

SENATE BILL No. 214

February 20, 2013, Introduced by Senators CASPERSON, COLBECK and ROBERTSON and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1902 and 1903 (MCL 324.1902 and 324.1903), section 1902 as amended by 2012 PA 619 and section 1903 as amended by 2011 PA 117; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1902. (1) In accordance with section 35 of article IX of
2 the state constitution of 1963, the Michigan natural resources
3 trust fund is established in the state treasury. The trust fund
4 shall consist of all bonuses, rentals, delayed rentals, and
5 royalties collected or reserved by the state under provisions of
6 leases for the extraction of nonrenewable resources from state
7 owned lands. However, the trust fund shall not include bonuses,
8 rentals, delayed rentals, and royalties collected or reserved by
9 the state from the following sources:

1 (a) State owned lands acquired with money appropriated from
 2 the former game and fish protection fund or the game and fish
 3 protection account of the Michigan conservation and recreation
 4 legacy fund provided for in section 2010.

5 (b) State owned lands acquired with money appropriated from
 6 the subfund account created by former section 4 of former 1976 PA
 7 204.

8 (c) State owned lands acquired with money appropriated from
 9 related federal funds made available to the state under the
 10 Pittman-Robertson wildlife restoration act, 16 USC 669 to 669k, or
 11 the Dingell-Johnson sport fish restoration act, 16 USC 777 to 777n.

12 (d) Money received by the state from net proceeds allocable to
 13 the nonconventional source production credit contained in section
 14 45k of the internal revenue code of 1986, 26 USC 45k, as provided
 15 for in section 503.

16 (2) Notwithstanding subsection (1), until the ~~trust fund~~
 17 **MICHIGAN STATE PARKS ENDOWMENT FUND** reaches an accumulated
 18 principal of ~~\$500,000,000.00, \$10,000,000.00~~ **\$400,000,000.00, 40%**
 19 of the revenues from bonuses, rentals, delayed rentals, and
 20 royalties described in this section, but not including money
 21 received by the state from net proceeds allocable to the
 22 nonconventional source production credit contained in section 45k
 23 of the internal revenue code of 1986, 26 USC 45k, as provided for
 24 in section 503, otherwise dedicated to the trust fund that are
 25 received by the ~~trust fund~~ **STATE** each state fiscal year shall be
 26 transferred to the state treasurer for deposit into the Michigan
 27 state parks endowment fund. ~~However, until the trust fund reaches~~

1 ~~an accumulated principal of \$500,000,000.00, in any state fiscal~~
2 ~~year, not more than 50% of the total revenues from bonuses,~~
3 ~~rentals, delayed rentals, and royalties described in this section,~~
4 ~~but not including net proceeds allocable to the nonconventional~~
5 ~~source production credit contained in section 45k of the internal~~
6 ~~revenue code of 1986, 26 USC 45k, as provided in section 503,~~
7 ~~otherwise dedicated to the trust fund that are received by the~~
8 ~~trust fund each state fiscal year shall be transferred to the~~
9 ~~Michigan state parks endowment fund. To implement this subsection,~~
10 ~~until the trust fund reaches an accumulated principal of~~
11 ~~\$500,000,000.00, the department shall transfer 50% of the money~~
12 ~~received by the trust fund each month pursuant to subsection (1) to~~
13 ~~the state treasurer for deposit into the Michigan state parks~~
14 ~~endowment fund. The department shall make this transfer on the last~~
15 ~~day of each month or as soon as practicable thereafter. However,~~
16 ~~not more than a total of \$10,000,000.00 shall be transferred in any~~
17 ~~state fiscal year pursuant to this subsection.~~

18 (3) The trust fund may receive appropriations, money, or other
19 things of value.

20 (4) The state treasurer shall direct the investment of the
21 trust fund. The state treasurer shall have the same authority to
22 invest the assets of the trust fund as is granted to an investment
23 fiduciary under the public employee retirement system investment
24 act, 1965 PA 314, MCL 38.1132 to ~~38.1140m~~-38.1141.

25 (5) The department shall annually prepare a report containing
26 an accounting of revenues and expenditures from the trust fund.
27 This report shall identify the interest and earnings of the trust

1 fund from the previous year, the investment performance of the
2 trust fund during the previous year, and the total amount of
3 appropriations from the trust fund during the previous year. This
4 report shall be provided to the senate and house of representatives
5 appropriations committees and the standing committees of the senate
6 and house of representatives with jurisdiction over issues
7 pertaining to natural resources and the environment.

8 (6) As used in this section, "Michigan state parks endowment
9 fund" means the Michigan state parks endowment fund established in
10 section 35a of article IX of the state constitution of 1963 and
11 provided for in section 74119.

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

17 (a) The acquisition of land or rights in land for recreational
18 uses or protection of the land because of its environmental
19 importance or its scenic beauty.

20 **(B) THE MANAGEMENT OF LAND AND WATER RESOURCES FOR**
21 **RECREATIONAL PURPOSES.**

22 (C) ~~(b)~~—The development of public recreation facilities.

23 **(D) THE DEVELOPMENT AND MAINTENANCE OF TRAILS AND ROADS ON**
24 **STATE-OWNED LAND.**

25 **(E) INFRASTRUCTURE DIRECTLY RELATED TO NATURAL-RESOURCE-BASED**
26 **INDUSTRIES, INCLUDING TIMBER HARVESTING AND MINING.**

27 **(F) INFRASTRUCTURE ON WATERWAYS, INCLUDING BREAKWATERS AND**

1 **DREDGING OPERATIONS.**

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

8 (2) In addition to the money described in subsection (1), ~~33-~~
9 ~~1/3% of the money, exclusive of interest and earnings, received by~~
10 **REVENUES OF** the trust fund in any state fiscal year may be expended
11 in subsequent state fiscal years for the purposes described in
12 subsection (1). ~~However, the authorization for the expenditure of~~
13 ~~money provided in this subsection does not apply after the state~~
14 ~~fiscal year in which the total amount of money in the trust fund,~~
15 ~~exclusive of interest and earnings and amounts authorized for~~
16 ~~expenditure under this section, exceeds \$500,000,000.00.~~

17 (3) **THE ACCUMULATED PRINCIPAL OF THE TRUST FUND SHALL NOT BE**
18 **EXPENDED.**

19 (4) ~~(3)~~—An expenditure from the trust fund may be made in the
20 form of a grant to a local unit of government or public authority,
21 subject to all of the following conditions:

22 (a) The grant is used for the purposes described in subsection
23 (1).

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

27 ~~(4) Not less than 25% of the total amounts made available for~~

~~1 expenditure from the trust fund from any state fiscal year shall be
2 expended for acquisition of land and rights in land, and not more
3 than 25% of the total amounts made available for expenditure from
4 the trust fund from any state fiscal year shall be expended for
5 development of public recreation facilities.~~

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

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

13 (i) The net proceeds of the sale.

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

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

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

24 Enacting section 1. Section 1904 of the natural resources and
25 environmental protection act, 1994 PA 451, MCL 324.1904, is
26 repealed.

27 Enacting section 2. This amendatory act does not take effect

1 unless Senate Joint Resolution ____ or House Joint Resolution ____
2 (request no. 00665'13 *) of the 97th Legislature becomes a part of
3 the state constitution of 1963 as provided in section 1 of article
4 XII of the state constitution of 1963.