S
24 OVERSIGHT AND AT THE REQUESTOR'S EXPENSE.

25 (7) UPON REQUEST FROM A LOCAL UNIT OF GOVERNMENT, THE
26 DEPARTMENT SHALL WORK WITH THE LOCAL UNIT TO ALLOW A USE OF STATE
27 LAND LOCATED WITHIN THE LOCAL UNIT THAT WILL BENEFIT THE LOCAL

1 COMMUNITY IN ALIGNMENT WITH THE STRATEGIC PLAN UNDER SECTION 503
2 AND THE STATE COMPREHENSIVE OUTDOOR RECREATION PLAN (SCORP). THE
3 DEPARTMENT MAY CHARGE THE LOCAL UNIT A REASONABLE FEE FOR THE USE.
4 THE FEE SHALL NOT EXCEED THE COSTS INCURRED BY THE DEPARTMENT FOR
5 THE USE.

6 (8) ~~(5)~~—This section does not authorize the department to
7 promulgate a rule that applies to commercial fishing except as
8 otherwise provided by law.

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

14 (10) ~~(7)~~—The department shall issue orders necessary to
15 implement rules promulgated under this section. ~~These orders shall~~
16 ~~be~~ **THE ORDERS ARE** effective upon posting. **NOT LESS THAN 30 DAYS**
17 **BEFORE AND NOT MORE THAN 10 DAYS AFTER ISSUING AN ORDER UNDER THIS**
18 **SUBSECTION THAT LIMITS THE USE OF OR ACCESS TO MORE THAN 500 ACRES**
19 **OF STATE FOREST OR SIGNIFICANTLY RESTRICTS CURRENT PRACTICES IN**
20 **STATE FOREST, THE DEPARTMENT SHALL PROVIDE A COPY OF THE ORDER TO**
21 **EACH MEMBER OF EACH STANDING COMMITTEE OF THE SENATE OR HOUSE OF**
22 **REPRESENTATIVES THAT CONSIDERS LEGISLATION PERTAINING TO**
23 **CONSERVATION, THE ENVIRONMENT, NATURAL RESOURCES, RECREATION,**
24 **TOURISM, OR AGRICULTURE. IF REQUESTED BY THE CHAIR OF A STANDING**
25 **COMMITTEE DESCRIBED IN THIS SUBSECTION, THE DEPARTMENT SHALL**
26 **PROVIDE TESTIMONY TO THE COMMITTEE ON THE IMPLEMENTATION AND**
27 **EFFECTS OF SUCH AN ORDER AT A HEARING OF THE COMMITTEE SCHEDULED**

1 **WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE ORDER.**

2 (11) ~~(8)~~—A person who violates a rule promulgated under this
3 section or an order issued under this section is responsible for a
4 state civil infraction and may be ordered to pay a civil fine of
5 not more than \$500.00.

6 Sec. 1901. As used in this part:

7 (a) "Board" means the Michigan natural resources trust fund
8 board established in section 1905.

9 ~~—— (b) "Economic development revenue bonds (oil and gas~~
10 ~~revenues), series 1982A, dated December 1, 1982" includes bonds~~
11 ~~refunding these bonds, provided that any refunding bonds mature no~~
12 ~~later than September 1, 1994.~~

13 (B) ~~(e)~~—"Local unit of government" **OR "LOCAL UNIT"** means a
14 county, city, township, village, school district, the Huron-Clinton
15 metropolitan authority, or any authority composed of counties,
16 cities, townships, villages, or school districts, or any
17 combination thereof, ~~which authority is~~ **AND** legally constituted to
18 provide public recreation.

19 ~~—— (d) "Total expenditures" means the amounts actually expended~~
20 ~~from the trust fund as authorized by section 1903(1) and (2).~~

21 (C) ~~(e)~~—"Trust fund" means the Michigan natural resources
22 trust fund established in section 35 of article IX of the state
23 constitution of 1963.

24 Sec. 1903. (1) Subject to the limitations of this part and of
25 section 35 of article IX of the state constitution of 1963, the
26 interest and earnings of the trust fund in any 1 state fiscal year
27 may be expended in subsequent state fiscal years only for the

1 following purposes:

2 (a) The acquisition of land or rights in land for recreational
3 uses or protection of the land because of its environmental
4 importance or its scenic beauty.

5 (b) The development of public recreation facilities.

