

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 302**

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 sections 504, 1901, 1903, 2010, 2101, 2104, 2126, 2130, 2131, 2132, 2136, 40501, 52502, 52503, and 52506 (MCL 324.504, 324.1901, 324.1903, 324.2010, 324.2101, 324.2104, 324.2126, 324.2130, 324.2131, 324.2132, 324.2136, 324.40501, 324.52502, 324.52503, and 324.52506), section 504 as amended by 2009 PA 47, sections 1901, 2101, 2130, and 2136 as added by 1995 PA 60, section 1903 as amended by 2018 PA 166, section 2010 as added by 2004 PA 587, 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 sections 52502, 52503, and 52506 as added by 2004 PA 125, and by adding sections 2132a, 2137, and 2138.

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

1           Sec. 504. (1) The department shall promulgate rules to protect  
 2 and preserve lands and other property under its control from  
 3 depredation, damage, or destruction or wrongful or improper use or  
 4 occupancy. **NOT MORE THAN 10 DAYS AFTER PROMULGATING A RULE UNDER**  
 5 **THIS SUBSECTION, THE DEPARTMENT SHALL PROVIDE A COPY OF THE RULE TO**  
 6 **THE RELEVANT LEGISLATIVE COMMITTEES, AS DEFINED IN SECTION 503.**  
 7 **WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF A RULE PROMULGATED**  
 8 **UNDER THIS SUBSECTION THAT LIMITS THE USE OF OR ACCESS TO MORE THAN**  
 9 **500 ACRES OF STATE FOREST, THE DEPARTMENT SHALL, IF REQUESTED BY**  
 10 **THE CHAIR OF A RELEVANT LEGISLATIVE COMMITTEE, PROVIDE TESTIMONY TO**  
 11 **THE COMMITTEE ON THE IMPLEMENTATION AND EFFECTS OF THE RULE.**

12           (2) Subject to subsection ~~(4)~~, **(3)**, the department shall do  
 13 all of the following:

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

18           (b) Manage land under its control to support and promote  
 19 hunting **AND FISHING** opportunities to the extent authorized by law.

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

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

25 ~~—— (a) The location and acreage of land under its control~~  
 26 ~~previously open to hunting that the department closed to hunting~~

1 ~~during the 1 year period ending the preceding March 1, together~~  
2 ~~with the reasons for the closure.~~

3 ~~—— (b) The location and acreage of land under its control~~  
4 ~~previously closed to hunting that the department opened to hunting~~  
5 ~~during the 1 year period ending the preceding March 1 to compensate~~  
6 ~~for land closed to hunting under subdivision (a).~~

7 (3) ~~(4) Subsections (2) and (3) do~~ **SUBSECTION (2) DOES** not  
8 apply to commercial forestland as defined in section 51101.

9 (4) **THE DEPARTMENT IS URGED TO PROMOTE PUBLIC ENJOYMENT OF**  
10 **THIS STATE'S WILDLIFE AND OTHER NATURAL RESOURCES BY PROVIDING**  
11 **PUBLIC ACCESS TO LANDS UNDER THE CONTROL OF THE DEPARTMENT FOR**  
12 **OUTDOOR RECREATION ACTIVITIES DEPENDENT ON NATURAL RESOURCES,**  
13 **PROVIDING REASONABLE CONSIDERATION FOR BOTH MOTORIZED AND**  
14 **NONMOTORIZED ACTIVITIES.**

15 (5) **IF THE DEPARTMENT RECEIVES A WRITTEN RESOLUTION FROM A**  
16 **RECREATIONAL USERS ORGANIZATION OR THE LEGISLATIVE BODY OF A LOCAL**  
17 **UNIT OF GOVERNMENT REQUESTING THE REMOVAL OF A BERM, GATE, OR OTHER**  
18 **HUMAN-MADE BARRIER ON LAND UNDER THE DEPARTMENT'S CONTROL, THE**  
19 **DEPARTMENT SHALL NOTIFY THE REQUESTOR IN WRITING WITHIN 60 DAYS OF**  
20 **1 OF THE FOLLOWING:**

21 (A) **THAT THE BARRIER WILL BE REMOVED. IN THIS CASE, THE**  
22 **DEPARTMENT SHALL REMOVE THE BARRIER WITHIN 180 DAYS AFTER RECEIVING**  
23 **THE WRITTEN REQUEST.**

