

# HOUSE BILL No. 6039

November 10, 2016, Introduced by Rep. Rendon and referred to the Committee on Natural Resources.

A bill to amend 1893 PA 206, entitled  
"The general property tax act,"  
by amending section 7jj (MCL 211.7jj[1]), as amended by 2016 PA  
261.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 7jj. (1) Except as otherwise limited in this subsection,  
2       qualified forest property is exempt from the tax levied by a local  
3       school district for school operating purposes to the extent  
4       provided under section 1211 of the revised school code, 1976 PA  
5       451, MCL 380.1211, according to the provisions of this section.  
6       Buildings, structures, or land improvements located on qualified  
7       forest property are not eligible for the exemption under this  
8       section. The amount of qualified forest property in this state that

1 is eligible for the exemption under this section is limited as  
2 follows:

3 (a) In the fiscal year ending September 30, 2008, 300,000  
4 acres.

5 (b) In the fiscal year ending September 30, 2009, 600,000  
6 acres.

7 (c) In the fiscal year ending September 30, 2010, 900,000  
8 acres.

9 (d) In the fiscal year ending September 30, 2011 and each  
10 fiscal year thereafter, 1,200,000 acres. Beginning in the fiscal  
11 year ending September 30, 2013 and each fiscal year thereafter,  
12 real property eligible for exemption under this section as  
13 qualified forest property as a result of the withdrawal of that  
14 property from the operation of part 511 of the natural resources  
15 and environmental protection act, 1994 PA 451, MCL 324.51101 to  
16 324.51120, as provided in section 51108(5) of the natural resources  
17 and environmental protection act, 1994 PA 451, MCL 324.51108, or as  
18 a result of the property's eligibility for exempt status under this  
19 section as provided for in section 8(2) of the transitional  
20 qualified forest property specific tax act, **2016 PA 260, MCL**  
21 **211.1098**, shall not be credited against the 1,200,000 acres of  
22 property that are eligible for exemption as qualified forest  
23 property under this section.

24 (2) If a property owner is interested in obtaining an  
25 exemption for qualified forest property under this section, the  
26 property owner may contact the local conservation district or the  
27 department, and the local conservation district or the department

1 shall advise the property owner on the exemption process. If  
2 requested by the property owner, the local conservation district or  
3 the department shall provide the property owner with a list of  
4 qualified foresters to prepare a forest management plan. The  
5 department shall maintain a list of qualified foresters throughout  
6 the state and shall make the list available to the conservation  
7 districts and to interested property owners. To claim an exemption  
8 under subsection (1), a property owner shall obtain a forest  
9 management plan from a qualified forester and submit a digital copy  
10 of that forest management plan, an application for exemption as  
11 qualified forest property, and a fee of \$50.00 to the department on  
12 a form created by the department by September 1 prior to the tax  
13 year in which the exemption is requested. Before submitting the  
14 application to the department, the property owner is encouraged to  
15 consult with the local conservation district to review the  
16 obligations of the qualified forest program and the obligations of  
17 the property owner's forest management plan. A forest management  
18 plan is not subject to the freedom of information act, 1976 PA 442,  
19 MCL 15.231 to 15.246. The department shall forward a copy of the  
20 application to the local conservation district for review and to  
21 the local tax collecting unit for notification of the application.

22 (3) A conservation district shall review the application to  
23 determine if the applied-for property meets the minimum  
24 requirements set forth in subsection (17)(k) for enrolling into the  
25 qualified forest program. A conservation district shall respond  
26 within 45 days ~~of~~ **AFTER** the date of its receipt of the application  
27 indicating whether the property in the application is eligible for

1 enrollment. If the conservation district does not respond within 45  
2 days ~~of~~ **AFTER** its receipt of the application, the property shall be  
3 considered eligible for the exemption under this section.

4 (4) The department shall review the application, comments from  
5 the conservation district, and the forest management plan to  
6 determine if the property is eligible for the exemption under this  
7 section. The department shall review the forest management plan to  
8 determine if the elements required in subsection (17)(f) are in the  
9 plan. Within 90 days of its receipt of the application, forest  
10 management plan, and fee, the department shall review the  
11 application and if the application and supporting documents are not  
12 in compliance, the department shall deny the application and notify  
13 the property owner of that denial. If the application and  
14 supporting documents are in compliance with the requirements of  
15 this section, the department shall approve the application and  
16 shall prepare a qualified forest school tax affidavit, in  
17 recordable form, indicating all of the following:

18 (a) The name of the property owner.

