

SENATE BILL No. 217

March 18, 2015, Introduced by Senator BOOHER and referred to the Committee on Natural Resources.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending sections 7dd and 7jj (MCL 211.7dd and 211.7jj[1]),
section 7dd as amended by 2013 PA 44 and section 7jj as amended by
2013 PA 42.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7dd. As used in sections 7cc and 7ee:

2 (a) "Owner" means any of the following:

3 (i) A person who owns property or who is purchasing property
4 under a land contract.

5 (ii) A person who is a partial owner of property.

6 (iii) A person who owns property as a result of being a
7 beneficiary of a will or trust or as a result of intestate
8 succession.

1 (iv) A person who owns or is purchasing a dwelling on leased
2 land.

3 (v) A person holding a life lease in property previously sold
4 or transferred to another.

5 (vi) A grantor who has placed the property in a revocable trust
6 or a qualified personal residence trust.

7 (vii) The sole present beneficiary of a trust if the trust
8 purchased or acquired the property as a principal residence for the
9 sole present beneficiary of the trust, and the sole present
10 beneficiary of the trust is totally and permanently disabled. As
11 used in this subparagraph, "totally and permanently disabled" means
12 disability as defined in section 216 of title II of the social
13 security act, 42 USC 416, without regard as to whether the sole
14 present beneficiary of the trust has reached the age of retirement.

15 (viii) A cooperative housing corporation.

16 (ix) A facility **AS DEFINED BY FORMER 1976 PA 440 AND** registered
17 under the ~~living care~~ **CONTINUING CARE COMMUNITY** disclosure act,
18 ~~1976 PA 440, MCL 554.801 to 554.844.~~ **2014 PA 448, MCL 554.901 TO**
19 **554.993.**

20 (b) "Person", for purposes of defining owner as used in
21 section 7cc, means an individual and for purposes of defining owner
22 as used in section 7ee means an individual, partnership,
23 corporation, limited liability company, association, or other legal
24 entity.

25 (c) "Principal residence" means the 1 place where an owner of
26 the property has his or her true, fixed, and permanent home to
27 which, whenever absent, he or she intends to return and that shall

1 continue as a principal residence until another principal residence
2 is established. Except as otherwise provided in this subdivision,
3 principal residence includes only that portion of a dwelling or
4 unit in a multiple-unit dwelling that is subject to ad valorem
5 taxes and that is owned and occupied by an owner of the dwelling or
6 unit. Principal residence also includes all of an owner's
7 unoccupied property classified as residential that is adjoining or
8 contiguous to the dwelling subject to ad valorem taxes and that is
9 owned and occupied by the owner. Beginning December 31, 2007,
10 principal residence also includes all of an owner's unoccupied
11 property classified as timber-cutover real property under section
12 34c that is adjoining or contiguous to the dwelling subject to ad
13 valorem taxes and that is owned and occupied by the owner.
14 Contiguity is not broken by boundary between local tax collecting
15 units, a road, a right-of-way, or property purchased or taken under
16 condemnation proceedings by a public utility for power transmission
17 lines if the 2 parcels separated by the purchased or condemned
18 property were a single parcel prior to the sale or condemnation.
19 Except as otherwise provided in this subdivision, principal
20 residence also includes any portion of a dwelling or unit of an
21 owner that is rented or leased to another person as a residence as
22 long as that portion of the dwelling or unit that is rented or
23 leased is less than 50% of the total square footage of living space
24 in that dwelling or unit. Principal residence also includes a life
25 care facility **FOR PURPOSES OF FORMER 1976 PA 440 THAT IS** registered
26 under the ~~living care~~ **CONTINUING CARE COMMUNITY** disclosure act,
27 ~~1976 PA 440, MCL 554.801 to 554.844.~~ **2014 PA 448, MCL 554.901 TO**

1 554.993. Principal residence also includes property owned by a
2 cooperative housing corporation and occupied by tenant
3 stockholders. Property that qualified as a principal residence
4 shall continue to qualify as a principal residence for 3 years
5 after all or any portion of the dwelling or unit included in or
6 constituting the principal residence is rented or leased to another
7 person as a residence if all of the following conditions are
8 satisfied:

9 (i) The owner of the dwelling or unit is absent while on active
10 duty in the armed forces of the United States.

