

HOUSE BILL No. 5455

November 29, 2005, Introduced by Reps. Huizenga, Schuitmaker, Stahl, Robertson, Booher, Emmons, Elsenheimer, Taub and Walker and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51101, 51103, and 51104 (MCL 324.51101, 324.51103, and 324.51104), as added by 1995 PA 57; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 51101. As used in this part:

2 (a) "Ad valorem general property tax" means taxes levied under
3 the general property tax act, ~~Act No. 206 of the Public Acts of~~
4 ~~1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws~~
5 **1893 PA 206, MCL 211.1 TO 211.157.**

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

1 (c) "Declassify" or "declassification" means the removal of
2 the commercial forest designation pursuant to section 51116.

3 (d) "Forestland" means a tract of land that may include
4 nonproductive land that is intermixed with productive land that is
5 an integral part of a managed forest and that meets all the
6 following:

7 (i) Does not have material natural resources other than those
8 resources suitable for forest growth or the potential for forest
9 growth.

10 (ii) Is not used for agricultural, mineral extraction except as
11 provided in section 51113, grazing, industrial, developed
12 recreational, residential, resort, commercial, or developmental
13 purposes.

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

17 (e) "Forest management plan" means a written plan prepared and
18 signed by a registered forester ~~or a natural resources~~
19 ~~professional~~ that prescribes measures to optimize production,
20 utilization, and regeneration of forest resources. The forest
21 management plan shall include schedules and timetables for the
22 various silvicultural practices used on commercial forestlands,
23 including, but not limited to, timber harvesting and regeneration.

24 (f) "Fund" means the commercial forest fund created ~~pursuant~~
25 ~~to~~ **UNDER** section 51112.

26 ~~—— (g) "Natural resources professional" means a person who is~~
27 ~~acknowledged by the department as having the education, knowledge,~~

1 ~~experience, and skills to identify, schedule, and implement~~
2 ~~appropriate forest management practices needed to achieve the~~
3 ~~purposes of this part on land subject to or to be subject to this~~
4 ~~part.~~

5 (G) ~~-(h)-~~ "Owner" means a person who holds title to the
6 surface estate of forestland subject to this part. However, if land
7 is purchased on a land contract, the owner includes the person who
8 holds the land contract vendee's interest and does not include the
9 person who holds the land contract vendor's interest.

10 (H) ~~-(i)-~~ "Personal use" means use for any noncommercial
11 purpose.

12 (I) ~~-(j)-~~ "Registered forester" means a person registered
13 under article 21 of the occupational code, ~~Act No. 299 of the~~
14 ~~Public Acts of 1980, being sections 339.2101 to 339.2108 of the~~
15 ~~Michigan Compiled Laws 1980 PA 299, MCL 339.2101 TO 339.2108.~~

16 (J) ~~-(k)-~~ "Silvicultural practices" means the management and
17 manipulation of forest vegetation for the protection, growth, and
18 enhancement of forest products.

19 Sec. 51103. (1) The owner of **AT LEAST 40 CONTIGUOUS ACRES OR A**
20 **SURVEY UNIT CONSISTING OF 1/16 OF A SECTION OF** forestland located
21 within this state may apply to the department to have that
22 forestland determined to be a commercial forest under this part.
23 **FOR PURPOSES OF THIS SUBSECTION, "CONTIGUOUS" MEANS LAND THAT**
24 **TOUCHES AT ANY POINT. THE EXISTENCE OF A PUBLIC OR PRIVATE ROAD, A**
25 **RAILROAD, OR A UTILITY RIGHT-OF-WAY THAT SEPARATES ANY PART OF THE**
26 **LAND DOES NOT MAKE THE LAND NONCONTIGUOUS.**

27 (2) To be eligible for determination as a commercial forest,

1 forestland shall be capable of all of the following:

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

4 (b) Producing tree species that have economic or commercial
5 value.

6 (c) Producing a commercial stand of timber within a reasonable
7 period of time.

