

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.1907 List of lands, rights in land, and public recreation facilities to be acquired or developed; estimates of total costs; guidelines; legislative approval; "qualified conservation organization" defined.

Sec. 1907.

(1) The board shall determine which lands and rights in land within this state should be acquired for recreational uses or protection of land because of its environmental importance or its scenic beauty and which public recreation facilities should be developed, renovated, and redeveloped with money from the trust fund and shall submit to the legislature in January of each year a list of those lands and rights in land and those public recreation facilities that the board has determined should be acquired or developed, renovated, and redeveloped with trust fund money, compiled in order of priority. The list prepared under this subsection shall be based upon the accounting of revenues available for expenditure as described in the report prepared under section 1902(4) and upon consideration of any consensus recommendation submitted under subsection (2) that is consistent with section 35 of article 9 of the state constitution of 1963.

(2) By December 1 of each year, the governor or his or her designee, the state treasurer or his or her designee, the senate majority leader or his or her designee, and the speaker of the house of representatives or his or her designee, and 1 member of the board selected by the board, shall meet and develop a consensus recommendation to be submitted to the board on the amount of money that should be made available to fund each of the following:

(a) Acquisitions under section 1903(1)(a).

(b) Development, renovation, and redevelopment projects under section 1903(1)(b).

(c) Administration of the trust fund under section 1903(1)(c).

(d) If there is additional money available after funding recommendations are made for subdivisions (a), (b), and (c), an amount that should be retained by the trust fund to mitigate potential future investment return fluctuations.

(3) In preparing the list under subsection (1), the board shall do all of the following:

(a) Give a preference to the following:

(i) A project or acquisition that is located within a city, village, township, or county that has adopted a resolution in support of the project or acquisition.

(ii) The acquisition of land and rights in land for recreational trails that intersect the downtown areas of cities and villages.

(b) Identify each parcel of land that is recommended for acquisition by legal description and include the estimated cost of acquisition and assessed value.

(c) Provide a scoring of each parcel of land recommended for acquisition individually.

(d) Give consideration to an acquisition that meets either or both of the following:

(i) Is located within a county that contains 50% or more privately owned land.

(ii) Allows motorized recreational use.

(4) In preparing the list of lands to be acquired or developed under subsection (1), the following apply:

(a) The board shall not include an acquisition of land or rights in land on the list if the board determines that the seller was harassed, intimidated, or coerced into selling his or her land or rights in land by the department, a local unit of government, or a qualified conservation organization.

(b) A project or acquisition may be named in honor or memory of an individual or organization.

(5) The list prepared under subsection (1) shall be accompanied by estimates of total costs for the proposed acquisitions and developments.

(6) The board shall supply with the lists prepared under subsection (1) a statement of the guidelines used in listing and assigning the priority of these proposed acquisitions and developments, renovations, and redevelopments.

(7) The legislature shall approve by law the lands and rights in land to be acquired and the public recreation facilities to be developed, renovated, or redeveloped each year with money from the trust fund.

(8) As used in this section, "qualified conservation organization" means that term as it is defined in section 7o of the general property tax act, 1893 PA 206, MCL 211.7o.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995 ;-- Am. 2008, Act 229, Imd. Eff. July 17, 2008 ;-- Am. 2012, Act 619, Imd. Eff. Jan. 9, 2013 ;-- Am. 2018, Act 166, Imd. Eff. June 4, 2018 ;-- Am. 2018, Act 597, Eff. Dec. 19, 2020

Compiler's Notes: Enacting section 3 of Act 597 of 2018 provides: "Enacting section 3. This amendatory act does not take effect unless Senate Joint Resolution O of the 99th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963." Senate Joint Resolution O was agreed to by the House of Representatives and the Senate on December 21, 2018, and filed with the Secretary of State December 27, 2018. The proposed amendment to the constitution was submitted to, and approved, by the electors on November 3, 2020, and became effective December 19, 2020.

Popular Name: Act 451

Popular Name: NREPA