

# HOUSE BILL No. 4767

June 10, 1999, Introduced by Reps. Mead, Green, Rick Johnson, Ehardt, Jelinek and Jellema and referred to the Committee on Agriculture and Resource Management.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 36111 (MCL 324.36111), as amended by 1996 PA  
567, and by adding part 362.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 36111. (1) A development rights agreement shall be  
2 relinquished by the state at the expiration of the term of the  
3 agreement unless renewed with the consent of the owner of the  
4 land. If the owner of the land has complied with the require-  
5 ments of this part regarding development rights agreements, the  
6 owner is entitled to automatic renewal of the farmland covered by  
7 the agreement upon written request of the owner. A development  
8 rights agreement may be renewed for a term of not less than 7  
9 years. If a development rights agreement is renewed, the state  
10 land use agency shall send a copy of the renewal contract to the

1 local governing body of the local unit of government in which the  
2 farmland is located.

3 (2) A development rights agreement or a portion of the farm-  
4 land covered by a development rights agreement may be relin-  
5 quished as provided in this section and section 36111a. Farmland  
6 may be relinquished by this state before a termination date con-  
7 tained in the instrument under either of the following  
8 circumstances:

9 (a) If approved by the local governing body and the state  
10 land use agency, land containing structures that were present  
11 before the recording of the development rights agreement may be  
12 relinquished from the agreement. Not more than 2 acres may be  
13 relinquished under this subdivision unless additional land area  
14 is needed to encompass all of the buildings located on the  
15 parcel, in which case not more than 5 acres may be relinquished.  
16 If the parcel proposed to be relinquished is less in area than  
17 the minimum parcel size required by local zoning, the parcel may  
18 not be relinquished unless a variance is obtained from the local  
19 zoning board of appeals to allow for the smaller parcel size.

20 (b) If approved by the local governing body and the state  
21 land use agency, land may be relinquished from the agreement for  
22 the construction of a residence by an individual essential to the  
23 operation of the farm as defined in section 36110(5). Not more  
24 than 2 acres may be relinquished under this subdivision. If the  
25 parcel proposed to be relinquished is less in area than the mini-  
26 mum parcel size required by local zoning, the parcel may not be

1 relinquished unless a variance is obtained from the local zoning  
2 board of appeals to allow for the smaller parcel size.

3       (3) Until April 1, 1997, if an owner who entered into or  
4 renewed a development rights agreement before April 15, 1994  
5 makes a request, in writing, to the state land use agency, to  
6 terminate that development rights agreement with respect to all  
7 or a portion of the farmland covered by the agreement, the state  
8 land use agency shall approve the request and relinquish that  
9 farmland from the development rights agreement. If farmland is  
10 relinquished under this subsection, the state land use agency  
11 shall notify the local governing body of the local unit of gov-  
12 ernment in which the land is located of the relinquishment.

13       (4) If the request for relinquishment of the development  
14 rights agreement is approved, the state land use agency shall  
15 prepare an instrument, subject to subsections (5), (6), (7), and  
16 (8), and record it with the register of deeds of the county in  
17 which the land is situated.

18       (5) If a development rights agreement or a portion of a  
19 development rights agreement is to be relinquished pursuant to  
20 subsection (2) or section 36111a, the state land use agency shall  
21 record a lien against the property formerly subject to the devel-  
22 opment rights agreement for the total amount of the allocated tax  
23 credit of the last 7 years, including the year of termination,  
24 received by an owner for that property under the agreement under  
25 section 36109, attributable to the property formerly subject to  
26 the development rights agreement, plus interest at the rate of 6%

1 per annum simple interest from the time the credit was received  
2 until the lien is placed on the property.

3 (6) If the property being relinquished from the development  
4 rights agreement is less than all of the property subject to that  
5 development rights agreement, the allocated tax credit for the  
6 development rights agreement shall be multiplied by the  
7 property's share of the taxable value of the agreement. As used  
8 in this subsection:

9 (a) "The allocated tax credit" means the amount obtained by  
10 multiplying the owner's total farmland preservation credit  
11 claimed in that year on all agreements by the quotient of the ad  
12 valorem property tax levied in that year on property subject to  
13 the development rights agreement that included the property being  
14 relinquished from the agreement divided by the total property  
15 taxes levied on property subject to any development rights agree-  
16 ment and used in determining the farmland preservation credit in  
17 that year.

