

SENATE BILL No. 1057

March 29, 2012, Introduced by Senators BOOHER, GREEN, BRANDENBURG and CASPERSON and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 9301, 9302, 9304, 9307, 9308, and 9310 (MCL
324.9301, 324.9302, 324.9304, 324.9307, 324.9308, and 324.9310),
sections 9301, 9302, 9304, 9308, and 9310 as amended by 1998 PA 463
and section 9307 as amended by 2004 PA 439, and by adding sections
51301, 51302, and 51305; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9301. As used in this part:

2 (a) "Agency of this state" includes the government of this
3 state and any subdivision, agency, or instrumentality, corporate or
4 otherwise, of the government of this state.

5 (b) "Board" or "conservation district board" means the
6 governing body of a conservation district.

7 (c) "Compliance assistance agent" means an individual who

1 provides technical assistance to individuals, organizations,
2 agencies, or others to aid them in complying with federal and state
3 laws and local conservation ordinances.

4 (d) "Conservation species" means those plant species
5 beneficial for conservation practices as ~~authorized~~ **LISTED UNDER**
6 **SECTION 9304A** by the conservation species advisory panel.

7 (e) "Conservation species advisory panel" means the
8 conservation species advisory panel created in section 9304a.

9 (f) "Department" means the department of agriculture **AND RURAL**
10 **DEVELOPMENT**.

11 (g) "Director" means 1 of the members of the conservation
12 district board, elected or appointed in accordance with this part.

13 (h) "District" or "conservation district" means a governmental
14 subdivision of this state, and a public body corporate and politic,
15 organized in accordance with this part, for the purposes, with the
16 powers, and subject to the restrictions set forth in this part.

17 (i) "Government" or "governmental" includes the government of
18 this state, the government of the United States, and any
19 subdivision, agency, or instrumentality, corporate or otherwise, of
20 either of them.

21 (j) "Landowner" includes any person who holds title to or has
22 contracted to purchase any land lying within a district organized
23 under this part or former 1937 PA 297.

24 (k) "Person" means an individual, partnership, or corporation.

25 (l) "Plant rescue" means to physically move native conservation
26 species of plants from 1 location in Michigan to another location
27 in Michigan for the purpose of reestablishing the native

1 conservation species.

2 (M) "QUALIFIED FORESTER" MEANS THAT TERM AS DEFINED IN SECTION
3 51301.

4 (N) ~~(m)~~—"Resident" means a person who is of legal age to vote
5 and can demonstrate residency in the district ~~via~~ **WITH** 1 piece of
6 identification.

7 (O) ~~(n)~~—"State" means this state.

8 (P) ~~(o)~~—"United States" or "agencies of the United States"
9 includes the United States of America, the natural resources
10 conservation service of the United States department of
11 agriculture, and any other agency or instrumentality, corporate or
12 otherwise, of the United States of America.

13 Sec. 9302. It is the policy of the legislature to provide for
14 the conservation of the natural resources of the state, including
15 soil, water, farmland, **FORESTLAND**, and other natural resources, and
16 to provide for the control and prevention of soil erosion, and
17 thereby to conserve the natural resources of this state, control
18 floods, prevent impairment of dams and reservoirs, assist in
19 maintaining the navigability of rivers and harbors, preserve
20 wildlife, protect the tax base, protect public lands, and protect
21 and promote the health, safety, and general welfare of the people
22 of this state.

23 Sec. 9304. In addition to the other duties and powers
24 conferred upon the department under this part, the department has
25 the following duties and powers:

26 (a) To offer such assistance as may be appropriate to the
27 directors of conservation districts in implementing any of their

responsibilities under this part and as otherwise provided by law.

(b) To keep the directors of each of the districts informed of the activities and experience of all other districts and to facilitate ~~an interchange~~ **COOPERATION AND SHARING** of advice and experience between the districts. ~~and cooperation between them.~~

(c) To approve and coordinate the programs of all conservation districts.

(d) To secure the cooperation and assistance of the United States and any of its agencies, and the state and any of its agencies, in the work of the districts, and to formulate policies and procedures as the department considers necessary for the extension of aid in any form from federal or state agencies to the districts.

(e) To disseminate information throughout the state concerning the activities and programs of the conservation districts and to encourage the formation of districts in areas where their organization is desirable.

(F) TO REVIEW DISTRICT BUDGETS AND FINANCIAL INFORMATION, INCLUDING AUDIT REPORTS.

