

# HOUSE BILL No. 5001

September 26, 2017, Introduced by Reps. Rendon, Lucido, Inman, LaFave, Cole,  
VanderWall, Glenn, Leutheuser, Roberts and Dianda and referred to the Committee on  
Natural Resources.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 50507 (MCL 324.50507), as amended by 2016 PA  
248, and by adding part 535; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 50507. (1) The authority shall finance only forest  
2 management operations and practices consistent with part 525 that  
3 follow the guidelines, rules, and objectives prescribed and  
4 approved by the department as these guidelines, rules, and  
5 objectives are amended by the department.

6       (2) Funds managed by the authority shall be applied in a  
7 manner consistent with part 525 and the land management planning

1 policies of the department on lands that have been identified for  
2 forest management practices. In the absence of an approved state  
3 forest management plan covering a candidate area, an interim  
4 procedure, as adopted by the department, shall be used to ensure  
5 that all forest values have been considered in selecting sites for  
6 investment with funds of the authority. The department shall  
7 annually submit a list of activities and practices allocated from  
8 the funds generated under this part for the board's review and  
9 determination of consistency with this part.

10 (3) The executive director of the authority shall notify the  
11 department if the authority projects a probable default on any  
12 bonds or notes issued by the authority. Within 1 year of receipt of  
13 the notification, or within less than 1 year, if the notification  
14 indicates a shorter time period is necessary to avoid a default,  
15 the department shall identify and convey to the authority  
16 sufficient timber on tax reverted lands to enable the authority to  
17 avoid the projected default and to provide for timely payment of  
18 principal of and interest on the authority's bonds or notes. The  
19 authority may only issue contracts for the cutting and sale of  
20 timber that has been conveyed to the authority under this section  
21 to avoid a default on any bonds or notes issued by the authority.  
22 The determination of the board as to the need to cut and sell  
23 timber is conclusive. Contracts for the cutting and sale of timber  
24 shall be consistent with part 525 and with the guidelines, rules,  
25 and objectives prescribed by the department.

26 (4) The authority shall establish a fund designated as the  
27 "forest development fund". ~~Any~~ **REVENUE AS PROVIDED UNDER SECTION**

1 **53519 AND ANY** money on hand or received in the future from bond  
 2 proceeds and from contracts for the cutting and sale of timber on  
 3 tax reverted lands shall be deposited in the forest development  
 4 fund. In addition, this fund may receive revenues from any other  
 5 source. ~~Except as otherwise provided in subsection (6), the~~ **THE**  
 6 authority shall use money in the forest development fund for 1 or  
 7 more of the following:

8 (a) To provide for the payment of principal of and interest on  
 9 any bonds or notes issued by the authority.

10 (b) For reforestation, forest protection, and timber stand  
 11 improvement.

12 (c) To obtain and maintain certification of sustainable  
 13 forestry standards in the state forest under section 52505.

14 **(D) FOR THE ADMINISTRATION AND ENFORCEMENT OF PART 535.**  
 15 **REVENUE DEPOSITED IN THE FOREST DEVELOPMENT FUND AS PROVIDED UNDER**  
 16 **SECTION 53519 SHALL BE USED ONLY AS PROVIDED IN THIS SUBDIVISION.**

17 **(E)** ~~(d)~~ For any other purposes authorized by this part.

18 (5) The auditor general shall audit the expenditures of the  
 19 forest development fund at least once every 3 years.

20 ~~— (6) For fiscal year 2015-2016 only, \$3,000,000.00 from the~~  
 21 ~~forest development fund is transferred to the first responder~~  
 22 ~~presumed coverage fund created under section 405 of the worker's~~  
 23 ~~disability compensation act of 1969, 1969 PA 317, MCL 418.405.~~

#### 24 **PART 535. REGISTERED FORESTERS**

##### 25 **SEC. 53501. AS USED IN THIS PART:**

26 **(A) "BOARD" MEANS THE BOARD OF FORESTERS CREATED IN SECTION**  
 27 **53505(1) .**

1 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

2 (C) "FOREST DEVELOPMENT FUND" MEANS THE FOREST DEVELOPMENT  
3 FUND CREATED IN SECTION 50507.

