

# SENATE BILL No. 56

January 16, 2013, Introduced by Senator BOOHER 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, 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.

5       (b) "Board" or "conservation district board" means the

1 governing body of a conservation district.

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

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

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

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

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

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

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

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

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

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

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

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

10          (O) ~~(n)~~"State" means this state.

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

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

26          Sec. 9304. In addition to the other duties and powers  
27 conferred upon the department under this part, the department has

1 the following duties and powers:

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

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

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

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

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

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

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

26 (2) The term of office of each director shall be 4 years. All  
27 directors shall be elected at an annual meeting by residents of the

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

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

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

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

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

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

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

26 (a) Provide for the execution of surety bonds for all  
27 **CONSERVATION DISTRICT** employees and officers who are entrusted with

1 funds or property.

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

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

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

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

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

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

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

24 (8) A PROFESSIONAL FORESTER EMPLOYED UNDER A GRANT DESCRIBED  
25 IN SUBSECTION (7) SHALL NOT USE HIS OR HER POSITION TO DO EITHER OR  
26 BOTH OF THE FOLLOWING:

27 (A) COMPETE WITH A PRIVATE SECTOR BUSINESS.

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

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

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

10 (11) ~~(7)~~ Any director may be removed by the department upon  
11 notice and hearing for neglect of duty or malfeasance in office,  
12 but for no other reason.

13 (12) ~~(8) The directors~~ **A CONSERVATION DISTRICT BOARD** may  
14 invite the legislative body of any municipality or county located  
15 near the territory comprised within the district to designate a  
16 representative to advise and consult with the ~~directors of the~~  
17 ~~district~~ **BOARD** on all questions of program and policy that may  
18 affect the property, water supply, or other interests of the  
19 municipality or county.

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

26 (a) To conduct surveys, investigations, and research relating  
27 to the conservation of farmland, **FORESTLAND**, and natural resources,

1 to publish the results of the surveys, investigations, or research,  
2 and to disseminate that information upon obtaining the consent of  
3 the landowner or the necessary rights or interest in the lands. In  
4 order to avoid duplication of research activities, a district shall  
5 not initiate any research program except in cooperation with the  
6 government of this state or any of its agencies or with the United  
7 States. ~~or any of its agencies.~~

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

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

27 (d) To cooperate or enter into agreements with and, within the

1 limits of appropriations made available to it by law, to furnish  
2 financial or other aid to any agency, governmental or otherwise, or  
3 any landowner within the district or his or her designated  
4 representative, in the conducting of erosion-control and prevention  
5 operations within the district, subject to conditions as the  
6 directors consider necessary to advance the purposes of this part.

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

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

25 (g) To engage in plant rescue operations and to propagate,  
26 plant, harvest, and, subject to section 9304a, sell only  
27 conservation species. ~~on the list established in section 9304a. A~~

1 conservation district that violates this subdivision is subject to  
2 a civil fine of not more than \$100.00 per day of violation. An  
3 action to enforce this subdivision may be brought by the state or a  
4 county in the circuit court for the county in which the  
5 conservation district is located or in which the violation  
6 occurred.

7 (h) To provide technical assistance to other conservation  
8 districts.

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

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

23 (k) To take over, by purchase, lease, or otherwise, and to  
24 administer any farmland, ~~and~~ **FORESTLAND**, **OR** natural resource  
25 conservation project located within its boundaries undertaken by  
26 the United States or any of its agencies or by this state or any of  
27 its agencies; to manage, as agent of the United States or any of

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

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

22 (m) To borrow money for facilities or equipment for  
23 conservation purposes and pledge the assets of the district as  
24 collateral against loans. Any money borrowed shall be solely the  
25 obligation of the conservation district and not the obligation of  
26 the state or any other public entity in the state.

27 (n) As a condition to the extension of any benefit under this

1 part to, or the performance of work upon, any lands not owned or  
2 controlled by this state or any of its agencies, the directors may  
3 require contributions in money, services, materials, or otherwise  
4 to any operation conferring the benefits, and may require  
5 landowners to enter into and perform agreements or covenants as to  
6 the permanent use of the lands that will tend to prevent or control  
7 erosion on those lands.

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

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

12 (Q) TO COLLABORATE WITH THE DEPARTMENT IN REVIEWING FOREST  
13 MANAGEMENT PLANS FOR COMPLIANCE UNDER SECTION 7JJ OF THE GENERAL  
14 PROPERTY TAX ACT, 1893 PA 206, MCL 211.7JJ[1].

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

17 (S) SUBJECT TO SUBSECTION (3), TO PROVIDE LANDOWNERS ANY OF  
18 THE FOLLOWING:

19 (i) TECHNICAL ASSISTANCE REGARDING POTENTIAL ENVIRONMENTAL,  
20 ECOLOGICAL, AND ECONOMIC BENEFITS OF FORESTRY, WILDLIFE HABITAT,  
21 AND WETLAND DEVELOPMENT AND RESTORATION.

