

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 56

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, 51305, and 51306; 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.

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

3 (c) "Compliance assistance agent" means an individual who
4 provides technical assistance to individuals, organizations,
5 agencies, or others to aid them in complying with federal and state
6 laws and local conservation ordinances.

7 (d) "Conservation species" means those plant species
8 beneficial for conservation practices as ~~authorized~~ **INCLUDED ON THE**
9 **LIST PREPARED UNDER SECTION 9304A** by the conservation species
10 advisory panel.

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

13 (f) "Department" means the department of agriculture **AND RURAL**
14 **DEVELOPMENT**.

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

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

21 (i) "Government" or "governmental" includes the government of
22 this state, the government of the United States, and any
23 subdivision, agency, or instrumentality, corporate or otherwise, of
24 either of them.

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

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

2 (l) "Plant rescue" means to physically move native conservation
3 species of plants from 1 location in Michigan to another location
4 in Michigan for the purpose of reestablishing the native
5 conservation species.

6 (M) **"QUALIFIED FORESTER" MEANS THAT TERM AS DEFINED IN SECTION**
7 **51301.**

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

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

12 (P) ~~(o)~~—"United States" or "agencies of the United States"
13 includes the United States of America, the natural resources
14 conservation service of the United States department of
15 agriculture, and any other agency or instrumentality, corporate or
16 otherwise, of the United States of America.

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

27 Sec. 9304. In addition to the other duties and powers

1 conferred upon the department under this part, the department has
2 the following duties and powers:

3 (a) To offer such assistance as may be appropriate to the
4 directors of conservation districts in implementing any of their
5 responsibilities under this part and as otherwise provided by law.

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

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

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

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

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

24 Sec. 9307. (1) A conservation district board shall consist of
25 5 directors. ~~, elected or appointed as provided in this part.~~ The
26 directors shall designate a chairperson annually.

27 (2) The term of office of each director shall be 4 years. All

1 directors shall be elected at an annual meeting by residents of the
2 district. The election shall be nonpartisan and the directors shall
3 be elected by the residents of the district at large. At least 60
4 days prior to the annual meeting, a candidate for conservation
5 district director ~~must~~**SHALL** file at the conservation district
6 office a petition signed by 5 residents of the district. A
7 candidate must be a resident of the district. The annual meeting
8 shall be held at a date determined by the board of directors of the
9 district. Notice of the annual meeting shall be published in the
10 official newspaper of record for the area in which the district is
11 located at least 45 days prior to the date of the annual meeting.
12 This notice shall include the date, time, and location of the
13 annual meeting, an agenda of items to be considered at the meeting,
14 and a list of all candidates for directors of the conservation
15 district. A resident of a district who is unable to attend the
16 annual meeting may vote for the directors of the conservation
17 district by absentee ballot as follows:

18 (a) In person at the conservation district office, during
19 regular business hours of the conservation district office, at any
20 time after publication of the notice and prior to the annual
21 meeting.

22 (b) By mail received at the conservation district office at
23 any time after publication of the notice and prior to the annual
24 meeting.

25 (3) Director elections shall be certified by the department. A
26 director shall hold office until a successor has been elected and
27 qualified. Vacancies shall be filled by appointment by the board

1 until the next annual meeting.

2 (4) A majority of the directors constitutes a quorum, and the
3 concurrence of a majority in any matter within their duties is
4 required for its determination. A director is entitled to expenses,
5 including traveling expenses necessarily incurred in the discharge
6 of his or her duties. A director may be paid a per diem for time
7 spent undertaking his or her duties as a director in an amount not
8 to exceed the per diem paid to a member of the commission of
9 agriculture **AND RURAL DEVELOPMENT**.

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

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

27 (a) Provide for the execution of surety bonds for all

1 CONSERVATION DISTRICT employees and officers who are entrusted with
2 funds or property.

3 (b) Provide for the keeping of a full and accurate record of
4 all proceedings and of all resolutions, regulations, and orders
5 issued or adopted.

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

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

9 (A) ANNUALLY SUBMIT TO THE DEPARTMENT A BUDGET SETTING FORTH
10 THE PURPOSE AND AMOUNT OF THE EXPENSES EXPECTED TO BE INCURRED AND
11 THE SOURCE AND AMOUNT OF REVENUE EXPECTED TO BE RECEIVED DURING THE
12 ENSUING FISCAL YEAR.