24 (B) **THE REASONS THE DEPARTMENT BELIEVES THE BARRIER SHOULD NOT**  
25 **BE REMOVED AND THE RIGHT OF THE RECREATIONAL USERS ORGANIZATION OR**  
26 **LOCAL UNIT OF GOVERNMENT, WITHIN 21 DAYS AFTER THE DEPARTMENT SENDS**  
27 **THE WRITTEN NOTICE, TO REQUEST IN WRITING A PUBLIC MEETING ON THE**

1 MATTER. IF THE RECREATIONAL USERS ORGANIZATION OR LOCAL UNIT OF  
2 GOVERNMENT REQUESTS A PUBLIC MEETING AS PROVIDED IN THIS  
3 SUBDIVISION, THE DEPARTMENT SHALL CONDUCT A PUBLIC MEETING WITHIN  
4 THE CITY, VILLAGE, OR TOWNSHIP WHERE THE BARRIER IS LOCATED TO  
5 EXPLAIN THE DEPARTMENT'S POSITION AND RECEIVE COMMENTS ON THE  
6 PROPOSED REMOVAL. AFTER THE MEETING, AND WITHIN 180 DAYS AFTER  
7 RECEIVING THE REQUEST TO REMOVE THE BARRIER, THE DEPARTMENT SHALL  
8 APPROVE OR DENY THE REQUEST AND NOTIFY THE REQUESTOR IN WRITING. IF  
9 THE REQUEST IS DENIED, THE NOTICE SHALL INCLUDE THE REASONS FOR  
10 DENIAL. IF THE REQUEST IS APPROVED, THE DEPARTMENT SHALL REMOVE THE  
11 BARRIER AS FOLLOWS:

12 (i) UNLESS SUBPARAGRAPH (ii) APPLIES, WITHIN 180 DAYS AFTER  
13 THE PUBLIC MEETING.

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

18 (C) THAT THE DEPARTMENT WILL NOT CONSIDER THE REQUEST. THE  
19 DEPARTMENT IS NOT REQUIRED TO CONSIDER THE REQUEST IF, WITHIN THE  
20 3-YEAR PERIOD PRECEDING THE RECEIPT OF THE REQUEST, THE DEPARTMENT  
21 RECEIVED ANOTHER REQUEST FOR REMOVAL OF THE BARRIER AND ACTED OR IS  
22 ACTING ON THE REQUEST UNDER SUBDIVISION (A) OR (B). THE NOTICE  
23 UNDER THIS SUBDIVISION SHALL EXPLAIN WHY THE REQUEST IS NOT BEING  
24 CONSIDERED AND SPECIFY THE DATE AFTER WHICH THE DEPARTMENT IS  
25 REQUIRED, IF THE BARRIER HAS NOT ALREADY BEEN REMOVED, TO CONSIDER  
26 A NEW REQUEST.

27 (6) UPON REQUEST FROM A LOCAL UNIT OF GOVERNMENT, THE

1 DEPARTMENT SHALL WORK WITH THE LOCAL UNIT TO ALLOW USE OF STATE  
2 LAND MANAGED BY THE DEPARTMENT AND LOCATED WITHIN THE LOCAL UNIT  
3 THAT WILL BENEFIT THE LOCAL COMMUNITY BY INCREASING OUTDOOR  
4 RECREATION OPPORTUNITIES AND EXPANDING ACCESS TO AND APPROPRIATE  
5 USE OF THE NATURAL RESOURCES AND OUTDOORS. THE DEPARTMENT MAY  
6 CHARGE THE LOCAL UNIT A REASONABLE FEE FOR THE USE THAT DOES NOT  
7 EXCEED THE COSTS INCURRED BY THE DEPARTMENT FOR THE USE.

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

11 (8) ~~(6)~~—The department shall not promulgate or enforce a rule  
12 that prohibits an individual who is licensed or exempt from  
13 licensure under 1927 PA 372, MCL 28.421 to 28.435, from carrying a  
14 pistol in compliance with that act, whether concealed or otherwise,  
15 on property under the control of the department.

16 (9) ~~(7)~~—The department shall issue orders necessary to  
17 implement rules promulgated under this section. ~~These orders shall~~  
18 ~~be~~ **THE ORDERS ARE** effective upon posting.