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

20 (c) The legal description of the property.

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

22 (e) A statement that the property owner is attesting that the  
23 property for which the exemption is claimed is qualified forest  
24 property and will be managed according to the approved forest  
25 management plan.

26 (5) The department shall send a qualified forest school tax  
27 affidavit prepared under subsection (4) to the property owner for

1 execution. The 90-day review period by the department may be  
2 extended upon request of the property owner. The property owner  
3 shall execute the qualified forest school tax affidavit and shall  
4 have the executed qualified forest school tax affidavit recorded by  
5 the register of deeds in the county in which the property is  
6 located. The property owner shall provide a copy of the qualified  
7 forest school tax affidavit to the department. The department shall  
8 provide 1 copy of the qualified forest school tax affidavit to the  
9 conservation district and 1 copy to the department of treasury.  
10 These copies may be sent electronically.

11 (6) If the application is denied, the property owner has 30  
12 days from the date of notification of the denial by the department  
13 to initiate an appeal of that denial. An appeal of the denial shall  
14 be by certified letter to the director of the department.

15 (7) To claim an exemption under subsection (1), the owner of  
16 qualified forest property shall provide a copy of the recorded  
17 qualified forest school tax affidavit attesting that the land is  
18 qualified forest property to the local tax collecting unit and  
19 assessor by December 31. An owner may claim an exemption under this  
20 section for not more than 640 acres ~~maximum~~ or the equivalent of 16  
21 survey units consisting of 1/4 of 1/4 of a section of qualified  
22 forest property in each local tax collecting unit. If an exemption  
23 is granted under this section for less than 640 acres in a local  
24 tax collecting unit, an owner of that property may subsequently  
25 claim an exemption for additional property in that local tax  
26 collecting unit if that additional property meets the requirements  
27 of this section.

1           (8) If a copy of the recorded qualified forest school tax  
2 affidavit is provided to the assessor by the owner, the assessor  
3 shall exempt the property from the collection of the tax as  
4 provided in subsection (1) until December 31 of the year in which  
5 the property is no longer qualified forest property.

6           (9) Beginning in the year that qualified forest property is  
7 first exempt under this section and each year thereafter, the local  
8 tax collecting unit shall collect a fee on each parcel of qualified  
9 forest property exempt under this section located in that local tax  
10 collecting unit. The fee shall be determined by multiplying 2 mills  
11 by the taxable value of that qualified forest property. The fee  
12 shall be collected at the same time and in the same manner as taxes  
13 collected under this act. Each local tax collecting unit shall  
14 disburse the fee collected under this subsection to the department  
15 of treasury for deposit in the private forestland enhancement fund  
16 created in section 51305 of the natural resources and environmental  
17 protection act, 1994 PA 451, MCL 324.51305. If property is no  
18 longer exempt as qualified forest property under this section, the  
19 fee under this subsection shall not be collected on that property.  
20 The fee collected in this subsection shall be subject to the  
21 property tax administration fee established by the local tax  
22 collecting unit under section 44.

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

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

11 (11) An owner of property that is qualified forest property on  
12 December 31 for which an exemption was not on the tax roll may file  
13 an appeal with the July or December board of review under section  
14 53b in the year the exemption was claimed or the immediately  
15 succeeding year.

16 (12) If property for which an exemption has been granted under  
17 this section is not qualified forest property, the department shall  
18 notify the local tax collecting unit and the property that had been  
19 subject to that exemption shall be immediately placed on the tax  
20 roll by the local tax collecting unit if the local tax collecting  
21 unit has possession of the tax roll or by the county treasurer if  
22 the county has possession of the tax roll as though the exemption  
23 had not been granted. A corrected tax bill shall be issued for each  
24 tax year being adjusted by the local tax collecting unit if the  
25 local tax collecting unit has possession of the tax roll or by the  
26 county treasurer if the county has possession of the tax roll.

