

HOUSE BILL No. 4379

March 6, 2013, Introduced by Reps. Crawford and Kesto and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 50703, 50706, 51101, and 51103 (MCL 324.50703, 324.50706, 324.51101, and 324.51103), sections 50703 and 50706 as added by 1995 PA 57 and sections 51101 and 51103 as amended by 2006 PA 383.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 50703. (1) A county forestry committee is created for
2 purposes of this part and shall consist of 5 members who ~~shall be~~
3 **ARE** appointed by the county board of commissioners. Two members of
4 the county forestry committee shall be **QUALIFIED** foresters,
5 ~~registered under article 21 of the occupational code, Act No. 299~~
6 ~~of the Public Acts of 1980, being sections 339.2101 to 339.2108 of~~
7 ~~the Michigan Compiled Laws,~~ 1 member shall be a member of the

1 county economic development corporation, 1 member shall be a member
2 of the county board of commissioners, and 1 member shall be a
3 resident of the county who is not a county official or employee. If
4 the county has not established an economic development corporation
5 under the economic development corporations act, ~~Act No. 338 of the~~
6 ~~Public Acts of 1974, being sections 1974 PA 338, MCL 125.1601 to~~
7 ~~125.1636, of the Michigan Compiled Laws,~~ 2 members shall be
8 residents of the county who are not county officials or employees.
9 The members of the county forestry committee shall be appointed for
10 a term of 4 years, except that of the first appointments, 2 shall
11 be for a term of 4 years, 1 shall be for a term of 3 years, 1 shall
12 be for a term of 2 years, and 1 shall be for a term of 1 year. All
13 actions of the county forestry committee shall be approved by the
14 county board of commissioners. A vacancy on the county forestry
15 committee shall be filled by the county board of commissioners for
16 the remainder of the unexpired term.

17 (2) AS USED IN THIS SECTION, "QUALIFIED FORESTER" MEANS THAT
18 TERM AS DEFINED IN SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT,
19 1893 PA 206, MCL 211.7JJ[I].

20 Sec. 50706. (1) Within 30 days after the execution of a lease
21 authorized by this part, the county forestry committee shall submit
22 to the department for approval a forest management plan prepared by
23 a QUALIFIED forester. ~~registered under article 21 of the~~
24 ~~occupational code, Act No. 299 of the Public Acts of 1980, being~~
25 ~~sections 339.2101 to 339.2108 of the Michigan Compiled Laws.~~

26 (2) AS USED IN THIS SECTION, "QUALIFIED FORESTER" MEANS THAT
27 TERM AS DEFINED IN SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT,

1 1893 PA 206, MCL 211.7JJ[I].

2 Sec. 51101. As used in this part:

3 (a) "Ad valorem general property tax" means taxes levied under
4 the general property tax act, 1893 PA 206, MCL 211.1 to
5 ~~211.157~~.211.155.

6 (b) "Commercial forest" or "commercial forestland" means
7 forestland that is determined to be a commercial forest under
8 section 51103.

9 (c) "Declassify" or "declassification" means the removal of
10 the commercial forest designation pursuant to ~~UNDER~~ section 51116.

11 (d) "Forestland" means a tract of land that may include
12 nonproductive land that is intermixed with productive land that is
13 an integral part of a managed forest and that meets all the
14 following:

15 (i) Does not have material natural resources other than those
16 resources suitable for forest growth or the potential for forest
17 growth.

18 (ii) Is not used for agricultural, mineral extraction except as
19 provided in section 51113, grazing, industrial, developed
20 recreational, residential, resort, commercial, or developmental
21 purposes.

22 (iii) The owner agrees to develop, maintain, and actively manage
23 the land as a commercial forest through planting, natural
24 reproduction, or other silvicultural practices.

25 (e) "Forest management plan" means a written plan prepared and
26 signed by a ~~registered~~ **QUALIFIED** forester or a natural resources
27 professional that prescribes measures to optimize production,

1 utilization, and regeneration of forest resources. The forest
 2 management plan shall include schedules and timetables for the
 3 various silvicultural practices used on commercial forestlands,
 4 including, but not limited to, timber harvesting and regeneration.

5 (f) "Fund" means the commercial forest fund created under
 6 section 51112.