6 (c) The administration of the fund, including payments in lieu
7 of taxes on state-owned land purchased through the trust fund. The
8 legislature shall make appropriations from the trust fund each
9 state fiscal year to make full payments in lieu of taxes on state-
10 owned land purchased through the trust fund, as provided in section
11 2154.

12 (2) In addition to the money described in subsection (1), 33-
13 1/3% of the money, exclusive of interest and earnings, received by
14 the trust fund in any state fiscal year may be expended in
15 subsequent state fiscal years for the purposes described in
16 subsection (1). However, the authorization for the expenditure of
17 money provided in this subsection does not apply after the state
18 fiscal year in which the total amount of money in the trust fund,
19 exclusive of interest and earnings and amounts authorized for
20 expenditure under this section, exceeds \$500,000,000.00.

21 (3) An expenditure from the trust fund may be made in the form
22 of a grant to a local unit of government or public authority,
23 subject to all of the following conditions:

24 (a) The grant is used for the purposes described in subsection
25 (1).

26 (b) The grant is matched by the local unit ~~of government or~~
27 public authority with at least 25% of the total cost of the

1 project.

2 (4) Not less than 25% of the total amounts made available for
3 expenditure from the trust fund from any state fiscal year shall be
4 expended for acquisition of land and rights in land, and not more
5 than 25% of the total amounts made available for expenditure from
6 the trust fund from any state fiscal year shall be expended for
7 development of public recreation facilities.

8 (5) If property that was acquired with money from the trust
9 fund is subsequently sold or transferred by the state to a
10 nongovernmental entity, the state shall forward to the state
11 treasurer for deposit into the trust fund an amount of money equal
12 to the following:

13 (a) If the property was acquired solely with trust fund money,
14 the greatest of the following:

15 (i) The net proceeds of the sale.

16 (ii) The fair market value of the property at the time of the
17 sale or transfer.

18 (iii) The amount of money that was expended from the trust
19 fund to acquire the property.

20 (b) If the property was acquired with a combination of trust
21 fund money and other restricted funding sources governed by federal
22 or state law, an amount equal to the percentage of the funds
23 contributed by the trust fund for the acquisition of the property
24 multiplied by the greatest of the amounts under subdivision (a) (i),
25 (ii), and (iii).

26 **(6) THIS PART IS SUBJECT TO SECTION 2132A.**

27 Sec. 2010. (1) The game and fish protection account is

1 established as an account within the legacy fund.

2 (2) The game and fish protection account shall consist of ~~both~~
3 **ALL** of the following:

4 ~~—— (a) All money in the game and fish protection fund, formerly~~
5 ~~created in section 43553, immediately prior to the effective date~~
6 ~~of the amendatory act that added this section, which money is~~
7 ~~hereby transferred to the game and fish protection account.~~

8 ~~—— (b) Revenue from the following sources:~~

9 (A) ~~(i)~~ Revenue derived from hunting and fishing licenses,
10 passbooks, permits, fees, concessions, leases, contracts, and
11 activities.

12 (B) ~~(ii)~~ Damages paid for the illegal taking of game and fish.

13 (C) ~~(iii)~~ Revenue derived from fees, licenses, and permits
14 related to game, game areas, and game fish.

15 (D) ~~(iv)~~ Other revenues as authorized by law.

16 (3) Money in the game and fish protection account shall be
17 expended, upon appropriation, only as provided in part 435 and for
18 the administration of the game and fish protection account, which
19 may include payments in lieu of taxes on ~~state-owned~~ **STATE-OWNED**
20 land purchased through the game and fish protection account or
21 through the former game and fish protection fund. **THE PRIMARY**
22 **PURPOSE OF LAND ACQUIRED WITH MONEY FROM THE GAME AND FISH**
23 **PROTECTION ACCOUNT IS TO SCIENTIFICALLY MANAGE GAME AND FISH**
24 **POPULATIONS. EXPENDITURES FROM THE GAME AND FISH PROTECTION ACCOUNT**
25 **TO SCIENTIFICALLY MANAGE GAME AND FISH HABITAT ACQUIRED WITH GAME**
26 **AND FISH PROTECTION ACCOUNT FUNDS MUST BE PRIMARILY FOR THE**
27 **MANAGEMENT OF GAME AND FISH SPECIES, BUT MAY BENEFIT OTHER SPECIES.**

(4) Money in the game and fish protection account may be expended pursuant to subsection (3) for grants to state colleges and universities to implement programs funded by the game and fish protection account.