27 (13) If all or a portion of property for which an exemption

1 has been granted under this section is converted by a change in use  
2 and is no longer qualified forest property, an owner shall  
3 immediately notify the local tax collecting unit, the assessor, the  
4 department, and the department of treasury on a form created by the  
5 department. The form shall include a legal description of the  
6 exempted property. A copy of the form shall be filed with the  
7 register of deeds for the county in which the exempted property is  
8 located. Upon notice that property is no longer qualified forest  
9 property, the local tax collecting unit and assessor shall  
10 immediately rescind the exemption under this section and shall  
11 place the property on the tax roll as though the exemption under  
12 this section had not been granted for the immediately succeeding  
13 tax year and the department of treasury shall immediately begin  
14 collection of any applicable tax and penalty under this act or  
15 under the qualified forest property recapture tax act, 2006 PA 379,  
16 MCL 211.1031 to 211.1036. However, beginning June 1, 2013 and  
17 ending November 30, 2013, owners of property exempt as qualified  
18 forest property prior to January 1, 2013 may execute a new  
19 qualified forest school tax affidavit under this section. If an  
20 owner of property exempt as qualified forest property elects to  
21 execute a new qualified forest school tax affidavit under this  
22 section, that owner is not required to pay the \$50.00 fee required  
23 under subsection (2). If an owner of qualified forest property  
24 elects not to execute a new qualified forest school tax affidavit  
25 under this section, the existing affidavit shall be rescinded  
26 without penalty and the property shall be placed on the tax roll as  
27 though the exemption under this section had not been granted. If a



1 property owner elects not to execute a qualified forest school tax  
2 affidavit under this section, the property is not subject to the  
3 recapture tax provided for under the qualified forest property  
4 recapture tax act, 2006 PA 379, MCL 211.1031 to 211.1036.

5 (14) If qualified forest property is exempt under this  
6 section, an owner of that qualified forest property shall report to  
7 the department on a form prescribed by the department when a forest  
8 practice or timber harvest has occurred on the qualified forest  
9 property during a calendar year. The report shall indicate the  
10 forest practice completed and the volume and value of timber  
11 harvested on that qualified forest property. One copy of the form  
12 shall be forwarded to the conservation district, and 1 copy shall  
13 be retained by the department for 7 years. If it is determined by  
14 the department that a forest practice or harvest has occurred in a  
15 calendar year and no report was filed, a fine of \$500.00 may be  
16 collected by the department. Beginning December 31, 2013 and each  
17 year thereafter, the department shall provide to the standing  
18 committees of the senate and house of representatives with primary  
19 jurisdiction over forestry issues a report that includes all of the  
20 following:

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

23 (b) The number of acres of agricultural use property that is  
24 combined with productive forest under subsection (17) (k) (iii) .

25 (c) The amount of timber produced on qualified forest property  
26 each year.

27 (d) The number of forest management plans completed by

1 conservation districts and the total number of forest management  
2 plans submitted for approval each year.

3 (15) While qualified forest property is exempt under this  
4 section, the owner shall retain the current management plan, most  
5 recent harvest records, recorded copy of a receipt of the tax  
6 exemption, and a map that shows the location and size of any  
7 buildings and structures on the property. The owner shall make the  
8 documents available to the department upon request. The department  
9 shall maintain a database listing all qualified forest properties,  
10 including the dates indicated for forest practices and harvests in  
11 the forest management plan, and shall notify the property owner and  
12 the conservation district in any year that forest practices or  
13 harvests are to occur. If an owner does not accomplish forest  
14 practices and harvests within 3 years after the time specified in  
15 the current forest management plan and the plan has not been  
16 amended to extend the date of forest practices and harvests, the  
17 property is not eligible for the exemption under this section, the  
18 department shall notify the local tax collecting unit that the  
19 property is not eligible for the exemption under this section, and  
20 the property shall be placed on the tax roll as though the  
21 exemption under this section had not been granted as provided in  
22 this section and shall be subject to repayment as indicated in the  
23 qualified forest property recapture tax act, 2006 PA 379, MCL  
24 211.1031 to 211.1036. Information in the database specific to an  
25 individual property owner's forest management plan is exempt from  
26 disclosure under the freedom of information act, 1976 PA 442, MCL  
27 15.231 to 15.246. However, information in the database in the

1 aggregate, including, but not limited to, how much timber would be  
2 expected to be on the market each year as a result of enrollees, is  
3 not exempt from disclosure under the freedom of information act,  
4 1976 PA 442, MCL 15.231 to 15.246.