4 (D) "FORESTER" MEANS AN INDIVIDUAL WHO, BY REASON OF HIS OR  
5 HER KNOWLEDGE OF THE NATURAL SCIENCES, MATHEMATICS, AND THE  
6 PRINCIPLES OF FORESTRY, ACQUIRED BY FORESTRY EDUCATION AND  
7 PRACTICAL EXPERIENCE, IS QUALIFIED TO ENGAGE IN THE PRACTICE OF  
8 PROFESSIONAL FORESTRY.

9 (E) "PRACTICE OF PROFESSIONAL FORESTRY" MEANS THE SCIENCE,  
10 ART, AND PRACTICE OF CREATING, MANAGING, USING, PLANNING AND  
11 RESEARCHING, AND CONSERVING FORESTS AND ASSOCIATED RESOURCES FOR  
12 HUMAN BENEFIT AND IN A SUSTAINABLE MANNER TO MEET DESIRED GOALS,  
13 NEEDS, AND VALUES.

14 (F) "REGISTERED FORESTER" MEANS A FORESTER REGISTERED UNDER  
15 SECTION 53509.

16 (G) "SAF" MEANS SOCIETY OF AMERICAN FORESTERS.

17 (H) "STATE FORESTER" MEANS THAT TERM AS DEFINED IN SECTION  
18 50502.

19 (I) "VIOLATIONS COMMITTEE" MEANS THE VIOLATIONS COMMITTEE  
20 APPOINTED UNDER SECTION 53505.

21 SEC. 53503. (1) THE DEPARTMENT SHALL TIMELY REVIEW EACH  
22 EVALUATION OF THE PROGRAM UNDER SECTION 53507(1)(E).

23 (2) THE DEPARTMENT MAY CEASE ADMINISTERING THIS PART IF EITHER  
24 OF THE FOLLOWING APPLIES:

25 (A) THE REVENUE AVAILABLE FROM REGISTERED FORESTER FEES UNDER  
26 SECTION 53509 IS NOT SUFFICIENT TO ADMINISTER THIS PART.

27 (B) THE DEPARTMENT AND THE BOARD AGREE TO SEPARATE AND CEASE

1 OPERATIONS.

2 SEC. 53505. (1) THE BOARD OF FORESTERS IS AN INDEPENDENT SELF-  
3 DIRECTED BODY APPOINTED BY THE STATE FORESTER AND CREATED WITHIN  
4 THE DEPARTMENT.

5 (2) TO BE ELIGIBLE TO SERVE ON THE BOARD, AN INDIVIDUAL MUST  
6 BE A CITIZEN OF THE UNITED STATES AND A FULL-TIME RESIDENT OF THIS  
7 STATE AND MUST HAVE AT LEAST 10 YEARS OF PROFESSIONAL FORESTRY  
8 EXPERIENCE. THE BOARD SHALL CONSIST OF NOT FEWER THAN 5 OR MORE  
9 THAN 7 OF THE FOLLOWING, WHO SHALL BE APPOINTED BY THE STATE  
10 FORESTER FROM AND NOMINATED BY THE GROUP REPRESENTED:

11 (A) AN INDIVIDUAL REPRESENTING THE ASSOCIATION OF CONSULTING  
12 FORESTERS.

13 (B) AN INDIVIDUAL REPRESENTING THE SOCIETY OF AMERICAN  
14 FORESTERS.

15 (C) AN INDIVIDUAL REPRESENTING THE FORESTRY PROGRAM FACULTY OF  
16 A UNIVERSITY WHOSE FORESTRY PROGRAM IS ACCREDITED BY THE SAF.

17 (D) AN INDIVIDUAL REPRESENTING STATE AGENCIES THAT HAVE  
18 FORESTRY STAFF.

19 (E) AN INDIVIDUAL REPRESENTING FOREST PRODUCTS ADVOCACY OR THE  
20 FOREST PRODUCTS INDUSTRY, INCLUDING LOGGING.

21 (F) AN INDIVIDUAL REPRESENTING PRIVATE FOREST LANDOWNERS.

22 (G) AN INDIVIDUAL REPRESENTING A MUNICIPAL, URBAN, OR  
23 COMMUNITY FORESTRY FIELD.