7 (g) "Natural resources professional" means ~~a person~~ **AN**
 8 **INDIVIDUAL** who is acknowledged by the department as having the
 9 education, knowledge, experience, and skills to identify, schedule,
 10 and implement appropriate forest management practices needed to
 11 achieve the purposes of this part on land subject to or to be
 12 subject to this part.

13 (h) "Owner" means a person ~~who~~ **THAT** holds title to the surface
 14 estate of forestland subject to this part. However, if land is
 15 purchased on a land contract, the owner includes the person ~~who~~
 16 **THAT** holds the land contract vendee's interest and does not include
 17 the person ~~who~~ **THAT** holds the land contract vendor's interest.

18 (i) "Personal use" means use for any noncommercial purpose.

19 (j) ~~"Registered~~ **"QUALIFIED** forester" means ~~a person registered~~
 20 ~~under article 21 of the occupational code, 1980 PA 299, MCL~~
 21 ~~339.2101 to 339.2108.~~ **THAT TERM AS DEFINED IN SECTION 7JJ OF THE**
 22 **GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.7JJ[I].**

23 (k) "Silvicultural practices" means the management and
 24 manipulation of forest vegetation for the protection, growth, and
 25 enhancement of forest products.

26 Sec. 51103. (1) The owner of at least 40 contiguous acres or a
 27 survey unit consisting of 1/4 of 1/4 of a section of forestland

1 located within this state may apply to the department to have that
2 forestland determined to be a commercial forest under this part.
3 For purposes of this subsection, "contiguous" means land that
4 touches at any point. Even if portions of commercial forestland are
5 contiguous only at a point, the privilege of hunting and fishing
6 shall not be denied for any portion of the land as provided in
7 section 51113. The existence of a public or private road, a
8 railroad, or a utility right-of-way that separates any part of the
9 land does not make the land noncontiguous.

10 (2) To be eligible for determination as a commercial forest,
11 forestland shall be capable of all of the following:

12 (a) Producing not less than 20 cubic feet per acre per year of
13 forest growth upon maturity.

14 (b) Producing tree species that have economic or commercial
15 value.

16 (c) Producing a commercial stand of timber within a reasonable
17 period of time.

18 (3) An application for classification as commercial forest
19 shall be submitted on a form prescribed by the department. The
20 application shall be postmarked or delivered not later than April 1
21 to be eligible for approval as commercial forest for the following
22 tax year. In addition to any information that the department may
23 reasonably require by rule, the applicant shall provide all of the
24 following to the department:

25 (a) A nonrefundable application fee in the amount of \$1.00 per
26 acre or fraction of an acre, but not less than \$200.00 and not more
27 than \$1,000.00. The department shall remit the application fee to

1 the state treasurer for deposit into the fund.

2 (b) A legal description and the amount of acreage considered
3 for determination as a commercial forest.

4 (c) A statement certifying that a forest management plan
5 covering the forestland has been prepared and is in effect.

6 (d) A statement certifying that the owner of the forestland
7 owns the timber rights to the timber standing on the forestland.

8 (4) The department shall prepare and distribute to any person
9 desiring to apply for classification of forestland as commercial
10 forest under this part a brochure that lists and explains, in
11 simple, nontechnical terms, all of the following:

12 (a) The application, hearing, determination, declassification,
13 and prosecution process.

14 (b) The requirements of the forest management plan.

15 (5) Not later than 3 months after the effective date of the
16 2006 amendatory act that amended this section, the department shall
17 notify each county and township and all owners of forestland that
18 is classified as commercial forest under this part of the
19 amendments to this part that were enacted in 2006.

20 (6) If an applicant is unable to secure the services of a
21 ~~registered~~**QUALIFIED** forester or a natural resources professional
22 to prepare a forest management plan, the department upon request
23 shall prepare the forest management plan on behalf of the owner of
24 the forestland and charge the owner a forest management plan fee
25 not to exceed the actual cost of preparing the forest management
26 plan.

27 (7) After an owner certifies to the department that a forest

1 management plan has been prepared and is in effect, a violation of
2 that forest management plan is a violation of this part.

3 Enacting section 1. This amendatory act does not take effect
4 unless all of the following bills of the 97th Legislature are
5 enacted into law:

6 (a) Senate Bill No. _____ or House Bill No. 4381 (request no.
7 01716'13).

8 (b) Senate Bill No. _____ or House Bill No. 4380 (request no.
9 01716'13 b).