19 (10) **IN ISSUING AN ORDER UNDER SUBSECTION (9), THE DEPARTMENT**  
20 **SHALL COMPLY WITH THE FOLLOWING PROCEDURES IN A MANNER THAT ENSURES**  
21 **ADEQUATE PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC COMMENT:**

22 (A) **THE DEPARTMENT SHALL PREPARE THE ORDER AFTER CONSIDERING**  
23 **COMMENTS FROM DEPARTMENT FIELD PERSONNEL.**

24 (B) **THE DEPARTMENT SHALL CONDUCT A PUBLIC MEETING AND**  
25 **OTHERWISE PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT ON THE ORDER.**

26 (C) **COMMENCING AT LEAST 30 DAYS BEFORE THE FIRST MEETING AND**  
27 **CONTINUING THROUGH THE PUBLIC COMMENT PERIOD UNDER SUBDIVISION (B),**

1 THE NATURAL RESOURCES COMMISSION SHALL INCLUDE THE ORDER ON A  
2 PUBLIC MEETING AGENDA AND THE DEPARTMENT SHALL POST THE ORDER ON  
3 ITS WEBSITE. IF THE ORDER WILL RESULT IN A LOSS OF PUBLIC LAND OPEN  
4 TO HUNTING, THE AGENDA AND WEBSITE POSTING SHALL SPECIFY THE NUMBER  
5 OF ACRES AFFECTED.

6 (D) NOT LESS THAN 30 DAYS BEFORE ISSUANCE OF AN ORDER, THE  
7 DEPARTMENT SHALL PROVIDE A COPY OF THE ORDER TO THE RELEVANT  
8 LEGISLATIVE COMMITTEES. THIS SUBDIVISION DOES NOT APPLY TO AN ORDER  
9 THAT DOES NOT ALTER THE SUBSTANCE OF A LAWFUL PROVISION THAT EXISTS  
10 IN THE FORM OF A STATUTE, RULE, REGULATION, OR ORDER AT THE TIME  
11 THE ORDER IS PREPARED.

12 (11) SUBSECTION (10) DOES NOT APPLY TO AN ORDER FOR EMERGENCY  
13 MANAGEMENT PURPOSES THAT IS IN EFFECT FOR 90 DAYS OR LESS.

14 (12) IF AN ORDER LIMITS THE USE OF OR ACCESS TO MORE THAN 500  
15 ACRES OF STATE FOREST, THE DEPARTMENT SHALL PROVIDE A COPY OF THE  
16 ORDER TO THE RELEVANT LEGISLATIVE COMMITTEES NOT MORE THAN 10 DAYS  
17 AFTER THE ORDER IS ISSUED. IF REQUESTED BY THE CHAIR OF A RELEVANT  
18 LEGISLATIVE COMMITTEE, THE DEPARTMENT SHALL PROVIDE TESTIMONY ON  
19 THE IMPLEMENTATION AND EFFECTS OF SUCH AN ORDER AT A COMMITTEE  
20 HEARING HELD WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE ORDER.

21 (13) THE DEPARTMENT MAY REVISE AN ORDER ISSUED PURSUANT TO  
22 SUBSECTION (9). THE REVISION IS SUBJECT TO SUBSECTIONS (10) TO  
23 (12), AS APPLICABLE.

24 (14) ~~(8)~~—A person who violates a rule promulgated under this  
25 section or an order issued under this section is responsible for a  
26 state civil infraction and may be ordered to pay a civil fine of  
27 not more than \$500.00.

1           **(15) AS USED IN THIS SECTION, "RELEVANT LEGISLATIVE**  
 2 **COMMITTEES" MEANS THAT TERM AS DEFINED IN SECTION 503.**

3           Sec. 1901. As used in this part:

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

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

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

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

18           **(C) (e)**—"Trust fund" means the Michigan natural resources  
 19 trust fund established in section 35 of article IX of the state  
 20 constitution of 1963.

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

26           (a) The acquisition of land or rights in land for recreational  
 27 uses or protection of the land because of its environmental

1 importance or its scenic beauty.

2 (b) The development of public recreation facilities.

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

9 (2) An expenditure from the trust fund may be made in the form  
10 of a grant to a local unit of government or public authority,  
11 subject to all of the following conditions:

12 (a) The grant is used for the purposes described in subsection  
13 (1).

14 (b) The grant is matched by the local unit ~~of government or~~  
15 public authority with at least 25% of the total cost of the  
16 project.

17 (3) Not less than 25% of the total amounts made available for  
18 expenditure from the trust fund from any state fiscal year shall be  
19 expended for acquisition of land and rights in land, and not more  
20 than 25% of the total amounts made available for expenditure from  
21 the trust fund from any state fiscal year shall be expended for  
22 development of public recreation facilities.

23 (4) If property that was acquired with money from the trust  
24 fund is subsequently sold or transferred by this state to a  
25 nongovernmental entity, this state shall forward to the state  
26 treasurer for deposit into the trust fund an amount of money equal  
27 to the following:



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

3 (i) The net proceeds of the sale.