24 (3) THE MEMBERS FIRST APPOINTED TO THE BOARD SHALL BE  
25 APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY  
26 ACT THAT ADDED THIS PART.

27 (4) MEMBERS OF THE BOARD SHALL SERVE FOR TERMS OF 4 YEARS OR

1 UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER, EXCEPT THAT, OF  
2 THE MEMBERS FIRST APPOINTED, 3 SHALL SERVE FOR 2 YEARS.

3 (5) IF A VACANCY OCCURS ON THE BOARD, THE STATE FORESTER SHALL  
4 MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER AS  
5 THE ORIGINAL APPOINTMENT. THE STATE FORESTER MAY REMOVE A MEMBER OF  
6 THE BOARD FOR INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE,  
7 MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

8 (6) THE STATE FORESTER SHALL CALL THE FIRST MEETING OF THE  
9 BOARD. AT THE FIRST MEETING, THE BOARD SHALL ELECT FROM AMONG ITS  
10 MEMBERS A CHAIRPERSON, VICE-CHAIRPERSON, SECRETARY, AND OTHER  
11 OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. OFFICERS OF THE  
12 BOARD SHALL SERVE FOR TERMS OF 2 YEARS. AFTER THE FIRST MEETING,  
13 THE BOARD SHALL MEET ONCE ANNUALLY IN PERSON AND ONCE ANNUALLY BY  
14 CONFERENCE CALL OR VIDEO CONFERENCE, OR MORE FREQUENTLY AT THE CALL  
15 OF THE CHAIRPERSON OR IF REQUESTED BY 2 OR MORE MEMBERS.

16 (7) FIVE OR MORE MEMBERS OF THE BOARD CONSTITUTE A QUORUM FOR  
17 THE TRANSACTION OF BUSINESS AT A MEETING OF THE BOARD. A MAJORITY  
18 OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR OFFICIAL ACTION  
19 OF THE BOARD.

20 (8) BUSINESS THAT THE BOARD MAY PERFORM SHALL BE CONDUCTED AT  
21 A PUBLIC MEETING OF THE BOARD HELD IN COMPLIANCE WITH THE OPEN  
22 MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. THE SECRETARY OF  
23 THE BOARD SHALL RECORD ALL PROCEEDINGS OF THE BOARD.

24 (9) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR  
25 RETAINED BY THE BOARD IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS  
26 SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231  
27 TO 15.246.

1 (10) MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION.  
2 HOWEVER, MEMBERS OF THE BOARD MAY BE REIMBURSED FOR THEIR ACTUAL  
3 AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR  
4 OFFICIAL DUTIES AS MEMBERS OF THE BOARD.

5 (11) THE CHAIRPERSON OF THE BOARD SHALL APPOINT A VIOLATIONS  
6 COMMITTEE CONSISTING OF 3 MEMBERS OF THE BOARD. MEMBERS OF THE  
7 VIOLATIONS COMMITTEE SHALL SERVE ON THE COMMITTEE FOR TERMS OF 2  
8 YEARS.

9 SEC. 53507. (1) THE BOARD SHALL DO ALL OF THE FOLLOWING:

10 (A) ADOPT BYLAWS.

11 (B) COMPLY WITH SECTION 53515.

12 (C) MAKE AVAILABLE A LIST OF REGISTERED FORESTERS. THE  
13 DEPARTMENT SHALL POST THE LIST ON ITS WEBSITE.

14 (D) MAKE AN ANNUAL REPORT TO THE STATE FORESTER ON  
15 PROCEEDINGS, APPLICATIONS, RENEWALS, COMPLAINTS, AND HEARINGS UNDER  
16 THIS PART.

17 (E) ON A BIENNIAL BASIS, DO BOTH OF THE FOLLOWING:

18 (i) REVIEW THE FEE UNDER SECTION 53509 AND ADJUST IT TO  
19 OPERATE A FISCALLY SOUND PROGRAM.

20 (ii) PROVIDE THE DEPARTMENT AN EVALUATION OF THE REGISTERED  
21 FORESTER PROGRAM, INCLUDING THE NUMBER OF REGISTERED FORESTERS,  
22 ECONOMIC DATA, AND OTHER RELEVANT PROGRAM DATA.

