

**SUBSTITUTE FOR
SENATE BILL NO. 1034**

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 7jj (MCL 211.7jj[1]), as amended by 2018 PA
117.

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
9 is eligible for the exemption under this section is limited as

1 follows:

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

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

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

8 (d) In the fiscal year ending September 30, 2011 and each
9 fiscal year thereafter **THROUGH THE FISCAL YEAR ENDING SEPTEMBER 30,**
10 **2018,** 1,200,000 acres.

11 **(E) IN THE FISCAL YEAR ENDING SEPTEMBER 30, 2019 AND EACH**
12 **FISCAL YEAR THEREAFTER, 2,500,000 ACRES.** Beginning in the fiscal
13 year ending September 30, 2013 and each fiscal year thereafter,
14 real property eligible for exemption under this section as
15 qualified forest property as a result of the withdrawal of that
16 property from the operation of part 511 of the natural resources
17 and environmental protection act, 1994 PA 451, MCL 324.51101 to
18 324.51120, as provided in section 51108(5) of the natural resources
19 and environmental protection act, 1994 PA 451, MCL 324.51108, or as
20 a result of the property's eligibility for exempt status under this
21 section as provided for in section 8(2) of the transitional
22 qualified forest property specific tax act, 2016 PA 260, MCL
23 211.1098, shall not be credited against the ~~1,200,000~~ **NUMBER OF**
24 acres of property that are eligible for exemption as qualified
25 forest property under ~~this section.~~ **SUBDIVISION (D) OR THIS**
26 **SUBDIVISION, AS APPLICABLE.**

27 (2) If a property owner is interested in obtaining an

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

25 (3) A conservation district shall review the application to
26 determine if the applied-for property meets the minimum
27 requirements set forth in subsection (17)(k) for enrolling into the

1 qualified forest program. A conservation district shall respond
2 within 45 days after the date of its receipt of the application
3 indicating whether the property in the application is eligible for
4 enrollment. If the conservation district does not respond within 45
5 days after its receipt of the application, the property shall be
6 considered eligible for the exemption under this section.

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

21 DESCRIBED IN SUBDIVISIONS (A) TO (F). IF THE APPLICATION AND
22 SUPPORTING DOCUMENTS THAT ARE IN COMPLIANCE WITH THIS SECTION AND
23 APPROVED BY THE DEPARTMENT EXTEND TO MULTIPLE PARCELS OWNED BY THE
24 SAME PERSON AND LOCATED IN THE SAME LOCAL TAX COLLECTING UNIT, THE
25 DEPARTMENT MAY INCLUDE THE FOLLOWING INFORMATION, REQUIRED FOR EACH
26 PARCEL IN RECORDABLE FORM, IN A SINGLE QUALIFIED FOREST SCHOOL TAX
27 AFFIDAVIT:

1 (a) The name of the property owner.

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

3 (c) The legal description of the property.

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

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

9 **(F) A STATEMENT INDICATING THAT THE PROPERTY OWNER HOLDS THE**
10 **TIMBER RIGHTS FOR THE PROPERTY FOR WHICH THE EXEMPTION IS CLAIMED.**

11 (5) The department shall send a qualified forest school tax
12 affidavit prepared under subsection (4) to the property owner for
13 execution. The 90-day review period by the department may be
14 extended upon request of the property owner. The property owner
15 shall execute the qualified forest school tax affidavit and shall
16 have the executed qualified forest school tax affidavit recorded by
17 the register of deeds in the county in which the property is
18 located. The property owner shall provide a copy of the qualified
19 forest school tax affidavit to the department. The department shall
20 provide ~~1 copy of the~~ **A SPREADSHEET LISTING ALL PARCELS FOR WHICH**
21 **IT HAS RECEIVED A** qualified forest school tax affidavit to the
22 conservation district and ~~1 copy~~ to the department of treasury.
23 These ~~copies~~ **SPREADSHEETS** may be sent electronically.