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

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

8 (b) If the property was acquired with a combination of trust  
9 fund money and other restricted funding sources governed by federal  
10 or state law, an amount equal to the percentage of the funds  
11 contributed by the trust fund for the acquisition of the property  
12 multiplied by the greatest of the amounts under subdivision (a) (i),  
13 (ii), and (iii).

14 **(5) THIS PART IS SUBJECT TO SECTION 2132A.**

15 Sec. 2010. (1) The game and fish protection account is  
16 established as an account within the legacy fund.

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

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

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

24 **(A)** ~~(i)~~—Revenue derived from hunting and fishing licenses,  
25 passbooks, permits, fees, concessions, leases, contracts, and  
26 activities.

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

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

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

4 (3) Money in the game and fish protection account shall be  
5 expended, upon appropriation, only as provided in part 435 and for  
6 the administration of the game and fish protection account, which  
7 may include payments in lieu of taxes on ~~state-owned~~ **STATE-OWNED**  
8 land purchased through the game and fish protection account or  
9 through the former game and fish protection fund. **THE DEPARTMENT**  
10 **SHALL MANAGE LAND ACQUIRED WITH MONEY FROM THE GAME AND FISH**  
11 **PROTECTION ACCOUNT OR THE FORMER GAME AND FISH PROTECTION FUND**  
12 **THROUGH THE USE OF SCIENTIFIC GAME SPECIES MANAGEMENT FOR THE**  
13 **PRIMARY PURPOSE OF MANAGING HABITAT AND THEREBY ENHANCING**  
14 **RECREATIONAL HUNTING OPPORTUNITIES. UNLESS THE DEPARTMENT CAN**  
15 **DEMONSTRATE THAT THE EXPENDITURE IS FOR THAT PRIMARY PURPOSE, AND**  
16 **BENEFITS TO NONGAME SPECIES ARE A RESULT OF THAT PRIMARY PURPOSE,**  
17 **BOTH OF THE FOLLOWING APPLY:**

18 (A) **MONEY IN THE GAME AND FISH PROTECTION ACCOUNT SHALL NOT BE**  
19 **EXPENDED FOR MANAGEMENT OF NONGAME SPECIES.**

20 (B) **FOREST TREATMENTS ON LANDS ACQUIRED WITH MONEY FROM THE**  
21 **GAME AND FISH PROTECTION ACCOUNT OR THE FORMER GAME AND FISH**  
22 **PROTECTION FUND SHALL NOT BE UNDERTAKEN TO BENEFIT NONGAME SPECIES.**

23 (4) Money in the game and fish protection account may be  
24 expended pursuant to subsection (3) for grants to state colleges  
25 and universities to implement programs funded by the game and fish  
26 protection account **IF THE DEPARTMENT DOES NOT HAVE THE APPROPRIATE**  
27 **STAFF OR OTHER RESOURCES TO IMPLEMENT THE PROGRAMS ITSELF.**



1 condition that is protective of the public health and safety. If  
 2 lands are conveyed or transferred for a nominal fee and are  
 3 subsequently sold by the governmental unit for a valuable  
 4 consideration, the proceeds from such a sale, after deducting the  
 5 fee and any amount paid by the local governmental units for  
 6 maintaining the lands in a condition that is protective of the  
 7 public health and safety, shall be ~~accounted for~~ **PAID** to the state,  
 8 county, township, and school district in which the lands are  
 9 situated pro rata according to their several interests in the lands  
 10 arising from the nonpayment of taxes and special assessments on the  
 11 lands as the interest appears in the offices of the state treasurer  
 12 or county, city, or village ~~treasurers~~. **TREASURER.**

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

21       (2) If the department ~~charges~~ **CHARGED** an application fee for a  
 22 proposed sale of land under this section and the state land  
 23 proposed for sale is **INSTEAD** sold to another party within 3 years  
 24 after the date a completed application ~~is~~ **WAS** received by the  
 25 department **FROM THE PRIOR APPLICANT**, the department shall refund  
 26 the application fee in full to the **PRIOR** applicant if the **PRIOR**  
 27 applicant has informed the department of his or her current

1 address.

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

7 (4) IF, BEFORE THE EXPIRATION OF THE 60-DAY PERIOD UNDER  
8 SUBSECTION (3), THE DEPARTMENT NOTIFIES THE APPLICANT, IN WRITING,  
9 THAT THE APPLICATION IS NOT COMPLETE, SPECIFYING THE INFORMATION  
10 NECESSARY TO MAKE THE APPLICATION COMPLETE, OR THAT THE FEE  
11 REQUIRED UNDER SUBSECTION (6) HAS NOT BEEN PAID, SPECIFYING THE  
12 AMOUNT DUE, THE RUNNING OF THE 60-DAY PERIOD UNDER SUBSECTION (3)  
13 IS TOLLED UNTIL THE APPLICANT SUBMITS TO THE DEPARTMENT THE  
14 SPECIFIED INFORMATION OR FEE AMOUNT DUE, AT WHICH TIME THE  
15 APPLICATION SHALL BE CONSIDERED TO BE COMPLETE.