22 (ii) CONTACT INFORMATION FOR QUALIFIED FORESTERS.

23 (iii) CONTACT INFORMATION FOR OTHER FOREST RESOURCE  
24 PROFESSIONALS THAT MAY HAVE VOLUNTARILY PROVIDED INFORMATION TO THE  
25 DEPARTMENT.

26 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A  
27 CONSERVATION DISTRICT SHALL NOT DEVELOP MANAGEMENT PLANS FOR

1 NONINDUSTRIAL PRIVATE FORESTLANDS. A DISTRICT SHALL PROVIDE A  
2 LANDOWNER UPON REQUEST WITH A LIST OF QUALIFIED FORESTERS TO  
3 DEVELOP MANAGEMENT PLANS. THE LIST SHALL BE DEVELOPED AND  
4 MAINTAINED BY THE DEPARTMENT. IF REQUESTED BY A LANDOWNER, THE  
5 CONSERVATION DISTRICT SHALL POST ON ITS WEBSITE NOTICE THAT THE  
6 LANDOWNER IS SEEKING FOREST MANAGEMENT PLAN PREPARATION; TIMBER  
7 HARVESTING, MARKETING, OR THINNING; OR SIMILAR SERVICES. IF A  
8 LANDOWNER IS UNABLE, BECAUSE OF THE SCOPE OR SCALE OF THE PROJECT,  
9 TO IDENTIFY A PRIVATE FORESTER WILLING TO DEVELOP A FOREST  
10 MANAGEMENT PLAN, THE CONSERVATION DISTRICT MAY, UPON APPROVAL BY  
11 THE DEPARTMENT, PREPARE A FOREST MANAGEMENT PLAN FOR THE LANDOWNER.

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

14 (4) ~~(2)~~—Unless authorized by the county board of commissioners  
15 of each county in which a conservation district is located, a  
16 conservation district shall not enforce state or federal laws.

17 (5) ~~(3)~~—Unless otherwise specifically provided by law,  
18 provisions with respect to the acquisition, operation, or  
19 disposition of property by other public bodies are not applicable  
20 to a district organized under this part.

21 Sec. 9310. (1) Agencies of this state that have jurisdiction  
22 over, or are charged with the administration of, any state owned  
23 lands, and agencies of any county or other governmental subdivision  
24 of the state that have jurisdiction over, or are charged with the  
25 administration of, any county owned or other publicly owned lands,  
26 lying within the boundaries of any **CONSERVATION** district, shall  
27 cooperate to the fullest extent with the ~~directors of the districts~~

1 **DISTRICT** in the effectuation of programs and operations undertaken  
2 by ~~conservation districts~~ **THE DISTRICT** under this part. The  
3 ~~directors of the districts~~ **AGENTS OF THE DISTRICT** shall be given  
4 free access to enter and perform work upon such publicly owned  
5 lands.

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

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

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

19 (B) "DEMONSTRATION PROJECT" MEANS A FOREST IMPROVEMENT PROJECT  
20 DESIGNED TO ILLUSTRATE THE IMPLEMENTATION AND IMPACT OF ALTERNATE  
21 FOREST PRACTICES.

22 (C) "COMMISSION" MEANS THE COMMISSION OF AGRICULTURE AND RURAL  
23 DEVELOPMENT.

24 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE AND RURAL  
25 DEVELOPMENT.

26 (E) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR  
27 HER DESIGNEE.

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

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

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

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

10 (iii) STUDY, PLANNING, OR OTHER WORK INTENDED TO IMPROVE  
11 FORESTLANDS OR FOREST RESOURCES OR TO DEMONSTRATE MEANS OF  
12 IMPROVING FORESTLANDS OR FOREST RESOURCES.

13 (H) "FOREST MANAGEMENT PLAN" MEANS THAT TERM AS IT IS DEFINED  
14 IN SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL  
15 211.7JJ[1].

16 (I) "FOREST PRACTICE" MEANS THAT TERM AS IT IS DEFINED IN  
17 SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL  
18 211.7JJ[1].

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

22 (K) "FORESTLAND" MEANS A TRACT OF LAND THAT MAY INCLUDE  
23 NONPRODUCTIVE LAND THAT IS INTERMIXED WITH PRODUCTIVE LAND THAT IS  
24 AN INTEGRAL PART OF A MANAGED FOREST AND THE OWNER OF WHICH AGREES  
25 TO DEVELOP, MAINTAIN, AND ACTIVELY MANAGE THE LAND AS A PRIVATE  
26 FOREST THROUGH PLANTING, NATURAL REPRODUCTION, OR OTHER  
27 SILVICULTURAL PRACTICES.