SUBPART 1

SALE **OR LEASE** OF STATE LANDS FOR PUBLIC PURPOSES

Sec. 2101. (1) The department may sell ~~sites~~ **TAX REVERTED LANDS UNDER ITS CONTROL** to school districts, ~~and~~ **TO** churches and ~~sell lands for public purposes~~ **OTHER RELIGIOUS ORGANIZATIONS**, to public educational institutions ~~;~~ **FOR PUBLIC PURPOSES**, to the United States, ~~;~~ and to governmental units of ~~the~~ **THIS** state and ~~to~~ agencies thereof. ~~from tax reverted state lands under the control of the department,~~ **THE LANDS SHALL BE SOLD** at a price ~~fixed by a formula determined by the state tax commission.~~ **DETERMINED BY AN APPRAISAL, SUBJECT TO SECTION 2132A.** The department may transfer jurisdiction of tax reverted state lands for public purposes to any department, board, or commission of ~~the~~ **THIS** state. The application for the purchase or transfer of tax reverted state lands shall be made by the proper officers of a school district, church **OR OTHER RELIGIOUS ORGANIZATION**, public educational institution, the United States, **OR** governmental unit ~~;~~ **OR** agency ~~;~~ ~~department, board, or commission~~ **THEREOF** upon forms prepared and furnished by the department for that purpose.

(2) The department may sell tax reverted lands to any ~~agency~~ **ENTITY** described in subsection (1), and the transfer of the lands is not subject to a reverter clause. If a conveyance or transfer of lands is made to a governmental unit without a reverter clause, the

1 department may convey or transfer the lands at ~~an appraisal value~~
 2 ~~as~~ **A PRICE** determined by ~~the state tax commission~~ **AN APPRAISAL**,
 3 **SUBJECT TO SECTION 2132A**, or at a nominal fee that includes any
 4 amount paid by the department for maintaining the lands in a
 5 condition that is protective of the public health and safety. If
 6 lands are conveyed or transferred for a nominal fee and are
 7 subsequently sold by the governmental unit for a valuable
 8 consideration, the proceeds from such a sale, after deducting the
 9 fee and any amount paid by the local governmental units for
 10 maintaining the lands in a condition that is protective of the
 11 public health and safety, shall be ~~accounted for~~ **PAID** to the state,
 12 county, township, and school district in which the lands are
 13 situated pro rata according to their several interests in the lands
 14 arising from the nonpayment of taxes and special assessments on the
 15 lands as the interest appears in the offices of the state treasurer
 16 or county, city, or village ~~treasurers~~. **TREASURER.**

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

25 (2) If the department ~~charges~~ **CHARGED** an application fee for a
 26 proposed sale of land under this section and the state land
 27 proposed for sale is **INSTEAD** sold to another party within 3 years

1 after the date a completed application ~~is~~**WAS** received by the
2 department **FROM THE PRIOR APPLICANT**, the department shall refund
3 the application fee in full to the **PRIOR** applicant if the **PRIOR**
4 applicant has informed the department of his or her current
5 address.

6 (3) **EFFECTIVE 60 DAYS AFTER THE DEPARTMENT RECEIVES AN**
7 **APPLICATION FROM A PRIVATE INDIVIDUAL TO EXCHANGE THAT INDIVIDUAL'S**
8 **LAND FOR SURPLUS STATE LAND, THE APPLICATION SHALL BE CONSIDERED TO**
9 **BE COMPLETE UNLESS THE DEPARTMENT PROCEEDS AS PROVIDED UNDER**
10 **SUBSECTION (4) .**

11 (4) **IF, BEFORE THE EXPIRATION OF THE 60-DAY PERIOD UNDER**
12 **SUBSECTION (3) , THE DEPARTMENT NOTIFIES THE APPLICANT, IN WRITING,**
13 **THAT THE APPLICATION IS NOT COMPLETE, SPECIFYING THE INFORMATION**
14 **NECESSARY TO MAKE THE APPLICATION COMPLETE, THE RUNNING OF THE 60-**
15 **DAY PERIOD UNDER SUBSECTION (3) IS TOLLED UNTIL THE APPLICANT**
16 **SUBMITS TO THE DEPARTMENT THE SPECIFIED INFORMATION, AT WHICH TIME**
17 **THE APPLICATION SHALL BE CONSIDERED TO BE COMPLETE.**