Sec. 9307. (1) A conservation district board shall consist of 5 directors. ~~, elected or appointed as provided in this part.~~ The directors shall designate a chairperson annually.

(2) The term of office of each director shall be 4 years. All directors shall be elected at an annual meeting by residents of the district. The election shall be nonpartisan and the directors shall be elected by the residents of the district at large. At least 60 days prior to the annual meeting, a candidate for conservation

1 district director must file at the conservation district office a
2 petition signed by 5 residents of the district. A candidate must be
3 a resident of the district. The annual meeting shall be held at a
4 date determined by the board of directors of the district. Notice
5 of the annual meeting shall be published in the official newspaper
6 of record for the area in which the district is located at least 45
7 days prior to the date of the annual meeting. This notice shall
8 include the date, time, and location of the annual meeting, an
9 agenda of items to be considered at the meeting, and a list of all
10 candidates for directors of the conservation district. A resident
11 of a district who is unable to attend the annual meeting may vote
12 for the directors of the conservation district by absentee ballot
13 as follows:

14 (a) In person at the conservation district office, during
15 regular business hours of the conservation district office, at any
16 time after publication of the notice and prior to the annual
17 meeting.

18 (b) By mail received at the conservation district office at
19 any time after publication of the notice and prior to the annual
20 meeting.

21 (3) Director elections shall be certified by the department. A
22 director shall hold office until a successor has been elected and
23 qualified. Vacancies shall be filled by appointment by the board
24 until the next annual meeting.

25 (4) A majority of the directors constitutes a quorum, and the
26 concurrence of a majority in any matter within their duties is
27 required for its determination. A director is entitled to expenses,

1 including traveling expenses necessarily incurred in the discharge
 2 of his or her duties. A director may be paid a per diem for time
 3 spent undertaking his or her duties as a director in an amount not
 4 to exceed the per diem paid to a member of the commission of
 5 agriculture **AND RURAL DEVELOPMENT**.

6 (5) ~~The directors~~ **A CONSERVATION DISTRICT BOARD** may employ a
 7 secretary, technical experts, and such other officers, agents, and
 8 employees, permanent and temporary, as ~~they~~ **THE BOARD** may require,
 9 and shall determine their qualifications, duties, and compensation.
 10 ~~The directors~~ **A BOARD** may call upon the attorney general of the
 11 state for legal services as ~~they~~ **THE BOARD** may require. ~~The~~
 12 ~~directors~~ **A BOARD** may delegate to ~~their~~ **ITS** chairperson, to 1 or
 13 more directors, or to 1 or more agents or employees any powers and
 14 duties that ~~they consider~~ **THE BOARD CONSIDERS** proper. ~~The directors~~
 15 **A BOARD** shall furnish to the department, upon request, copies of
 16 ordinances, rules, regulations, orders, contracts, forms, and other
 17 documents that ~~they adopt or employ,~~ **THE BOARD ADOPTS OR UTILIZES**
 18 and any other information concerning ~~their~~ **THE BOARD'S** activities
 19 that the department may require in the performance of its duties
 20 under this part.

21 (6) ~~The directors~~ **A CONSERVATION DISTRICT BOARD** shall do all
 22 of the following:

23 (a) Provide for the execution of surety bonds for all
 24 **CONSERVATION DISTRICT** employees and officers who are entrusted with
 25 funds or property.

26 (b) Provide for the keeping of a full and accurate record of
 27 all proceedings and of all resolutions, regulations, and orders

1 issued or adopted.

2 (c) Determine the fiscal year of the district.

3 (7) TO BE ELIGIBLE FOR A GRANT OF \$50,000.00 OR MORE FROM THE
4 DEPARTMENT, A CONSERVATION DISTRICT SHALL DO ALL OF THE FOLLOWING:

5 (A) ANNUALLY SUBMIT TO THE DEPARTMENT A BUDGET SETTING FORTH
6 THE PURPOSE AND AMOUNT OF THE EXPENSES EXPECTED TO BE INCURRED AND
7 THE SOURCE AND AMOUNT OF REVENUE EXPECTED TO BE RECEIVED DURING THE
8 ENSUING FISCAL YEAR.

9 (B) MAINTAIN ACCURATE FINANCIAL RECORDS OF RECEIPTS AND
10 DISBURSEMENTS AND UNIFORM ACCOUNTING IN ACCORDANCE WITH GENERALLY
11 ACCEPTED ACCOUNTING PRINCIPLES UNDER PROCEDURES PRESCRIBED BY A
12 CERTIFIED PUBLIC ACCOUNTANT.