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

1 (7) To claim an exemption under subsection (1), the owner of
2 qualified forest property shall provide a copy of the recorded
3 qualified forest school tax affidavit attesting that the land is
4 qualified forest property to the local tax collecting unit and
5 assessor by December 31. ~~An owner may claim an exemption under this~~
6 ~~section for not more than 640 acres or the equivalent of 16 survey~~
7 ~~units consisting of 1/4 of 1/4 of a section of qualified forest~~
8 ~~property in each local tax collecting unit. If an exemption is~~
9 ~~granted under this section for less than 640 acres in a local tax~~
10 ~~collecting unit, an owner of that property may subsequently claim~~
11 ~~an exemption for additional property in that local tax collecting~~
12 ~~unit if that additional property meets the requirements of this~~
13 ~~section.~~

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

19 (9) Beginning in the year that qualified forest property is
20 first exempt under this section and each year thereafter, the local
21 tax collecting unit shall collect a fee on each parcel of qualified
22 forest property exempt under this section located in that local tax
23 collecting unit. The fee shall be determined by multiplying 2 mills
24 by the taxable value of that qualified forest property. The fee
25 shall be collected **ON THE SUMMER TAX BILL OR, IF THE LOCAL TAX**
26 **COLLECTING UNIT DOES NOT COLLECT SUMMER TAXES, ON THE WINTER TAX**
27 **BILL** at the same time and in the same manner as taxes collected

1 under this act. Each local tax collecting unit shall disburse the
2 fee collected under this subsection to the department of treasury
3 for deposit in the private forestland enhancement fund created in
4 section 51305 of the natural resources and environmental protection
5 act, 1994 PA 451, MCL 324.51305. If property is no longer exempt as
6 qualified forest property under this section, the fee under this
7 subsection shall not be collected on that property. The fee
8 collected in this subsection shall be subject to the property tax
9 administration fee established by the local tax collecting unit
10 under section 44.

11 (10) Not more than 90 days after all or a portion of the
12 exempted property is no longer qualified forest property, the owner
13 shall ~~rescind the exemption for the applicable portion of the~~
14 ~~property by filing~~ **NOTIFY THE DEPARTMENT THAT ALL OR A PORTION OF**
15 **THE PROPERTY IS NO LONGER QUALIFIED FOREST PROPERTY. THE DEPARTMENT**
16 **SHALL NOTIFY THE COUNTY TREASURER THAT A REQUEST HAS BEEN MADE TO**
17 **REMOVE THE EXEMPTION FOR THE APPLICABLE PORTION OF THE PROPERTY AND**
18 **TO CALCULATE ANY RECAPTURE TAX REQUIRED UNDER THE QUALIFIED FOREST**
19 **PROPERTY RECAPTURE TAX ACT, 2006 PA 379, MCL 211.1031 TO 211.1036.**
20 **THE COUNTY TREASURER SHALL BILL THE LANDOWNER FOR ANY RECAPTURE TAX**
21 **REQUIRED UNDER THE QUALIFIED FOREST PROPERTY RECAPTURE TAX ACT,**
22 **2006 PA 379, MCL 211.1031 TO 211.1036. WHEN, AS PROVIDED IN SECTION**
23 **5 OF THE QUALIFIED FOREST PROPERTY RECAPTURE TAX ACT, 2006 PA 379,**
24 **MCL 211.1035, THE PROCEEDS OF THE RECAPTURE TAX ARE DEPOSITED INTO**
25 **THE PRIVATE FORESTLAND ENHANCEMENT FUND CREATED IN SECTION 51305 OF**
26 **THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA**
27 **451, MCL 324.51305, THE DEPARTMENT SHALL PREPARE A RESCISSION FORM**

1 FOR THE APPLICABLE PORTION OF THE PROPERTY THAT IS NO LONGER
2 QUALIFIED FOREST PROPERTY AND SHALL FILE THE RESCISSION FORM with
3 the register of deeds for the county in which the exempted property
4 is located. ~~a rescission form prescribed by the department.~~ A copy
5 of the rescission form shall be provided to the assessor **BY THE**
6 **DEPARTMENT**. The rescission form shall include a legal description
7 of the exempted property. ~~An owner who fails to file a rescission~~
8 ~~form as required by this subsection is subject to a penalty of~~
9 ~~\$5.00 per day for each separate failure beginning after the 90 days~~
10 ~~have elapsed, up to a maximum of \$1,000.00. This penalty shall be~~
11 ~~collected under 1941 PA 122, MCL 205.1 to 205.31, and shall be~~
12 ~~deposited in 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.~~ **IF AN OWNER FAILS TO NOTIFY THE**
15 **DEPARTMENT THAT ALL OR A PORTION OF THE PROPERTY IS NO LONGER**
16 **QUALIFIED FOREST PROPERTY AS REQUIRED BY THIS SUBSECTION, THAT**
17 **OWNER IS SUBJECT TO A PENALTY OF \$5.00 PER DAY FOR EACH SEPARATE**
18 **FAILURE BEGINNING THE DAY IMMEDIATELY AFTER THE 90 DAYS HAVE**
19 **ELAPSED, UP TO A MAXIMUM OF \$1,000.00. THIS PENALTY SHALL BE**
20 **COLLECTED UNDER 1941 PA 122, MCL 205.1 TO 205.31, AND SHALL BE**
21 **DEPOSITED IN THE PRIVATE FORESTLAND ENHANCEMENT FUND CREATED IN**
22 **SECTION 51305 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION**
23 **ACT, 1994 PA 451, MCL 324.51305.**

24 (11) An owner of property that is qualified forest property on
25 December 31 for which an exemption was not on the tax roll may file
26 an appeal with the July or December board of review under section
27 53b in the year the exemption was claimed or the immediately

1 succeeding year.