13 (B) MAINTAIN ACCURATE FINANCIAL RECORDS OF RECEIPTS AND
14 DISBURSEMENTS AND UNIFORM ACCOUNTING IN ACCORDANCE WITH GENERALLY
15 ACCEPTED ACCOUNTING PRINCIPLES UNDER PROCEDURES PRESCRIBED BY THE
16 DEPARTMENT.

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

22 ~~—— (c) Maintain accurate financial records of receipts and~~
23 ~~disbursements of state funds, which records shall be made available~~
24 ~~to the department.~~

25 (D) AGREE TO COMPLY WITH SUBSECTION (8), AND AGREE TO RETURN
26 ANY GRANT FUNDS RECEIVED IF SUBSECTION (8) IS VIOLATED.

27 (8) A PROFESSIONAL FORESTER EMPLOYED UNDER A GRANT DESCRIBED

1 IN SUBSECTION (7) SHALL NOT USE HIS OR HER POSITION TO DO EITHER OR
2 BOTH OF THE FOLLOWING:

3 (A) COMPETE WITH A PRIVATE SECTOR BUSINESS.

4 (B) DEVELOP A CLIENT BASE FOR FORESTRY CONSULTATION DURING
5 HOURS WHEN HE OR SHE IS NOT EMPLOYED BY THE CONSERVATION DISTRICT.

6 (9) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT
7 SUBSECTION (7). HOWEVER, RULES PROMULGATED UNDER THIS SUBSECTION
8 SHALL REMAIN IN EFFECT NOT LATER THAN 3 YEARS AFTER THE EFFECTIVE
9 DATE OF THE 2013 AMENDATORY ACT THAT AMENDED THIS SECTION.

10 (10) A CONSERVATION DISTRICT BOARD IS RESPONSIBLE FOR THE
11 EXERCISE OF THE POWERS AND THE PERFORMANCE OF THE DUTIES OF A
12 CONSERVATION DISTRICT UNDER THIS PART.

13 (11) ~~(7)~~ Any director may be removed by the department upon
14 notice and hearing for neglect of duty or malfeasance in office,
15 but for no other reason.

16 (12) ~~(8) The directors~~ A CONSERVATION DISTRICT BOARD may
17 invite the legislative body of any municipality or county located
18 near the territory comprised within the district to designate a
19 representative to advise and consult with the ~~directors of the~~
20 ~~district~~ BOARD on all questions of program and policy that may
21 affect the property, water supply, or other interests of the
22 municipality or county.

23 Sec. 9308. (1) A conservation district organized under this
24 part constitutes a governmental subdivision of this state and a
25 public body corporate and politic, exercising public powers, and a
26 conservation district and the conservation ~~district's~~ DISTRICT
27 board has all of the following powers, in addition to powers

1 otherwise granted in this part:

2 (a) To conduct surveys, investigations, and research relating
3 to the conservation of farmland, **FORESTLAND**, and natural resources,
4 to publish the results of the surveys, investigations, or research,
5 and to disseminate that information upon obtaining the consent of
6 the landowner or the necessary rights or interest in the lands. In
7 order to avoid duplication of research activities, a district shall
8 not initiate any research program except in cooperation with the
9 government of this state or any of its agencies or with the United
10 States. ~~or any of its agencies.~~

11 (b) To conduct demonstrational projects within the district on
12 lands owned or controlled by this state or any of its agencies,
13 with the cooperation of the agency administering and having
14 jurisdiction of the lands, and on any other lands within the
15 district upon obtaining the consent of the owner of the lands or
16 the necessary rights or interest in the lands, ~~in order to~~
17 demonstrate by example the means, methods, and measures by which
18 farmland, **FORESTLAND**, and natural resources may be conserved and
19 soil erosion in the form of soil blowing and soil washing may be
20 prevented and controlled.

21 (c) To carry out preventive and control measures within the
22 district including, but not limited to, engineering operations,
23 methods of cultivation, the growing of vegetation, changes in use
24 of land, and other measures to achieve purposes listed in
25 declaration of policy, on lands owned or controlled by this state
26 or any of its agencies, with the cooperation of the agency
27 administering and having jurisdiction of the lands, and on any

1 other lands within the district upon obtaining the consent of the
2 landowners or the necessary rights or interests in the lands.