11 (ii) The dwelling or unit would otherwise qualify as the
12 owner's principal residence.

13 (iii) Except as otherwise provided in this subparagraph, the
14 owner files an affidavit with the assessor of the local tax
15 collecting unit on or before May 1 attesting that it is his or her
16 intent to occupy the dwelling or unit as a principal residence upon
17 completion of active duty in the armed forces of the United States.
18 ~~In 2008 only, the owner may file an affidavit under this~~
19 ~~subparagraph on or before December 31. A copy of an affidavit filed~~
20 ~~under this subparagraph shall be forwarded to the department of~~
21 ~~treasury pursuant to a schedule prescribed by the department of~~
22 ~~treasury.~~

23 (d) "Qualified agricultural property" means unoccupied
24 property and related buildings classified as agricultural, or other
25 unoccupied property and related buildings located on that property
26 devoted primarily to agricultural use as defined in section 36101
27 of the natural resources and environmental protection act, 1994 PA

1 451, MCL 324.36101. Related buildings include a residence occupied
2 by a person employed in or actively involved in the agricultural
3 use and who has not claimed a principal residence exemption on
4 other property. For taxes levied after December 31, 2008, property
5 shall not lose its status as qualified agricultural property as a
6 result of an owner or lessee of that property implementing a
7 wildlife risk mitigation action plan. Notwithstanding any other
8 provision of this act to the contrary, if after December 31, 2008
9 the classification of property was changed as a result of the
10 implementation of a wildlife risk mitigation action plan, the owner
11 of that property may appeal that change in classification to the
12 board of review under section 30 in the year in which the
13 amendatory act that added this sentence takes effect or in the 3
14 immediately succeeding years. ~~Within 30 days of the effective date~~
15 ~~of the amendatory act that added the immediately preceding~~
16 ~~sentence, the department of treasury shall update its publication~~
17 ~~entitled "Qualified Agricultural Property Exemption Guidelines" and~~
18 ~~shall post that updated publication on the department of treasury~~
19 ~~website.~~ Property used for commercial storage, commercial
20 processing, commercial distribution, commercial marketing, or
21 commercial shipping operations or other commercial or industrial
22 purposes is not qualified agricultural property. A parcel of
23 property is devoted primarily to agricultural use only if more than
24 50% of the parcel's acreage is devoted to agricultural use. ~~or if~~
25 ~~more than 50% of the parcel's acreage is devoted to a combination~~
26 ~~of agricultural use and is exempt under section 7jj[1] as qualified~~
27 ~~forest property.~~ An owner shall not receive an exemption for that

1 portion of the total state equalized valuation of the property that
2 is used for a commercial or industrial purpose or that is a
3 residence that is not a related building. As used in this
4 subdivision:

5 (i) "Project" means certain risk mitigating measures, which may
6 include, but are not limited to, the following:

7 (A) Making it difficult for wildlife to access feed by storing
8 livestock feed securely, restricting wildlife access to feeding and
9 watering areas, and deterring or reducing wildlife presence around
10 livestock feed by storing feed in an enclosed barn, wrapping bales
11 or covering stacks with tarps, closing ends of bags, storing grains
12 in animal-proof containers or bins, maintaining fences, practicing
13 small mammal and rodent control, or feeding away from wildlife
14 cover.