2 (12) If property for which an exemption has been granted under
3 this section is not qualified forest property, the department shall
4 notify the local tax collecting unit and the property that had been
5 subject to that exemption shall be immediately placed on the tax
6 roll by the local tax collecting unit if the local tax collecting
7 unit has possession of the tax roll or by the county treasurer if
8 the county has possession of the tax roll as though the exemption
9 had not been granted. A corrected tax bill shall be issued for each
10 tax year being adjusted by the local tax collecting unit if the
11 local tax collecting unit has possession of the tax roll or by the
12 county treasurer if the county has possession of the tax roll.

13 (13) If all or a portion of property for which an exemption
14 has been granted under this section is converted by a change in use
15 and is no longer qualified forest property, ~~an owner~~ **OR IF AN OWNER**
16 **OF QUALIFIED FOREST PROPERTY DOES NOT WISH TO KEEP ALL OR A PORTION**
17 **OF THE PROPERTY ENROLLED IN THE QUALIFIED FOREST PROGRAM, THE OWNER**
18 **OF THE PROPERTY CONVERTED BY A CHANGE IN USE OR TO BE WITHDRAWN**
19 **FROM THE QUALIFIED FOREST PROGRAM** shall ~~immediately~~ notify the
20 ~~local tax collecting unit, the assessor, the department, and the~~
21 ~~department of treasury~~ **AS PROVIDED FOR IN SUBSECTION (10)** on a form
22 created by the department. The form shall include a legal
23 description of the exempted property. A copy of the form shall be
24 filed with the register of deeds for the county in which the
25 exempted property is located. Upon notice that property is no
26 longer qualified forest property, the local tax collecting unit and
27 assessor shall immediately rescind the exemption under this section

1 and shall place the property on the tax roll as though the
2 exemption under this section had not been granted for the
3 immediately succeeding tax year and the department of treasury
4 shall immediately begin collection of any applicable tax and
5 penalty under this act or under the qualified forest property
6 recapture tax act, 2006 PA 379, MCL 211.1031 to 211.1036. ~~However,~~
7 ~~beginning June 1, 2013 and ending November 30, 2013, owners of~~
8 ~~property exempt as qualified forest property prior to January 1,~~
9 ~~2013 may execute a new qualified forest school tax affidavit under~~
10 ~~this section. If an owner of property exempt as qualified forest~~
11 ~~property elects to execute a new qualified forest school tax~~
12 ~~affidavit under this section, that owner is not required to pay the~~
13 ~~\$50.00 fee required under subsection (2). If an owner of qualified~~
14 ~~forest property elects not to execute a new qualified forest school~~
15 ~~tax affidavit under this section, the existing affidavit shall be~~
16 ~~rescinded without penalty and the property shall be placed on the~~
17 ~~tax roll as though the exemption under this section had not been~~
18 ~~granted. If a property owner elects not to execute a qualified~~
19 ~~forest school tax affidavit under this section, the property is not~~
20 ~~subject to the recapture tax provided for under the qualified~~
21 ~~forest property recapture tax act, 2006 PA 379, MCL 211.1031 to~~
22 ~~211.1036.~~

23 (14) If qualified forest property is exempt under this
24 section, an owner of that qualified forest property shall report to
25 the department on a form prescribed by the department when a forest
26 practice or timber harvest has occurred on the qualified forest
27 property during a calendar year. The report shall indicate the

1 forest practice completed and the volume and value of timber
2 harvested on that qualified forest property. One copy of the form
3 shall be forwarded to the conservation district, and 1 copy shall
4 be retained by the department for 7 years. If it is determined by
5 the department that a forest practice or harvest has occurred in a
6 calendar year and no report was filed, a fine of \$500.00 may be
7 collected by the department. Beginning December 31, 2013 and each
8 year thereafter, the department shall provide to the standing
9 committees of the senate and house of representatives with primary
10 jurisdiction over forestry issues a report that includes all of the
11 following:

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

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

16 (c) The amount of timber produced on qualified forest property
17 each year.