16 (5) WITHIN 180 DAYS AFTER THE APPLICATION IS COMPLETE, OR A  
17 LATER DATE AGREED TO BY THE APPLICANT AND THE DEPARTMENT, THE  
18 DEPARTMENT SHALL APPROVE OR DENY THE APPLICATION AND NOTIFY THE  
19 APPLICANT IN WRITING. IF THE DEPARTMENT DENIES THE APPLICATION, THE  
20 NOTICE SHALL SET FORTH THE SPECIFIC REASONS FOR THE DENIAL.

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

25 Sec. 2126. Before the department grants an easement under this  
26 subpart, the individual applying for the easement shall pay charges  
27 as required by the department. The charges shall be the same as

1 those charges required for the granting of an easement under  
 2 ~~section 2129.~~ **SUBPART 9. HOWEVER, THE DEPARTMENT MAY CHARGE A FEE**  
 3 **FOR AN APPLICATION FOR THE GRANT OF AN EASEMENT UNDER THIS SUBPART.**  
 4 **THE FEE SHALL NOT EXCEED THE ACTUAL REASONABLE COST OF PROCESSING**  
 5 **AN APPLICATION FOR AN EASEMENT OR \$300.00, WHICHEVER IS LESS.**

6 Sec. 2130. As used in this subpart:

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

9 (b) "Fund", **UNLESS THE CONTEXT IMPLIES OTHERWISE,** means the  
 10 land exchange facilitation **AND MANAGEMENT** fund created in section  
 11 2134.

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

14 Sec. 2131. (1) ~~Except as otherwise provided in~~ **SUBJECT TO**  
 15 subsection (2), ~~or (3),~~ the department may designate as surplus  
 16 land any ~~state-owned~~ **STATE-OWNED** land that is under the control of  
 17 the department ~~and that has been dedicated for public use and may,~~  
 18 on behalf of ~~the~~ **THIS** state, sell that land if **THE SALE IS NOT**  
 19 **OTHERWISE PROHIBITED BY LAW AND** the department ~~determines~~ **HAS**  
 20 **CONSIDERED** all of the following:

21 (a) ~~That~~ **WHETHER** the sale will not materially diminish the  
 22 quality or utility of other ~~state-owned~~ **STATE-OWNED** land adjoining  
 23 the land to be sold.

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

25 **(B)** ~~(c) That~~ **WHETHER** the sale is in the best interests of ~~the~~  
 26 **THIS** state, giving due regard to the variety, use, and quantity of  
 27 lands then under the control of the department.

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

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

5 (C) ~~(ii) The land is occupied for a private use through~~

6 **WHETHER THE SALE WILL RESOLVE AN** inadvertent trespass.

7 (D) ~~(iii) The~~ **WHETHER THE** sale will promote the development of  
 8 the forestry or forest products industry or the mineral extraction  
 9 and utilization industry **OR OTHER ECONOMIC ACTIVITY** in this state.

10 ~~— (2) The department shall not authorize the sale of surplus~~  
 11 ~~land as provided in subsection (1) if the proceeds from the sale of~~  
 12 ~~the land will cause the balance of the fund to exceed~~  
 13 ~~\$25,000,000.00.~~

14 (2) ~~(3)~~ Except as provided in section 74102b, the department  
 15 shall not designate as surplus land any land within a state park,  
 16 ~~or~~ state recreation area, **STATE FISH HATCHERY, STATE GAME AREA, OR**  
 17 **STATE PUBLIC BOATING ACCESS SITE.**

18 Sec. 2132. (1) Subject to subsection (2), the department may  
 19 sell surplus land at a price established using the method that the  
 20 department determines to be most appropriate, such as any of the  
 21 following:

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

23 (b) Appraisal consulting.

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

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

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

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

7 (a) A public auction sale.

8 (b) A negotiated sale.

9 (4) Subject to subsection (1), the sale of surplus land  
10 through a public auction sale shall be to the highest bidder.

