

SUBSTITUTE FOR
SENATE BILL NO. 651

A bill to provide for exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to prescribe the powers and duties of certain local government officials; and to provide penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "transitional qualified forest property specific tax act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the state tax commission created by
5 1927 PA 360, MCL 209.101 to 209.107.

6 (b) "Conservation district" means that term as defined in
7 section 7jj of the general property tax act, 1893 PA 206, MCL

1 211.7jj[1].

2 (c) "Converted by a change in use" means that term as defined
3 in section 7jj of the general property tax act, 1893 PA 206, MCL
4 211.7jj[1].

5 (d) "Department" means the department of agriculture and rural
6 development.

7 (e) "Forest management plan" means that term as defined in
8 section 7jj of the general property tax act, 1893 PA 206, MCL
9 211.7jj[1].

10 (f) "Forest practice" means that term as defined in section
11 7jj of the general property tax act, 1893 PA 206, MCL 211.7jj[1].

12 (g) "Harvest" means that term as defined in section 7jj of the
13 general property tax act, 1893 PA 206, MCL 211.7jj[1].

14 (h) "Taxable value" means the taxable value as determined
15 under section 27a of the general property tax act, 1893 PA 206, MCL
16 211.27a.

17 (i) "Transitional qualified forest property" means forestland
18 that meets all of the following:

19 (i) The forestland is classified as commercial forest under
20 part 511 of the natural resources and environmental protection act,
21 1994 PA 451, MCL 324.51101 to 324.51120.

22 (ii) The forestland meets the definition of qualified forest
23 property under section 7jj of the general property tax act, 1893 PA
24 206, MCL 211.7jj[1].

25 (iii) The owner of the forestland has applied to and that
26 application has been approved by the department under section 4.

27 (j) "Transitional qualified forest property specific tax"

1 means the specific tax levied under section 6.

2 Sec. 3. For taxes levied after December 31, 2015, subject to
3 section 4, transitional qualified forest property is exempt from ad
4 valorem property taxes collected under the general property tax
5 act, 1893 PA 206, MCL 211.1 to 211.155, as provided under section
6 7vv of the general property tax act, 1893 PA 206, MCL 211.7vv, for
7 a period not to exceed 5 years.

8 Sec. 4. (1) An owner of forestland that is classified not
9 later than June 1, 2016 as commercial forest under part 511 of the
10 natural resources and environmental protection act, 1994 PA 451,
11 MCL 324.51101 to 324.51120, may apply to the department to have
12 that forestland determined to be transitional qualified forest
13 property. The application process shall include an application from
14 the owner of the forestland on a form created by the department, a
15 forest management plan, and a fee of \$50.00. The applicant shall
16 file the application not later than September 1 prior to the tax
17 year in which transitional qualified forest property will be taxed
18 under this act.

19 (2) The department shall review the application and forest
20 management plan and determine whether the forestland is
21 transitional qualified forest property under this act. The
22 department shall review the forest management plan to determine if
23 the elements required in section 7jj(17)(f) of the general property
24 tax act, 1893 PA 206, MCL 211.7jj[1], are in the plan. Within 90
25 days of its receipt of the application, forest management plan, and
26 fee, the department shall review the application and if the
27 application and supporting documents are not in compliance, the

1 department shall deny the application and notify the property owner
2 of that denial. If the application and supporting documents are in
3 compliance with the requirements of this act, the department shall
4 approve the application and shall prepare a transitional qualified
5 forest property affidavit, in recordable form, indicating all of
6 the following:

7 (a) The name of the property owner.

8 (b) The tax parcel identification number of the property.

9 (c) The legal description of the property.

10 (d) The year the application was submitted for the exemption.

11 (e) A statement that the property owner is attesting that the
12 property is transitional qualified forest property and will be
13 managed according to the approved forest management plan.

14 (3) The department shall send a transitional qualified forest
15 property affidavit prepared under subsection (2) and a commercial
16 forest withdrawal certificate to the property owner. The property
17 owner shall execute the transitional qualified forest property
18 affidavit and the commercial forest withdrawal certificate and
19 return both to the department.

20 (4) If the application is denied, the property owner has 30
21 days from the date of notification of the denial by the department
22 to initiate an appeal of that denial. An appeal of the denial shall
23 be by certified letter to the director of the department.

24 (5) An owner may claim an exemption under this section for not
25 more than 160 acres maximum of transitional qualified forest
26 property per township. If an exemption is granted under this act
27 for less than 160 acres in a township, an owner of that property

1 may subsequently claim an exemption for additional property until
2 the 160-acre maximum in that township is reached if that additional
3 property otherwise meets the requirements of this act.

4 (6) If a copy of the recorded transitional qualified forest
5 property affidavit and a copy of the recorded commercial forest
6 withdrawal certificate are provided to the assessor, the assessor
7 shall exempt the property from the collection of the tax as
8 provided in section 3 until December 31 of the year in which the
9 property is no longer transitional qualified forest property.

