

SENATE BILL No. 917

December 1, 2005, Introduced by Senators JOHNSON, VAN WOERKOM, JELINEK, GARCIA, BIRKHOLZ, STAMAS, ALLEN and GILBERT and referred to the Committee on Agriculture, Forestry and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 512.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 512

SUSTAINABLE FOREST CONSERVATION EASEMENT TAX INCENTIVES

SEC. 51201. (1) NOTWITHSTANDING SECTION 51105, AN OWNER OF
COMMERCIAL FORESTLAND THAT IS SUBJECT TO A SUSTAINABLE FOREST
CONSERVATION EASEMENT IS SUBJECT TO AN ANNUAL SPECIFIC TAX EQUAL TO
\$1.10 PER ACRE WITHOUT ADJUSTMENT UNDER SECTION 51107. THE SPECIFIC
TAX DESCRIBED IN THIS SECTION SHALL BE ADMINISTERED, COLLECTED, AND
DISTRIBUTED IN THE SAME MANNER AS THE SPECIFIC TAX LEVIED IN
SECTION 51105.

1 (2) THE OWNER OF COMMERCIAL FORESTLANDS SUBJECT TO A
2 SUSTAINABLE FOREST CONSERVATION EASEMENT IS ENTITLED TO CUT OR
3 REMOVE FOREST PRODUCTS ON HIS OR HER COMMERCIAL FORESTLANDS IF THE
4 OWNER COMPLIES WITH PART 511 AND THE REQUIREMENTS OF THE
5 SUSTAINABLE FOREST CONSERVATION EASEMENT.

6 (3) IF COMMERCIAL FORESTLAND SUBJECT TO A SUSTAINABLE FOREST
7 CONSERVATION EASEMENT IS USED IN VIOLATION OF THIS PART OR THE
8 SUSTAINABLE FOREST CONSERVATION EASEMENT, THE OWNER IN ADDITION TO
9 ANY OTHER PENALTIES PROVIDED BY LAW SHALL PAY A PENALTY, PER ACRE,
10 FOR EACH YEAR IN WHICH THE VIOLATION OCCURS EQUAL TO THE DIFFERENCE
11 BETWEEN THE SPECIFIC TAX PAID UNDER THIS PART AND THE SPECIFIC TAX
12 THAT WOULD OTHERWISE BE PAID UNDER PART 511. THE SPECIFIC TAX
13 COLLECTED UNDER THIS PART SHALL BE PAID TO THE TOWNSHIP TREASURER
14 IN WHICH THE COMMERCIAL FORESTLAND IS LOCATED. THE PENALTY SHALL BE
15 DISTRIBUTED BY THE TOWNSHIP TREASURER IN THE SAME MANNER AS THE
16 SPECIFIC TAX IS DISTRIBUTED.

17 (4) AS USED IN THIS PART:

18 (A) "COMMERCIAL FORESTLAND" MEANS COMMERCIAL FORESTLAND THAT
19 IS ENROLLED UNDER PART 511.

20 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

21 (C) "FORESTLAND" MEANS THAT TERM AS DEFINED IN PART 511.

22 (D) "SUSTAINABLE FOREST CONSERVATION EASEMENT" MEANS A
23 CONSERVATION EASEMENT DESCRIBED IN SECTION 2140 ON COMMERCIAL
24 FORESTLAND THAT MEETS ALL OF THE FOLLOWING:

25 (i) AN EASEMENT GRANTED IN PERPETUITY TO THIS STATE, A
26 POLITICAL SUBDIVISION OF THIS STATE, OR A CHARITABLE ORGANIZATION
27 DESCRIBED IN SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE, 26 USC

1 501, THAT ALSO MEETS THE REQUIREMENTS OF SECTION 170(H)(3) OF THE
2 INTERNAL REVENUE CODE, 26 USC 170.

3 (ii) COVERS COMMERCIAL FORESTLAND OF 40 OR MORE ACRES IN SIZE.

4 (iii) THAT PROVIDES THAT THE FORESTLAND SUBJECT TO THE
5 CONSERVATION EASEMENT OR THE MANAGER OF THE FORESTLAND SUBJECT TO
6 THE CONSERVATION EASEMENT IS AND CONTINUES TO BE CERTIFIED UNDER A
7 SUSTAINABLE FORESTRY CERTIFICATION PROGRAM THAT USES INDEPENDENT
8 THIRD PARTY AUDITORS AND THAT IS RECOGNIZED BY THE DEPARTMENT.