18 (5) **WHEN THE APPLICATION IS COMPLETE, THE DEPARTMENT SHALL**
19 **PROMPTLY COMPLY WITH SECTION 503(11) AND SHALL COMPLY WITH SECTION**
20 **503(12) OR (13) , AS APPLICABLE. THE DEPARTMENT SHALL NEXT MAKE A**
21 **RECOMMENDATION TO THE DIRECTOR ON THE APPLICATION AND POST THE**
22 **RECOMMENDATION ON THE AGENDA OF THE NEXT MEETING OF THE COMMISSION**
23 **FOR PUBLIC COMMENT. AFTER THE COMMISSION MEETING, THE DIRECTOR**
24 **SHALL APPROVE OR DENY THE APPLICATION AND THE DEPARTMENT SHALL**
25 **NOTIFY THE APPLICANT IN WRITING OF THE DECISION. IF THE APPLICATION**
26 **IS DENIED, THE NOTICE SHALL SET FORTH THE SPECIFIC REASONS FOR THE**
27 **DENIAL.**

1 (6) THE DEPARTMENT SHALL CHARGE A FEE FOR AN APPLICATION FOR
 2 THE EXCHANGE OF STATE LAND. THE FEE SHALL BE \$300.00 PLUS, IF THE
 3 STATE LAND IS MORE THAN 300 ACRES IN SIZE, THE ACTUAL REASONABLE
 4 COST OF PROCESSING THE APPLICATION.

5 Sec. 2106. (1) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE
 6 AND MAKE AVAILABLE IN WRITING TO PERSONS SEEKING TO PURCHASE LAND
 7 FROM, SELL LAND TO, OR EXCHANGE LAND WITH THE DEPARTMENT UNDER THIS
 8 PART INFORMATION ABOUT RELEVANT REQUIREMENTS AND PROCEDURES UNDER
 9 THIS PART.

10 (2) If the department determines that it is in the best
 11 interests of ~~the~~**THIS** state to exchange any of the lands ~~mentioned~~
 12 **DESCRIBED** in section 2104 for lands of an equal area or of
 13 approximately equal value belonging to private individuals, the
 14 department shall maintain a description of the lands to be conveyed
 15 and a description of the lands belonging to individuals to be
 16 deeded to ~~the~~**THIS** state.

17 (3) 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~~**GRANT** of an easement under
 8 ~~section 2129.~~**SUBPART 9. HOWEVER, THE DEPARTMENT SHALL CHARGE A FEE**
 9 **FOR AN APPLICATION FOR THE GRANT OF AN EASEMENT UNDER THIS SUBPART.**
 10 **THE FEE SHALL BE \$300.00 PLUS, IF THE SIZE OF THE EASEMENT IS MORE**
 11 **THAN 300 ACRES, THE ACTUAL REASONABLE COST OF PROCESSING THE**
 12 **APPLICATION.**

13 Sec. 2130. 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 **AND MANAGEMENT**
 17 fund created 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 7o(5) OF THE GENERAL PROPERTY TAX ACT, 1893 PA**
 22 **206, MCL 211.7o.**

23 Sec. 2131. (1) ~~Except as otherwise provided in~~**SUBJECT TO**
 24 subsection (2), ~~or (3),~~ the department may designate as surplus
 25 land any ~~state owned~~**STATE-OWNED** land that is under the control of
 26 the department ~~and that has been dedicated for public use and may,~~
 27 on behalf of ~~the~~**THIS** state, sell that land if **THE SALE IS NOT**

1 **OTHERWISE PROHIBITED BY LAW AND** the department determines all ~~THAT~~
 2 **2 OR MORE** of the following **APPLY**:

3 (a) ~~That the~~ **THE** sale will not materially diminish the quality
 4 or utility of other ~~state owned~~ **STATE-OWNED** land adjoining the land
 5 to be sold.

6 ~~— (b) That the sale is not otherwise restricted by law.~~

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

10 ~~— (d) That 1 or more of the following conditions are met:~~

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

14 **(C)** ~~(ii) The land is occupied for a private use through~~ **THE**
 15 **SALE WILL RESOLVE AN** inadvertent trespass.