18 (b) "The property's share of the taxable value of the  
19 agreement" means the quotient of the taxable value of the prop-  
20 erty being relinquished from the agreement divided by the total  
21 taxable value of property subject to the development rights  
22 agreement that included the property being relinquished from the  
23 agreement. For years before 1995, taxable value means assessed  
24 value.

25 (7) Thirty days before the recording of a lien under this  
26 section, the state land use agency shall notify the owner of the  
27 farmland subject to the development rights agreement of the

1 amount of the lien, including interest, if any. If the lien  
2 amount is paid before 30 days after the owner is notified, the  
3 lien shall not be recorded. The lien may be paid and discharged  
4 at any time and is payable to the state by the owner of record at  
5 the time the land or any portion of it is sold by the owner of  
6 record, or if the land is converted to a use prohibited by the  
7 former development rights agreement. The lien shall be dis-  
8 charged upon renewal or reentry in a development rights agree-  
9 ment, except that a subsequent lien shall not be less than the  
10 lien discharged.

11 (8) Upon the natural termination of the development rights  
12 agreement under subsections (1) or (13), or the termination of  
13 all or a portion of the development rights agreement under sub-  
14 section (3), the state land use agency shall prepare and record a  
15 lien, if any, against the property formerly subject to the devel-  
16 opment rights agreement for the total amount of the allocated tax  
17 credit of the last 7 years, including the year of natural termi-  
18 nation, received by the owner under section 36109, attributable  
19 to the property formerly subject to the development rights  
20 agreement. The lien shall be without interest or penalty and is  
21 payable subject to subsection (7).

22 (9) Upon termination, the state land use agency shall notify  
23 the department of treasury for their records.

24 (10) ~~The~~ UNTIL JULY 1, 1999, THE proceeds from lien pay-  
25 ments made under this part shall be used by the state land use  
26 agency to administer this part, ~~for fiscal years 1991-92 and~~  
27 ~~through 1999-2000,~~ to purchase development rights of unique or

1 critical land area that does not necessitate direct purchase of  
2 the fee interest in the land for which money was appropriated  
3 under ~~Act No. 128 of the Public Acts of 1995,~~ 1995 PA 128, and,  
4 pursuant to section 36111b, to purchase development rights on  
5 farmland that does not necessitate direct purchase of the fee  
6 interest in the land. It is the intent of the legislature that  
7 if the accumulated proceeds from lien payments received under  
8 this part fall below \$2,000,000.00, then the funds used to admin-  
9 ister this part shall be appropriated from the general fund until  
10 the proceeds from the lien payments received under this part  
11 exceed \$2,000,000.00. However, the amount of lien payments used  
12 to administer this part shall not exceed \$600,000.00 in any  
13 fiscal year. BEGINNING ON JULY 1, 1999, THE PROCEEDS FROM LIEN  
14 PAYMENTS MADE UNDER THIS PART SHALL BE FORWARDED TO THE STATE  
15 TREASURER FOR DEPOSIT IN THE MICHIGAN FARMLAND TRUST FUND CREATED  
16 IN PART 362. ON JULY 1, 1999, ALL UNEXPENDED PROCEEDS FROM LIEN  
17 PAYMENTS MADE UNDER THIS PART THAT ARE HELD BY THE STATE SHALL BE  
18 TRANSFERRED TO THE MICHIGAN FARMLAND TRUST FUND CREATED IN  
19 PART 362.

20 (11) Upon the relinquishment of all of the farmland under  
21 section 36110(2) or a portion of the farmland under  
22 section 36110(3), the state land use agency shall prepare and  
23 record a lien against the property formerly subject to a develop-  
24 ment rights agreement in an amount calculated as follows:

25 (a) Establishing a term of years by multiplying 7 by a frac-  
26 tion, the numerator of which is the number of years the farmland  
27 was under the development rights agreement, including any

1 extensions, and the denominator of which is the number  
2 representing the term of years of that agreement, including any  
3 extensions.

4 (b) The lien amount equals the total amount of the allocated  
5 tax credit claimed attributable to that development rights agree-  
6 ment in the immediately preceding term of years as determined in  
7 subdivision (a).

8 (12) When a lien is paid under this section, the state land  
9 use agency shall prepare and record a discharge of lien with the  
10 register of deeds in the county in which the land is located.  
11 The discharge of lien shall specifically state that the lien has  
12 been paid in full, that the lien is discharged, that the develop-  
13 ment rights agreement and accompanying contract are terminated,  
14 and that the state has no further interest in the land under that  
15 agreement.