15 (B) Minimizing wildlife access to livestock feed and water by
16 feeding livestock in an enclosed area, feeding in open areas near
17 buildings and human activity, removing extra or waste feed when
18 livestock are moved, using hay feeders to reduce waste, using
19 artificial water systems to help keep livestock from sharing water
20 sources with wildlife, fencing off stagnant ponds, wetlands, or
21 areas of wildlife habitats that pose a disease risk, and keeping
22 mineral feeders near buildings and human activity or using devices
23 that restrict wildlife usage.

24 (ii) "Wildlife risk mitigation action plan" means a written
25 plan consisting of 1 or more projects to help reduce the risks of a
26 communicable disease spreading between wildlife and livestock that
27 is approved by the department of agriculture under the animal

1 industry act, 1988 PA 466, MCL 287.701 to 287.746.

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

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

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

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

18 (d) In the fiscal year ending September 30, 2011 and each
19 fiscal year thereafter, 1,200,000 acres. Beginning in the fiscal
20 year ending September 30, 2013 and each fiscal year thereafter,
21 real property eligible for exemption under this section as
22 qualified forest property as a result of the withdrawal of that
23 property from the operation of part 511 of the natural resources
24 and environmental protection act, 1994 PA 451, MCL 324.51101 to
25 324.51120, as provided in section 51108(5) of the natural resources
26 and environmental protection act, 1994 PA 451, MCL 324.51108, shall
27 not be credited against the 1,200,000 acres of property that are

1 eligible for exemption as qualified forest property under this
2 section. **BEGINNING IN THE FISCAL YEAR ENDING SEPTEMBER 30, 2015 AND**
3 **EACH FISCAL YEAR THEREAFTER, REAL PROPERTY THAT CONTAINS**
4 **AGRICULTURAL USE PROPERTY COMBINED WITH PRODUCTIVE FOREST UNDER**
5 **SUBSECTION (16) (K) (iii) SHALL NOT BE CREDITED AGAINST THE 1,200,000**
6 **ACRES OF PROPERTY THAT ARE ELIGIBLE FOR EXEMPTION AS QUALIFIED**
7 **FOREST PROPERTY UNDER THIS SECTION.**

8 (2) If a property owner is interested in obtaining an
9 exemption for qualified forest property under this section, the
10 property owner may contact the local conservation district or the
11 department, and the local conservation district or the department
12 shall advise the property owner on the exemption process. If
13 requested by the property owner, the local conservation district or
14 the department shall provide the property owner with a list of
15 qualified foresters to prepare a forest management plan. The
16 department shall maintain a list of qualified foresters throughout
17 the state and shall make the list available to the conservation
18 districts and to interested property owners. To claim an exemption
19 under subsection (1), a property owner shall obtain a forest
20 management plan from a qualified forester and submit a digital copy
21 of that forest management plan, an application for exemption as
22 qualified forest property, and a fee of \$50.00 to the department on
23 a form created by the department by September 1 prior to the tax
24 year ~~within~~ **IN** which the exemption is requested. A forest
25 management plan is not subject to the freedom of information act,
26 1976 PA 442, MCL 15.231 to 15.246. The department shall forward a
27 copy of the application to the local conservation district for

1 review and to the local tax collecting unit for notification of the
2 application.

3 (3) A conservation district shall review the application to
4 determine if the applied-for property meets the minimum
5 requirements set forth in subsection ~~(16)(i)~~ **(16)(K)** for enrolling
6 into the qualified forest program. A conservation district shall
7 respond within 45 days of the date of its receipt of the
8 application indicating whether the property in the application is
9 eligible for enrollment. If the conservation district does not
10 respond within 45 days of its receipt of the application, the
11 property shall be considered eligible for the exemption under this
12 section.

13 (4) The department shall review the application, comments from
14 the conservation district, and the forest management plan to
15 determine if the property is eligible for the exemption under this
16 section. The department shall review the forest management plan to
17 determine if the elements required in subsection ~~(16)(e)~~ **(16)(F)**
18 are in the plan. Within 90 days of its receipt of the application,
19 forest management plan, and fee, the department shall review the
20 application and if the application and supporting documents are not
21 in compliance, the department shall **DENY THE APPLICATION AND** notify
22 the property owner of **THAT** denial. If the application and
23 supporting documents are in compliance with the requirements of
24 this section, the department shall approve the application and
25 shall prepare a qualified forest school tax affidavit, in
26 recordable form, indicating all of the following:

27 (a) The name of the property owner.

