



# HOUSE BILL No. 4316

February 18, 1993, Introduced by Reps. Bobier, Munsell, Dalman, McManus and McNutt and referred to the Committee on Taxation.

A bill to amend the title and sections 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10, 11, 12a, 13, 13a, 13c, and 14 of Act No. 94 of the Public Acts of 1925, entitled as amended

"An act to provide for the establishment of commercial forests and for the administration and taxation of them,"

sections 2, 5, 6, 7, 8, 9, and 10 as amended and section 6a as added by Act No. 393 of the Public Acts of 1980, being sections 320.301, 320.302, 320.303, 320.304, 320.305, 320.306, 320.306a, 320.307, 320.308, 320.309, 320.310, 320.311, 320.312a, 320.313, 320.313a, 320.313c, and 320.314 of the Michigan Compiled Laws; to add section 9a; and to repeal certain parts of the act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 2, 3, 4, 5, 6, 6a, 7,  
2 8, 9, 10, 11, 12a, 13, 13a, 13c, and 14 of Act No. 94 of the  
3 Public Acts of 1925, sections 2, 5, 6, 7, 8, 9, and 10 as amended

1 and section 6a as added by Act No. 393 of the Public Acts of  
2 1980, being sections 320.301, 320.302, 320.303, 320.304, 320.305,  
3 320.306, 320.306a, 320.307, 320.308, 320.309, 320.310, 320.311,  
4 320.312a, 320.313, 320.313a, 320.313c, and 320.314 of the  
5 Michigan Compiled Laws, are amended and section 9a is added to  
6 read as follows:

7 TITLE

8 An act to provide for the establishment of commercial  
9 forests; ~~and for the administration and taxation of them~~ TO  
10 PRESCRIBE THE POWERS AND DUTIES OF CERTAIN STATE AGENCIES AND  
11 OFFICIALS; TO PROVIDE FOR CERTAIN TAXES AND FEES; TO PRESCRIBE  
12 PENALTIES AND PROVIDE REMEDIES; AND TO REPEAL CERTAIN ACTS AND  
13 PARTS OF ACTS.

14 Sec. 1. (1) THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE  
15 "COMMERCIAL FOREST ACT".

16 (2) The department of natural resources ~~is authorized and~~  
17 ~~charged with certain duties in connection with the establishment~~  
18 ~~and maintenance of~~ SHALL ESTABLISH AND MAINTAIN commercial for-  
19 ests and ~~shall have authority to make such rules not herein spe-~~  
20 ~~cifically provided for~~ MAY PROMULGATE RULES as ~~may be~~ neces-  
21 sary to accomplish the intent and purpose of this act. All  
22 ~~expense to be~~ EXPENSES incurred and ~~help to be~~ STAFF employed  
23 TO IMPLEMENT THIS ACT shall be with the approval of the state  
24 administrative board.

25 Sec. 2. As used in this act: ~~, a "commercial forest"~~

26 (A) "AD VALOREM GENERAL PROPERTY TAX" MEANS TAXES LEVIED  
27 UNDER THE GENERAL PROPERTY TAX ACT, ACT NO. 206 OF THE PUBLIC

1 ACTS OF 1893, BEING SECTIONS 211.1 TO 211.157 OF THE MICHIGAN  
2 COMPILED LAWS.

3 (B) "COMMERCIAL FOREST" OR "COMMERCIAL FORESTLAND" MEANS  
4 FORESTLAND THAT IS DETERMINED TO BE A COMMERCIAL FOREST UNDER  
5 SECTION 3.

6 (C) "DECLASSIFY" OR "DECLASSIFICATION" MEANS THE REMOVAL OF  
7 THE COMMERCIAL FOREST DESIGNATION PURSUANT TO SECTION 13.

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

9 (E) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

10 (F) "FORESTLAND" means a tract of land ~~containing no~~ THAT  
11 MAY INCLUDE NONPRODUCTIVE LAND THAT IS INTERMIXED WITH PRODUCTIVE  
12 LAND THAT IS AN INTEGRAL PART OF A MANAGED FOREST AND THAT MEETS  
13 ALL THE FOLLOWING:

14 (i) DOES NOT HAVE material natural resources other than  
15 THOSE RESOURCES SUITABLE FOR forest growth ~~, no portion of which~~  
16 ~~is~~ OR THE POTENTIAL FOR FOREST GROWTH.

17 (ii) IS NOT used for agricultural, mineral extraction EXCEPT  
18 AS PROVIDED IN SECTION 10, grazing, industrial, developed  
19 recreational, ~~or~~ RESIDENTIAL, resort, OR OTHER COMMERCIAL OR  
20 DEVELOPMENTAL purposes. ~~, and upon which the~~

21 (iii) THE owner ~~proposes~~ AGREES to develop, maintain, and  
22 actively manage THE LAND AS a COMMERCIAL forest through planting,  
23 natural reproduction, or other ~~forest~~ SILVICULTURAL practices.  
24 ~~This land shall also be capable of producing a thrifty forest~~  
25 ~~growth and, at the time of listing as a commercial forest, actu-~~  
26 ~~ally carry sufficient forest growth of suitable character and~~  
27 ~~distributed to give assurance that a stand of merchantable timber~~

~~1 will be developed within a reasonable period of time. Forest  
2 land used for the primary purpose of growing and harvesting  
3 forest crops and nonproductive land which occurs intermixed with  
4 productive land and which is an integral part of a managed forest  
5 shall be eligible for listing as a commercial forest pursuant to  
6 section 3.~~

7 (G) "FOREST MANAGEMENT PLAN" MEANS A WRITTEN PLAN PREPARED  
8 AND SIGNED BY A REGISTERED FORESTER OR A NATURAL RESOURCES PRO-  
9 FESSIONAL THAT PRESCRIBES MEASURES TO OPTIMIZE PRODUCTION, UTILI-  
10 ZATION, AND REGENERATION OF FOREST RESOURCES. THE FOREST MANAGE-  
11 MENT PLAN SHALL INCLUDE SCHEDULES AND TIMETABLES FOR THE VARIOUS  
12 SILVICULTURAL PRACTICES USED ON COMMERCIAL FORESTLANDS, INCLUD-  
13 ING, BUT NOT LIMITED TO, TIMBER HARVESTING AND REGENERATION.

14 (H) "FUND" MEANS THE COMMERCIAL FOREST FUND CREATED PURSUANT  
15 TO SECTION 9A.

16 (I) "NATURAL RESOURCES PROFESSIONAL" MEANS A PERSON WHO IS  
17 ACKNOWLEDGED BY THE DEPARTMENT AS HAVING THE EDUCATION, KNOWL-  
18 EDGE, EXPERIENCE, AND SKILLS TO IDENTIFY, SCHEDULE, AND IMPLEMENT  
19 APPROPRIATE FOREST MANAGEMENT PRACTICES NEEDED TO ACHIEVE THE  
20 PURPOSES OF THIS ACT ON LAND SUBJECT TO OR TO BE SUBJECT TO THIS  
21 ACT.