3 (d) To cooperate or enter into agreements with and, within the
4 limits of appropriations made available to it by law, to furnish
5 financial or other aid to any agency, governmental or otherwise, or
6 any landowner within the district or his or her designated
7 representative, in the conducting of erosion-control and prevention
8 operations within the district, subject to conditions as the
9 directors consider necessary to advance the purposes of this part.

10 (e) To obtain options upon and to acquire, by purchase,
11 exchange, lease, gift, grant, bequest, devise, or otherwise, any
12 property, real or personal, or rights or interests in ~~that~~
13 property; to maintain, administer, and improve any properties
14 acquired, to receive income from the properties, and to expend
15 income in carrying out the purposes and provisions of this part;
16 and to sell, lease, or otherwise dispose of any of its property or
17 interests in property in furtherance of the purposes and provisions
18 of this part.

19 (f) To make available, on the terms it prescribes, to
20 landowners or their designated representatives within the district
21 and to other conservation districts, ~~in Michigan,~~ agricultural and
22 engineering machinery and equipment, fertilizer, seeds, and
23 seedlings, and other material or equipment ~~as THAT~~ will assist
24 landowners or their designated representatives to carry on
25 operations upon their lands for the conservation of farmland,
26 **FORESTLAND**, and natural resources and for the prevention and
27 control of soil erosion.

1 (g) To engage in plant rescue operations and to propagate,
2 plant, harvest, and, subject to section 9304a, sell only
3 conservation species. ~~on the list established in section 9304a.~~ A
4 conservation district that violates this subdivision is subject to
5 a civil fine of not more than \$100.00 per day of violation. An
6 action to enforce this subdivision may be brought by the state or a
7 county in the circuit court for the county in which the
8 conservation district is located or in which the violation
9 occurred.

10 (h) To provide technical assistance to other conservation
11 districts.

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

15 (j) To develop comprehensive plans for the conservation of
16 farmland, **FORESTLAND**, and natural resources and for the control and
17 prevention of soil erosion within the district or other
18 conservation districts. The plans shall specify, in such detail as
19 is possible, the acts, procedures, performances, and avoidances
20 that are necessary or desirable for the effectuation of the plans,
21 including the specification of engineering operations, methods of
22 cultivation, the growing of vegetation, cropping programs, tillage
23 practices, and changes in use of land; and to publish the plans and
24 information described in this subdivision and bring them to the
25 attention of residents of the district.

26 (k) To take over, by purchase, lease, or otherwise, and to
27 administer any farmland, ~~and~~ **FORESTLAND**, **OR** natural resource

1 conservation project located within its boundaries undertaken by
2 the United States or any of its agencies or by this state or any of
3 its agencies; to manage, as agent of the United States or any of
4 its agencies or of this state or any of its agencies, any farmland,
5 ~~and FORESTLAND, OR~~ natural resource conservation project within its
6 boundaries; to act as agent for the United States or any of its
7 agencies or for this state or any of its agencies in connection
8 with the acquisition, construction, operation, or administration of
9 any farmland, ~~and FORESTLAND, OR~~ natural resource conservation
10 project within its boundaries; to accept donations, gifts, and
11 contributions in money, services, materials, or otherwise, from the
12 United States or any of its agencies or from this state or any of
13 its agencies, and to use or expend the money, services, materials,
14 or other contributions in carrying on its operations; and to accept
15 money, gifts, and donations from any other source not specified in
16 this subdivision.

17 (l) To sue and be sued in the name of the district; to have a
18 seal that is judicially noticed; to have perpetual succession
19 unless terminated as provided in this part; to make and execute
20 contracts and other instruments necessary or convenient to the
21 exercise of its powers; and to make, and from time to time amend
22 and repeal, rules and regulations in a manner that is not
23 inconsistent with this part to carry into effect its purposes and
24 powers.

25 (m) To borrow money for facilities or equipment for
26 conservation purposes and pledge the assets of the district as
27 collateral against loans. Any money borrowed shall be solely the

1 obligation of the conservation district and not the obligation of
2 the state or any other public entity in the state.

3 (n) As a condition to the extension of any benefit under this
4 part to, or the performance of work upon, any lands not owned or
5 controlled by this state or any of its agencies, the directors may
6 require contributions in money, services, materials, or otherwise
7 to any operation conferring the benefits, and may require
8 landowners to enter into and perform agreements or covenants as to
9 the permanent use of the lands that will tend to prevent or control
10 erosion on those lands.