23 (2) THE BOARD MAY CALL WITNESSES AND RECEIVE EVIDENCE IN  
24 HEARINGS UNDER THIS PART.

25 SEC. 53509. (1) TO BE REGISTERED AS A FORESTER, AN INDIVIDUAL  
26 SHALL SUBMIT AN APPLICATION TO THE BOARD ON A FORM PROVIDED BY THE  
27 DEPARTMENT. THE APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

1 (A) THE NAME, ADDRESS, TELEPHONE NUMBER, AND ELECTRONIC MAIL  
2 ADDRESS OF THE APPLICANT.

3 (B) INFORMATION DEMONSTRATING THAT THE INDIVIDUAL MEETS 1 OR  
4 MORE OF THE FOLLOWING EDUCATIONAL REQUIREMENTS:

5 (i) AN ASSOCIATE'S DEGREE IN FORESTRY FROM AN SAF-ACCREDITED  
6 UNIVERSITY PROGRAM OR BOARD-APPROVED PROGRAM, PLUS 4 YEARS OF  
7 EXPERIENCE UNDER THE GUIDANCE OF A REGISTERED FORESTER, AN SAF-  
8 CERTIFIED FORESTER, OR A MEMBER OF THE ASSOCIATION OF CONSULTING  
9 FORESTERS.

10 (ii) A BACHELOR'S DEGREE IN FORESTRY FROM AN SAF-ACCREDITED  
11 UNIVERSITY PROGRAM OR A BOARD-APPROVED PROGRAM, PLUS 2 YEARS OF  
12 FORESTRY EXPERIENCE AS DESCRIBED IN SUBPARAGRAPH (i) .

13 (iii) A BACHELOR'S DEGREE IN A NATURAL RESOURCE FIELD FROM AN  
14 SAF-ACCREDITED UNIVERSITY PROGRAM OR A BOARD-APPROVED PROGRAM, PLUS  
15 2 YEARS OF FORESTRY EXPERIENCE DESCRIBED IN SUBPARAGRAPH (i) .

16 (iv) A GRADUATE DEGREE IN FORESTRY FROM AN SAF-ACCREDITED  
17 UNIVERSITY PROGRAM OR A BOARD-APPROVED PROGRAM, PLUS 2 YEARS OF  
18 FORESTRY EXPERIENCE DESCRIBED IN SUBPARAGRAPH (i) .

19 (C) REFERENCES OR ENDORSEMENTS FROM 3 REGISTERED FORESTERS.

20 (D) VERIFICATION OF SUCCESSFUL COMPLETION OF ANY CONTINUING  
21 EDUCATION REQUIRED BY THE BOARD.

22 (E) OTHER RELEVANT INFORMATION REQUIRED BY THE BOARD.

23 (2) THE BOARD SHALL GRANT OR DENY REGISTRATION WITHIN 30 DAYS  
24 AFTER A COMPLETE APPLICATION IS FILED AND NOTIFY THE APPLICANT OF  
25 ITS DETERMINATION IN WRITING. IF AN APPLICATION IS DENIED, THE  
26 NOTIFICATION SHALL INCLUDE THE REASONS FOR THE DENIAL. IF THE  
27 APPLICATION IS APPROVED, THE DEPARTMENT SHALL ISSUE A REGISTRATION



1 CERTIFICATE AND CERTIFICATION NUMBER TO THE APPLICANT. THE  
2 REGISTRATION IS VALID FOR 2 YEARS.

3 (3) TO MAINTAIN REGISTRATION AS A FORESTER, AN INDIVIDUAL  
4 SHALL DO ALL OF THE FOLLOWING:

5 (A) PAY THE DEPARTMENT A FEE OF \$200.00, SUBJECT TO SECTION  
6 53507, FOR THE REGISTRATION PERIOD. THE FIRST PAYMENT SHALL BE MADE  
7 NOT MORE THAN 30 DAYS AFTER THE APPLICATION FOR REGISTRATION IS  
8 GRANTED UNDER SUBSECTION (2).

9 (B) SUCCESSFULLY COMPLETE NOT FEWER THAN 24 HOURS OF  
10 CONTINUING EDUCATION EVERY 2 YEARS AS APPROVED BY THE BOARD.

