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BILL ANALYSIS

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Senate Bill 248 (Substitute S-1)  
Sponsor: Senator Tom Casperson  
Committee: Natural Resources, Environment and Great Lakes

Date Completed: 5-31-11

### **CONTENT**

**The bill would amend Part 5 (Department of Natural Resources) of the Natural Resources and Environmental Protection Act to do the following:**

- **Prohibit the Department of Natural Resources (DNR) from acquiring surface rights to more than 4.6 million acres of land.**
- **Require the DNR to offer for sale at a public auction tax reverted land that had not sold after six months.**
- **Require the DNR to consider the expenses it would incur in managing new land and the loss of tax revenue to local governments, before acquiring surface rights.**

Specifically, the DNR could not acquire surface rights if it owned or controlled, or as a result of the acquisition would own or control, the surface rights to more than 4.6 million acres of land. For the purposes of this restriction, the number of acres in which the Department owned or controlled surface rights would not include any of the following, if acquired after the bill took effect:

- A right-of-way for gaining access to other land owned by or under the control of the DNR.
- Land that was commercial forestland on the bill's effective date.
- Land acquired by the DNR through gift or litigation.
- Land in which the Department had acquired a conservation easement.
- A trail.

If the traveled portion of the trail were located within an abandoned railroad right-of-way, the land excluded from the total would be limited to that right-of-way. Otherwise, the excluded land would be limited to the traveled portion of the trail and contiguous land. The area of the contiguous land could not exceed the product of 40 feet multiplied by the length of the trail in feet.

The DNR would have to maintain a record of acquired land excluded from the total. The record would have to include the location, acreage, date of acquisition, and use of the land.

The Department would have to post and maintain on its website the following information:

- The number of acres of land, including the land excluded from the total for purposes of the 4.6 million-acre limit, in which the Department owned or controlled surface rights, in total and by program.
- The number of acres of land, disregarding the excluded land, in which the Department owned or controlled surface rights, in total and by program.

If the DNR offered tax reverted land for sale and the land were not sold within six months, the Department would have to offer it for sale at a public auction with no minimum bid requirement and sell the property to the qualified bidder making the highest bid.

Before acquiring surface rights to land, the Department would have to consider the expense it was likely to incur in managing the land, including payments in lieu of taxes, and the loss of tax revenue likely to be incurred by local units of government as a result of the acquisition. The DNR would have to post this information on its website for at least 21 days.

MCL 324.503

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would have an indeterminate impact on State and local finances. According to its website, the Department currently owns 4,472,175 acres of land.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.