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

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

15 (Q) TO COLLABORATE WITH THE DEPARTMENT IN REVIEWING
16 APPLICATIONS FOR EXEMPTION AS QUALIFIED FOREST PROPERTY UNDER
17 SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
18 211.7JJ[1].

19 (R) SUBJECT TO SUBSECTION (2), IN COOPERATION WITH THE
20 DEPARTMENT, TO EVALUATE NONINDUSTRIAL PRIVATE FORESTLANDS.

21 (S) SUBJECT TO SUBSECTION (3), TO PROVIDE LANDOWNERS ANY OF
22 THE FOLLOWING:

23 (i) TECHNICAL ASSISTANCE REGARDING POTENTIAL ENVIRONMENTAL,
24 ECOLOGICAL, AND ECONOMIC BENEFITS OF FORESTRY, WILDLIFE HABITAT,
25 AND WETLAND DEVELOPMENT AND RESTORATION.

26 (ii) CONTACT INFORMATION FOR QUALIFIED FORESTERS.

27 (iii) CONTACT INFORMATION FOR OTHER FOREST RESOURCE

1 PROFESSIONALS THAT MAY HAVE VOLUNTARILY PROVIDED INFORMATION TO THE
2 DEPARTMENT.

3 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A
4 CONSERVATION DISTRICT SHALL NOT DEVELOP MANAGEMENT PLANS FOR
5 NONINDUSTRIAL PRIVATE FORESTLANDS. A DISTRICT SHALL PROVIDE A
6 LANDOWNER UPON REQUEST WITH A LIST OF QUALIFIED FORESTERS TO
7 DEVELOP MANAGEMENT PLANS. THE LIST SHALL BE DEVELOPED AND
8 MAINTAINED BY THE DEPARTMENT. IF REQUESTED BY A LANDOWNER, THE
9 CONSERVATION DISTRICT SHALL POST ON ITS WEBSITE NOTICE THAT THE
10 LANDOWNER IS SEEKING FOREST MANAGEMENT PLAN PREPARATION; TIMBER
11 HARVESTING, MARKETING, OR THINNING; OR SIMILAR SERVICES. IF, AFTER
12 THE NOTICE IS POSTED FOR AT LEAST 30 DAYS ON THE CONSERVATION
13 DISTRICT'S WEBSITE, A LANDOWNER IS UNABLE TO IDENTIFY A PRIVATE
14 FORESTER WILLING TO DEVELOP A FOREST MANAGEMENT PLAN, THE
15 CONSERVATION DISTRICT MAY, UPON APPROVAL BY THE DEPARTMENT, PREPARE
16 A FOREST MANAGEMENT PLAN FOR THE LANDOWNER.

17 (3) THE EXERCISE OF POWERS UNDER SUBSECTION (1) (S) DOES NOT
18 AFFECT THE REGULATORY AUTHORITY OF ANY STATE DEPARTMENT.

19 (4) ~~(2)~~—Unless authorized by the county board of commissioners
20 of each county in which a conservation district is located, a
21 conservation district shall not enforce state or federal laws.

22 (5) ~~(3)~~—Unless otherwise specifically provided by law,
23 provisions with respect to the acquisition, operation, or
24 disposition of property by other public bodies are not applicable
25 to a district organized under this part.

26 Sec. 9310. (1) Agencies of this state that have jurisdiction
27 over, or are charged with the administration of, any state owned

1 lands, and agencies of any county or other governmental subdivision
2 of the state that have jurisdiction over, or are charged with the
3 administration of, any county owned or other publicly owned lands,
4 lying within the boundaries of any **CONSERVATION** district, shall
5 cooperate to the fullest extent with the ~~directors of the districts~~
6 **DISTRICT** in the effectuation of programs and operations undertaken
7 by ~~conservation districts~~ **THE DISTRICT** under this part. The
8 ~~directors of the districts~~ **AGENTS OF THE DISTRICT** shall be given
9 free access to enter and perform work upon such publicly owned
10 lands.

