

# SENATE BILL NO. 149

February 18, 2021, Introduced by Senator BARRETT and referred to the Committee on Appropriations.

A bill to amend 2006 PA 584, entitled

"An act to authorize the department of natural resources to convey certain state owned property in Roscommon county and Crawford county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance,"

by amending sections 1, 3, and 4.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. The department of natural resources, on behalf of the  
2 state, ~~shall convey~~ **conveyed** to the ~~camp~~ **Camp** Curnalia ~~cottage~~  
3 ~~owners association~~, **Cottage Owners Association**, in Roscommon  
4 ~~county~~, **County**, for consideration of \$154.50, certain parcels of

real property under the jurisdiction of the department of natural resources and located in Lyon ~~township~~**Township** in Roscommon ~~county,~~**County**, Michigan, and Beaver Creek ~~township~~**Township** in Crawford ~~county,~~**County**, Michigan, as follows:

(a) A parcel of land located in Lyon ~~township,~~**Township**, Roscommon ~~county,~~**County**, described as:

The entire fractional Section 2 in T24N, R4W, except that part thereof lying easterly of a southerly extension of the north and south 1/4 line of Section 35, T25N, R4W from the south 1/4 corner or said Section 35.

(b) A parcel of land located in Beaver Creek ~~township,~~**Township**, Crawford ~~county,~~**County**, described as:

S 1/2 of S 1/2 of SE 1/4 of SW 1/4, Section 35, Town 25 North, Range 4 West, and S 1/2 of NE 1/4 of SE 1/4 of SE 1/4 of SW 1/4, Section 35, Town 25 North, Range 4 West, containing 11.25 acres.

Sec. 3. The ~~conveyance~~**restrictions on the use of the property conveyed as** authorized by this act ~~shall provide for all of the following:~~**are modified, amended, and clarified as follows:**

(a) The property ~~shall~~**must** be used by the grantee exclusively for residential **ownership of** cottages, **leaseholds**, and allied recreational purposes for the benefit of ~~ex-service personnel,~~**veterans, as that term is defined in section 1 of 1965 PA 190, MCL 35.61, or active duty members of the armed forces**, their spouses, and direct lineal descendants **in perpetuity**, consistent with the purpose prescribed in prior leases executed in this state for the use and occupancy of those lands.

(b) Upon termination of the use described in subdivision (a), use for any other purpose, or a violation of the requirement of section 4, the state may reenter and repossess the property,

1 terminating the grantee's estate in the property.

2 (c) If the grantee disputes the state's exercise of its right  
3 of reentry and fails to promptly deliver possession of the property  
4 to the state, the attorney general, on behalf of the state, may  
5 bring an action to quiet title to, and regain possession of, the  
6 property **in accordance with property rights as established by law,**  
7 **including, but not limited to, court order.**

8 Sec. 4. The conveyance authorized under this act ~~shall~~**must**  
9 require all of the following:

10 (a) The use and eligibility for ownership of residences and  
11 grounds within the property ~~shall~~**must** be limited to ~~ex-service~~  
12 ~~personnel,~~**living veterans, or active duty members of the armed**  
13 **forces,** their spouses, and direct lineal descendants ~~-in perpetuity~~  
14 **as follows:**

15 (i) Original ownership or leasehold of a residence must be by a  
16 living veteran or living active duty member of the armed forces.  
17 The veteran or active duty member may, however, lease the property  
18 or purchase a residence with his or her spouse. A spouse or direct  
19 lineal descendant of a veteran or active duty member of the armed  
20 forces who is deceased is not eligible to be an original owner or  
21 lessee of a residence or property in the Camp Curnalia Cottage  
22 Owners Association.

23 (ii) During the life of the veteran or active duty member, the  
24 veteran or active duty member must maintain not less than a 1%  
25 ownership in the leasehold or residence. If the veteran or active  
26 duty member owns less than 100%, the spouse or direct lineal  
27 descendants in perpetuity, or both, or the veteran or active duty  
28 member must own the remaining percentage.

29 (iii) On the death of the veteran or active duty member who is

1 the original owner, the spouse or the direct lineal descendants in  
2 perpetuity, or both, may gain ownership of the leasehold or  
3 residence in fractions as directed by the veteran or active duty  
4 member in a document or documents that satisfy the requirements to  
5 make an effective distribution of the veteran or active duty  
6 member's property after death under the estates and protected  
7 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, or any  
8 successor statute.

9 (iv) If the spouse or direct lineal descendants in perpetuity  
10 of a veteran or active duty member, or any combination of spouse  
11 and direct lineal descendants in perpetuity, receive a 100%  
12 ownership interest in the leasehold or residence under subparagraph  
13 (iii), any portion of the ownership interest may only be transferred,  
14 whether during the life or on or after the death of the spouse or  
15 direct lineal descendant, to another direct lineal descendant of  
16 the veteran or active duty member, or as provided in subparagraph  
17 (v).

18 (v) Except as provided in subparagraphs (iii) and (iv), a  
19 veteran, active duty member, or spouse or direct lineal descendant  
20 in perpetuity of a veteran or active duty member may only transfer  
21 an ownership in a leasehold or residence to another living veteran  
22 or living active duty member.

23 (vi) The percentage of the governing board of the Camp Curnalia  
24 Cottage Owners Association, or any subsequent owner of the  
25 property, that are veterans or active duty members of the armed  
26 forces, rounded to the nearest percent, must be not less than 75%,  
27 to maintain the integrity of the armed forces service benefit  
28 provided under this act and the property's status as a veterans'  
29 community. If for any reason the veteran and active duty membership

1 of the governing board of the Camp Curnalia Cottage Owners  
2 Association falls below the 75% requirement of this subparagraph,  
3 any vote of the governing board, including formal roll call,  
4 ballot, or written votes and informal votes, must be adjusted so  
5 that the combined votes of the members who are not veterans or  
6 active duty members of the armed forces equal 25% of the total  
7 vote, and the combined votes of the other members equal 75% of the  
8 total vote.

9 (b) The ~~camp-Camp~~ Curnalia ~~cottage-owners-association-Cottage~~  
10 **Owners Association** or any subsequent owner of the property shall  
11 enforce the requirement of subdivision (a).

12 (c) The ~~camp-Camp~~ Curnalia ~~cottage-owners-association-Cottage~~  
13 **Owners Association** shall not amend its bylaws or rules in a manner  
14 that violates the requirement of subdivision (a), or fail to  
15 enforce the requirement of subdivision (a).

16 (d) Any further conveyance by the ~~camp-Camp~~ Curnalia ~~cottage~~  
17 ~~owners-association-Cottage~~ **Owners Association** of all or any part of  
18 the property conveyed under this act, whether by deed, operation of  
19 law, or otherwise, ~~shall-must~~ be made specifically subject to the  
20 requirements of subdivision (a).