22 (J) "OWNER" MEANS A PERSON WHO HOLDS TITLE TO THE SURFACE  
23 ESTATE OF FORESTLAND SUBJECT TO THIS ACT. HOWEVER, IF LAND IS  
24 PURCHASED ON A LAND CONTRACT, THE OWNER INCLUDES THE PERSON WHO  
25 HOLDS THE LAND CONTRACT VENDEE'S INTEREST AND DOES NOT INCLUDE  
26 THE PERSON WHO HOLDS THE LAND CONTRACT VENDOR'S INTEREST. OWNER

1 DOES NOT INCLUDE THE OWNER OF TIMBER RIGHTS IF THE TIMBER RIGHTS  
2 HAVE BEEN SEPARATED FROM THE SURFACE ESTATE.

3 (K) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,  
4 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

5 (L) "PERSONAL USE" MEANS USE FOR ANY NONCOMMERCIAL PURPOSE.

6 (M) "REGISTERED FORESTER" MEANS A PERSON REGISTERED UNDER  
7 ARTICLE 21 OF THE OCCUPATIONAL CODE, ACT NO. 299 OF THE PUBLIC  
8 ACTS OF 1980, BEING SECTIONS 339.2101 TO 339.2108 OF THE MICHIGAN  
9 COMPILED LAWS.

10 (N) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE ADMINIS-  
11 TRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF  
12 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED  
13 LAWS.

14 (O) "SILVICULTURAL PRACTICES" MEANS THE MANAGEMENT AND MAN-  
15 IPULATION OF FOREST VEGETATION FOR THE PROTECTION, GROWTH, AND  
16 ENHANCEMENT OF FOREST PRODUCTS, AND FOR THE PROTECTION AND  
17 IMPROVEMENT OF WILDLIFE, WATER, AND SOIL RESOURCES.

18 Sec. 3. (1) The owner of ~~any land~~ FORESTLAND LOCATED  
19 within this state ~~, which complies substantially with the~~  
20 ~~requirements specified in section 2, may make application~~ MAY  
21 APPLY to the department ~~of natural resources~~ to have ~~such~~  
22 ~~land~~ THAT FORESTLAND determined ~~and listed~~ TO BE a commercial  
23 forest UNDER THIS ACT. ~~, specifying in such application the~~  
24 ~~legal description and acreage of such land and such additional~~  
25 ~~information as may be called for by said department. The appli-~~  
26 ~~cant shall furnish such information under oath and upon blanks~~  
27 ~~provided for the purpose.~~

1 (2) TO BE ELIGIBLE FOR DETERMINATION AS A COMMERCIAL FOREST,  
2 FORESTLAND SHALL BE CAPABLE OF ALL OF THE FOLLOWING:

3 (A) PRODUCING NOT LESS THAN 20 CUBIC FEET PER ACRE PER YEAR  
4 OF FOREST GROWTH UPON MATURITY.

5 (B) PRODUCING TREE SPECIES THAT HAVE ECONOMIC OR COMMERCIAL  
6 VALUE.

7 (C) PRODUCING A COMMERCIAL STAND OF TIMBER WITHIN A REASON-  
8 ABLE PERIOD OF TIME.

9 (3) APPLICATION SHALL BE ON A FORM PRESCRIBED BY THE  
10 DEPARTMENT. IN ADDITION TO ANY INFORMATION THAT THE DEPARTMENT  
11 MAY REASONABLY REQUIRE BY RULE, THE APPLICANT SHALL PROVIDE ALL  
12 OF THE FOLLOWING TO THE DEPARTMENT:

13 (A) A NONREFUNDABLE APPLICATION FEE IN THE AMOUNT OF \$1.00  
14 PER ACRE OR FRACTION OF AN ACRE, NOT TO EXCEED \$1,000.00. THE  
15 DEPARTMENT SHALL REMIT THE APPLICATION FEE TO THE STATE TREASURER  
16 FOR DEPOSIT INTO THE FUND.

17 (B) A LEGAL DESCRIPTION AND THE AMOUNT OF ACREAGE CONSIDERED  
18 FOR DETERMINATION AS A COMMERCIAL FOREST.

19 (C) A STATEMENT CERTIFYING THAT A FOREST MANAGEMENT PLAN  
20 COVERING THE FORESTLAND HAS BEEN PREPARED AND WILL BE  
21 IMPLEMENTED.

22 (D) A STATEMENT CERTIFYING THAT THE OWNER OF THE FORESTLAND  
23 WILL HARVEST THE TIMBER WITHIN A REASONABLE PERIOD OF TIME AS  
24 DETERMINED BY THE DEPARTMENT.

25 (E) A STATEMENT CERTIFYING THAT THE OWNER OF THE FORESTLAND  
26 OWNS THE TIMBER RIGHTS TO THE TIMBER STANDING ON THE FORESTLAND.

1 (4) THE DEPARTMENT SHALL PREPARE AND DISTRIBUTE TO ANY  
2 PERSON DESIRING TO MAKE APPLICATION UNDER THIS ACT A BROCHURE  
3 THAT LISTS AND EXPLAINS, IN SIMPLE, NONTECHNICAL TERMS, ALL OF  
4 THE FOLLOWING:

5 (A) THE APPLICATION, HEARING, DETERMINATION, DECLASSIFICA-  
6 TION, AND PROSECUTION PROCESS.

7 (B) THE REQUIREMENTS OF THE FOREST MANAGEMENT PLAN.

8 (5) IF AN APPLICANT IS UNABLE TO SECURE THE SERVICES OF A  
9 REGISTERED FORESTER OR A NATURAL RESOURCES PROFESSIONAL TO PRE-  
10 PARE A FOREST MANAGEMENT PLAN AS DETERMINED BY THE DEPARTMENT,  
11 THE DEPARTMENT UPON REQUEST SHALL PREPARE THE FOREST MANAGEMENT  
12 PLAN ON BEHALF OF THE OWNER OF THE FORESTLAND AND CHARGE THE  
13 OWNER A FOREST MANAGEMENT PLAN FEE NOT TO EXCEED THE ACTUAL COST  
14 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 THE EFFECTIVE DATE  
17 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL PREPARE A  
18 FOREST MANAGEMENT PLAN AND FILE A STATEMENT WITH THE DEPARTMENT  
19 CERTIFYING THAT A FOREST MANAGEMENT PLAN HAS BEEN PREPARED AND  
20 IMPLEMENTED. IF AN OWNER OF A COMMERCIAL FOREST FAILS TO COMPLY  
21 WITH THIS SUBSECTION, THE DEPARTMENT SHALL DECLASSIFY THE OWNER'S  
22 COMMERCIAL FOREST PURSUANT TO SECTION 13.