13 (C) ~~(d) Provide for an annual~~ A BIENNIAL INDEPENDENT CERTIFIED
14 audit BY A CERTIFIED PUBLIC ACCOUNTANT of the ~~accounts of receipts~~
15 ~~and disbursements.~~ FINANCIAL RECORDS, ACCOUNTS, AND PROCEDURES OF
16 THE DISTRICT. THE AUDIT REPORT SHALL SHOW PROFITS AND LOSSES AND
17 THE FINANCIAL CONDITION OF THE DISTRICT.

18 ~~—— (e) Maintain accurate financial records of receipts and~~
19 ~~disbursements of state funds, which records shall be made available~~
20 ~~to the department.~~

21 (8) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT
22 SUBSECTION (7).

23 (9) A CONSERVATION DISTRICT BOARD IS RESPONSIBLE FOR THE
24 EXERCISE OF THE POWERS AND THE PERFORMANCE OF THE DUTIES OF A
25 CONSERVATION DISTRICT UNDER THIS PART.

26 (10) ~~(7)~~ Any director may be removed by the department upon
27 notice and hearing for neglect of duty or malfeasance in office,

1 but for no other reason.

2 (11) ~~(8) The directors~~ **A CONSERVATION DISTRICT BOARD** may
 3 invite the legislative body of any municipality or county located
 4 near the territory comprised within the district to designate a
 5 representative to advise and consult with the ~~directors of the~~
 6 ~~district~~ **BOARD** on all questions of program and policy that may
 7 affect the property, water supply, or other interests of the
 8 municipality or county.

9 Sec. 9308. (1) A conservation district organized under this
 10 part constitutes a governmental subdivision of this state and a
 11 public body corporate and politic, exercising public powers, and a
 12 conservation district and the conservation ~~district's~~ **DISTRICT**
 13 board has all of the following powers, in addition to powers
 14 otherwise granted in this part:

15 (a) To conduct surveys, investigations, and research relating
 16 to the conservation of farmland, **FORESTLAND**, and natural resources,
 17 to publish the results of the surveys, investigations, or research,
 18 and to disseminate that information upon obtaining the consent of
 19 the landowner or the necessary rights or interest in the lands. In
 20 order to avoid duplication of research activities, a district shall
 21 not initiate any research program except in cooperation with the
 22 government of this state or any of its agencies or with the United
 23 States. ~~or any of its agencies.~~

24 (b) To conduct demonstrational projects within the district on
 25 lands owned or controlled by this state or any of its agencies,
 26 with the cooperation of the agency administering and having
 27 jurisdiction of the lands, and on any other lands within the

1 district upon obtaining the consent of the owner of the lands or
2 the necessary rights or interest in the lands, ~~in order to~~
3 demonstrate by example the means, methods, and measures by which
4 farmland, **FORESTLAND**, and natural resources may be conserved and
5 soil erosion in the form of soil blowing and soil washing may be
6 prevented and controlled.

7 (c) To carry out preventive and control measures within the
8 district including, but not limited to, engineering operations,
9 methods of cultivation, the growing of vegetation, changes in use
10 of land, and other measures to achieve purposes listed in
11 declaration of policy, on lands owned or controlled by this state
12 or any of its agencies, with the cooperation of the agency
13 administering and having jurisdiction of the lands, and on any
14 other lands within the district upon obtaining the consent of the
15 landowners or the necessary rights or interests in the lands.

16 (d) To cooperate or enter into agreements with and, within the
17 limits of appropriations made available to it by law, to furnish
18 financial or other aid to any agency, governmental or otherwise, or
19 any landowner within the district or his or her designated
20 representative, in the conducting of erosion-control and prevention
21 operations within the district, subject to conditions as the
22 directors consider necessary to advance the purposes of this part.

23 (e) To obtain options upon and to acquire, by purchase,
24 exchange, lease, gift, grant, bequest, devise, or otherwise, any
25 property, real or personal, or rights or interests in ~~that~~
26 property; to maintain, administer, and improve any properties
27 acquired, to receive income from the properties, and to expend

1 income in carrying out the purposes and provisions of this part;
2 and to sell, lease, or otherwise dispose of any of its property or
3 interests in property in furtherance of the purposes and provisions
4 of this part.