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

19 ~~— (2) The department shall not authorize the sale of surplus~~
 20 ~~land as provided in subsection (1) if the proceeds from the sale of~~
 21 ~~the land will cause the balance of the fund to exceed~~
 22 ~~\$25,000,000.00.~~

23 **(2)** ~~(3)~~ Except as provided in section 74102b, the department
 24 shall not designate as surplus land any land within a state park,
 25 ~~or~~ state recreation area, **STATE WILDLIFE RESEARCH AREA, STATE FISH**
 26 **HATCHERY, OR STATE PUBLIC BOATING ACCESS SITE.**

27 Sec. 2132. (1) Subject to subsection (2), the department may

1 sell surplus land at a price established using the method that the
2 department determines to be most appropriate, such as any of the
3 following:

4 (a) Appraisal, **SUBJECT TO SECTION 2132A.**

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), the sale of surplus land
19 through a public auction sale shall be to the highest bidder.

20 **(5) EFFECTIVE 60 DAYS AFTER THE DEPARTMENT RECEIVES AN**
21 **APPLICATION TO PURCHASE SURPLUS LAND THROUGH A NEGOTIATED SALE, THE**
22 **APPLICATION SHALL BE CONSIDERED TO BE COMPLETE UNLESS THE**
23 **DEPARTMENT PROCEEDS AS PROVIDED UNDER SUBSECTION (6) .**

24 **(6) IF, BEFORE THE EXPIRATION OF THE 60-DAY PERIOD UNDER**
25 **SUBSECTION (5), THE DEPARTMENT NOTIFIES THE APPLICANT, IN WRITING,**
26 **THAT THE APPLICATION IS NOT COMPLETE, SPECIFYING THE INFORMATION**
27 **NECESSARY TO MAKE THE APPLICATION COMPLETE, THE RUNNING OF THE 60-**

1 DAY PERIOD UNDER SUBSECTION (5) IS TOLLED UNTIL THE APPLICANT
2 SUBMITS TO THE DEPARTMENT THE SPECIFIED INFORMATION, AT WHICH TIME
3 THE APPLICATION SHALL BE CONSIDERED TO BE COMPLETE. NOTICE UNDER
4 THIS SUBSECTION SHALL INCLUDE A STATEMENT OF THE REQUIREMENTS OF
5 SUBSECTION (12).

6 (7) WITHIN 180 DAYS AFTER THE APPLICATION IS CONSIDERED TO BE
7 COMPLETE, OR A LATER DATE AGREED TO BY THE APPLICANT AND THE
8 DEPARTMENT, THE DEPARTMENT SHALL APPROVE OR DENY THE APPLICATION
9 AND NOTIFY THE APPLICANT IN WRITING. IF THE DEPARTMENT DENIES THE
10 APPLICATION, THE NOTICE SHALL SET FORTH THE SPECIFIC REASONS FOR
11 THE DENIAL.

12 (8) THE DEPARTMENT SHALL CHARGE A FEE FOR AN APPLICATION FOR
13 THE PURCHASE OF SURPLUS LAND. THE FEE SHALL BE \$300.00 PLUS, IF THE
14 SURPLUS LAND IS MORE THAN 300 ACRES IN SIZE, THE ACTUAL REASONABLE
15 COST OF PROCESSING THE APPLICATION.

16 (9) ~~(5)~~—A notice of the sale of surplus land shall be given as
17 provided in section 2133.

18 (10) ~~(6)~~—The proceeds from the sale of surplus land shall be
19 deposited into the fund.

20 (11) ~~(7)~~—Surplus land that is sold under this subpart shall be
21 conveyed by quitclaim deed approved by the attorney general.

22 (12) ~~(8)~~—Each application, as **MAY BE** later amended or
23 supplemented, submitted by a private person under subsection (3) (b)
24 for the purchase of the land identified in that application as a
25 prospect for purchase ~~—~~shall be considered and acted upon by the
26 department to final decision ~~—~~before any other application
27 submitted at a later date by a different private person for the

1 purchase or exchange of the same land. HOWEVER, IF AN APPLICATION
 2 IS NOT COMPLETED WITHIN 60 DAYS AFTER THE DEPARTMENT NOTIFIES THE
 3 APPLICANT UNDER SUBSECTION (6) THAT THE APPLICATION IS INCOMPLETE,
 4 THE DEPARTMENT SHALL CONSIDER AND ACT UPON TO FINAL DECISION AN
 5 APPLICATION SUBMITTED AT A LATER DATE THAT IS COMPLETED BEFORE THAT
 6 PREVIOUSLY SUBMITTED APPLICATION.