23 Sec. 4. (1) Upon receipt of ~~such~~ THE application,  
24 ~~establishing prima facie~~ THE FOREST MANAGEMENT PLAN CERTIFICA-  
25 TION, THE TIMBER RIGHTS CERTIFICATION, THE HARVESTING CERTIFICA-  
26 TION, AND APPLICATION FEE DESCRIBED IN SECTION 3, the ~~right of~~  
27 ~~any land to be classed as a commercial forest the~~ department ~~of~~

1 ~~natural resources~~ shall ~~determine the character of the land~~  
2 EVALUATE THE FORESTLAND offered and fix a date for a public hear-  
3 ing upon the eligibility of ~~such land~~ THE FORESTLAND for  
4 ~~listing~~ DETERMINATION as a commercial forest. The hearing  
5 shall be held in the county where the land is located not later  
6 than November 1 following receipt of the application. ~~and all~~  
7 ~~applications~~ APPLICATIONS offering lands in the same county may  
8 be heard on the same day and at the same place. The department  
9 shall ~~cause~~ PUBLISH a notice of ~~such~~ hearing and a list of  
10 the LEGAL descriptions of ~~land to be~~ LANDS BEING considered for  
11 ~~classification~~ DETERMINATION as commercial forests ~~to be~~  
12 ~~published~~ in a newspaper ~~published and circulated~~ OF GENERAL  
13 CIRCULATION in ~~said~~ THE county ~~and~~ IN WHICH THE LAND IS  
14 LOCATED. THE NOTICE OF HEARING SHALL BE PUBLISHED at least 20  
15 days ~~shall elapse between the date of publication of said notice~~  
16 ~~and~~ BEFORE the date of the hearing. At the ~~same~~ time ~~that~~  
17 ~~the notice is sent to the newspaper for~~ OF publication, the  
18 department shall ~~send~~ PROVIDE a copy of the notice OF HEARING  
19 and a list of descriptions of land in each township to be consid-  
20 ered for ~~classification~~ DETERMINATION AS A COMMERCIAL FOREST to  
21 each township supervisor in whose township the lands are  
22 located. Any ~~township supervisor or other~~ person ~~desiring to~~  
23 WHO WISHES MAY testify as to eligibility for ~~the listing~~  
24 DETERMINATION as a commercial forest of any of the ~~descriptions~~  
25 ~~offered, may appear and be heard at such hearing. Such~~  
26 DESCRIBED LANDS. THE hearing ~~may~~ SHALL be conducted by the



1 director ~~or any employee~~ of the department OR AN EMPLOYEE  
2 designated ~~for the purpose~~ BY THE DIRECTOR.

3 ~~In case the department shall determine that the descrip-~~  
4 ~~tions listed, or any of them, comply with the requirements as to~~  
5 ~~commercial forests specified in section 2 and that the owner has~~  
6 ~~declared his intention to devote the land to the development and~~  
7 ~~maintenance thereon of a commercial forest, and that there are no~~  
8 ~~unpaid valid taxes against such land, the department shall forth-~~  
9 ~~with report such determination to the applicant and also to the~~  
10 ~~supervisor of the township and shall record with the register of~~  
11 ~~deeds in the county in which said commercial forest is located,~~  
12 ~~the application of the owner and the approval of the department~~  
13 ~~endorsed thereon.~~

14 (2) AFTER THE HEARING, IF THE DEPARTMENT DETERMINES THAT THE  
15 APPLICANT AND FORESTLAND MEET THE REQUIREMENTS OF THIS ACT AND  
16 DETERMINES THAT ALL VALID TAXES ASSESSED AGAINST THAT FORESTLAND  
17 HAVE BEEN PAID, THE DEPARTMENT SHALL APPROVE THE APPLICATION.  
18 UPON APPROVAL OF THE APPLICATION, THE DEPARTMENT SHALL IMMEDI-  
19 ATELY RECORD A LISTING CERTIFICATE IN THE REGISTER OF DEEDS  
20 OFFICE IN THE COUNTY IN WHICH THE LAND IS LOCATED WITH THE  
21 DEPARTMENT APPROVAL ENDORSED ON THE LISTING CERTIFICATE AND FOR-  
22 WARD A COPY OF THE LISTING CERTIFICATE TO THE APPLICANT AND TO  
23 THE TOWNSHIP SUPERVISOR OF THE TOWNSHIP IN WHICH THE LAND IS  
24 LOCATED.

25 Sec. 5. (1) ~~Lands offered by the owner and approved as~~  
26 ~~commercial forests and certified as commercial forests by the~~  
27 ~~department of natural resources to the supervisor of the township~~

1 ~~in which they are located shall~~ COMMERCIAL FORESTS ARE not ~~be~~  
 2 subject to the ad valorem general property tax after the date the  
 3 township supervisor is notified BY THE DEPARTMENT THAT THE LAND  
 4 IS A COMMERCIAL FOREST, except taxes as previously levied.

5 ~~These lands shall be~~ COMMERCIAL FORESTS ARE subject to an  
 6 annual specific tax ~~of~~ AS FOLLOWS:

7 (A) THROUGH OCTOBER 1, 1981, 15 cents per acre. ~~and, after~~  
 8 ~~the effective date of this 1980 amendatory act an additional~~  
 9 ~~annual specific tax equal to 15~~

10 (B) AFTER OCTOBER 1, 1981 AND THROUGH DECEMBER 31, 1989, 30  
 11 cents per acre. ~~as adjusted pursuant to section 6a.~~

12 (C) AFTER DECEMBER 31, 1989 AND THROUGH DECEMBER 31, 1993,  
 13 38 CENTS PER ACRE.

14 (D) BEGINNING JANUARY 1, 1994, \$1.10 PER ACRE AS ADJUSTED  
 15 PURSUANT TO SECTION 6A.

16 (2) The supervisor of the township shall remove from the  
 17 list of land descriptions assessed and taxed under the ad valorem  
 18 general property tax the land descriptions certified to him or  
 19 her by the department as being commercial forests and shall enter  
 20 ~~these~~ THOSE land descriptions on a roll separate from lands  
 21 assessed and taxed BY the ad valorem general property tax and  
 22 shall spread against these commercial ~~forest lands~~ FORESTS the  
 23 specific tax provided by this section.

24 (3) The township treasurer shall collect the specific tax at  
 25 the same time and in the same manner as ad valorem general prop-  
 26 erty taxes are collected and this tax ~~shall be~~ IS subject to  
 27 the same collection charges levied for the collection of ad

1 valorem property taxes. ~~Lands listed and taxed as commercial~~  
 2 ~~forests shall be-~~ COMMERCIAL FORESTS ARE subject to return and  
 3 sale for nonpayment of taxes in the same manner, at the same  
 4 time, and under the same penalties as lands returned and sold for  
 5 nonpayment of taxes levied under the ad valorem general property  
 6 tax laws. A valuation shall not be determined for descriptions  
 7 listed as commercial forests and these lands shall not be consid-  
 8 ered by the county board of commissioners or by the state board  
 9 of equalization in connection with county or state equalization  
 10 for ad valorem property taxation purposes. ~~All-~~

11 (4) EXCEPT AS PROVIDED IN SECTION 7A(2), ALL sums collected  
 12 ~~because of the annual tax as provided by~~ PURSUANT TO this sec-  
 13 tion shall be distributed by the township treasurer in the same  
 14 proportions to the various funds as the ad valorem general prop-  
 15 erty tax is allocated in the township. ~~, except as provided by~~  
 16 ~~section 7a(2).~~