5 (f) To make available, on the terms it prescribes, to
6 landowners or their designated representatives within the district
7 and to other conservation districts, ~~in Michigan,~~ agricultural and
8 engineering machinery and equipment, fertilizer, seeds, and
9 seedlings, and other material or equipment ~~as~~ **THAT** will assist
10 landowners or their designated representatives to carry on
11 operations upon their lands for the conservation of farmland,
12 **FORESTLAND**, and natural resources and for the prevention and
13 control of soil erosion.

14 (g) To engage in plant rescue operations and to propagate,
15 plant, harvest, and, subject to section 9304a, sell only
16 conservation species. ~~on the list established in section 9304a.~~ A
17 conservation district that violates this subdivision is subject to
18 a civil fine of not more than \$100.00 per day of violation. An
19 action to enforce this subdivision may be brought by the state or a
20 county in the circuit court for the county in which the
21 conservation district is located or in which the violation
22 occurred.

23 (h) To provide technical assistance to other conservation
24 districts.

25 (i) To construct, improve, and maintain structures as may be
26 necessary or convenient for the performance of any of the
27 operations authorized in this part.

1 (j) To develop comprehensive plans for the conservation of
2 farmland, **FORESTLAND**, and natural resources and for the control and
3 prevention of soil erosion within the district or other
4 conservation districts. The plans shall specify, in such detail as
5 is possible, the acts, procedures, performances, and avoidances
6 that are necessary or desirable for the effectuation of the plans,
7 including the specification of engineering operations, methods of
8 cultivation, the growing of vegetation, cropping programs, tillage
9 practices, and changes in use of land; and to publish the plans and
10 information described in this subdivision and bring them to the
11 attention of residents of the district.

12 (k) To take over, by purchase, lease, or otherwise, and to
13 administer any farmland, ~~and~~ **FORESTLAND**, **OR** natural resource
14 conservation project located within its boundaries undertaken by
15 the United States or any of its agencies or by this state or any of
16 its agencies; to manage, as agent of the United States or any of
17 its agencies or of this state or any of its agencies, any farmland,
18 ~~and~~ **FORESTLAND**, **OR** natural resource conservation project within its
19 boundaries; to act as agent for the United States or any of its
20 agencies or for this state or any of its agencies in connection
21 with the acquisition, construction, operation, or administration of
22 any farmland, ~~and~~ **FORESTLAND**, **OR** natural resource conservation
23 project within its boundaries; to accept donations, gifts, and
24 contributions in money, services, materials, or otherwise, from the
25 United States or any of its agencies or from this state or any of
26 its agencies, and to use or expend the money, services, materials,
27 or other contributions in carrying on its operations; and to accept

1 money, gifts, and donations from any other source not specified in
2 this subdivision.

3 (l) To sue and be sued in the name of the district; to have a
4 seal that is judicially noticed; to have perpetual succession
5 unless terminated as provided in this part; to make and execute
6 contracts and other instruments necessary or convenient to the
7 exercise of its powers; and to make, and from time to time amend
8 and repeal, rules and regulations in a manner that is not
9 inconsistent with this part to carry into effect its purposes and
10 powers.

11 (m) To borrow money for facilities or equipment for
12 conservation purposes and pledge the assets of the district as
13 collateral against loans. Any money borrowed shall be solely the
14 obligation of the conservation district and not the obligation of
15 the state or any other public entity in the state.

16 (n) As a condition to the extension of any benefit under this
17 part to, or the performance of work upon, any lands not owned or
18 controlled by this state or any of its agencies, the directors may
19 require contributions in money, services, materials, or otherwise
20 to any operation conferring the benefits, and may require
21 landowners to enter into and perform agreements or covenants as to
22 the permanent use of the lands that will tend to prevent or control
23 erosion on those lands.

24 (o) To act as a compliance assistance agent for other federal,
25 state, and county laws.

26 (p) To act as the enforcing agency for a county if designated
27 under section 9105.

1 (Q) SUBJECT TO SUBSECTION (2), IN COOPERATION WITH THE
2 DEPARTMENT, TO EVALUATE NONINDUSTRIAL PRIVATE FORESTLANDS.

3 (R) SUBJECT TO SUBSECTION (3), TO PROVIDE LANDOWNERS ANY OF
4 THE FOLLOWING:

5 (i) TECHNICAL ASSISTANCE REGARDING POTENTIAL ENVIRONMENTAL,
6 ECOLOGICAL, AND ECONOMIC BENEFITS OF FORESTRY, WILDLIFE HABITAT,
7 AND WETLAND DEVELOPMENT AND RESTORATION.