1           (l) "FUND" MEANS THE PRIVATE FORESTLAND ENHANCEMENT FUND  
2           CREATED IN SECTION 51305.

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

7           (n) "LANDOWNER" MEANS A PERSON WHO HOLDS AN OWNERSHIP INTEREST  
8           IN NONINDUSTRIAL PRIVATE FORESTLAND.

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

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

21          (q) "TECHNICAL ASSISTANCE" MEANS DIRECT ON-SITE ASSISTANCE  
22          PROVIDED TO INDIVIDUALS.

23          (r) "TIMBER" MEANS WOOD GROWTH, MATURE OR IMMATURE, GROWING OR  
24          DEAD, STANDING OR DOWN. TIMBER DOES NOT INCLUDE ANY OF THE  
25          FOLLOWING:

26               (i) CHRISTMAS TREES AND ASSOCIATED GREENS.

27               (ii) MATERIAL HARVESTED FROM AN INDIVIDUAL'S OWN LAND AND USED

1 ON THAT LAND FOR THE CONSTRUCTION OF FENCES OR BUILDINGS OR FOR  
2 OTHER PERSONAL USE.

3 (S) "TIMBER OWNER" MEANS A PERSON WHO HOLDS AN OWNERSHIP  
4 INTEREST IN SPECIES OF FOREST TREES ON FORESTLAND. AN OWNERSHIP  
5 INTEREST INCLUDES A LICENSE OR OTHER RIGHT TO HARVEST TIMBER ON  
6 STATE LANDS.

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

16 (2) THE PRIMARY PURPOSE OF THIS PART IS TO ASSIST PRIVATE  
17 LANDOWNERS IN UNDERSTANDING THE VALUE OF FOREST RESOURCES AND THE  
18 POTENTIAL THREATS TO FOREST RESOURCES AND TO PROVIDE MANAGEMENT  
19 GUIDANCE.

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

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

26 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM  
27 ANY SOURCE FOR DEPOSIT INTO THE FUND, INCLUDING GENERAL FUND

1 GENERAL PURPOSE APPROPRIATIONS, GIFTS, GRANTS, AND BEQUESTS. THE  
2 STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE  
3 TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND  
4 INVESTMENTS.

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

7 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR  
8 AUDITING PURPOSES.

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

11 (A) DIRECT ASSISTANCE.

12 (B) INDIRECT ASSISTANCE.

13 (C) ADMINISTRATIVE COSTS.

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

16 (7) THE DEPARTMENT OF TREASURY SHALL, BEFORE NOVEMBER 1 OF  
17 EACH YEAR, NOTIFY THE DEPARTMENT OF THE BALANCE IN THE FUND AT THE  
18 CLOSE OF THE PRECEDING FISCAL YEAR.

19 (8) AS USED IN THIS SECTION:

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

22 (i) DEVELOPMENT AND ENFORCEMENT OF THIS ACT.

23 (ii) ADMINISTRATION OF THE QUALIFIED FOREST PROGRAM DEVELOPED  
24 IN SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL  
25 211.7JJ[1].

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

1 (i) PROGRAMS DEVOTED TO NONINDUSTRIAL PRIVATE FORESTLAND TO  
2 ENCOURAGE THE JUDICIOUS MANAGEMENT OF FORESTLANDS TO MAXIMIZE  
3 ECONOMIC AND ECOLOGICAL VALUE.

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

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

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

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

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

13 (ii) EDUCATIONAL PROGRAMS.

14 (iii) TECHNICAL ASSISTANCE PROGRAMS.

15 (iv) THE PROMOTION OF ON-SITE EVALUATION SYSTEMS AND MANAGEMENT  
16 PRACTICES.

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

19 (2) AN INDIVIDUAL WHO WISHES TO BE INCLUDED ON THE LIST OF  
20 QUALIFIED FORESTERS SHALL SUBMIT A REGISTRATION TO THE DEPARTMENT  
21 ON A FORM PREPARED BY THE DEPARTMENT. THE REGISTRATION FORM SHALL  
22 INCLUDE ALL OF THE FOLLOWING:

23 (A) THE CATEGORY OF QUALIFIED FORESTER FOR WHICH THE  
24 INDIVIDUAL MEETS THE NECESSARY REQUIREMENTS.

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

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

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

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

9           (4) AN INDIVIDUAL WHO NO LONGER MEETS THE REQUIREMENTS TO BE  
10 CONSIDERED A QUALIFIED FORESTER SHALL NOTIFY THE DEPARTMENT IN  
11 WRITING, AND THE DEPARTMENT SHALL REMOVE THE INDIVIDUAL FROM THE  
12 LIST OF QUALIFIED FORESTERS.

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

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