5 (16) Notwithstanding any provision in this section to the  
6 contrary, property is exempt from the tax levied by a local school  
7 district for school operating purposes as provided in subsection  
8 (1) if all of the following conditions are met:

9 (a) The property was subject to the transitional qualified  
10 forest property specific tax under the transitional qualified  
11 forest property specific tax act, **2016 PA 260, MCL 211.1091 TO**  
12 **211.1101**, for a period of 5 years as determined by the department  
13 under section 8 of the transitional qualified forest property  
14 specific tax act, **2016 PA 260, MCL 211.1098**.

15 (b) Pursuant to section 8 of the transitional qualified forest  
16 property specific tax act, **2016 PA 260, MCL 211.1098**, the  
17 department has determined that the property is still eligible for  
18 the exemption under this section.

19 (c) The property owner, with the department's assistance,  
20 executes a recordable qualified forest school tax affidavit, has  
21 the executed qualified forest school tax affidavit recorded by the  
22 register of deeds in the county in which the property is located,  
23 and provides copies of the executed qualified forest school tax  
24 affidavit to other interested parties as required by the  
25 department.

26 (17) As used in this section:

27 (a) "Agricultural use property" means real property devoted

1 primarily to agricultural use as that term is defined in section  
2 36101 of the natural resources and environmental protection act,  
3 1994 PA 451, MCL 324.36101.

4 (b) "Approved forest management plan" means a forest  
5 management plan developed by a qualified forester. An owner of  
6 property shall submit a forest management plan to the department  
7 for approval as prescribed in subsection (2). The forest management  
8 plan shall include a statement signed by the owner that he or she  
9 agrees to comply with all terms and conditions contained in the  
10 approved forest management plan. If a forest management plan and  
11 application are submitted to the department, the department shall  
12 review and either approve or disapprove the owner's application  
13 within 90 days ~~of~~ **AFTER** submission. Approval of the plan shall be  
14 based solely on compliance with the elements required in  
15 subdivision (f). Denial of the plan shall be based solely on  
16 noncompliance with the requirements listed in subdivision (f). If  
17 the department disapproves a forest management plan, the department  
18 shall indicate the changes necessary to qualify the forest  
19 management plan for approval on subsequent review. An owner may  
20 submit amendments to his or her forestry plan to the department.  
21 The department may reject amendments that delay a harvest date  
22 repeatedly or indefinitely. A forest management plan submitted for  
23 approval shall be for a maximum of 20 years. To continue receiving  
24 an exemption under this section, an owner of property shall submit  
25 a digital copy of any succeeding proposed forest management plan to  
26 the department for approval together with a fee of \$50.00. The  
27 first amendment to the plan shall not be subject to a fee.

1 Additional amendments may be subject to a fee of \$50.00.

2 (c) "Conservation district" means a conservation district  
3 organized under part 93 of the natural resources and environmental  
4 protection act, 1994 PA 451, MCL 324.9301 to 324.9313.

5 (d) "Converted by a change in use" means both of the  
6 following:

7 (i) That term as defined in section 2 of the qualified forest  
8 property recapture tax act, 2006 PA 379, MCL 211.1032.

9 (ii) That due to a change in use of either productive forest  
10 property or agricultural use property, the property is no longer  
11 eligible for exemption as qualified forest property under  
12 subdivision (k) (iii) .

13 (e) "Department" means the department of agriculture and rural  
14 development.

15 (f) "Forest management plan" means a written plan prepared and  
16 signed by a qualified forester that prescribes measures to optimize  
17 production, utilization, and regeneration of forest resources. The  
18 forest management plan shall include a schedule and timetables for  
19 the various silvicultural practices used on forestlands, which  
20 shall be a maximum of 20 years in length. A forest management plan  
21 shall include all of the following:

22 (i) The name and address of each owner of the property.

23 (ii) The legal description and parcel identification number of  
24 the property or of the parcel on which the property is located.

25 (iii) A statement of the owner's forest management objectives.

26 (iv) A map, diagram, or aerial photograph that identifies both  
27 forested and unforested areas of the property, using conventional

1 map symbols indicating the species, size, and stocking rate and  
2 other major features of the property, including the location of any  
3 buildings. The location and use of any buildings ~~can~~**MAY** be  
4 established on a map created by a qualified forester and does not  
5 require a survey by a registered surveyor.

6 (v) A description of forest practice, including harvesting,  
7 thinning, and reforestation, that will be undertaken, specifying  
8 the approximate period of time before each is completed.

9 (vi) A description of soil conservation practices that may be  
10 necessary to control any soil erosion that may result from the  
11 forest practice described pursuant to subparagraph (v).