8 (ii) CONTACT INFORMATION FOR QUALIFIED FORESTERS.

9 (S) TO COLLABORATE WITH THE DEPARTMENT IN EVALUATING FOREST
10 MANAGEMENT PLANS UNDER SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT,
11 1893 PA 206, MCL 211.7JJ[1].

12 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A
13 CONSERVATION DISTRICT SHALL NOT DEVELOP MANAGEMENT PLANS FOR
14 NONINDUSTRIAL PRIVATE FORESTLANDS. A DISTRICT SHALL PROVIDE A
15 LANDOWNER UPON REQUEST WITH A LIST OF QUALIFIED FORESTERS TO
16 DEVELOP MANAGEMENT PLANS. THE LIST SHALL BE DEVELOPED AND
17 MAINTAINED BY THE DEPARTMENT. IF REQUESTED BY A LANDOWNER, THE
18 DEPARTMENT SHALL POST ON THE FORESTRY PAGE OF THE CONSERVATION
19 DISTRICT WEBSITE NOTICE THAT THE LANDOWNER IS SEEKING FOREST
20 MANAGEMENT PLAN PREPARATION; TIMBER HARVESTING, MARKETING, OR
21 THINNING; OR SIMILAR SERVICES. IF A LANDOWNER IS UNABLE, BECAUSE OF
22 THE SCOPE OR SCALE OF THE PROJECT, TO IDENTIFY A PRIVATE FORESTER
23 WILLING TO DEVELOP A FOREST MANAGEMENT PLAN, THE CONSERVATION
24 DISTRICT MAY, UPON APPROVAL BY THE DEPARTMENT, PREPARE A FOREST
25 MANAGEMENT PLAN FOR THE LANDOWNER.

26 (3) THE EXERCISE OF POWERS UNDER SUBSECTION (1) (R) DOES NOT
27 AFFECT THE REGULATORY AUTHORITY OF ANY STATE DEPARTMENT.

1 (4) ~~(2)~~—Unless authorized by the county board of commissioners
 2 of each county in which a conservation district is located, a
 3 conservation district shall not enforce state or federal laws.

4 (5) ~~(3)~~—Unless otherwise specifically provided by law,
 5 provisions with respect to the acquisition, operation, or
 6 disposition of property by other public bodies are not applicable
 7 to a district organized under this part.

8 Sec. 9310. (1) Agencies of this state that have jurisdiction
 9 over, or are charged with the administration of, any state owned
 10 lands, and agencies of any county or other governmental subdivision
 11 of the state that have jurisdiction over, or are charged with the
 12 administration of, any county owned or other publicly owned lands,
 13 lying within the boundaries of any **CONSERVATION** district, shall
 14 cooperate to the fullest extent with the ~~directors of the districts~~
 15 **DISTRICT** in the effectuation of programs and operations undertaken
 16 by ~~conservation districts~~ **THE DISTRICT** under this part. ~~The~~
 17 ~~directors of the districts~~ **AGENTS OF THE DISTRICT** shall be given
 18 free access to enter and perform work upon such publicly owned
 19 lands.

20 (2) ~~The board of a~~ **A** conservation district may cooperate with
 21 and enter into agreements with a county, township, municipality, or
 22 other subdivision of state government in implementing soil, water,
 23 **FORESTLAND MANAGEMENT**, and related land-use projects. A county,
 24 township, municipality, or other subdivision of state government
 25 through its governing body may cooperate with and enter into
 26 agreement with **A** conservation ~~districts~~ **DISTRICT** in carrying out
 27 this part and may assist ~~districts~~ **A DISTRICT** by providing ~~them~~ **IT**

1 with such materials, equipment, money, personnel, and other
2 services. ~~as the governmental unit considers advisable.~~

3 SEC. 51301. AS USED IN THIS PART:

4 (A) "CONSERVATION DISTRICT" MEANS THAT TERM AS IT IS DEFINED
5 IN SECTION 9301.

6 (B) "DEMONSTRATION PROJECT" MEANS A FOREST IMPROVEMENT PROJECT
7 DESIGNED TO ILLUSTRATE THE IMPLEMENTATION AND IMPACT OF ALTERNATE
8 FOREST PRACTICES.

9 (C) "COMMISSION" MEANS THE COMMISSION OF AGRICULTURE AND RURAL
10 DEVELOPMENT.

11 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE AND RURAL
12 DEVELOPMENT.

13 (E) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR
14 HER DESIGNEE.