8 (3) An application **FOR CLASSIFICATION AS COMMERCIAL FOREST**
9 shall be submitted on a form prescribed by the department. **THE**
10 **APPLICATION SHALL BE POSTMARKED OR DELIVERED NOT LATER THAN APRIL 1**
11 **TO BE ELIGIBLE FOR APPROVAL AS COMMERCIAL FOREST FOR THE FOLLOWING**
12 **TAX YEAR.** In addition to any information that the department may
13 reasonably require by rule, the applicant shall provide all of the
14 following to the department:

15 (a) A nonrefundable application fee in the amount of \$1.00 per
16 acre or fraction of an acre, ~~not to exceed~~ **BUT NOT LESS THAN**
17 **\$200.00 AND NOT MORE THAN \$1,000.00.** The department shall remit the
18 application fee to the state treasurer for deposit into the fund.

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

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

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

25 **(E) DOCUMENTATION THAT THE OWNER OF THE COMMERCIAL FORESTLAND**
26 **WILL PROVIDE ACCESS TO THE GENERAL PUBLIC FOR HUNTING AND FISHING**
27 **AS REQUIRED UNDER SECTION 51113(1).**

1 (4) The department shall prepare and distribute to any person
2 desiring to ~~make application~~ **APPLY FOR CLASSIFICATION OF**
3 **FORESTLAND AS COMMERCIAL FOREST** under this part a brochure that
4 lists and explains, in simple, nontechnical terms, all of the
5 following:

6 (a) The application, hearing, determination, declassification,
7 and prosecution process.

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

9 (5) If an applicant is unable to secure the services of a
10 registered forester ~~or a natural resources professional~~ to
11 prepare a forest management plan, the department upon request shall
12 prepare the forest management plan on behalf of the owner of the
13 forestland and charge the owner a forest management plan fee not to
14 exceed the actual cost of preparing the forest management plan.

15 ~~(6) Before January 1, 1997, an owner of a commercial forest~~
16 ~~that was designated a commercial forest before January 1, 1994,~~
17 ~~shall prepare a forest management plan and file a statement with~~
18 ~~the department certifying that a forest management plan has been~~
19 ~~prepared and is in effect. If an owner of a commercial forest fails~~
20 ~~to comply with this subsection, the department shall declassify the~~
21 ~~owner's commercial forest pursuant to section 51116.~~

22 (6) ~~(7)~~ After an owner certifies to the department that a
23 forest management plan has been prepared and is in effect, a
24 violation of that forest management plan is a violation of this
25 part.

26 Sec. 51104. (1) Upon receipt of the application, the forest
27 management plan certification, **THE PUBLIC ACCESS DOCUMENTATION**, the

1 timber rights certification, and the application fee described in
2 section 51103, the department shall evaluate the forestland offered
3 and ~~fix~~ **ESTABLISH** a date for a public hearing upon the
4 eligibility of the forestland for determination as a commercial
5 forest. The hearing shall be held in the county where the land is
6 located not later than November 1 following receipt of the
7 application. Applications offering lands in the same county may be
8 heard on the same day and at the same place. The department shall
9 publish a notice of hearing and a list of the legal descriptions of
10 lands being considered for determination as commercial forests in a
11 newspaper of general circulation in the county in which the land is
12 located. The notice of hearing shall be published at least 20 days
13 before the date of the hearing. At the time of publication, the
14 department shall provide a copy of the notice of hearing and a list
15 of descriptions of land in each township to be considered for
16 determination as a commercial forest to ~~each~~ **THE** township
17 supervisor in whose township the lands are located. Any person who
18 wishes may testify as to eligibility for determination as a
19 commercial forest of any of the described lands. The hearing shall
20 be conducted by the department.

21 (2) After the hearing, if the department determines that the
22 applicant and forestland meet the requirements of this part and
23 determines that all valid taxes assessed against that forestland
24 have been paid, the department shall approve the application. Upon
25 approval of the application, the department shall immediately
26 record a listing certificate in the register of deeds office in the
27 county in which the land is located with the department approval

1 endorsed on the listing certificate and forward a copy of the
2 listing certificate to the applicant and to the township supervisor
3 of the township in which the land is located.

4 Enacting section 1. Section 51107 of the natural resources and
5 environmental protection act, 1994 PA 451, MCL 324.51107, is
6 repealed.

7 Enacting section 2. This amendatory act does not take effect
8 unless Senate Bill No.____ or House Bill No. 5454(request no.
9 02863'05 *) of the 93rd Legislature is enacted into law.