16 (13) An owner of farmland, upon written request to the state  
17 land use agency on or before April 1, 1997, may elect to have the  
18 remaining term of the development rights agreement reduced to 7  
19 years if the farmland has been subject to that development rights  
20 agreement for 10 or more years. If the farmland has not been  
21 subject to a development rights agreement for 10 or more years,  
22 an owner of farmland may, upon written request to the state land  
23 use agency on or before April 1, 1997, elect to have the term of  
24 the development rights agreement reduced to 17 years from the  
25 initial year of enrollment.

26 (14) Within 60 days of June 5, 1996, the state land use  
27 agency shall notify, by first-class mail, all owners of farmland

1 that have a development rights agreement in effect as determined  
2 by the state land use agency on June 5, 1996 about all of the  
3 following:

4 (a) The ability to terminate an agreement under subsection  
5 (3).

6 (b) The ability to reduce the termination agreement under  
7 subsection (13).

8 (c) All other significant changes in law contained in the  
9 amendatory act that added this subsection.

10 PART 362 FARMLAND TRUST FUND

11 SEC. 36201. AS USED IN THIS PART:

12 (A) "AGRICULTURE CONSERVATION EASEMENT" MEANS A CONVEYANCE,  
13 BY A WRITTEN INSTRUMENT, IN WHICH THE OWNER RELINQUISHES TO THE  
14 PUBLIC IN PERPETUITY HIS OR HER DEVELOPMENT RIGHTS AS MAY BE  
15 EXPRESSLY RESERVED IN THE INSTRUMENT, THAT CONTAINS THE PERMITTED  
16 USES OF THE LAND, AND THAT CONTAINS A COVENANT RUNNING WITH THE  
17 LAND, NOT TO DEVELOP, EXCEPT AS THIS RIGHT IS EXPRESSLY RESERVED  
18 IN THE INSTRUMENT.

19 (B) "AGRICULTURAL USE" MEANS SUBSTANTIALLY UNDEVELOPED LAND  
20 DEVOTED TO THE PRODUCTION OF PLANTS AND ANIMALS USEFUL TO HUMANS,  
21 INCLUDING FORAGES AND SOD CROPS; GRAINS, FEED CROPS, AND FIELD  
22 CROPS; DAIRY AND DAIRY PRODUCTS; POULTRY AND POULTRY PRODUCTS;  
23 LIVESTOCK, INCLUDING BREEDING AND GRAZING OF CATTLE, SWINE, CAP-  
24 TIVE CERVIDAE, AND SIMILAR ANIMALS; BERRIES; HERBS; FLOWERS;  
25 SEEDS; GRASSES; NURSERY STOCK; FRUITS; VEGETABLES; CHRISTMAS  
26 TREES; AND OTHER SIMILAR USES AND ACTIVITIES. AGRICULTURAL USE  
27 DOES NOT INCLUDE THE MANAGEMENT AND HARVESTING OF A WOODLOT.



1 (C) "BOARD" MEANS THE MICHIGAN FARMLAND TRUST FUND BOARD  
2 CREATED IN SECTION 36204.

3 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

4 (E) "DEVELOP" OR "DEVELOPMENT" MEANS AN ACTIVITY THAT MATE-  
5 RIALY ALTERS OR AFFECTS THE EXISTING CONDITIONS OR USE OF ANY  
6 LAND IN A MANNER THAT IS INCONSISTENT WITH AN AGRICULTURAL USE.

7 (F) "DEVELOPMENT RIGHTS" MEANS THE RIGHT TO CONSTRUCT A  
8 BUILDING OR STRUCTURE, TO IMPROVE LAND FOR DEVELOPMENT, OR TO  
9 DIVIDE A PARCEL FOR DEVELOPMENT PURPOSES.

10 (G) "FARMLAND" MEANS 1 OR MORE OF THE FOLLOWING:

11 (i) A FARM OF 40 OR MORE ACRES IN 1 OWNERSHIP, WITH 51% OR  
12 MORE OF THE LAND AREA DEVOTED TO AN AGRICULTURAL USE.