17 Sec. 6. On December 1 of each year, the department ~~of nat-~~  
 18 ~~ural resources~~ shall certify to the state treasurer the number  
 19 of acres ~~of land determined and listed as commercial forests-~~  
 20 THAT ARE COMMERCIAL FORESTLANDS in each county and the state  
 21 treasurer shall transmit to the treasurer of each county in which  
 22 these ~~lands are situated~~ COMMERCIAL FORESTS ARE LOCATED a war-  
 23 rant on the state treasurer for an amount equal to ~~70 cents-~~  
 24 \$1.20 per acre, as adjusted by section 6a, upon each acre of  
 25 ~~land certified and listed as~~ commercial forest in the county.  
 26 The county treasurer of each county shall distribute an amount  
 27 equal to 25 cents per acre for each acre of ~~land certified and~~

1 ~~listed as~~ commercial forest in the county in the same  
2 proportions between the various funds as the ad valorem general  
3 property tax is distributed by the township treasurers in each  
4 township. Except as provided by section 7a(2), the county trea-  
5 surer of each county shall distribute the remainder of the funds  
6 transmitted pursuant to this section pursuant to the manner in  
7 which ad valorem property taxes are distributed.

8       Sec. 6a. ~~On all lands entered under this act, the~~ THE  
9 annual specific tax and the state payment DESCRIBED in section 6,  
10 per acre, shall be adjusted in ~~+1990-~~ 2004 and every tenth year  
11 after ~~+1990-~~ 2004 to the nearest cent by the use of a ratio com-  
12 puted by the revenue division of the department of treasury. The  
13 ratio shall be computed by using the state equalized value per  
14 acre of the timber cutover lands within the state in 1980 as the  
15 denominator and using the state equalized value per acre for  
16 timber cutover lands in ~~+1990-~~ 2004 and every tenth year after  
17 ~~+1990-~~ 2004 as the numerator.

18       Sec. 7. ~~An owner of land listed as a commercial forest~~  
19 ~~desiring to withdraw his or her land, in whole or in part, from~~  
20 ~~the operation of this act shall make written application to the~~  
21 ~~department of natural resources. Except as otherwise provided~~  
22 ~~for land listed under this act for more than 20 years or land~~  
23 ~~condemned or donated to a public body for public use, the appli-~~  
24 ~~cation shall be granted only on payment to the department of a~~  
25 ~~penalty equal to the product of the current average ad valorem~~  
26 ~~property tax on timber cutover real property within the township~~  
27 ~~in which the land is located, as determined by the township~~

~~1 assessor, times the number of years, not to exceed 7, the land~~  
~~2 was subject to this act, together with a fee equivalent to 10% of~~  
~~3 the full stumpage value of the merchantable forest products upon~~  
~~4 the land, as determined by the department. Land withdrawn after~~  
~~5 being listed under the act for more than 20 years shall be~~  
~~6 subject only to payment of the 10% stumpage fee. Land condemned~~  
~~7 or donated to a public body for public use shall not be subject~~  
~~8 to the penalties listed in this section, but shall be subject to~~  
~~9 payment of the 10% stumpage fee. These penalties and fees shall~~  
~~10 be paid to the department before the application to withdraw is~~

~~11 granted.~~ (1) AN OWNER OF A COMMERCIAL FOREST MAY WITHDRAW HIS OR  
12 HER LAND, IN WHOLE OR IN PART, FROM THE OPERATION OF THIS ACT  
13 UPON APPLICATION TO THE DEPARTMENT AND PAYMENT OF THE WITHDRAWAL  
14 APPLICATION FEE AND PENALTY, AS PROVIDED IN THIS SECTION.

15 (2) EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION, UPON  
16 APPLICATION TO THE DEPARTMENT TO WITHDRAW COMMERCIAL FORESTLAND  
17 FROM THE OPERATION OF THIS ACT, THE APPLICANT SHALL FORWARD TO  
18 THE DEPARTMENT A WITHDRAWAL APPLICATION FEE IN THE AMOUNT OF  
19 \$1.00 PER ACRE WITH A MINIMUM WITHDRAWAL APPLICATION FEE OF  
20 \$200.00 PER APPLICATION AND A MAXIMUM WITHDRAWAL APPLICATION FEE  
21 OF \$1,000.00 PER APPLICATION.

22 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN APPLI-  
23 CATION TO WITHDRAW COMMERCIAL FORESTLAND FROM THE OPERATION OF  
24 THIS ACT SHALL BE GRANTED UPON THE PAYMENT TO THE TOWNSHIP TREA-  
25 SURER IN WHICH THE COMMERCIAL FORESTLAND IS LOCATED OF A PENALTY  
26 PER ACRE EQUAL TO THE PRODUCT OF THE CURRENT AVERAGE AD VALOREM  
27 PROPERTY TAX PER ACRE ON TIMBER CUTOVER REAL PROPERTY WITHIN THE

1 TOWNSHIP IN WHICH THE COMMERCIAL FORESTLAND IS LOCATED, AS  
2 DETERMINED BY THE TOWNSHIP ASSESSOR, MULTIPLIED BY 1 OF THE  
3 FOLLOWING:

4 (A) BEFORE JANUARY 1, 1996, THE NUMBER OF YEARS, TO A MAXI-  
5 MUM OF 7 YEARS, THAT THE LAND WAS SUBJECT TO THIS ACT.

6 (B) AFTER DECEMBER 31, 1995, THE NUMBER OF YEARS, TO A MAXI-  
7 MUM OF 15 YEARS, THAT THE LAND WAS SUBJECT TO THIS ACT.

8 (4) FOR PURPOSES OF CALCULATING THE PENALTY IN  
9 SUBSECTION (3), IF THE TOWNSHIP IN WHICH THE COMMERCIAL FOREST-  
10 LAND IS LOCATED DOES NOT CONTAIN ANY REAL PROPERTY CLASSIFIED AS  
11 TIMBER CUTOVER REAL PROPERTY UNDER THE GENERAL PROPERTY TAX ACT,  
12 ACT NO. 206 OF THE PUBLIC ACTS OF 1893, BEING SECTIONS 211.1 TO  
13 211.157 OF THE MICHIGAN COMPILED LAWS, THE NEAREST TOWNSHIP THAT  
14 CONTAINS TIMBER CUTOVER REAL PROPERTY SHALL BE USED TO CALCULATE  
15 THE AVERAGE AD VALOREM PROPERTY TAX PER ACRE.

16 (5) AN APPLICATION TO WITHDRAW COMMERCIAL FORESTLAND FROM  
17 THE OPERATION OF THIS ACT THAT MEETS 1 OR MORE OF THE FOLLOWING  
18 REQUIREMENTS SHALL BE GRANTED WITHOUT PAYMENT OF THE WITHDRAWAL  
19 APPLICATION FEE OR PENALTY UNDER THIS SECTION:

20 (A) COMMERCIAL FORESTLAND THAT HAS BEEN DONATED TO A PUBLIC  
21 BODY FOR PUBLIC USE PRIOR TO WITHDRAWAL.