1 (b) The legal description of the property.

2 (c) The year the application was submitted for the exemption.

3 (d) A statement that the property owner is attesting that the
4 property for which the exemption is claimed is qualified forest
5 property and will be managed according to the approved forest
6 management plan.

7 (5) The department shall send a qualified forest school tax
8 affidavit prepared under subsection (4) to the property owner for
9 execution. The 90-day review period by the department may be
10 extended upon request of the property owner. The property owner
11 shall execute the qualified forest school tax affidavit and shall
12 have the executed qualified forest school tax affidavit recorded by
13 the register of deeds in the county in which the property is
14 located. The property owner shall provide a copy of the qualified
15 forest school tax affidavit to the department. The department shall
16 provide 1 copy of the qualified forest school tax affidavit to the
17 conservation district and 1 copy to the department of treasury.
18 These copies may be sent electronically.

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

23 (7) To claim an exemption under subsection (1), the owner of
24 qualified forest property shall provide a copy of the recorded
25 qualified forest school tax affidavit attesting that the land is
26 qualified forest property to the local tax collecting unit and
27 assessor by December 31. An owner may claim an exemption under this

1 section for not more than 640 acres maximum or the equivalent of 16
2 survey units consisting of 1/4 of 1/4 of a section of qualified
3 forest property in each local tax collecting unit. If an exemption
4 is granted under this section for less than 640 acres in a local
5 tax collecting unit, an owner of that property may subsequently
6 claim an exemption for additional property in that local tax
7 collecting unit if that additional property meets the requirements
8 of this section.

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

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

1 The fee collected in this subsection shall be subject to the
2 property tax administration fee established by the local tax
3 collecting unit under section 44.

4 (10) Not more than 90 days after all or a portion of the
5 exempted property is no longer qualified forest property, the owner
6 shall rescind the exemption for the applicable portion of the
7 property by filing with the register of deeds for the county in
8 which the exempted property is located a rescission form prescribed
9 by the department. A copy of the rescission form shall be provided
10 to the assessor. The rescission form shall include a legal
11 description of the exempted property. An owner who fails to file a
12 rescission **FORM** as required by this subsection is subject to a
13 penalty of \$5.00 per day for each separate failure beginning after
14 the 90 days have elapsed, up to a maximum of \$1,000.00. This
15 penalty shall be collected under 1941 PA 122, MCL 205.1 to 205.31,
16 and shall be deposited in the private forestland enhancement fund
17 **CREATED IN SECTION 51305 OF THE NATURAL RESOURCES AND ENVIRONMENTAL**
18 **PROTECTION ACT, 1994 PA 451, MCL 324.51305.**

19 (11) An owner of property that is qualified forest property on
20 December 31 for which an exemption was not on the tax roll may file
21 an appeal with the July or December board of review under section
22 53b in the year the exemption was claimed or the immediately
23 succeeding year.

24 (12) If property for which an exemption has been granted under
25 this section is not qualified forest property, the property that
26 had been subject to that exemption shall be immediately placed on
27 the tax roll by the local tax collecting unit if the local tax

1 collecting unit has possession of the tax roll or by the county
2 treasurer if the county has possession of the tax roll as though
3 the exemption had not been granted. A corrected tax bill shall be
4 issued for each tax year being adjusted by the local tax collecting
5 unit if the local tax collecting unit has possession of the tax
6 roll or by the county treasurer if the county has possession of the
7 tax roll.