15 (F) "FOLLOW-UP WORK" MEANS FOREST PRACTICES TO PROMOTE THE
16 SURVIVAL OF SEEDS OR SEEDLINGS OR THE PROTECTION OR ENHANCEMENT OF
17 OTHER WORK PREVIOUSLY UNDERTAKEN UNDER THIS PART.

18 (G) "FOREST IMPROVEMENT PROJECT" MEANS ANY OF THE FOLLOWING:

19 (i) PRODUCTION, PROCESSING, HANDLING, STORAGE, MARKETING, OR
20 TRANSPORTATION OF FOREST RESOURCES, INCLUDING SAWMILLS, HARDBOARD
21 MILLS, POWER STATIONS, WAREHOUSES, AIR AND WATER POLLUTION CONTROL
22 EQUIPMENT, AND SOLID WASTE DISPOSAL FACILITIES.

23 (ii) FOREST PRACTICE OR FOLLOW-UP WORK.

24 (iii) STUDY, PLANNING, OR OTHER WORK INTENDED TO IMPROVE
25 FORESTLANDS OR FOREST RESOURCES OR TO DEMONSTRATE MEANS OF
26 IMPROVING FORESTLANDS OR FOREST RESOURCES.

27 (H) "FOREST MANAGEMENT PLAN" MEANS A WRITTEN PLAN PREPARED AND

1 SIGNED BY A QUALIFIED FORESTER THAT PRESCRIBES MEASURES TO OPTIMIZE
2 PRODUCTION, UTILIZATION, AND REGENERATION OF FOREST RESOURCES. A
3 FOREST MANAGEMENT PLAN SHALL INCLUDE SCHEDULES AND TIMETABLES FOR
4 THE VARIOUS SILVICULTURAL PRACTICES USED ON FORESTLANDS, INCLUDING,
5 BUT NOT LIMITED TO, TIMBER HARVESTING AND REGENERATION.

6 (I) "FOREST PRACTICE" INCLUDES, BUT IS NOT LIMITED TO, ANY OF
7 THE FOLLOWING:

8 (i) THE PREPARATION OF FOREST MANAGEMENT PLANS FOR FORESTLAND.

9 (ii) THE IMPROVEMENT OF SPECIES OF FOREST TREES.

10 (iii) REFORESTATION.

11 (iv) THE HARVESTING OF SPECIES OF FOREST TREES.

12 (v) ROAD CONSTRUCTION ASSOCIATED WITH THE IMPROVEMENT OR
13 HARVESTING OF FOREST TREE SPECIES OR REFORESTATION.

14 (vi) USE OF CHEMICALS OR FERTILIZERS FOR THE PURPOSE OF GROWING
15 OR MANAGING SPECIES OF FOREST TREES.

16 (vii) APPLICABLE SILVICULTURAL PRACTICES AS DESCRIBED IN THE
17 "VOLUNTARY FORESTRY MANAGEMENT GUIDELINES FOR MICHIGAN" PREPARED BY
18 THE SOCIETY OF AMERICAN FORESTERS IN 1987.

19 (viii) ANY OTHER ACTIONS INTENDED TO IMPROVE FORESTLAND OR
20 FOREST RESOURCES.

21 (J) "FOREST RESOURCES" MEANS THOSE PRODUCTS, USES, AND VALUES
22 ASSOCIATED WITH FORESTLAND, INCLUDING RECREATION AND AESTHETICS,
23 FISH, FORAGE, SOIL, TIMBER, WATERSHED, WILDERNESS, AND WILDLIFE.

24 (K) "FORESTLAND" MEANS A TRACT OF LAND THAT MAY INCLUDE
25 NONPRODUCTIVE LAND THAT IS INTERMIXED WITH PRODUCTIVE LAND THAT IS
26 AN INTEGRAL PART OF A MANAGED FOREST AND THE OWNER OF WHICH AGREES
27 TO DEVELOP, MAINTAIN, AND ACTIVELY MANAGE THE LAND AS A PRIVATE

1 FOREST THROUGH PLANTING, NATURAL REPRODUCTION, OR OTHER
2 SILVICULTURAL PRACTICES.

3 (I) "FUND" MEANS THE PRIVATE FORESTLAND EVALUATION FUND CREATED
4 IN SECTION 51305.