22 (B) COMMERCIAL FORESTLAND THAT HAS BEEN EXCHANGED FOR PROP-  
23 ERTY BELONGING TO A PUBLIC BODY IF THE PROPERTY RECEIVED IS DES-  
24 IGNATED AS A COMMERCIAL FOREST AS DETERMINED BY THE DEPARTMENT.

25 (C) COMMERCIAL FORESTLAND THAT HAS BEEN CONDEMNED FOR PUBLIC  
26 USE.

1 (6) AN APPLICATION TO WITHDRAW COMMERCIAL FORESTLAND THAT  
 2 HAS BEEN SUBJECT TO THIS ACT FOR THE 20 OR MORE YEARS IMMEDIATELY  
 3 PRECEDING THE APPLICATION, THAT HAS NOT HAD ANY FOREST PRODUCTS  
 4 HARVESTED OR REMOVED FOR THE 20 OR MORE YEARS IMMEDIATELY PRECED-  
 5 ING THE APPLICATION, AND THAT IS EXCHANGED, AS DETERMINED BY THE  
 6 DEPARTMENT, WITH OTHER PROPERTY THAT IS COMMERCIAL FORESTLAND OR  
 7 IS ELIGIBLE TO BECOME COMMERCIAL FORESTLAND SHALL BE GRANTED  
 8 WITHOUT THE PAYMENT OF A WITHDRAWAL APPLICATION FEE UPON PAYMENT  
 9 OF 1 OF THE FOLLOWING WHICHEVER IS LESS TO THE TOWNSHIP TREASURER  
 10 OF THE TOWNSHIP IN WHICH THE LAND TO BE WITHDRAWN IS LOCATED:

11 (A) THE PENALTY DESCRIBED IN SUBSECTION (3).

12 (B) A STUMPAGE FEE EQUAL TO 10% OF THE STUMPAGE VALUE OF THE  
 13 FOREST PRODUCTS ON THE LAND TO BE WITHDRAWN, AS DETERMINED BY THE  
 14 DEPARTMENT.

15 (7) The department shall remit ~~withdrawal penalties and~~  
 16 ~~fees~~ THE WITHDRAWAL APPLICATION FEE PAID PURSUANT TO  
 17 SUBSECTION (2) to the STATE treasurer ~~of the township in which~~  
 18 ~~withdrawn lands are located~~ FOR DEPOSIT INTO THE FUND. The  
 19 ~~money~~ PENALTY RECEIVED BY THE TOWNSHIP TREASURER UNDER  
 20 SUBSECTION (3) OR (6) shall be distributed by the township trea-  
 21 surer in the same proportions to the various funds as the ad  
 22 valorem general property tax is allocated in the township, except  
 23 as provided by section 7a(2).

24 (8) If an application to withdraw ~~land from classification~~  
 25 ~~as a commercial forest~~ FORESTLAND is granted, the department  
 26 shall immediately notify the applicant, the supervisor of the  
 27 township, and the register of deeds of the county in which the

1 lands are located of the action and shall file with those  
2 officials a list of the lands withdrawn. ~~The lands shall imme-~~  
3 ~~diately be removed from the list of lands paying specific taxes~~  
4 ~~and shall then be assessed and taxed under the ad valorem general~~  
5 ~~property tax the same as though they were never listed under this~~  
6 ~~act. If application to withdraw is filed after January 1 in any~~  
7 ~~year, the specific tax and not the ad valorem general property~~  
8 ~~tax shall be paid for that year.~~

9       Sec. 8. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON  
10 SHALL NOT CUT, HARVEST, OR REMOVE FOREST PRODUCTS FROM A COMMER-  
11 CIAL FOREST.

12       (2) The owner of ~~land registered as~~ a commercial forest  
13 ~~shall be~~ IS entitled to ~~a permit to~~ cut OR REMOVE  
14 MERCHANTABLE forest products on ~~that land~~ HIS OR HER COMMERCIAL  
15 FOREST without withdrawing it ~~from classification~~ OR AFFECTING  
16 ITS STATUS as a commercial forest and without payment of a fee or  
17 PENALTY IF THE OWNER COMPLIES WITH ALL OF THE FOLLOWING:

18       (A) CUTS, HARVESTS, OR REMOVES FOREST PRODUCTS IN COMPLIANCE  
19 WITH HIS OR HER FOREST MANAGEMENT PLAN.

20       (B) COMPLIES WITH ALL OTHER REQUIREMENTS OF THIS ACT.

21       (C) REPORTS TO THE DEPARTMENT BEFORE CUTTING, HARVESTING, OR  
22 REMOVING FOREST PRODUCTS. ~~tax other the annual specific tax and~~  
23 ~~the stumpage tax provided by section 9. An owner desiring to cut~~  
24 ~~and remove merchantable forest products from land that has been~~  
25 ~~listed as a commercial forest shall make application to the~~  
26 ~~department of natural resources for a permit to cut, stating in~~  
27 ~~his or her application the description or descriptions of land~~



~~1 from which forest products are to be cut, and the class, the  
2 approximate amount, and the approximate unit stumpage value of  
3 each forest product proposed to be cut at the place of cutting.  
4 In situations where more than 1 harvesting operation is planned  
5 within a township, the department may issue a single master  
6 permit. The department shall then verify the unit stumpage value  
7 of each of the classes of forest products proposed to be cut and  
8 shall issue a permit indicating the unit stumpage values to be  
9 used in computing the yield tax to be paid for the forest prod-  
10 ucts cut and removed under the terms of the permit. An owner to  
11 whom a permit is issued who is dissatisfied with the determina-  
12 tion of the department as to the stumpage rates indicated in the  
13 permit may file a protest with the department within 20 days  
14 after receipt of the permit. For the purpose of determining the  
15 stumpage values the department shall conduct a hearing and may  
16 compel the attendance of witnesses. At the hearing the owner  
17 shall be given opportunity to be heard and to produce witnesses.  
18 The department may then amend the permit as to stumpage values to  
19 be used in computing the yield tax to be paid. A person shall  
20 not cut or remove forest products from land listed as a commer-  
21 cial forest until a permit has been issued.~~

~~22       Sec. 9. On or before August 31 and February 28 succeeding  
23 any time in which a permit issued by the department of natural  
24 resources was in effect, the owner shall certify and submit a  
25 report to the department, for the 6 month period ending June 30  
26 and December 31, the actual quantity of each kind and class of  
27 forest products cut, as determined by the scale or measurement~~

~~1 made on the ground as cut, skidded, or loaded, and at the same~~  
~~2 time shall pay to the department a yield tax of 10% of the total~~  
~~3 stumpage value of the forest products so reported as computed~~  
~~4 from the stumpage rates indicated in the cutting permit. If any~~  
~~5 forest products cut during any 6 month period are not scaled~~  
~~6 during that period, then those forest products shall be reported~~  
~~7 with the forest products cut during the period immediately~~  
~~8 following. Except as provided by section 7a(2), the department~~  
~~9 shall remit the stumpage or yield tax to the treasurer of the~~  
~~10 township in which harvesting operations were conducted. The~~  
~~11 township treasurer shall distribute the payment in the same pro-~~  
~~12 portions to the various funds as the ad valorem general property~~  
~~13 tax is allocated to the township. A yield tax shall not be paid~~  
~~14 on any forest material cut for domestic use of the owner of the~~  
~~15 lands, or on materials necessarily used in harvesting the forest~~  
~~16 crop.~~ THE OWNER SHALL REPORT TO THE DEPARTMENT THE QUANTITY OF  
17 FOREST PRODUCTS CUT, HARVESTED, OR REMOVED FROM THE COMMERCIAL  
18 FOREST. THE REPORT SHALL BE ON A FORM PRESCRIBED BY THE  
19 DEPARTMENT. A REPORT SHALL BE SUBMITTED TO THE DEPARTMENT  
20 WITHIN 1 YEAR AFTER THE DATE OF THE CUTTING, HARVESTING, OR  
21 REMOVAL.

