

Act No. 622
Public Acts of 2012
Approved by the Governor
January 8, 2013
Filed with the Secretary of State
January 9, 2013
EFFECTIVE DATE: January 9, 2013

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Senators Casperson and Booher

ENROLLED SENATE BILL No. 1280

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 2131 and 2132 (MCL 324.2131 and 324.2132), section 2131 as amended by 2006 PA 308 and section 2132 as amended by 2012 PA 240.

The People of the State of Michigan enact:

Sec. 2131. (1) Except as otherwise provided in subsection (2) or (3), the department may designate as surplus land any state owned land that is under the control of the department and that has been dedicated for public use and may, on behalf of the state, sell that land if the department determines all of the following:

(a) That the sale will not materially diminish the quality or utility of other state owned land adjoining the land to be sold.

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

(c) That the sale is in the best interests of the state, giving due regard to the variety, use, and quantity of lands then under the control of the department.

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

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

(ii) The land is occupied for a private use through inadvertent trespass.

(iii) The sale will promote the development of the forestry or forest products industry or the mineral extraction and utilization industry in this state.

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

(3) Except as provided in section 74102b, the department shall not designate as surplus land any land within a state park or state recreation area.

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

- (a) Appraisal.
- (b) Appraisal consulting.
- (c) A schedule adopted by the department for pricing property with uniform characteristics and low utility.
- (d) The true cash value of nearby land as determined by the local assessor.

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

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

- (a) A public auction sale.
- (b) A negotiated sale.
- (4) Subject to subsection (1), the sale of surplus land through a public auction sale shall be to the highest bidder.
- (5) A notice of the sale of surplus land shall be given as provided in section 2133.
- (6) The proceeds from the sale of surplus land shall be deposited into the fund.

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

(8) Each application, as later amended or supplemented, submitted by a private person under subsection (3)(b) for the purchase of the land identified in that application as a prospect for purchase, shall be considered and acted upon by the department to final decision, before any other application submitted at a later date by a different private person for the purchase or exchange of the same land.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Sam E. Randall

Clerk of the House of Representatives

Approved

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Governor