7 (13) IN A LAND TRANSACTION, THE DEPARTMENT MAY GIVE PREFERENCE
 8 TO A LOCAL UNIT OF GOVERNMENT BUT SHALL NOT GIVE PREFERENCE TO ANY
 9 OTHER PERSON.

10 SEC. 2132A. IF LAND IS PROPOSED FOR PURCHASE OR SALE BY OR
 11 EXCHANGE WITH THE DEPARTMENT UNDER THIS ACT BASED ON ITS APPRAISED
 12 VALUE, IF 2 OR MORE APPRAISALS OF THE LAND THAT MEET DEPARTMENT
 13 STANDARDS ARE MADE ON BEHALF OF THE PARTIES TO THE PROPOSED
 14 TRANSACTION, AND IF THE HIGH APPRAISAL IS LESS THAN 10% HIGHER THAN
 15 THE LOW APPRAISAL, THE ACCEPTED VALUE FOR PURPOSES OF THE PURCHASE,
 16 SALE, OR EXCHANGE SHALL BE THE AVERAGE OF ALL THE APPRAISED VALUES.
 17 IF THE HIGH APPRAISAL IS AT LEAST 10% HIGHER THAN THE LOW
 18 APPRAISAL, THE PARTIES MAY AGREE UPON A NEW APPRAISER, WHOSE
 19 APPRAISAL, OR DETERMINATION BASED ON REVIEW OF THE EXISTING
 20 APPRAISALS, SHALL BE THE ACCEPTED VALUE FOR PURPOSES OF THE
 21 PURCHASE, SALE, OR EXCHANGE. THE DEPARTMENT IS RESPONSIBLE FOR 1/2
 22 OF THE NEW APPRAISER'S FEE, AND THE OTHER PARTY OR PARTIES ARE
 23 RESPONSIBLE FOR THE BALANCE.

24 Sec. 2136. 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,~~

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

SEC. 2137. (1) UPON REQUEST, THE DEPARTMENT SHALL CONSIDER SELLING OR EXCHANGING LAND THAT IS NOT DESIGNATED AS SURPLUS LAND. THE SALE OR EXCHANGE OF THE LAND IS SUBJECT TO THE SAME PROCEDURES AS APPLY TO THE SALE OF LAND THAT IS DESIGNATED AS SURPLUS LAND UNDER THIS SUBPART.

(2) SUBSECTION (1) DOES NOT APPLY TO LAND IN A STATE PARK, STATE RECREATION AREA, STATE GAME AREA, STATE WILDLIFE RESEARCH AREA, OR STATE PUBLIC BOATING ACCESS SITE. SUBSECTION (1) DOES NOT APPLY TO A REQUEST TO SELL LAND IF THE REQUEST MEETS THE REQUIREMENTS OF SECTION 2138.

SEC. 2138. (1) UPON REQUEST, THE DEPARTMENT SHALL CONSIDER SELLING OR LEASING LAND IF BOTH OF THE FOLLOWING REQUIREMENTS ARE MET:

(A) THE PROSPECTIVE BUYER OR LESSEE IS A BUSINESS SEEKING EXPANSION, BUT IS LIMITED BY ADJACENT STATE LAND.

(B) THE SALE OR LEASE WILL RESULT IN AN ECONOMIC OR OTHER BENEFIT FOR A LOCAL UNIT OF GOVERNMENT OR REGION.

(2) THE REQUIREMENTS SET FORTH IN SECTION 2104(3) TO (5) APPLY TO THE SALE OR LEASE APPLICATION PROCESS.

(3) IN MAKING ITS DECISION ON THE REQUEST UNDER SUBSECTION (1), THE DEPARTMENT SHALL CONSIDER BOTH OF THE FOLLOWING:

(A) ANY COMMENTS ON THE PROPOSED SALE OR LEASE FROM LOCAL UNITS OF GOVERNMENT OR OTHER PERSONS.

(B) THE IMPACT ON NATURAL RESOURCES AND OUTDOOR RECREATION IN THIS STATE, GIVING DUE REGARD TO THE VARIETY, USE, AND QUANTITY OF

1 LANDS THEN UNDER CONTROL OF THE DEPARTMENT.

2 (4) THE PRICE FOR SALE OF THE LAND SHALL BE ESTABLISHED USING
3 A METHOD DETERMINED APPROPRIATE BY THE DEPARTMENT, INCLUDING
4 APPRAISAL, SUBJECT TO SECTION 2132A, FEE SCHEDULE, OR TRUE CASH
5 VALUE OF ADJOINING LANDS AS AGREED TO BY THE APPLICANT.