5 (M) "HARVEST" MEANS THE POINT AT WHICH TIMBER THAT HAS BEEN
6 CUT, SEVERED, OR REMOVED FOR PURPOSES OF SALE OR USE IS FIRST
7 MEASURED IN THE ORDINARY COURSE OF BUSINESS AS DETERMINED BY
8 REFERENCE TO COMMON PRACTICE IN THE TIMBER INDUSTRY.

9 (N) "LANDOWNER" MEANS A PERSON WHO HOLDS AN OWNERSHIP INTEREST
10 IN NONINDUSTRIAL PRIVATE FORESTLAND.

11 (O) "NONINDUSTRIAL PRIVATE FORESTLAND" MEANS A PRIVATELY OWNED
12 TRACT OF LAND, OR THE TIMBER RIGHTS IN THE LAND IF THE TIMBER
13 RIGHTS HAVE BEEN SEVERED, THAT IS AT LEAST 50% OCCUPIED BY FOREST
14 TREE SPECIES, CONSISTS OF 10 ACRES OR MORE, AND HAS THE PRODUCTIVE
15 CAPACITY TO GROW AT LEAST ON AVERAGE 20 CUBIC FEET PER YEAR.
16 FORESTLAND INCLUDES LAND FROM WHICH FOREST TREE SPECIES HAVE BEEN
17 REMOVED AND HAVE NOT BEEN RESTOCKED, BUT DOES NOT INCLUDE LAND
18 CONVERTED TO USES OTHER THAN THE GROWING OF FOREST TREE SPECIES OR
19 LAND CURRENTLY ZONED FOR USES INCOMPATIBLE WITH FOREST PRACTICES.

20 (P) "QUALIFIED FORESTER" MEANS A REGISTERED FORESTER, A
21 FORESTER CERTIFIED BY THE SOCIETY OF AMERICAN FORESTERS, A FOREST
22 STEWARDSHIP PLAN WRITER, OR A TECHNICAL SERVICE PROVIDER AS
23 REGISTERED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR
24 FOREST MANAGEMENT PLAN DEVELOPMENT.

25 (Q) "TECHNICAL ASSISTANCE" MEANS DIRECT ON-SITE ASSISTANCE
26 PROVIDED TO INDIVIDUALS.

27 (R) "TIMBER" MEANS WOOD GROWTH, MATURE OR IMMATURE, GROWING OR

1 DEAD, STANDING OR DOWN. TIMBER DOES NOT INCLUDE ANY OF THE
2 FOLLOWING:

3 (i) CHRISTMAS TREES AND ASSOCIATED GREENS.

4 (ii) MATERIAL HARVESTED FROM AN INDIVIDUAL'S OWN LAND AND USED
5 ON THAT LAND FOR THE CONSTRUCTION OF FENCES OR BUILDINGS OR FOR
6 OTHER PERSONAL USE.

7 (S) "TIMBER OWNER" MEANS A PERSON WHO HOLDS AN OWNERSHIP
8 INTEREST IN SPECIES OF FOREST TREES ON FORESTLAND. AN OWNERSHIP
9 INTEREST INCLUDES A LICENSE OR OTHER RIGHT TO HARVEST TIMBER ON
10 STATE LANDS.

11 SEC. 51302. (1) THIS PART IS INTENDED TO STIMULATE IMPROVED
12 MANAGEMENT AND UTILIZATION OF PRIVATE FORESTLAND AND PRIVATE FOREST
13 RESOURCES WITHIN THIS STATE. ECONOMIC AND COMMUNITY DEVELOPMENT
14 OPPORTUNITIES BASED ON THE PRIVATE FOREST RESOURCE WILL BE ENHANCED
15 BY ENSURING ADEQUATE FUTURE HIGH-QUALITY TIMBER SUPPLIES, INCREASED
16 EMPLOYMENT OPPORTUNITIES, A DIVERSIFIED ECONOMY, AND OTHER ECONOMIC
17 BENEFITS AND THE CONSERVATION, MAINTENANCE, AND ENHANCEMENT OF A
18 PRODUCTIVE AND STABLE FOREST RESOURCE SYSTEM FOR THE PUBLIC BENEFIT
19 OF PRESENT AND FUTURE GENERATIONS.

20 (2) THE PRIMARY PURPOSE OF THIS PART IS TO ASSIST PRIVATE
21 LANDOWNERS TO UNDERSTAND THE VALUE OF THEIR FOREST RESOURCES AND TO
22 PROVIDE MANAGEMENT PLANNING ASSISTANCE AND PRACTICE IMPLEMENTATION
23 ON NONINDUSTRIAL PRIVATE FORESTLANDS.

