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Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 5079 (as reported without amendment)  
Sponsor: Representative Ron Jelinek  
House Committee: Regulatory Affairs  
Senate Committee: Local, Urban and State Affairs

### **CONTENT**

The bill would permit the Department of Natural Resources (DNR) to convey for \$1 to the City of New Buffalo property located in New Buffalo Township, in Berrien County. The property would have to be used exclusively for public harbor purposes and would have to be open to all State residents.

Under the bill, the property would be conveyed subject to existing easements for public roads, public highways, public utilities, railroads, pipelines, and other utilities that were located over and across the property.

The conveyance would have to provide for both of the following:

- That the property would have to be used exclusively for public harbor purposes and would have to be open to all State residents on the same terms, fees, and conditions. Upon termination of that use or use for any other purpose, the State could reenter and repossess the property, terminating the grantee's estate in the property.
- That if the grantee disputed the State's exercise of its right of reentry and failed to deliver promptly possession of the property to the State, the Attorney General, on behalf of the State, could bring an action to quiet title to, and regain possession of, the property.

The conveyance would have to be by quitclaim deed approved by the Attorney General and would have to convey all rights held by the State including all rights to coal, oil, gas, and other minerals and excluding sand, gravel, clay, or other nonmetallic minerals found on or under the conveyed property. Revenue received would have to be deposited in a restricted account held by the DNR.

Legislative Analyst: L. Arasim

### **FISCAL IMPACT**

The bill would result in a liability reduction to the State regarding operation of the property for harbor purposes.

Date Completed: 10-30-97

Fiscal Analyst: M. Hansen

[floor/hb5079](#)

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.