6 (5) PROCEEDS FROM SALE OF THE LAND SHALL BE DEPOSITED IN THE
7 FUND THAT PROVIDED THE REVENUE FOR THE ACQUISITION OF THE LAND BY
8 THE DEPARTMENT. IF THERE IS MORE THAN 1 SUCH FUND, THE REVENUE
9 SHALL BE DEPOSITED IN THE FUNDS IN AMOUNTS PROPORTIONATE TO THEIR
10 RESPECTIVE CONTRIBUTIONS FOR THE DEPARTMENT'S ACQUISITION OF THE
11 LAND. TO THE EXTENT THAT THE LAND WAS IN WHOLE OR IN PART ACQUIRED
12 OTHER THAN WITH RESTRICTED FUND REVENUE, A PROPORTIONATE AMOUNT OF
13 PROCEEDS OF THE SALE OF THE LAND SHALL BE DEPOSITED IN THE LAND
14 EXCHANGE FACILITATION AND MANAGEMENT FUND CREATED IN SECTION 2134.

15 Sec. 40501. The department shall perform such acts as may be
16 necessary to conduct and establish wildlife restoration,
17 management, and research projects and areas in cooperation with the
18 federal government under the Pittman-Robertson wildlife restoration
19 act, 16 USC 669 to 669i, and regulations promulgated by the United
20 States secretary of the interior under that act. In compliance with
21 that act, funds accruing to this state from license fees paid by
22 hunters shall not be used for any purpose other than game and fish
23 activities under the administration of the department. **THE**
24 **DEPARTMENT SHALL MANAGE LAND ACQUIRED WITH MONEY RECEIVED UNDER THE**
25 **PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT, 16 USC 669 TO 669I, TO**
26 **SCIENTIFICALLY MANAGE GAME AND FISH HABITAT OR TO INCREASE**
27 **RECREATIONAL HUNTING, FISHING, AND SHOOTING OPPORTUNITIES.**

1 EXPENDITURES OF MONEY RECEIVED UNDER THAT ACT TO SCIENTIFICALLY
 2 MANAGE GAME AND FISH HABITAT ACQUIRED WITH MONEY RECEIVED UNDER
 3 THAT ACT MUST BE PRIMARILY FOR THE MANAGEMENT OF GAME AND SPORTFISH
 4 SPECIES, BUT MAY BENEFIT OTHER SPECIES.

5 Sec. 72118. (1) The department shall make a comprehensive
 6 inventory of forest roads that are state roads. The department
 7 shall divide the state into 5 regions and complete the inventory in
 8 regional phases. The Upper Peninsula shall be a separate region or
 9 regions. The department shall inventory the 2 most northerly
 10 regions in the Lower Peninsula by December 31, 2017. The department
 11 shall inventory the remaining regions by December 31, 2018. The
 12 inventory shall meet both of the following requirements:

13 (a) Identify the location, condition, and development level of
 14 the forest roads.

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

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

21 (a) The forest roads within that region shall be open to
 22 motorized use by the public unless designated otherwise by the
 23 department ~~pursuant to~~ **BY ORDER ISSUED UNDER** section ~~504(7).~~ **504.**
 24 However, beginning ~~on the effective date of the amendatory act that~~
 25 ~~added this section,~~ **SEPTEMBER 28, 2016**, forest roads in the Upper
 26 Peninsula shall be open to motorized use by the public unless
 27 designated otherwise ~~pursuant to~~ **BY ORDER ISSUED UNDER** section

1 ~~504(7)~~.504.

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

6 (c) The department shall not newly restrict a road or trail in
7 that region from being used to access public land unless the
8 department has provided each local unit of government in which the
9 public land is located written notice that includes the reason for
10 the restriction. This subdivision does not apply to a restriction
11 imposed to protect public health or safety in an emergency
12 situation.

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

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

18 Enacting section 2. This amendatory act does not take effect
19 unless Senate Bill No. ____ or House Bill No. 4476 (request no.
20 01896'17) of the 99th Legislature is enacted into law.