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

21 (15) While qualified forest property is exempt under this
22 section, the owner shall retain the current management plan, most
23 recent harvest records, recorded copy of a receipt of the tax
24 exemption, and a map that shows the location and size of any
25 buildings and structures on the property. The owner shall make the
26 documents available to the department upon request. The department
27 shall maintain a database listing all qualified forest properties,

1 including the dates indicated for forest practices and harvests in
2 the forest management plan, and shall notify the property owner and
3 the conservation district in any year that forest practices or
4 harvests are to occur. If an owner does not accomplish forest
5 practices and harvests within 3 years after the time specified in
6 the current forest management plan and the plan has not been
7 amended to extend the date of forest practices and harvests, the
8 property is not eligible for the exemption under this section, the
9 department shall notify the local tax collecting unit that the
10 property is not eligible for the exemption under this section, and
11 the property shall be placed on the tax roll as though the
12 exemption under this section had not been granted as provided in
13 this section and shall be subject to repayment as indicated in the
14 qualified forest property recapture tax act, 2006 PA 379, MCL
15 211.1031 to 211.1036. Information in the database specific to an
16 individual property owner's forest management plan is exempt from
17 disclosure under the freedom of information act, 1976 PA 442, MCL
18 15.231 to 15.246. However, information in the database in the
19 aggregate, including, but not limited to, how much timber would be
20 expected to be on the market each year as a result of enrollees, is
21 not exempt from disclosure under the freedom of information act,
22 1976 PA 442, MCL 15.231 to 15.246.

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

27 (a) The property was subject to the transitional qualified

1 forest property specific tax under the transitional qualified
2 forest property specific tax act, 2016 PA 260, MCL 211.1091 to
3 211.1101, for a period of 5 years as determined by the department
4 under section 8 of the transitional qualified forest property
5 specific tax act, 2016 PA 260, MCL 211.1098.

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

10 (c) The property owner, with the department's assistance,
11 executes a recordable qualified forest school tax affidavit, has
12 the executed qualified forest school tax affidavit recorded by the
13 register of deeds in the county in which the property is located,
14 and provides copies of the executed qualified forest school tax
15 affidavit to other interested parties as required by the
16 department.

17 (17) As used in this section:

18 (a) "Agricultural use property" means real property devoted
19 primarily to agricultural use as that term is defined in section
20 36101 of the natural resources and environmental protection act,
21 1994 PA 451, MCL 324.36101.

22 (b) ~~"Approved~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 9308(2)**
23 **OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA**
24 **451, MCL 324.9308, "APPROVED** forest management plan" means a forest
25 management plan developed by a qualified forester. An owner of
26 property shall submit a forest management plan to the department
27 for approval as prescribed in subsection (2). The forest management

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

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

25 (d) "Converted by a change in use" means both of the following
26 **DEFINITIONS IN SUBPARAGRAPHS (i) AND (ii), SUBJECT TO SUBPARAGRAPH**
27 **(iii) :**

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

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

7 (iii) PROPERTY IS NOT CONVERTED BY A CHANGE OF USE UNDER
8 SUBPARAGRAPH (i) OR (ii) BY THE CONSTRUCTION OF A RESIDENCE AND
9 RELATED STRUCTURES ON NOT MORE THAN 1 ACRE OF THE PROPERTY IF THE
10 REQUIREMENTS OF SUBDIVISION (K) ARE MET AS TO THE REMAINDER OF THE
11 PROPERTY. FOR PURPOSES OF THIS SUBPARAGRAPH, THE REMAINDER OF THE
12 PROPERTY IS THAT PORTION OF IT EXCLUSIVE OF 1 ACRE ON WHICH THE
13 RESIDENCE AND RELATED STRUCTURES ARE LOCATED, WHICH IS NOT ELIGIBLE
14 FOR THE EXEMPTION UNDER THIS SECTION.

15 (e) "Department" means the department of agriculture and rural
16 development.

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

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

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

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

2 (iv) A map, diagram, or aerial photograph that identifies both
3 forested and unforested areas of the property, using conventional
4 map symbols indicating the species, size, and stocking rate and
5 other major features of the property, including the location of any
6 buildings. The location and use of any buildings may be established
7 on a map created by a qualified forester and does not require a
8 survey by a registered surveyor.

9 (v) A description of **ALL STANDS OR MANAGEMENT UNITS AND** forest
10 ~~practice~~, **PRACTICES**, including harvesting, thinning, and
11 reforestation, that will be undertaken, specifying the approximate
12 period of time before each is completed.

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

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

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

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

23 (ii) Reforestation.

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

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

27 (v) Use of chemicals or fertilizers for the purpose of growing

1 or managing species of forest trees.