24 (3) THE DEPARTMENT MAY ENTER INTO COOPERATIVE AGREEMENTS WITH
25 THE FEDERAL AGENCIES THAT HAVE BEEN GIVEN AUTHORITY BY ACT OF
26 CONGRESS FOR THE MANAGEMENT OF FORESTLANDS TO ASSIST LANDOWNERS IN
27 MANAGEMENT OF THEIR NONINDUSTRIAL PRIVATE FORESTLANDS.

1 SEC. 51305. (1) THE PRIVATE FORESTLAND EVALUATION FUND IS
2 CREATED WITHIN THE STATE TREASURY.

3 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
4 ANY SOURCE FOR DEPOSIT INTO THE FUND, INCLUDING GENERAL FUND
5 GENERAL PURPOSE APPROPRIATIONS, GIFTS, GRANTS, AND BEQUESTS. THE
6 STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE
7 TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
8 INVESTMENTS.

9 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
10 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

11 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR
12 AUDITING PURPOSES.

13 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
14 APPROPRIATION, ONLY FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

15 (A) DIRECT ASSISTANCE.

16 (B) INDIRECT ASSISTANCE.

17 (C) ADMINISTRATIVE COSTS. EXPENDITURES PURSUANT TO THIS
18 SUBDIVISION SHALL NOT EXCEED 8% OF ANNUAL APPROPRIATIONS FROM THE
19 FUND.

20 (6) THE DEPARTMENT SHALL ESTABLISH CRITERIA AND PROCEDURES FOR
21 APPROVING PROPOSED EXPENDITURES FROM THE FUND.

22 (7) THE DEPARTMENT OF TREASURY SHALL, BEFORE NOVEMBER 1 OF
23 EACH YEAR, NOTIFY THE DEPARTMENT OF THE BALANCE IN THE FUND AT THE
24 CLOSE OF THE PRECEDING FISCAL YEAR.

25 (8) AS USED IN THIS SECTION:

26 (A) "ADMINISTRATIVE COSTS" INCLUDES, BUT IS NOT LIMITED TO,
27 COSTS INCURRED DURING ANY OF THE FOLLOWING:

1 (i) DEVELOPMENT AND ENFORCEMENT OF THIS ACT.

2 (ii) COORDINATION OF PROGRAMS UNDER THIS PART WITH THE UNITED
3 STATES DEPARTMENT OF AGRICULTURE AND OTHER STATE PROGRAMS WITH
4 FOREST RESPONSIBILITIES.

5 (B) "DIRECT ASSISTANCE" INCLUDES, BUT IS NOT LIMITED TO,
6 PROGRAMS THAT WILL PROVIDE FOR ANY OF THE FOLLOWING:

7 (i) PROGRAMS DEVOTED TO NONINDUSTRIAL PRIVATE FORESTLAND TO
8 ENCOURAGE THE JUDICIOUS MANAGEMENT OF FORESTLANDS TO MAXIMIZE
9 ECONOMIC AND ECOLOGICAL VALUE.

10 (ii) INCENTIVE AND COST-SHARE PROGRAMS TO ASSIST LANDOWNERS.

11 (iii) PROGRAMS THAT ENHANCE INVESTMENT OF PRIVATE AND FEDERAL
12 FUNDS IN SUSTAINABLE FOREST MANAGEMENT.

13 (iv) OTHER PROGRAMS ESTABLISHED PURSUANT TO THIS PART.

14 (C) "INDIRECT ASSISTANCE" INCLUDES, BUT IS NOT LIMITED TO,
15 PROGRAMS THAT WILL PROVIDE FOR ANY OF THE FOLLOWING:

16 (i) PUBLIC EDUCATION AND DEMONSTRATION PROGRAMS ON SUSTAINABLE
17 MANAGEMENT OF PRIVATE FORESTLAND FOR INCREASING VALUE FOR WILDLIFE
18 HABITAT OR TIMBER MANAGEMENT, OR BOTH.

19 (ii) EDUCATIONAL PROGRAMS.

20 (iii) TECHNICAL ASSISTANCE PROGRAMS.

21 (iv) THE PROMOTION AND IMPLEMENTATION OF ON-SITE EVALUATION
22 SYSTEMS AND MANAGEMENT PRACTICES.

23 Enacting section 1. Sections 50110, 50112, and 50136 of the
24 natural resources and environmental protection act, 1994 PA 451,
25 MCL 324.50110, 324.50112, and 324.50136, are repealed.