11 (2) ~~The board of a~~ **A** conservation district may cooperate with
12 and enter into agreements with a county, township, municipality, or
13 other subdivision of state government in implementing soil, water,
14 **FORESTLAND**, and related land-use projects. A county, township,
15 municipality, or other subdivision of state government through its
16 governing body may cooperate with and enter into agreement with **A**
17 conservation ~~districts~~ **DISTRICT** in carrying out this part and may
18 assist ~~districts~~ **A DISTRICT** by providing ~~them~~ **IT** with such
19 materials, equipment, money, personnel, and other services. ~~as the~~
20 ~~governmental unit considers advisable.~~

21 **SEC. 51301. AS USED IN THIS PART:**

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

24 (B) "DEMONSTRATION PROJECT" MEANS A FOREST IMPROVEMENT PROJECT
25 DESIGNED TO ILLUSTRATE THE IMPLEMENTATION AND IMPACT OF ALTERNATE
26 FOREST PRACTICES.

27 (C) "COMMISSION" MEANS THE COMMISSION OF AGRICULTURE AND RURAL

1 DEVELOPMENT.

2 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE AND RURAL
3 DEVELOPMENT.

4 (E) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR
5 HER DESIGNEE.

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

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

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

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

15 (iii) STUDY, PLANNING, OR OTHER WORK INTENDED TO IMPROVE
16 FORESTLANDS OR FOREST RESOURCES OR TO DEMONSTRATE MEANS OF
17 IMPROVING FORESTLANDS OR FOREST RESOURCES.

18 (H) "FOREST MANAGEMENT PLAN" MEANS THAT TERM AS IT IS DEFINED
19 IN SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
20 211.7JJ[1].

21 (I) "FOREST PRACTICE" MEANS THAT TERM AS IT IS DEFINED IN
22 SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
23 211.7JJ[1].

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

27 (K) "FORESTLAND" MEANS A TRACT OF LAND THAT MAY INCLUDE

1 NONPRODUCTIVE LAND THAT IS INTERMIXED WITH PRODUCTIVE LAND THAT IS
2 AN INTEGRAL PART OF A MANAGED FOREST AND THE OWNER OF WHICH AGREES
3 TO DEVELOP, MAINTAIN, AND ACTIVELY MANAGE THE LAND AS A PRIVATE
4 FOREST THROUGH PLANTING, NATURAL REPRODUCTION, OR OTHER
5 SILVICULTURAL PRACTICES. FORESTLAND INCLUDES LAND FROM WHICH FOREST
6 TREE SPECIES HAVE BEEN REMOVED AND HAVE NOT BEEN RESTOCKED, BUT
7 DOES NOT INCLUDE LAND CONVERTED TO USES OTHER THAN THE GROWING OF
8 FOREST TREE SPECIES OR LAND CURRENTLY ZONED FOR USES INCOMPATIBLE
9 WITH FOREST PRACTICES.

10 (I) "FUND" MEANS THE PRIVATE FORESTLAND ENHANCEMENT FUND
11 CREATED IN SECTION 51305.

12 (M) "HARVEST" MEANS THAT TERM AS IT IS DEFINED IN SECTION 7JJ
13 OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.7JJ[1].

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

16 (O) "NONINDUSTRIAL PRIVATE FORESTLAND" MEANS A PRIVATELY OWNED
17 TRACT OF LAND CONSISTING OF 20 OR MORE ACRES, OR THE TIMBER RIGHTS
18 IN THE LAND IF THE TIMBER RIGHTS HAVE BEEN SEVERED, THAT HAS THE
19 PRODUCTIVE CAPACITY TO GROW ON AVERAGE NOT LESS THAN 20 CUBIC FEET
20 PER ACRE PER YEAR AND THAT MEETS EITHER OF THE FOLLOWING
21 CONDITIONS:

22 (i) FOR A TRACT OF LAND THAT CONTAINS LESS THAN 40 ACRES, AT
23 LEAST 80% OF THE LAND IS OCCUPIED BY FOREST TREE SPECIES.

24 (ii) FOR A TRACT OF LAND THAT CONTAINS 40 OR MORE ACRES, AT
25 LEAST 50% OF THE LAND IS OCCUPIED BY FOREST TREE SPECIES.

26 (P) "QUALIFIED FORESTER" MEANS THAT TERM AS IT IS DEFINED IN
27 SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL

1 211.7JJ[1].

2 (Q) "TECHNICAL ASSISTANCE" MEANS DIRECT ON-SITE ASSISTANCE
3 PROVIDED TO INDIVIDUALS.