22 SEC. 9A. (1) THE COMMERCIAL FOREST FUND IS CREATED WITHIN  
23 THE STATE TREASURY.

24 (2) THE STATE TREASURER SHALL DEPOSIT THE MONEY COLLECTED  
25 FROM THE FOLLOWING SOURCES INTO THE FUND:

26 (A) THE APPLICATION FEE AND FOREST MANAGEMENT PLAN FEE  
27 PURSUANT TO SECTION 3.

1 (B) THE WITHDRAWAL APPLICATION FEE PURSUANT TO SECTION 7.

2 (C) THE FEE DESCRIBED IN SECTION 13a.

3 (D) AN AMOUNT EQUAL TO 10 CENTS FOR EACH ACRE OF LAND

4 ENROLLED UNDER THIS ACT AS CERTIFIED BY THE DEPARTMENT TO BE  
5 APPROPRIATED EACH FISCAL YEAR FROM THE GENERAL FUND.

6 (E) ANY RESTITUTION ORDERED BY A COURT PAYABLE TO THIS STATE  
7 FOR A VIOLATION OF THIS ACT.

8 (3) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS  
9 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER  
10 SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER  
11 SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND  
12 INVESTMENTS.

13 (4) MONEY IN THE FUND APPROPRIATED FROM THE GENERAL FUND  
14 SHALL REMAIN IN THE FUND AT THE CLOSE OF THE FISCAL YEAR AND  
15 SHALL NOT LAPSE TO THE GENERAL FUND.

16 (5) THE DEPARTMENT SHALL EXPEND THE MONEY FROM THE FUND,  
17 UPON APPROPRIATION, FOR ENFORCEMENT, ADMINISTRATION, AND MONITOR-  
18 ING OF COMPLIANCE WITH THIS ACT AND RULES PROMULGATED UNDER THIS  
19 ACT.

20 Sec. 10. (1) ~~The~~ EXCEPT AS PROVIDED IN THIS SECTION, THE  
21 owner of ~~land listed as~~ a commercial forest shall not ~~make use~~  
22 ~~of~~ USE that land in a manner ~~which would be~~ THAT IS prejudic-  
23 ial to its development as a commercial forest, ~~and shall not~~  
24 use the land for ~~industrial, recreational, or other commercial~~  
25 ~~purposes, nor enjoy exclusive privileges as to hunting and fish-~~  
26 ~~ing upon the land. However, the~~ COMMERCIAL PURPOSES, OR DENY  
27 THE general public ~~shall be accorded~~ the privilege of hunting

1 and fishing on ~~all lands listed as~~ commercial ~~forest except~~  
2 ~~if~~ FORESTLAND UNLESS the ~~lands are~~ LAND IS closed to hunting  
3 or fishing, or both, by order of the ~~natural resources~~ commis-  
4 sion OF NATURAL RESOURCES or by an act of the legislature.

5 (2) Exploration for minerals shall be permitted on land  
6 listed under this act. ~~If commercial mineral deposits are dis-~~  
7 ~~covered and extraction is to be undertaken, the lands affected~~  
8 ~~shall be removed from the provisions of this act and penalties~~  
9 ~~paid pursuant to section 7.~~ EXCEPT AS PROVIDED IN  
10 SUBSECTIONS (3) AND (4), BEFORE THE REMOVAL OF ANY COMMERCIAL  
11 MINERAL DEPOSITS, THE OWNER SHALL WITHDRAW THE PORTION OF THE  
12 COMMERCIAL FORESTLAND DIRECTLY AFFECTED BY THE REMOVAL PURSUANT  
13 TO SECTION 7. THE WITHDRAWAL OF COMMERCIAL FORESTLAND DUE TO  
14 MINERAL REMOVAL AS PROVIDED IN THIS SECTION AND SECTION 7 SHALL  
15 NOT CAUSE THE REMAINING PORTION OF THE COMMERCIAL FORESTLAND TO  
16 BE WITHDRAWN DUE TO INSUFFICIENT ACREAGE OF THE REMAINING COMMER-  
17 CIAL FORESTLAND.

18 (3) UPON APPLICATION TO AND APPROVAL BY THE DEPARTMENT, SAND  
19 AND GRAVEL MAY BE REMOVED FROM THE COMMERCIAL FOREST WITHOUT  
20 AFFECTING THE LAND'S STATUS AS A COMMERCIAL FOREST. THE DEPART-  
21 MENT SHALL APPROVE AN APPLICATION TO REMOVE SAND AND GRAVEL  
22 DEPOSITS ONLY IF THE REMOVAL SITE IS NOT GREATER THAN 5 ACRES,  
23 EXCLUDING ACCESS TO THE REMOVAL SITE, AND THE SAND AND GRAVEL ARE  
24 TO BE UTILIZED BY 1 OR MORE OF THE FOLLOWING:

25 (A) THE OWNER OF A COMMERCIAL FOREST FOR PERSONAL USE IF THE  
26 OWNER OF THE COMMERCIAL FOREST IS ALSO THE OWNER OF THE SAND AND  
27 GRAVEL DEPOSITS.

1 (B) THE OWNER OF THE SAND AND GRAVEL DEPOSITS FOR HIS OR HER  
2 PERSONAL USE OR FOR SALE TO THE OWNER OF THE COMMERCIAL FOREST  
3 FOR PERSONAL USE, IF THE OWNER OF THE COMMERCIAL FOREST IS NOT  
4 ALSO THE OWNER OF THE SAND AND GRAVEL DEPOSITS.

5 (C) THIS STATE, A LOCAL UNIT OF GOVERNMENT, OR A COUNTY ROAD  
6 COMMISSION, FOR GOVERNMENTAL USE.

7 (4) UPON APPLICATION TO AND APPROVAL BY THE DEPARTMENT,  
8 DEPOSITS OF OIL AND GAS OWNED BY THIS STATE MAY BE REMOVED FROM  
9 THE COMMERCIAL FOREST WITHOUT AFFECTING THE LAND'S STATUS AS A  
10 COMMERCIAL FOREST.

