

HOUSE BILL No. 5681

December 10, 2009, Introduced by Reps. Booher, Caul, Wayne Schmidt, Moss, Elsenheimer, Green, Horn, Hansen, Stamas, Moore, Opsommer, Calley, Daley, DeShazor, Kowall, Crawford, Lori and Rogers and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 51108 (MCL 324.51108), as amended by 2008 PA
299.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 51108. (1) An owner of a commercial forest may withdraw
2 his or her land, in whole or in part, from the operation of this
3 part upon application to the department and payment of the
4 withdrawal application fee and penalty, as provided in this
5 section.

6 (2) Except as otherwise provided by this section, upon
7 application to the department to withdraw commercial forestland
8 from the operation of this part, the applicant shall forward to the

1 department a withdrawal application fee in the amount of \$1.00 per
2 acre with a minimum withdrawal application fee of \$200.00 per
3 application and a maximum withdrawal application fee of \$1,000.00
4 per application.

5 (3) Except as otherwise provided in this section, an
6 application to withdraw commercial forestland from the operation of
7 this part shall be granted upon the payment to the township
8 treasurer in which the commercial forestland is located of a
9 penalty. For applications to withdraw commercial forestland filed
10 on or after September 27, 2007 in which the withdrawal penalty has
11 not been paid before ~~the effective date of the amendatory act that~~
12 ~~added subdivision (d)~~ **OCTOBER 8, 2008**, the withdrawal penalty shall
13 be calculated in the following manner:

14 (a) Multiply the number of acres of commercial forestland
15 withdrawn from the operation of this part by 1 of the following:

16 (i) For 2007, 1/2 of the valuation per acre for the county in
17 which the forestland is located.

18 (ii) Beginning in 2008, and for each subsequent year, the
19 number described in subparagraph (i) adjusted annually by the
20 inflation rate for each year after 2007.

21 (b) Multiply the product of the calculation in subdivision (a)
22 by the average millage rate levied by all townships, excluding
23 villages, in the county in which the property is located.

24 (c) Multiply the product of the calculation in subdivision (b)
25 by the number of years, to a maximum of 7 years, in which the
26 property withdrawn from the operation of this part has been
27 designated as commercial forestland under this part.

(d) Multiply the product of the calculation in subdivision (c) by the following:

(i) 0.2, if the commercial forestland is located in Luce county.

(ii) 0.3, if the commercial forestland is located in Grand Traverse, Manistee, Ottawa, or Wexford county.

(iii) 0.4, if the commercial forestland is located in Charlevoix, Chippewa, Emmet, Gladwin, Leelanau, Midland, Oscoda, or Tuscola county.

(iv) 0.5, if the commercial forestland is located in Cheboygan, Delta, Mackinac, Oceana, Otsego, or Schoolcraft county.

(v) 0.6, if the commercial forestland is located in Alcona, Alger, Allegan, Alpena, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Clare, Clinton, Crawford, Dickinson, Eaton, Genesee, Gogebic, Gratiot, Hillsdale, Houghton, Huron, Ingham, Ionia, Iosco, Iron, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lapeer, Lenawee, Livingston, Macomb, Marquette, Mecosta, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Ogemaw, Osceola, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Van Buren, Washtenaw, or Wayne county.

(vi) 0.7, if the commercial forestland is located in Antrim, Baraga, Mason, or Menominee county.

(vii) 0.8, if the commercial forestland is located in Keweenaw, Lake, Missaukee, or Ontonagon county.

(4) The department shall publish all of the following on its website:

(a) The calculation described in subsection (3)(a)(i) for each

1 county.

2 (b) The adjusted value and the inflation rate described in
3 subsection (3)(a)(ii) for each county.

4 (c) The average millage rate described in subsection (3)(b)
5 for each county.

6 (5) An application to withdraw commercial forestland from the
7 operation of this part that meets 1 or more of the following
8 requirements shall be granted without payment of the withdrawal
9 application fee or penalty under this section:

10 (a) Commercial forestland that has been donated to a public
11 body for public use prior to withdrawal.

12 **(B) COMMERCIAL FORESTLAND THAT HAS BEEN PURCHASED BY A PUBLIC**
13 **BODY FOR A PUBLIC USE PRIOR TO WITHDRAWAL.**

14 **(C) ~~(b)~~**—Commercial forestland that has been exchanged for
15 property belonging to a public body if the property received is
16 designated as a commercial forest as determined by the department.

17 **(D) ~~(e)~~**—Commercial forestland that has been condemned for
18 public use.

19 (6) The department shall remit the withdrawal application fee
20 paid pursuant to subsection (2) to the state treasurer for deposit
21 into the fund. The penalty received by the township treasurer under
22 subsection (3) shall be distributed by the township treasurer in
23 the same proportions to the various funds as the ad valorem general
24 property tax is allocated in the township, except as provided by
25 section 51109(2).

26 (7) If an application to withdraw commercial forestland is
27 granted, the department shall immediately notify the applicant, the

1 supervisor of the township, and the register of deeds of the county
2 in which the lands are located of the action and shall file with
3 those officials a list of the lands withdrawn.

4 (8) As used in this section:

5 (a) "Inflation rate" means the lesser of 1.05 or the inflation
6 rate as defined in section 34d of the general property tax act,
7 1893 PA 206, MCL 211.34d.

8 (b) "Valuation" means the market value as determined by the
9 state tax commission.