13 (ii) A FARM OF 5 ACRES OR MORE IN 1 OWNERSHIP, BUT LESS THAN  
14 40 ACRES, WITH 51% OR MORE OF THE LAND AREA DEVOTED TO AN AGRI-  
15 CULTURAL USE, THAT HAS PRODUCED A GROSS ANNUAL INCOME FROM AGRI-  
16 CULTURE OF \$200.00 PER YEAR OR MORE PER ACRE OF CLEARED AND TIL-  
17 LABLE LAND. A FARM DESCRIBED IN THIS SUBPARAGRAPH ENROLLED IN A  
18 FEDERAL ACREAGE SET ASIDE PROGRAM OR A FEDERAL CONSERVATION  
19 RESERVE PROGRAM IS CONSIDERED TO HAVE PRODUCED A GROSS ANNUAL  
20 INCOME FROM AGRICULTURE OF \$200.00 PER YEAR OR MORE PER ACRE OF  
21 CLEARED AND TILLABLE LAND.

22 (iii) A FARM DESIGNATED BY THE DEPARTMENT OF AGRICULTURE AS  
23 A SPECIALTY FARM IN 1 OWNERSHIP THAT HAS PRODUCED A GROSS ANNUAL  
24 INCOME OF \$2,000.00 OR MORE FROM AN AGRICULTURAL USE. SPECIALTY  
25 FARMS INCLUDE, BUT ARE NOT LIMITED TO, GREENHOUSES; EQUINE BREED-  
26 ING AND GRAZING; THE BREEDING AND GRAZING OF CERVIDAE, PHEASANTS,

1 AND OTHER GAME ANIMALS; BEES AND BEE PRODUCTS; MUSHROOMS;  
2 AQUACULTURE; AND OTHER SIMILAR USES AND ACTIVITIES.

3 (iv) PARCELS OF LAND IN 1 OWNERSHIP THAT ARE NOT CONTIGUOUS  
4 BUT WHICH CONSTITUTE AN INTEGRAL PART OF A FARMING OPERATION  
5 BEING CONDUCTED ON LAND OTHERWISE QUALIFYING AS FARMLAND MAY BE  
6 INCLUDED IN AN APPLICATION UNDER THIS PART.

7 (H) "GRANT" MEANS A GRANT FOR THE PURCHASE OF AGRICULTURE  
8 CONSERVATION EASEMENTS OR RESOURCE CONSERVATION EASEMENTS UNDER  
9 THIS PART.

10 (I) "OWNER" MEANS A PERSON HAVING A FREEHOLD ESTATE IN LAND  
11 COUPLED WITH POSSESSION AND ENJOYMENT. IF LAND IS SUBJECT TO A  
12 LAND CONTRACT, OWNER MEANS THE VENDEE IN AGREEMENT WITH THE  
13 VENDOR.

14 (J) "PERMITTED USE" MEANS ANY USE CONTAINED WITHIN AN AGRI-  
15 CULTURE CONSERVATION EASEMENT CONSISTENT WITH THE FARMING OPERA-  
16 TION OR THAT DOES NOT ADVERSELY AFFECT THE PRODUCTIVITY OF THE  
17 FARMLAND. STORAGE, RETAIL OR WHOLESALE MARKETING, OR PROCESSING  
18 OF AGRICULTURAL PRODUCTS IS A PERMITTED USE IN A FARMING OPERA-  
19 TION IF MORE THAN 50% OF THE STORED, PROCESSED, OR MERCHANDISED  
20 PRODUCTS ARE PRODUCED BY THE FARM OPERATOR FOR AT LEAST 3 OF THE  
21 IMMEDIATELY PRECEDING 5 YEARS. PERMITTED USE INCLUDES OIL AND  
22 GAS EXPLORATION AND EXTRACTION, BUT DOES NOT INCLUDE OTHER MIN-  
23 ERAL DEVELOPMENT THAT IS INCONSISTENT WITH AN AGRICULTURAL USE.

24 (K) "RESOURCE CONSERVATION EASEMENT" MEANS A CONVEYANCE BY A  
25 WRITTEN INSTRUMENT, IN WHICH THE OWNER RELINQUISHES TO THE PUBLIC  
26 IN PERPETUITY HIS OR HER DEVELOPMENT RIGHTS AS MAY BE EXPRESSLY  
27 RESERVED IN THE INSTRUMENT, AND THAT CONTAINS A COVENANT RUNNING

1 WITH THE LAND, NOT TO DEVELOP, EXCEPT AS THIS RIGHT IS EXPRESSLY  
2 RESERVED IN THE INSTRUMENT. A RESOURCE CONSERVATION EASEMENT  
3 SHALL PROVIDE FOR THE PRESERVATION OF A PERMANENT VEGETATIVE  
4 COVER ADJACENT TO A WATER BODY OR WATERCOURSE FOR THE PURPOSE OF  
5 DOING 1 OR MORE OF THE FOLLOWING:

6 (i) REDUCING NONPOINT SOURCE POLLUTION.