2 (vi) Applicable silvicultural practices.

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

5 (i) "Harvest" means the point at which timber that has been
6 cut, severed, or removed for purposes of sale ~~or use~~ is first
7 measured in the ordinary course of business as determined by
8 reference to common practice in the timber industry. **THE TERM DOES**
9 **NOT INCLUDE THE CUTTING, SEVERANCE, OR REMOVAL OF TIMBER FOR**
10 **FIREWOOD, FENCE POSTS, OR OTHER PERSONAL USE.**

11 (j) ~~"Productive"~~ **SUBJECT TO SUBPARAGRAPH (v), "PRODUCTIVE**
12 **forest"** means real property capable of growing not less than 20
13 cubic feet of wood per acre per year. ~~However, if~~ **THE TERM INCLUDES**
14 **REAL PROPERTY ON WHICH THERE IS A TREE DENSITY THAT MEETS AT LEAST**
15 **ONE OF SUBPARAGRAPHS (i) TO (iv), AS FOLLOWS:**

16 (i) AT LEAST 200 SEEDLINGS PER ACRE.

17 (ii) AT LEAST 100 SAPLINGS PER ACRE 2 TO 5 INCHES IN DIAMETER
18 MEASURED 4.5 FEET FROM LEVEL GROUND.

19 (iii) AT LEAST 3 CORDS PER ACRE OF EITHER OF THE FOLLOWING
20 TYPES OF POLETIMBER:

21 (A) CONIFER SPECIES 5 TO 9 INCHES IN DIAMETER MEASURED 4.5
22 FEET FROM LEVEL GROUND.

23 (B) ALL OTHER SPECIES 5 TO 11 INCHES IN DIAMETER MEASURED 4.5
24 FEET FROM LEVEL GROUND.

25 (iv) AT LEAST 1,300 BOARD FEET PER ACRE OF EITHER OF THE
26 FOLLOWING TYPES OF SAWTIMBER:

27 (A) CONIFER SPECIES AT LEAST 9 INCHES IN DIAMETER MEASURED 4.5

1 FEET FROM LEVEL GROUND.

2 (B) ALL OTHER SPECIES AT LEAST 11 INCHES IN DIAMETER MEASURED
3 4.5 FEET FROM LEVEL GROUND.

4 (v) IF property has been considered productive forest, an act
5 of God that negatively affects that property shall not result in
6 that property not being considered productive forest.

7 (k) "Qualified forest property" means a parcel of real
8 property that meets all of the following conditions as determined
9 by the department: ~~of agriculture and rural development.~~

10 (i) Is not less than 20 contiguous acres in size. For parcels
11 less than 40 acres, not less than 80% shall be stocked with
12 productive forest capable of producing forest products. For parcels
13 40 acres or more, not less than 50% shall be stocked with
14 productive forest capable of producing forest products. **THESE**
15 **STOCKING DENSITY REQUIREMENTS APPLY ON A PER-PARCEL BASIS ONLY AND**
16 **CANNOT BE MET ON A BASIS THAT AVERAGES STOCKING DENSITY ACROSS**
17 **MULTIPLE PARCELS.** Contiguity is not broken by a road, a right-of-
18 way, or property purchased or taken under condemnation proceedings
19 by a public utility for power transmission lines if the 2 parcels
20 separated by the purchased or condemned property were a single
21 parcel prior to the sale or condemnation.

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

23 (iii) If a parcel contains both productive forest and
24 agricultural use property, the combined acreage of the productive
25 forest and the agricultural use property meets all of the following
26 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 property owner shall
8 request the determination. The assessor shall report the acreage of
9 the agricultural use property in a form prescribed by the state tax
10 commission to the property owner and the department within 30 days
11 after the date of the request for the determination. An owner that
12 disagrees with an assessor's determination of the acreage of
13 agricultural use property on the parcel may appeal that
14 determination to the board of review under section 53b. If the
15 property owner converts all or part of the agricultural use
16 property to forest property by planting trees or other means, the
17 property owner shall notify the department and the assessor of the
18 conversion and the forest management plan shall be modified to
19 reflect the change in use.

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

25 (i) Is a forester certified by the Society of American
26 Foresters.

27 (ii) Is a forest stewardship plan writer.

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

4 (iv) Is a registered forester.

5 (v) **IS A MEMBER OF THE ASSOCIATION OF CONSULTING FORESTERS.**

6 (m) "Registered forester" means an individual registered under
7 part 535 of the natural resources and environmental protection act,
8 1994 PA 451, MCL 324.53501 to 324.53519.