10 Sec. 5. The assessor of each local tax collecting unit in
11 which there is transitional qualified forest property shall
12 determine annually as of December 31 the value and taxable value of
13 each parcel of transitional qualified forest property located in
14 that local tax collecting unit.

15 Sec. 6. (1) There is levied upon the owner of each parcel or
16 transitional qualified forest property a specific tax to be known
17 as the transitional qualified forest property specific tax.

18 (2) The amount of the transitional qualified forest property
19 specific tax in each year shall be determined as follows:

20 (a) Multiply the number of mills that would be assessed in the
21 local tax collecting unit if the property were subject to the
22 collection of taxes under the general property tax act, 1893 PA
23 206, MCL 211.1 to 211.155, and if the property was exempt as
24 provided under section 7jj of the general property tax act, 1893 PA
25 206, MCL 211.7jj[1], by the transitional qualified forest
26 property's taxable value.

27 (b) Multiply the result of the calculation in subdivision (a)

1 by the following:

2 (i) For the first year the transitional qualified forest
3 property is subject to this act, .20.

4 (ii) For the second year the transitional qualified forest
5 property is subject to this act, .40.

6 (iii) For the third year the transitional qualified forest
7 property is subject to this act, .60.

8 (iv) For the fourth year the transitional qualified forest
9 property is subject to this act, .80.

10 (v) For the fifth year the transitional qualified forest
11 property is subject to this act, 1.0.

12 (c) If a new millage is approved in the local tax collecting
13 unit in which transitional qualified forest property is located
14 after the effective date of this act, multiply the number of mills
15 that were approved that would be assessed if the transitional
16 qualified forest property were subject to the collection of taxes
17 under the general property tax act, 1893 PA 206, MCL 211.1 to
18 211.155, by the transitional qualified forest property's taxable
19 value. Repeat this calculation for each individual new millage
20 approved in the local tax collecting unit after the effective date
21 of this act. As used in this subdivision, "new millage" does not
22 include the renewal of some or all of a millage in existence on the
23 effective date of this act.

24 (d) Add the result of the calculation under subdivision (b)
25 and the result of all calculations under subdivision (c).

26 (3) The transitional qualified forest property specific tax is
27 an annual tax, payable at the same times, in the same installments,

1 and to the same collecting officer or officers as taxes collected
2 under the general property tax act, 1893 PA 206, MCL 211.1 to
3 211.155.

4 (4) The collecting officer or officers shall disburse the
5 transitional qualified forest property specific tax to and among
6 this state and cities, townships, villages, school districts,
7 counties, or other taxing units, at the same times and in the same
8 proportions as required by law for the disbursement of taxes
9 collected under the general property tax act, 1893 PA 206, MCL
10 211.1 to 211.155.

11 (5) The collecting officer or officers shall send a copy of
12 the amount of disbursement made to each taxing unit under this
13 section to the commission on a form provided by the commission.

14 (6) Beginning in the year that transitional qualified forest
15 property is subject to tax under this act and each year thereafter,
16 a fee is imposed on each parcel of transitional qualified forest
17 property under this act. The fee shall be calculated in the same
18 manner, collected at the same time and in the same manner, and
19 disbursed in the same manner as the fee provided for under section
20 7jj(9) of the general property tax act, 1893 PA 206, MCL
21 211.7jj[1].

22 (7) Not more than 90 days after all or a portion of the
23 exempted property is no longer transitional qualified forest
24 property, the owner shall rescind the exemption for the applicable
25 portion of the property by filing with the register of deeds for
26 the county in which the exempted property is located a rescission
27 form prescribed by the department. A copy of the rescission form

1 shall be provided to the assessor. The rescission form shall
2 include a legal description of the property. An owner who fails to
3 file a rescission form as required by this subsection is subject to
4 a penalty of \$5.00 per day for each separate failure beginning
5 after the 90 days have elapsed, up to a maximum of \$1,000.00. This
6 penalty shall be collected under 1941 PA 122, MCL 205.1 to 205.31,
7 and shall be deposited in the private forestland enhancement fund
8 created in section 51305 of the natural resources and environmental
9 protection act, 1994 PA 451, MCL 324.51305.

10 Sec. 7. Unpaid transitional qualified forest property specific
11 taxes are subject to forfeiture, foreclosure, and sale in the same
12 manner and at the same time as taxes returned as delinquent under
13 the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

14 Sec. 8. (1) If forestland that was subject to the transitional
15 qualified forest property specific tax is not transitional
16 qualified forest property as determined by the department, the
17 department shall notify the local tax collecting unit and that
18 property shall be immediately placed on the tax roll by the local
19 tax collecting unit if the local tax collecting unit has possession
20 of the tax roll or by the county treasurer if the county has
21 possession of the tax roll as though the exemption had not been
22 granted. A corrected tax bill shall be issued for each tax year
23 being adjusted by the local tax collecting unit if the local tax
24 collecting unit has possession of the tax roll or by the county
25 treasurer if the county has possession of the tax roll.