7 (ii) IMPROVING WATER QUALITY.

8 (iii) ENHANCING WILDLIFE HABITAT.

9 (1) "TRUST FUND" MEANS THE MICHIGAN FARMLAND TRUST FUND CRE-  
10 ATED IN SECTION 36202.

11 SEC. 36202. (1) THE MICHIGAN FARMLAND TRUST FUND IS CREATED  
12 WITHIN THE STATE TREASURY.

13 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS  
14 FROM ANY SOURCE FOR DEPOSIT INTO THE TRUST FUND, INCLUDING GIFTS,  
15 BEQUESTS, AND OTHER DONATIONS TO THE TRUST FUND. THE STATE TREA-  
16 SURER SHALL DIRECT THE INVESTMENT OF THE TRUST FUND. THE STATE  
17 TREASURER MAY ESTABLISH RESTRICTED SUBACCOUNTS WITHIN THE TRUST  
18 FUND AS NECESSARY TO ADMINISTER THE TRUST FUND. THE STATE TREA-  
19 SURER SHALL CREDIT TO THE TRUST FUND OR TO THE APPROPRIATE SUBAC-  
20 COUNT WITHIN THE TRUST FUND INTEREST AND EARNINGS FROM TRUST FUND  
21 INVESTMENTS.

22 (3) MONEY IN THE TRUST FUND AT THE CLOSE OF THE FISCAL YEAR  
23 SHALL REMAIN IN THE TRUST FUND AND SHALL NOT LAPSE TO THE GENERAL  
24 FUND.

25 (4) MONEY IN THE TRUST FUND THAT IS TRANSFERRED PURSUANT TO  
26 SECTION 36111 AND THE ACCRUED INTEREST AND EARNINGS OF THE TRUST  
27 FUND MAY BE EXPENDED, UPON APPROPRIATION, AS FOLLOWS:

1 (A) NOT MORE THAN \$600,000.00 ANNUALLY FOR THE  
2 ADMINISTRATIVE COSTS OF THE DEPARTMENT AND THE BOARD IN IMPL-  
3 MENTING THIS PART AND PART 361. HOWEVER, IF INTEREST AND EARN-  
4 INGS IN ANY STATE FISCAL YEAR EXCEED \$7,500,000.00, UP TO 8% OF  
5 THE INTEREST AND EARNINGS MAY BE EXPENDED FOR ADMINISTRATIVE  
6 COSTS UNDER THIS SUBDIVISION.

7 (B) THE ACCUMULATED INTEREST AND EARNINGS OF THE TRUST FUND  
8 OTHER THAN THOSE EXPENDED PURSUANT TO SUBDIVISION (A) SHALL BE  
9 EXPENDED AS FOLLOWS:

10 (i) NOT LESS THAN 50% PURSUANT TO SECTION 36111B BY THE  
11 DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES FOR THE ACQUI-  
12 TION OF DEVELOPMENT RIGHTS AND FOR THE ACQUISITION OF RESOURCE  
13 CONSERVATION EASEMENTS.

14 (ii) NOT MORE THAN 50% TO PROVIDE GRANTS TO LOCAL UNITS OF  
15 GOVERNMENT PURSUANT TO SECTION 36203.

16 (5) THE DEPARTMENT OR THE BOARD MAY ACCEPT DONATIONS OF ALL  
17 OR A PORTION OF THE DEVELOPMENT RIGHTS TO 1 OR MORE PARCELS OF  
18 LAND AS PART OF A TRANSACTION FOR THE PURCHASE OF AGRICULTURE  
19 CONSERVATION EASEMENTS OR RESOURCE CONSERVATION EASEMENTS.

20 (6) WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION,  
21 THE BOARD SHALL PROVIDE RECOMMENDATIONS TO THE GOVERNOR AND THE  
22 LEGISLATURE ON A LONG-TERM FUNDING SOURCE FOR THE TRUST FUND.