4 (R) "TIMBER" MEANS WOOD GROWTH, MATURE OR IMMATURE, GROWING OR
5 DEAD, STANDING OR DOWN. TIMBER DOES NOT INCLUDE ANY OF THE
6 FOLLOWING:

7 (i) CHRISTMAS TREES AND ASSOCIATED GREENS.

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

11 (S) "TIMBER OWNER" MEANS A PERSON WHO HOLDS AN OWNERSHIP
12 INTEREST IN SPECIES OF FOREST TREES ON FORESTLAND. AN OWNERSHIP
13 INTEREST INCLUDES A LICENSE OR OTHER RIGHT TO HARVEST TIMBER ON
14 STATE LANDS.

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

24 (2) THE PRIMARY PURPOSE OF THIS PART IS TO ASSIST PRIVATE
25 LANDOWNERS IN UNDERSTANDING THE VALUE OF FOREST RESOURCES AND THE
26 POTENTIAL THREATS TO FOREST RESOURCES AND TO PROVIDE MANAGEMENT
27 GUIDANCE.

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

5 SEC. 51305. (1) THE PRIVATE FORESTLAND ENHANCEMENT FUND IS
6 CREATED WITHIN THE STATE TREASURY.

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

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

15 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR
16 AUDITING PURPOSES.

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

19 (A) DIRECT ASSISTANCE.

20 (B) INDIRECT ASSISTANCE.

21 (C) ADMINISTRATIVE COSTS.

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

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

27 (8) AS USED IN THIS SECTION:

1 (A) "ADMINISTRATIVE COSTS" INCLUDES, BUT IS NOT LIMITED TO,
2 COSTS INCURRED IN ADMINISTERING THE QUALIFIED FOREST PROGRAM
3 DEVELOPED IN SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA
4 206, MCL 211.7JJ[1].

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 OF ON-SITE EVALUATION SYSTEMS AND MANAGEMENT
22 PRACTICES.

23 SEC. 51306. (1) THE DEPARTMENT SHALL PREPARE AND MAINTAIN A
24 LIST OF QUALIFIED FORESTERS IN THE STATE.

25 (2) AN INDIVIDUAL WHO WISHES TO BE INCLUDED ON THE LIST OF
26 QUALIFIED FORESTERS SHALL SUBMIT A REGISTRATION TO THE DEPARTMENT
27 ON A FORM PREPARED BY THE DEPARTMENT. THE REGISTRATION FORM SHALL

1 INCLUDE ALL OF THE FOLLOWING:

2 (A) THE CATEGORY OF QUALIFIED FORESTER FOR WHICH THE
3 INDIVIDUAL MEETS THE NECESSARY REQUIREMENTS.

4 (B) THE CONTINUING EDUCATION REQUIRED FOR THE INDIVIDUAL TO
5 MAINTAIN HIS OR HER STATUS AS A QUALIFIED FORESTER, INCLUDING THE
6 DATE ON WHICH THE CONTINUING EDUCATION IS REQUIRED TO BE COMPLETED.

7 (C) A PLACE FOR AN INDIVIDUAL TO CERTIFY WITH HIS OR HER
8 SIGNATURE THAT HE OR SHE MEETS THE REQUIREMENTS OF A QUALIFIED
9 FORESTER AND IS CURRENT WITH ANY CONTINUING EDUCATION THAT IS
10 REQUIRED.

11 (D) A PLACE TO DESIGNATE WHETHER THE INDIVIDUAL IS SUBMITTING
12 A NEW REGISTRATION OR A RENEWAL OF REGISTRATION.

13 (3) AN INDIVIDUAL MAY UPDATE HIS OR HER REGISTRATION AT ANY
14 TIME BY SUBMITTING A RENEWAL OF REGISTRATION.

15 (4) AN INDIVIDUAL WHO NO LONGER MEETS THE REQUIREMENTS TO BE
16 CONSIDERED A QUALIFIED FORESTER SHALL NOTIFY THE DEPARTMENT IN
17 WRITING, AND THE DEPARTMENT SHALL REMOVE THE INDIVIDUAL FROM THE
18 LIST OF QUALIFIED FORESTERS.

19 (5) THE DEPARTMENT SHALL PUBLISH THE LIST OF QUALIFIED
20 FORESTERS ON THE DEPARTMENT'S WEBSITE.

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

24 Enacting section 2. This amendatory act takes effect June 1,
25 2013.