



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4201 (Substitute H-1 as reported without amendment)

Sponsor: Representative Steven Lindberg

House Committee: Tourism, Outdoor Recreation and Natural Resources

Senate Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend the Natural Resources and Environmental Protection Act to revise the conditions under which the Department of Natural Resources and Environment (DNRE) may grant an easement over State-owned land; and require the DNRE to grant an easement under certain conditions. In either case, if the DNRE denied a request for an easement, it would have to give the person requesting the easement written notice of the denial and the reasons for the denial.

The Act permits the DNRE to grant an easement over State-owned land under its jurisdiction to an individual only if the individual does not have other access to his or her land; the individual offers a similar roadway easement to the DNRE across the land to which the easement is to provide access; and other conditions are met.

Under the bill, the individual could not have other "legal" access to his or her land, and DNRE could not accept a roadway easement if it would end at a body of water.

Subject to provisions prohibiting easements under certain conditions, the bill would require the DNRE to grant or otherwise provide for an easement for a roadway over State-owned land under its jurisdiction to an individual who requested it, but only if all of the following conditions were met:

- The individual did not have other legal access to his or her land.
- The easement did not cross an environmentally sensitive area, including a wetland or a critical dune area.
- The individual offered a similar roadway easement to the DNRE across the land to which the easement granted by the Department was to provide access, although the DNRE could not accept a roadway easement if it would end at a body of water.

Also, the easement could not conflict with an existing DNRE program or management plan; with a local ordinance; or, if the land were acquired with revenue from hunting and fishing license fees or State or Federal program funds, with State or Federal laws governing the use of the land acquired through the respective program.

The DNRE could impose conditions on an easement granted under these provisions.

MCL 324.2123 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 7-1-10

Fiscal Analyst: Josh Sefton