23 SEC. 36203. (1) THE DEPARTMENT SHALL ESTABLISH A GRANTS  
24 PROGRAM FOR THE ACQUISITION OF AGRICULTURE CONSERVATION EASEMENTS  
25 AND RESOURCE CONSERVATION EASEMENTS. THE DEPARTMENT SHALL PRO-  
26 VIDE GRANTS TO ELIGIBLE LOCAL UNITS OF GOVERNMENT FOR THE

1 ACQUISITION OF AGRICULTURE CONSERVATION EASEMENTS AND RESOURCE  
2 CONSERVATION EASEMENTS AS PROVIDED IN THIS PART.

3 (2) A LOCAL UNIT OF GOVERNMENT IS ELIGIBLE TO SUBMIT A GRANT  
4 APPLICATION IF THE LOCAL UNIT OF GOVERNMENT HAS ADOPTED A DEVEL-  
5 OPMENT RIGHTS ORDINANCE PROVIDING FOR A PURCHASE OF DEVELOPMENT  
6 RIGHTS PROGRAM PURSUANT TO 1 OF THE FOLLOWING:

7 (A) THE CITY AND VILLAGE ZONING ACT, 1921 PA 207, MCL  
8 125.581 TO 125.600.

9 (B) THE TOWNSHIP ZONING ACT, 1943 PA 184, MCL 125.271 TO  
10 125.310.

11 (C) THE COUNTY ZONING ACT, 1943 PA 183, MCL 125.201 TO  
12 125.240.

13 (3) THE DEVELOPMENT RIGHTS ORDINANCE UNDER SUBSECTION (2)  
14 SHALL CONTAIN APPLICATION PROCEDURES, A SCORING SYSTEM FOR LOCAL  
15 PARCEL SELECTIONS, AND PROVISION FOR ESTABLISHING MARKET VALUE OF  
16 THE DEVELOPMENT RIGHTS BY SUBTRACTING THE CURRENT FAIR MARKET  
17 VALUE OF THE PROPERTY WITHOUT THE DEVELOPMENT RIGHTS FROM THE  
18 CURRENT FAIR MARKET VALUE OF THE PROPERTY WITH ALL DEVELOPMENT  
19 RIGHTS.

20 (4) A LOCAL UNIT OF GOVERNMENT THAT WISHES TO APPLY FOR A  
21 GRANT SHALL SUBMIT A GRANT APPLICATION TO THE DEPARTMENT ON A  
22 FORM PRESCRIBED BY THE DEPARTMENT AND CONTAINING THE INFORMATION  
23 REQUIRED BY THE DEPARTMENT.

24 (5) THE GRANT APPLICATION SHALL INCLUDE AT A MINIMUM A LIST  
25 OF THE PARCELS PROPOSED FOR DEVELOPMENT RIGHTS ACQUISITION BY THE  
26 LOCAL UNIT OF GOVERNMENT, INDICATING THE SIZE AND LOCATION OF  
27 EACH PARCEL AND THE ESTIMATED VALUE OF THE DEVELOPMENT RIGHTS OF

1 EACH PARCEL AS DETERMINED BY SUBTRACTING THE CURRENT FAIR MARKET  
2 VALUE OF THE PROPERTY WITHOUT THE DEVELOPMENT RIGHTS FROM THE  
3 CURRENT FAIR MARKET VALUE OF THE PROPERTY WITH ALL DEVELOPMENT  
4 RIGHTS.

5 (6) AGRICULTURE CONSERVATION EASEMENTS AND RESOURCE CONSER-  
6 VATION EASEMENTS ACQUIRED UNDER THE GRANTS PROGRAM SHALL BE HELD  
7 JOINTLY BY THE STATE AND THE LOCAL UNIT OF GOVERNMENT. HOWEVER,  
8 THE STATE MAY DELEGATE ENFORCEMENT AUTHORITY OF THE EASEMENTS TO  
9 THE LOCAL UNIT OF GOVERNMENT.

10 (7) UPON RECEIPT OF APPLICATIONS PURSUANT TO SUBSECTION (2),  
11 THE DEPARTMENT SHALL FORWARD THOSE APPLICATIONS ANNUALLY TO THE  
12 BOARD.

13 Enacting section 1. This amendatory act does not take  
14 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
15 (request no. 00298'99) of the 90th Legislature is enacted into  
16 law.