8 (13) If all or a portion of property for which an exemption
9 has been granted under this section is converted by a change in use
10 and is no longer qualified forest property, an owner shall
11 immediately notify the local tax collecting unit, the assessor, the
12 department, and the department of treasury on a form created by the
13 department. The form shall include a legal description of the
14 exempted property. A copy of the form shall be filed with the
15 register of deeds for the county in which the exempted property is
16 located. Upon notice that property is no longer qualified forest
17 property, the local tax collecting unit and assessor shall
18 immediately rescind the exemption under this section and shall
19 place the property on the tax roll as though the exemption under
20 this section had not been granted for the immediately succeeding
21 tax year and the department of treasury shall immediately begin
22 collection of any applicable tax and penalty under this act or
23 under the qualified forest property recapture tax act, 2006 PA 379,
24 MCL 211.1031 to 211.1036. However, beginning June 1, 2013 and
25 ending November 30, 2013, owners of property exempt as qualified
26 forest property prior to January 1, 2013 may execute a new
27 qualified forest school tax affidavit under this section. If an

1 owner of property exempt as qualified forest property elects to
2 execute a new qualified forest school tax affidavit under this
3 section, that owner is not required to pay the \$50.00 fee required
4 under subsection (2). If an owner of qualified forest property
5 elects not to execute a new qualified forest school tax affidavit
6 under this section, the existing affidavit shall be rescinded
7 without penalty and the property shall be placed on the tax roll as
8 though the exemption under this section had not been granted. If a
9 property owner elects not to execute a qualified forest school tax
10 affidavit under this section, the property is not subject to the
11 recapture tax provided for under the qualified forest property
12 recapture tax act, 2006 PA 379, MCL 211.1031 to 211.1036.

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

1 following:

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

4 (B) THE NUMBER OF ACRES OF AGRICULTURAL USE PROPERTY THAT IS
5 COMBINED WITH PRODUCTIVE FOREST UNDER SUBSECTION (16) (K) (iii) .

6 (C) ~~(b)~~—The amount of timber produced on qualified forest
7 property each year.

8 (D) ~~(e)~~—The number of forest management plans completed by
9 conservation districts and the total number of forest management
10 plans submitted for approval each year.

11 (15) While qualified forest property is exempt under this
12 section, the owner shall retain the current management plan, most
13 recent harvest records, recorded copy of a receipt of the tax
14 exemption, and a map that shows the location and size of any
15 buildings and structures on the property. The owner shall make the
16 documents available to the department upon request. The department
17 shall maintain a database listing all qualified forest properties,
18 including the dates indicated for forest practices and harvests in
19 the forest management plan, and shall notify the property owner and
20 the conservation district in any year that forest practices or
21 harvests are to occur. If an owner does not accomplish forest
22 practices and harvests within 3 years after the time specified in
23 the current forest management plan, and the plan has not been
24 amended to extend the date of forest practices and harvests, the
25 property is not eligible for the exemption under this section and
26 the property shall be placed on the tax roll as though the
27 exemption under this section had not been granted as provided in

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

11 (16) As used in this section:

12 (A) "AGRICULTURAL USE PROPERTY" MEANS REAL PROPERTY DEVOTED
13 PRIMARILY TO AGRICULTURAL USE AS THAT TERM IS DEFINED IN SECTION
14 36101 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
15 1994 PA 451, MCL 324.36101.

16 (B) ~~(a)~~—"Approved forest management plan" means a forest
17 management plan developed by a qualified forester. An owner of
18 property shall submit a forest management plan to the department
19 for approval as prescribed in subsection (2). The forest management
20 plan shall include a statement signed by the owner that he or she
21 agrees to comply with all terms and conditions contained in the
22 approved forest management plan. If a forest management plan and
23 application are submitted to the department, the department shall
24 review and either approve or disapprove the owner's application
25 within 90 days of submission. Approval of the plan shall be based
26 solely on compliance with the elements required in subdivision (e).
27 Denial of the plan shall be based solely on noncompliance with the