26 (2) If forestland was subject to the transitional qualified
27 forest property specific tax for a period of 5 years as determined

1 by the department and the department also determines that the
2 forestland is still eligible for the exemption under section 7jj of
3 the general property tax act, 1893 PA 206, MCL 211.7jj[1], then
4 both of the following apply:

5 (a) That forestland shall be exempt from the tax levied by a
6 local school district for school operating purposes as qualified
7 forest property under section 7jj of the general property tax act,
8 1893 PA 206, MCL 211.7jj[1], upon completion of the procedures
9 required by section 7jj(16) of the general property tax act, 1893
10 PA 206, MCL 211.7jj[1].

11 (b) The owner of that forestland is not responsible for the
12 penalty described in section 9 for that forestland.

13 Sec. 9. If all or a portion of transitional qualified forest
14 property is converted by a change in use and is no longer
15 transitional qualified forest property, an owner shall immediately
16 notify the local tax collecting unit, the assessor, and the
17 department, on a form created by the department. The form shall
18 include a legal description of that property. A copy of the form
19 shall be filed with the register of deeds for the county in which
20 the property is located. Upon notice that property is no longer
21 transitional qualified forest property, the local tax collecting
22 unit and assessor shall immediately rescind the exemption under
23 this act and shall place the property on the tax roll as though the
24 exemption under this act had not been granted for the immediately
25 succeeding tax year and the department of treasury shall
26 immediately begin collection of any applicable tax and penalty
27 under the general property tax act, 1893 PA 206, MCL 211.1 to

1 211.155. The department of treasury shall also begin collection of
2 an amount equal to the application fee and penalty that would have
3 been assessed under section 51108 of the natural resources and
4 environmental protection act, 1994 PA 451, MCL 324.51108, to
5 withdraw that property from the operation of part 511 of the
6 natural resources and environmental protection act, 1994 PA 451,
7 MCL 324.51101 to 324.51120, in the year in which the property is
8 converted by a change of use, calculated as if the property had not
9 been withdrawn from the operation of part 511 of the natural
10 resources and environmental protection act, 1994 PA 451, MCL
11 324.51101 to 324.51120, and the treasurer shall credit these
12 proceeds to the private forestland enhancement fund created in
13 section 51305 of the natural resources and environmental protection
14 act, 1994 PA 451, MCL 324.51305.

15 Sec. 10. An owner of transitional qualified forest property
16 shall report to the department on a form prescribed by the
17 department when a forest practice or timber harvest has occurred on
18 the transitional qualified forest property during a calendar year.
19 The report shall indicate the forest practice completed and the
20 volume and value of timber harvested on that transitional qualified
21 forest property. One copy of the form shall be forwarded to the
22 conservation district, and 1 copy shall be retained by the
23 department for 7 years. If it is determined by the department that
24 a forest practice or harvest has occurred in a calendar year and no
25 report was filed, a fine of \$500.00 may be collected by the
26 department. Beginning December 31, 2015 and each year thereafter,
27 the department shall provide to the standing committees of the

senate and house of representatives with primary jurisdiction over forestry issues a report that includes all of the following:

(a) The number of acres of transitional qualified forest property in each county.

(b) The amount of timber produced on transitional qualified forest property each year.

(c) The number of forest management plans completed by conservation districts and the total number of forest management plans submitted for approval each year.

Sec. 11. The owner of transitional qualified forest property shall retain the current management plan, most recent harvest records, recorded copy of a receipt of the tax exemption, and a map that shows the location and size of any buildings and structures on the property. The owner shall make the documents available to the department upon request. The department shall maintain a database listing all transitional qualified forest properties, including the dates indicated for forest practices and harvests in the forest management plan, and shall notify the property owner and the conservation district in any year that forest practices or harvests are to occur. If an owner does not accomplish forest practices and harvests within 3 years after the time specified in the current forest management plan and the plan has not been amended to extend the date of forest practices and harvests, the property is not transitional qualified forest property under this act, the department shall notify the local tax collecting unit that the property is not transitional qualified forest property, and the property shall be placed on the tax roll as though the exemption

1 under this act had not been granted as provided in this section and
2 shall be subject to repayment as indicated in the qualified forest
3 property recapture tax act, 2006 PA 379, MCL 211.1031 to 211.1036.
4 Information in the database specific to an individual property
5 owner's forest management plan is exempt from disclosure under the
6 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
7 However, information in the database in the aggregate, including,
8 but not limited to, how much timber would be expected to be on the
9 market each year as a result of enrollees, is not exempt from
10 disclosure under the freedom of information act, 1976 PA 442, MCL
11 15.231 to 15.246.

12 Enacting section 1. This act does not take effect unless all
13 of the following bills of the 98th Legislature are enacted into
14 law:

- 15 (a) Senate Bill No. 652.
16 (b) Senate Bill No. 653.