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

15 (6) **IF, BEFORE THE EXPIRATION OF THE 60-DAY PERIOD UNDER**  
16 **SUBSECTION (5), THE DEPARTMENT NOTIFIES THE APPLICANT, IN WRITING,**  
17 **THAT THE APPLICATION IS NOT COMPLETE, SPECIFYING THE INFORMATION**  
18 **NECESSARY TO MAKE THE APPLICATION COMPLETE, OR THAT THE FEE**  
19 **REQUIRED UNDER SUBSECTION (8) HAS NOT BEEN PAID, SPECIFYING THE**  
20 **AMOUNT DUE, THE RUNNING OF THE 60-DAY PERIOD UNDER SUBSECTION (5)**  
21 **IS TOLLED UNTIL THE APPLICANT SUBMITS TO THE DEPARTMENT THE**  
22 **SPECIFIED INFORMATION OR FEE AMOUNT DUE, AT WHICH TIME THE**  
23 **APPLICATION SHALL BE CONSIDERED TO BE COMPLETE. NOTICE UNDER THIS**  
24 **SUBSECTION SHALL INCLUDE A STATEMENT OF THE REQUIREMENTS OF**  
25 **SUBSECTION (12) .**

26 (7) **WITHIN 180 DAYS AFTER THE APPLICATION IS CONSIDERED TO BE**  
27 **COMPLETE, OR A LATER DATE AGREED TO BY THE APPLICANT AND THE**



1 DEPARTMENT, THE DEPARTMENT SHALL APPROVE OR DENY THE APPLICATION  
2 AND NOTIFY THE APPLICANT IN WRITING. IF THE DEPARTMENT DENIES THE  
3 APPLICATION, THE NOTICE SHALL SET FORTH THE SPECIFIC REASONS FOR  
4 THE DENIAL.

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

9 (9) ~~(5)~~—A notice of the sale of surplus land shall be given as  
10 provided in section ~~2133~~-2165.

11 (10) ~~(6)~~—The proceeds from the sale of surplus land shall be  
12 deposited into the fund.

13 (11) ~~(7)~~—Surplus land that is sold under this subpart shall be  
14 conveyed by quitclaim deed approved by the attorney general.

15 (12) ~~(8)~~—Each application, as **MAY BE** later amended or  
16 supplemented, submitted by a private person under subsection (3) (b)  
17 for the purchase of the land identified in that application as a  
18 prospect for purchase ~~—~~shall be considered and acted upon by the  
19 department to final decision ~~—~~before any other application  
20 submitted at a later date by a different private person for the  
21 purchase or exchange of the same land. **HOWEVER, IF AN APPLICATION**  
22 **IS NOT COMPLETED OR THE FEE UNDER SUBSECTION (8) IS NOT PAID WITHIN**  
23 **60 DAYS AFTER THE DEPARTMENT NOTIFIES THE APPLICANT UNDER**  
24 **SUBSECTION (6) THAT THE APPLICATION IS INCOMPLETE OR THAT THE FEE**  
25 **HAS NOT BEEN PAID, THE DEPARTMENT SHALL CONSIDER AND ACT UPON TO**  
26 **FINAL DECISION AN APPLICATION SUBMITTED AT A LATER DATE THAT IS**  
27 **COMPLETED AND FOR WHICH THE FEE HAS BEEN PAID BEFORE THAT**

1 PREVIOUSLY SUBMITTED APPLICATION.

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

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

18 Sec. 2136. This subpart does not limit the authority of the  
19 department to ~~do 1 or both of the following:~~

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

21 ~~—— (b) To sell land as provided in the general property tax act,~~  
22 ~~Act No. 206 of the Public Acts of 1893, being sections 211.1 to~~  
23 ~~211.157 of the Michigan Compiled Laws.~~

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

1 UNDER THIS SUBPART.

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

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

10 (A) THE PROSPECTIVE BUYER OR LESSEE IS AN EXISTING BUSINESS  
11 LOCATED ADJACENT TO STATE LAND AND IS LIMITED FROM EXPANSION  
12 BECAUSE OF ADJACENT STATE LAND.

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

15 (2) THE DEPARTMENT SHALL GIVE NOTICE OF THE PROPOSED SALE OR  
16 LEASE OF THE LAND AS PROVIDED IN SECTION 2165.

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

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

21 (B) THE IMPACT ON NATURAL RESOURCES AND OUTDOOR RECREATION IN  
22 THIS STATE, GIVING DUE REGARD TO THE VARIETY, USE, AND QUANTITY OF  
23 LANDS THEN UNDER CONTROL OF THE DEPARTMENT.

24 (4) THE PRICE FOR SALE OF THE LAND SHALL BE ESTABLISHED USING  
25 A METHOD DETERMINED APPROPRIATE BY THE DEPARTMENT AND AGREED TO BY  
26 THE APPLICANT, SUCH AS THOSE LISTED IN SECTION 2132(1).