12 (vii) A description of activities that may be undertaken for  
13 the management of forest resources other than trees, including  
14 wildlife habitat, watersheds, and aesthetic features.

15 (g) "Forest practice" means any action intended to improve  
16 forestland or forest resources and includes, but is not limited to,  
17 any of the following:

18 (i) The improvement of species of forest trees.

19 (ii) Reforestation.

20 (iii) The harvesting of species of forest trees.

21 (iv) Road construction associated with the improvement or  
22 harvesting of forest tree species or reforestation.

23 (v) Use of chemicals or fertilizers for the purpose of growing  
24 or managing species of forest trees.

25 (vi) Applicable silvicultural practices.

26 (h) "Forest products" includes, but is not limited to, timber  
27 and pulpwood-related products.

1 (i) "Harvest" means the point at which timber that has been  
2 cut, severed, or removed for purposes of sale or use is first  
3 measured in the ordinary course of business as determined by  
4 reference to common practice in the timber industry.

5 (j) "Productive forest" means real property capable of growing  
6 not less than 20 cubic feet of wood per acre per year. However, if  
7 property has been considered productive forest, an act of God that  
8 negatively affects that property shall not result in that property  
9 not being considered productive forest.

10 (k) "Qualified forest property" means a parcel of real  
11 property that meets all of the following conditions as determined  
12 by the department of agriculture and rural development:

13 (i) Is not less than 20 contiguous acres in size. For parcels  
14 less than 40 acres, not less than 80% shall be stocked with  
15 productive forest capable of producing forest products. For parcels  
16 40 acres or more, not less than 50% shall be stocked with  
17 productive forest capable of producing forest products. Contiguity  
18 is not broken by a road, a right-of-way, or property purchased or  
19 taken under condemnation proceedings by a public utility for power  
20 transmission lines if the 2 parcels separated by the purchased or  
21 condemned property were a single parcel prior to the sale or  
22 condemnation.

23 (ii) Is subject to an approved forest management plan.

24 (iii) If a parcel contains both productive forest and  
25 agricultural use property, an owner may apply for a designation as  
26 qualified forest property if the combined acreage of the productive  
27 forest and the agricultural use property meets all of the following

1 requirements:

2 (A) The parcel is not less than 20 contiguous acres. If a  
3 parcel is less than 40 acres, not less than 80% shall be the  
4 combined productive forest and agricultural use property. If the  
5 parcel is 40 acres or more, not less than 50% shall be the combined  
6 productive forest and agricultural use property.

7 (B) The acreage of agricultural use property on the parcel  
8 shall be determined by the assessor in the local tax collecting  
9 unit in which the parcel is located. The property owner shall  
10 request the determination. The assessor shall report the acreage of  
11 the agricultural use property in a form prescribed by the state tax  
12 commission to the property owner and the department within 30 days  
13 ~~of~~ **AFTER** the date of the request for the determination. An owner  
14 that disagrees with an assessor's determination of the acreage of  
15 agricultural use property on the parcel may appeal that  
16 determination to the board of review under section 53b. If the  
17 property owner converts all or part of the agricultural use  
18 property to forest property by planting trees or other means, the  
19 property owner shall notify the department and the assessor of the  
20 conversion and the forest management plan shall be modified to  
21 reflect the change in use.

22 (l) "Qualified forester" means an individual who meets 1 or  
23 more of the following requirements and has registered with the  
24 department of agriculture and rural development under section 51306  
25 of the natural resources and environmental protection act, 1994 PA  
26 451, MCL 324.51306:

27 (i) Is a forester certified by the Society of American



1 Foresters.

2 (ii) Is a forest stewardship plan writer.

3 (iii) Is a technical service provider as registered by the  
4 United States Department of Agriculture for forest management plan  
5 development.

6 (iv) Is a registered forester.

7 (m) "Registered forester" means ~~a person~~ **AN INDIVIDUAL**  
8 registered under ~~article 21 of the occupational code, 1980 PA 299,~~  
9 ~~MCL 339.2101 to 339.2108.~~ **PART 535 OF THE NATURAL RESOURCES AND**  
10 **ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.53501 TO**  
11 **324.53519.**

12 Enacting section 1. This amendatory act takes effect 90 days  
13 after the date it is enacted into law.

14 Enacting section 2. This amendatory act does not take effect  
15 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 6040 (request no.  
16 06512'16) of the 98th Legislature is enacted into law.