11 Sec. 11. All applications, statements, REPORTS, and infor-  
12 mation ~~if~~ required by the department ~~of natural resources~~ in  
13 the administration of this act SHALL BE ON FORMS PRESCRIBED BY  
14 THE DEPARTMENT AND shall be under oath.

15 Sec. 12a. (1) The transfer of title of ~~any land listed as~~  
16 ~~a commercial forest~~ FORESTLAND SUBJECT TO THIS ACT shall not  
17 affect ~~the~~ THAT FORESTLAND'S status ~~of such land~~ as a commer-  
18 cial forest IF THE FORESTLAND CONTINUES TO MEET ALL OF THE ELIGI-  
19 BILITY REQUIREMENTS UNDER THIS ACT. ~~The withdrawal procedure~~  
20 ~~hereinbefore provided shall be made to apply to the new owner in~~  
21 ~~like manner as to the original owner.~~ IF THE PURCHASER DESIRES  
22 TO WITHDRAW HIS OR HER FORESTLAND FROM THIS ACT, THE PURCHASER  
23 SHALL WITHDRAW THAT FORESTLAND PURSUANT TO SECTION 7. IF THE  
24 FORESTLAND'S ELIGIBILITY TO BE A COMMERCIAL FOREST IS AFFECTED BY  
25 THE TRANSFER OF TITLE, THE DEPARTMENT SHALL DETERMINE WHICH FOR-  
26 ESTLANDS MAY REMAIN UNDER THIS ACT AND WHICH FORESTLANDS MUST BE  
27 WITHDRAWN OR DECLASSIFIED.

1 (2) A DOCUMENT THAT TRANSFERS ANY INTEREST IN COMMERCIAL  
2 FORESTLANDS SHALL STATE ON THE FACE OF THE DOCUMENT THAT "THIS  
3 PROPERTY IS SUBJECT TO THE COMMERCIAL FOREST ACT". FAILURE TO  
4 COMPLY WITH THIS SUBSECTION DOES NOT AFFECT THE STATUS OF THE  
5 LAND AS COMMERCIAL FORESTLAND.

6 (3) NOT LATER THAN 30 DAYS AFTER THE TRANSFER OF TITLE OR  
7 THE TRANSFER OF ANY INTEREST IN LAND CONTRACT CONCERNING THE COM-  
8 Mercial FORESTLAND, THE OWNER SHALL NOTIFY THE DEPARTMENT IN  
9 WRITING OF THE TRANSFER OR OWNERSHIP CHANGE.

10 Sec. 13. ~~In the event of the use of any portion or all of~~  
11 ~~the land included in any commercial forest for purposes contrary~~  
12 ~~to the provisions of section 2~~ IF AN OWNER OF A COMMERCIAL FOR-  
13 ESTLAND USES HIS OR HER COMMERCIAL FOREST IN VIOLATION OF THIS  
14 ACT, FAILS TO REGENERATE, PLANT, HARVEST, OR REMOVE FOREST PROD-  
15 UCTS IN COMPLIANCE WITH THE OWNER'S FOREST MANAGEMENT PLAN, FAILS  
16 TO PAY ANY SPECIFIC TAX UNDER SECTION 5, FAILS TO REPORT TO THE  
17 DEPARTMENT PURSUANT TO SECTION 8 OR 9, OR IF MINERALS ARE REMOVED  
18 IN VIOLATION OF SECTION 10, the department may upon notice to the  
19 owner and hearing ~~, thereon, declassify such portion or all of~~  
20 ~~said lands so used and require the payment of fees as in the case~~  
21 ~~of voluntary withdrawal.~~ DECLASSIFY ALL OR A PORTION OF THE COM-  
22 Mercial FOREST. If, AT THE HEARING, the department ~~as the out-~~  
23 ~~come of the hearing shall find~~ DETERMINES that ~~any portion or~~  
24 ~~all of such lands are being used contrary to the requirements set~~  
25 ~~forth in section 2~~ THE COMMERCIAL FORESTS WERE USED IN VIOLATION  
26 OF THIS ACT, THAT THE OWNER FAILED TO REGENERATE, PLANT, HARVEST,  
27 OR REMOVE FOREST PRODUCTS IN COMPLIANCE WITH THE OWNER'S FOREST

1 MANAGEMENT PLAN, THAT THE OWNER FAILED TO PAY THE SPECIFIC TAX  
2 PURSUANT TO SECTION 5, THAT THE OWNER FAILED TO REPORT TO THE  
3 DEPARTMENT PURSUANT TO SECTIONS 8 OR 9, OR THAT MINERALS WERE  
4 REMOVED IN VIOLATION OF SECTION 10, then the department shall  
5 DECLASSIFY THE COMMERCIAL FOREST, serve a notice of declassifica-  
6 tion of ~~such~~ THE lands upon the owner, ~~and upon the supervisor~~  
7 ~~of the township~~ and record a copy ~~thereof~~ OF THE  
8 DECLASSIFICATION in the office of the register of deeds of the  
9 county in which ~~such~~ THE lands are ~~situate, and from the date~~  
10 ~~of recording such notice, said lands shall cease to be classified~~  
11 ~~as commercial forests and shall thereafter, be subject to the ad~~  
12 ~~valorem property tax: Provided, That if notice of declassifica-~~  
13 ~~tion is served after January 1 in any year, the specific tax and~~  
14 ~~not the ad valorem general property tax shall be paid for that~~  
15 ~~year.~~ LOCATED. UPON DECLASSIFICATION, THE LAND SHALL BE SUBJECT  
16 TO THE AD VALOREM GENERAL PROPERTY TAX. Within ~~90~~ 30 days after  
17 the service of ~~such~~ THE declassification notice ON the owner,  
18 THE OWNER shall ~~make payment to the department exactly as if~~  
19 ~~said lands had been voluntarily withdrawn by the owner under the~~  
20 ~~terms of this act.~~ PAY BOTH OF THE FOLLOWING:

21 (A) A FEE EQUAL TO THE WITHDRAWAL APPLICATION FEE DESCRIBED  
22 IN SECTION 7 TO THE DEPARTMENT FOR DEPOSIT INTO THE FUND.

23 (B) AN AMOUNT EQUAL TO THE PENALTY DESCRIBED IN SECTION 7 TO  
24 THE TOWNSHIP TREASURER OF THE TOWNSHIP IN WHICH THE LAND IS  
25 LOCATED TO BE DISTRIBUTED, EXCEPT AS PROVIDED IN SECTION 7A(2),  
26 IN THE SAME PROPORTIONS TO THE VARIOUS FUNDS AS THE AD VALOREM  
27 GENERAL PROPERTY TAX IS ALLOCATED IN THE TOWNSHIP.

1        Sec. 13a. (1) ~~Changes~~ EXCEPT AS PROVIDED IN THIS SECTION,  
2 CHANGES in the terms, fees, taxes, or other provisions of this  
3 act ~~as from time to time enacted into law shall~~ apply to all  
4 ~~lands which are listed at the time such enactments become~~  
5 ~~effective. Any~~ FORESTLANDS THAT ARE COMMERCIAL FORESTS WHEN THE  
6 CHANGES TAKE EFFECT.