27 (5) PROCEEDS FROM SALE OF THE LAND SHALL BE DEPOSITED IN THE

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

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

24 Sec. 52502. (1) The department shall manage the state forest  
25 in a manner that is consistent with principles of sustainable  
26 forestry. ~~and in doing so~~

27 (2) **IN FULFILLING THE REQUIREMENTS OF SUBSECTION (1), THE**

1 **DEPARTMENT** shall do all of the following:

2 (a) Manage forests with consideration of ~~its~~**THEIR** economic,  
3 social, and environmental values by doing all of the following:

4 (i) ~~Broaden~~**BROADENING** the implementation of sustainable  
5 forestry by employing an array of economically, environmentally,  
6 and socially sound practices in the conservation of forests, using  
7 the best scientific information available.

8 (ii) ~~Promote~~**PROMOTING** the efficient utilization of forest  
9 resources.

10 (iii) ~~Broaden~~**BROADENING** the practice of sustainable forestry  
11 by cooperating with forestland owners, wood producers, and  
12 consulting foresters.

13 ~~—— (iv) Plan and manage plantations in accordance with  
14 sustainable forestry principles and in a manner that complements  
15 the management of and promotes the restoration and conservation of  
16 natural forests.~~

17 (iv) **WHERE APPROPRIATE, PROMOTING WORKING FORESTS FOR THE  
18 PRODUCTION OF FOREST PRODUCTS AND ECOLOGICAL VALUE.**

19 (v) **ACTIVELY MANAGING FOR ENHANCED WILDLIFE HABITAT.**

20 (b) Conserve and protect forestland by doing all of the  
21 following:

22 (i) ~~Ensure~~**ENSURING** long-term forest productivity and  
23 conservation of forest resources through prompt reforestation, soil  
24 conservation, afforestation, and other measures.

25 (ii) ~~Protect~~**PROTECTING** the water quality in streams, lakes,  
26 and other ~~waterbodies~~**WATER BODIES** in a manner consistent with the  
27 department's best management practices for water quality.

1           ~~(iii) Manage~~ **MANAGING** the quality and distribution of wildlife  
 2 habitats, ~~and contribute~~ **CONTRIBUTING** to the conservation of  
 3 biological diversity, ~~by developing and implementing~~ stand and  
 4 landscape-level measures that promote habitat diversity and the  
 5 conservation of forest plants and animals, including aquatic flora  
 6 and fauna and unique ecosystems, **WHILE GIVING DUE CONSIDERATION TO**  
 7 **LOSS OF ECONOMIC VALUES.**

8           ~~(iv) Protect forests~~ **MANAGING FORESTS TO MITIGATE OR MINIMIZE**  
 9 **IMPACTS** from wildfire, pests, diseases, and other damaging agents.

10           ~~(v) Manage~~ **MANAGING** areas of ecologic, geologic, cultural, or  
 11 historic significance in a manner that recognizes their special  
 12 qualities.

13           ~~(vi) Manage~~ **MANAGING** activities in high conservation value  
 14 forests by maintaining or enhancing the attributes that define ~~such~~  
 15 **THOSE** forests, **WHILE GIVING DUE CONSIDERATION TO LOSS OF ECONOMIC**  
 16 **VALUES.**

17           (c) Communicate to the public by doing all of the following:

18           ~~(i) Publicly report~~ **REPORTING** the department's progress in  
 19 fulfilling its commitment to sustainable forestry.

20           ~~(ii)~~ **INFORMING THE PUBLIC OF THE POSITIVE ASPECTS OF MANAGED**  
 21 **FORESTS.**

22           ~~(iii) (ii) Provide~~ **PROVIDING** opportunities for persons to  
 23 participate in the commitment to sustainable forestry.

24           ~~(iv) (iii) Prepare, implement, and keep~~ **PREPARING,**  
 25 **IMPLEMENTING, AND KEEPING** current a management plan that clearly  
 26 states the long-term objectives of management and the means of  
 27 achieving those objectives.

1           (d) ~~Monitor forest management by promoting~~ **PROMOTE** continual  
2 improvement in the practice of sustainable forestry and ~~monitoring,~~  
3 ~~measuring, and reporting~~ **MONITOR, MEASURE, AND REPORT** performance  
4 in achieving ~~the commitment to~~ sustainable forestry.

5           (e) Consider the local community surrounding state forestland  
6 by doing both of the following:

7           (i) ~~Require~~ **REQUIRING** that forest management plans and  
8 operations comply with applicable federal and state laws.