requirements listed in subdivision (e). If the department disapproves a forest management plan, the department shall indicate the changes necessary to qualify the forest management plan for approval on subsequent review. An owner may submit amendments to his or her forestry plan to the department. The department may reject amendments that delay a harvest date repeatedly or indefinitely. A forest management plan submitted for approval shall be for a maximum of 20 years. To continue receiving an exemption under this section, an owner of property shall submit a digital copy of any succeeding proposed forest management plan to the department for approval together with a fee of \$50.00. The first amendment to the plan shall not be subject to a fee. Additional amendments may be subject to a fee of \$50.00.

(C) ~~(b)~~—"Conservation district" means a conservation district organized under part 93 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.9301 to 324.9313.

(D) ~~(e)~~—"Converted by a change in use" means ~~that~~ **BOTH OF THE FOLLOWING:**

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

(ii) **THAT DUE TO A CHANGE IN USE OF EITHER PRODUCTIVE FOREST PROPERTY OR AGRICULTURAL USE PROPERTY, THE PROPERTY IS NO LONGER ELIGIBLE FOR EXEMPTION AS QUALIFIED FOREST PROPERTY UNDER SUBDIVISION (K) (iii) .**

(E) ~~(d)~~—"Department" means the department of agriculture and rural development.

(F) ~~(e)~~—"Forest management plan" means a written plan prepared

1 and signed by a qualified forester that prescribes measures to
2 optimize production, utilization, and regeneration of forest
3 resources. The forest management plan shall include a schedule and
4 timetables for the various silvicultural practices used on
5 forestlands, which shall be a maximum of 20 years in length. A
6 forest management plan shall include all of the following:

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

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

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

11 (iv) A map, diagram, or aerial photograph that identifies both
12 forested and unforested areas of the property, using conventional
13 map symbols indicating the species, size, and stocking rate and
14 other major features of the property, including the location of any
15 buildings. The location and use of any buildings can be established
16 on a map created by a qualified forester and does not require a
17 survey by a registered surveyor.

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

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

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

27 (G) ~~(F)~~—"Forest practice" means any action intended to improve

1 forestland or forest resources and includes, but is not limited to,
 2 any of the following:

3 (i) The preparation of forest management plans for forestland.

4 (ii) The improvement of species of forest trees.

5 (iii) Reforestation.

6 (iv) The harvesting of species of forest trees.

7 (v) Road construction associated with the improvement or
 8 harvesting of forest tree species or reforestation.

9 (vi) Use of chemicals or fertilizers for the purpose of growing
 10 or managing species of forest trees.

11 (vii) Applicable silvicultural practices.

12 (H) ~~(g)~~—"Forest products" includes, but is not limited to,
 13 timber and pulpwood-related products.

14 (I) ~~(h)~~—"Harvest" means the point at which timber that has
 15 been cut, severed, or removed for purposes of sale or use is first
 16 measured in the ordinary course of business as determined by
 17 reference to common practice in the timber industry.

18 (J) "PRODUCTIVE FOREST" MEANS REAL PROPERTY CAPABLE OF GROWING
 19 NOT LESS THAN 20 CUBIC FEET OF WOOD PER ACRE PER YEAR. HOWEVER, IF
 20 PROPERTY HAS BEEN CONSIDERED PRODUCTIVE FOREST, AN ACT OF GOD THAT
 21 NEGATIVELY AFFECTS THAT PROPERTY SHALL NOT RESULT IN THAT PROPERTY
 22 NOT BEING CONSIDERED PRODUCTIVE FOREST.