7        (2) AN owner, ~~may,~~ without penalty ~~of~~ OR payment of THE  
8 withdrawal ~~or stumpage fees~~ APPLICATION FEE PURSUANT TO  
9 SECTION 7, MAY withdraw ~~said lands~~ COMMERCIAL FORESTLAND from  
10 the operation of this act ~~in event of~~ IF any change ~~by law~~ in  
11 the terms, fees, taxes, or other provisions of this act ~~, which~~  
12 ~~would~~ materially ~~increase~~ INCREASES the burden ~~of~~ ON the  
13 owner. HOWEVER, IF AN OWNER ELECTS TO WITHDRAW HIS OR HER COM-  
14 Mercial FORESTLANDS UNDER THIS SUBSECTION, THE OWNER SHALL PAY A  
15 FEE FOR EACH ACRE WITHDRAWN EQUAL TO THE PRODUCT OF THE CURRENT  
16 AVERAGE AD VALOREM PROPERTY TAX PER ACRE ON TIMBER CUTOVER REAL  
17 PROPERTY WITHIN THE TOWNSHIP IN WHICH THE COMMERCIAL FORESTLAND  
18 IS LOCATED, AS DETERMINED BY THE TOWNSHIP ASSESSOR, MULTIPLIED BY  
19 5. IF THE TOWNSHIP IN WHICH THE COMMERCIAL FORESTLAND IS LOCATED  
20 DOES NOT CONTAIN ANY REAL PROPERTY CLASSIFIED AS TIMBER CUTOVER  
21 REAL PROPERTY UNDER THE GENERAL PROPERTY TAX ACT, ACT NO. 206 OF  
22 THE PUBLIC ACTS OF 1893, BEING SECTIONS 211.1 TO 211.157 OF THE  
23 MICHIGAN COMPILED LAWS, THE NEAREST TOWNSHIP THAT CONTAINS TIMBER  
24 CUTOVER REAL PROPERTY SHALL BE USED TO CALCULATE THE AVERAGE AD  
25 VALOREM PROPERTY TAX PER ACRE. THE FEE SHALL NOT EXCEED  
26 \$100,000.00. THE OWNER SHALL PAY THE FEE BEFORE WITHDRAWAL.



1 (3) The owner ~~shall not have the right to withdraw lands~~  
 2 ~~without penalty~~ MAY NOT WITHDRAW COMMERCIAL FORESTLAND UNDER  
 3 THIS SECTION unless he OR SHE makes application to do so within 1  
 4 year after the ~~enactments become effective. When any~~ CHANGES  
 5 TAKE EFFECT. IF AN owner elects to withdraw ~~the lands~~  
 6 COMMERCIAL FORESTLANDS UNDER THIS SECTION, he OR SHE shall with-  
 7 draw all ~~such lands as may be listed by~~ THE COMMERCIAL FOREST-  
 8 LANDS OWNED BY him OR HER at ~~that~~ THE time OF WITHDRAWAL.

9 (4) If ~~any~~ AN application to withdraw ~~lands from classi-~~  
 10 ~~fication as a commercial forest~~ COMMERCIAL FORESTLANDS UNDER  
 11 SUBSECTION (2) is initiated by ~~any~~ AN owner or by the depart-  
 12 ment of natural resources ~~prior to the time that such~~ BEFORE  
 13 changes in terms, fees, taxes, or other provisions of this act  
 14 become effective, the ~~withdrawal and~~ OWNER SHALL PAY THE stump-  
 15 age fees, ~~in effect prior to the enactment of the changes shall~~  
 16 ~~be paid~~ OTHER FEES, TAXES, AND PENALTIES, IF ANY, in the same  
 17 manner and at the same rates as ~~though no such changes had been~~  
 18 ~~enacted~~ WERE IN EFFECT WHEN THE APPLICATION WAS FILED.

19 (5) THE DEPARTMENT SHALL REMIT THE FEES PAID PURSUANT TO  
 20 THIS SECTION TO THE TOWNSHIP TREASURER. EXCEPT AS PROVIDED IN  
 21 SECTION 7A(2), ALL FEES REMITTED TO THE TOWNSHIP TREASURER UNDER  
 22 THIS SECTION SHALL BE DISTRIBUTED BY THE TOWNSHIP TREASURER IN  
 23 THE SAME PROPORTIONS TO THE VARIOUS FUNDS AS THE AD VALOREM GEN-  
 24 ERAL PROPERTY TAX IS ALLOCATED IN THE TOWNSHIP.

25 Sec. ~~+3 c~~ 13C. ~~It shall be lawful at any and all times~~  
 26 ~~for any~~ A duly authorized ~~representatives~~ REPRESENTATIVE of  
 27 the department ~~to~~ MAY AT ANY TIME go upon ~~any and all lands~~

~~1 classified hereunder, and such representatives, for the purpose~~  
~~2 of ascertaining the correctness~~ COMMERCIAL FORESTLANDS TO ASCER-  
3 TAIN THE VALIDITY of any ~~return or~~ report made pursuant to this  
4 act ~~by any owner or agent, shall have the power to~~ OR OTHERWISE  
5 DETERMINE COMPLIANCE WITH THIS ACT. THE DULY AUTHORIZED REPRE-  
6 SENTATIVE OF THE DEPARTMENT MAY examine or cause to be examined  
7 any books, papers, records, or memorandum bearing upon the  
8 amounts of timber products cut from ~~said lands~~ THE COMMERCIAL  
9 FORESTLAND OR THE OWNER'S FOREST MANAGEMENT PLAN.

10       Sec. 14. (1) ~~Any person violating any of the provisions of~~  
11 ~~this act shall be deemed guilty of a felony and upon conviction~~  
12 ~~shall be liable to a fine of not more than 2,000 dollars or to~~  
13 ~~imprisonment in the state prison for not more than 3 years or to~~  
14 ~~both such fine and imprisonment in the discretion of the court.~~  
15 EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON WHO VIOLATES THIS  
16 ACT IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT  
17 MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

18       (2) A PERSON WHO HARVESTS, CUTS, OR REMOVES FOREST PRODUCTS  
19 HAVING A VALUE OF MORE THAN \$2,500.00 IN VIOLATION OF THIS ACT OR  
20 IN VIOLATION OF HIS OR HER FOREST MANAGEMENT PLAN IS GUILTY OF A  
21 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR A  
22 FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

23       (3) UPON CONVICTION FOR A VIOLATION OF THIS ACT, THE COURT  
24 MAY DECLASSIFY ALL OR A PORTION OF THE COMMERCIAL FOREST PURSUANT  
25 TO SECTION 13.

1       Section 2. Sections 1a, 12, and 13b of Act No. 94 of the  
2 Public Acts of 1925, being sections 320.301a, 320.312, and  
3 320.313b of the Michigan Compiled Laws, are repealed.

4       Section 3. This amendatory act shall take effect January 1,  
5 1994.