9           (ii) ~~Require~~ **REQUIRING** that forest management operations  
10 maintain or enhance the long-term social and economic well-being of  
11 forest workers and local communities.

12           Sec. 52503. (1) The department shall adopt a forestry  
13 development, conservation, and recreation management plan for ~~state~~  
14 ~~owned~~ **STATE-OWNED** lands owned or controlled by the department.  
15 Parks and recreation areas, state game areas, and other wildlife  
16 areas on these lands shall be managed according to their primary  
17 purpose. ~~The~~ **SUBJECT TO SUBSECTION (2) (G), THE** department may  
18 update the plan as the department considers necessary or  
19 appropriate. The plan and any plan updates shall be consistent with  
20 section 52502 and shall be designed to ~~assure~~ **ENSURE** a stable,  
21 long-term, sustainable timber supply from the state forest as a  
22 whole.

23           (2) The plan and any plan updates shall include all of the  
24 following:

25           (a) An identification of the interests of local communities,  
26 outdoor recreation interests, the tourism industry, and the forest  
27 products industry.

1 ~~— (b) An identification of the annual capability of the state~~  
2 ~~forest and management goals based on that level of productivity.~~

3 (B) ~~(e)~~ Methods to promote and encourage the use of the state  
4 forest for outdoor recreation, tourism, and the forest products  
5 industry.

6 (C) ~~(d)~~ A landscape management plan for the state forest  
7 incorporating biodiversity conservation goals, indicators, and  
8 measures.

9 (D) ~~(e)~~ Standards for sustainable forestry consistent with  
10 section 52502.

11 (E) ~~(f)~~ An identification of environmentally sensitive areas.

12 (F) ~~(g)~~ An identification of the need for forest treatments to  
13 maintain and sustain healthy, vigorous forest vegetation and  
14 quality habitat for wildlife and environmentally sensitive species.

15 (G) YEARLY HARVEST OBJECTIVES FOR ALL STATE FOREST LAND BY  
16 FOREST REGION FOR A 10-YEAR PERIOD. AT LEAST EVERY 5 YEARS, THE  
17 DEPARTMENT SHALL REVIEW THE YEARLY HARVEST OBJECTIVES. AT LEAST  
18 ONCE EVERY 10 YEARS, THE DEPARTMENT SHALL UPDATE THE YEARLY HARVEST  
19 OBJECTIVES FOR ALL STATE FOREST LAND FOR A 10-YEAR PERIOD. THE  
20 DEPARTMENT SHALL POST AND MAINTAIN THE CURRENT YEARLY HARVEST  
21 OBJECTIVES ON THE DEPARTMENT'S WEBSITE. THE HARVEST OBJECTIVES FOR  
22 EACH FOREST REGION SHALL NOT EXCEED THE SUSTAINABLE YIELDS. IN  
23 SETTING HARVEST OBJECTIVES, THE DEPARTMENT MAY CONSIDER PHYSICAL,  
24 BIOLOGICAL, ENVIRONMENTAL, AND RECREATIONAL OBJECTIVES.

25 (3) BEGINNING OCTOBER 1, 2018 AND EACH YEAR THEREAFTER, THE  
26 DEPARTMENT SHALL PREPARE FOR SALE A MINIMUM OF 90% OF THE YEARLY  
27 STATEWIDE HARVEST OBJECTIVE.



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

7           (a) The number of harvestable acres in the state forest, as  
 8 determined by the ~~certification program under section 52506.~~ **FROM**  
 9 **INFORMATION IN THE STATE FOREST MANAGEMENT PLAN UNDER SECTION**  
 10 **52503.**

11           (b) The number of acres of the state forest that were  
 12 harvested and the number of cords of wood that were harvested from  
 13 the state forest.

14           (c) The number of acres of ~~state-owned~~ **STATE-OWNED** lands owned  
 15 or controlled by the department other than state ~~forestlands~~ **FOREST**  
 16 that were harvested and the number of cords of wood that were  
 17 harvested from those lands.

18           (d) Efforts by the department to promote recreational  
 19 opportunities in the state forest.

20           (e) Information on the public's utilization of the  
 21 recreational opportunities offered by the state forest.

22           (f) Efforts by the department to promote wildlife habitat in  
 23 the state forest.

24           (g) The status of the plan and whether the department  
 25 recommends any changes in the plan.

26           (h) ~~Status~~ **THE STATUS** of certification efforts required in  
 27 section 52505 and ~~, beginning in 2006,~~ a definitive statement of

1 whether the department is maintaining certification of the entire  
2 state forest.

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

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

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

10 (a) Senate Bill No. 303.

11 (b) House Bill No. 4475.