23 (K) ~~(i)~~—"Qualified forest property" means a parcel of real
 24 property that meets all of the following conditions as determined
 25 by the department of agriculture and rural development:

26 (i) Is not less than 20 contiguous acres in size. For parcels
 27 less than 40 acres, not less than 80% shall be stocked with

1 productive forest capable of producing forest products. For parcels
2 40 acres or more, not less than 50% shall be stocked with
3 productive forest capable of producing forest products. Contiguity
4 is not broken by a road, a right-of-way, or property purchased or
5 taken under condemnation proceedings by a public utility for power
6 transmission lines if the 2 parcels separated by the purchased or
7 condemned property were a single parcel prior to the sale or
8 condemnation. As used in this subparagraph, "productive forest"
9 means real property capable of growing not less than 20 cubic feet
10 of wood per acre per year. However, if property has been considered
11 productive forest, an act of God that negatively affects that
12 property shall not result in that property not being considered
13 productive forest.

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

15 ~~(iii) For a parcel exempt as qualified agricultural property~~
16 ~~under section 7ee, the qualified forest portion of the parcel shall~~
17 ~~be not less than 20 contiguous acres. If the qualified forest~~
18 ~~portion of the parcel is less than 40 acres, not less than 80%~~
19 ~~shall be stocked with productive forest capable of producing forest~~
20 ~~products. If the qualified forest portion of the parcel is 40 acres~~
21 ~~or more, not less than 50% shall be stocked with productive forest~~
22 ~~capable of producing forest products.~~ IF A PARCEL CONTAINS BOTH
23 PRODUCTIVE FOREST AND AGRICULTURAL USE PROPERTY, AN OWNER MAY APPLY
24 FOR A DESIGNATION AS QUALIFIED FOREST PROPERTY IF THE COMBINED
25 ACREAGE OF THE PRODUCTIVE FOREST AND THE AGRICULTURAL USE PROPERTY
26 MEETS ALL OF THE FOLLOWING REQUIREMENTS:

27 (A) THE PARCEL IS NOT LESS THAN 20 CONTIGUOUS ACRES. IF A

1 PARCEL IS LESS THAN 40 ACRES, NOT LESS THAN 80% SHALL BE THE
2 COMBINED PRODUCTIVE FOREST AND AGRICULTURAL USE PROPERTY. IF THE
3 PARCEL IS 40 ACRES OR MORE, NOT LESS THAN 50% SHALL BE THE COMBINED
4 PRODUCTIVE FOREST AND AGRICULTURAL USE PROPERTY.

5 (B) THE ACREAGE OF AGRICULTURAL USE PROPERTY ON THE PARCEL
6 SHALL BE DETERMINED BY THE ASSESSOR IN THE LOCAL TAX COLLECTING
7 UNIT IN WHICH THE PARCEL IS LOCATED. THE ASSESSOR SHALL REPORT THE
8 ACREAGE OF THE AGRICULTURAL USE PROPERTY IN A FORM PRESCRIBED BY
9 THE STATE TAX COMMISSION TO THE DEPARTMENT WITHIN 30 DAYS OF THE
10 DATE THE APPLICATION FOR DESIGNATION AS QUALIFIED FORESTLAND IS
11 MADE. AN OWNER THAT DISAGREES WITH AN ASSESSOR'S DETERMINATION OF
12 THE ACREAGE OF AGRICULTURAL USE PROPERTY ON THE PARCEL MAY APPEAL
13 THAT DETERMINATION TO THE BOARD OF REVIEW UNDER SECTION 53B.

14 (I) ~~(j)~~—"Qualified forester" means an individual who meets 1 or
15 more of the following requirements and has registered with the
16 department of agriculture and rural development under section 51306
17 of the natural resources and environmental protection act, 1994 PA
18 451, MCL 324.51306:

19 (i) Is a forester certified by the society of American
20 foresters.

21 (ii) Is a forest stewardship plan writer.

22 (iii) Is a technical service provider as registered by the
23 United States department of agriculture for forest management plan
24 development.

25 (iv) Is a registered forester.

26 (M) ~~(k)~~—"Registered forester" means a person registered under
27 article 21 of the occupational code, 1980 PA 299, MCL 339.2101 to

1 339.2108.