11 (C) DEMONSTRATE COMPLETION OF CONTINUING EDUCATION  
12 REQUIREMENTS UNDER SUBDIVISION (B) AS A CONDITION FOR REGISTRATION  
13 RENEWAL BY SUBMITTING EVIDENCE OF FULFILLMENT TO THE BOARD WITHIN  
14 60 DAYS OF A REQUEST TO DO SO.

15 (D) MAINTAIN GOOD STANDING WITH THE BOARD BY COMPLYING WITH  
16 SECTION 53515.

17 SEC. 53511. (1) THE BOARD SHALL DETERMINE WHETHER MEMBERS OF  
18 AFFILIATED PROFESSIONAL ORGANIZATIONS WITHIN AND OUTSIDE OF THIS  
19 STATE ARE ELIGIBLE FOR AUTOMATIC REGISTRATION UNDER THIS PART.

20 (2) THE BOARD SHALL REGISTER AN APPLICANT WHO IS A REGISTERED  
21 OR LICENSED FORESTER IN ANOTHER STATE OR COUNTRY IF THE BOARD  
22 CONSIDERS THE REQUIREMENTS OF THE STATE OR COUNTRY TO BE EQUIVALENT  
23 TO THE REQUIREMENTS FOR REGISTRATION IN THIS STATE.

24 SEC. 53513. AN INDIVIDUAL SHALL NOT USE THE TITLE "REGISTERED  
25 FORESTER" UNLESS HE OR SHE IS REGISTERED UNDER THIS PART.

26 SEC. 53515. A REGISTERED FORESTER SHALL COMPLY WITH ALL OF THE  
27 FOLLOWING:

1 (A) IN HIS OR HER PROFESSIONAL CAPACITY, PERFORM THE FOLLOWING  
2 GENERAL FORESTRY ACTIVITIES, BUT ONLY FOR THE PURPOSE OF  
3 SUSTAINABLE FOREST MANAGEMENT AND SILVICULTURE:

4 (i) SUSTAINABLE FOREST MANAGEMENT AND SILVICULTURE.

5 (ii) FOREST MANAGEMENT PLANNING.

6 (iii) FOREST STAND IMPROVEMENT.

7 (iv) FOREST MENSURATION, INVENTORY, FOREST PRODUCTS APPRAISAL,  
8 AND TIMBER SALE ADMINISTRATION.

9 (v) RECONNAISSANCE AND MAPPING OF FOREST AND WATERSHED LANDS;  
10 INVESTIGATION OF WILDLAND SOILS; DELINEATION AND MAPPING OF  
11 FORESTLANDS AND FOREST MANAGEMENT BOUNDARIES, NOT INCLUDING THE  
12 ESTABLISHMENT OF PROPERTY CORNERS OR BOUNDARIES.

13 (vi) PREPARATION AND UTILIZATION OF GIS/GPS MAPS, EQUIPMENT,  
14 AND SOFTWARE TO ASSIST IN FOREST MANAGEMENT PLANNING, PLANTING,  
15 HARVESTING, AND PROTECTION. GIS/GPS MAPS CREATED FOR FOREST  
16 MANAGEMENT PURPOSES ARE NOT OFFICIAL SURVEY MAPS.

17 (vii) FOREST ECONOMICS.

18 (viii) FOREST UTILIZATION, RENEWABLE ENERGY PRODUCTION, AND  
19 FOREST PRODUCT DEVELOPMENT.

20 (ix) FOREST PROTECTION AND RESTORATION.

21 (x) FOREST REGENERATION, REFORESTATION, AND AFFORESTATION.

22 (xi) FOREST NURSERY PRODUCTION.

23 (xii) APPLICATION OF BEST MANAGEMENT PRACTICES.

24 (xiii) ADDRESSING LEGAL AND SOCIAL ASPECTS OF FORESTRY AND  
25 FORESTLANDS.

26 (xiv) PREPARATION OF FOREST MANAGEMENT RELATED CONTRACTS,  
27 LITIGATION REPORTS, TIMBER TRESPASS INVESTIGATION, AND TESTIMONY.

1           (xv) DEVELOPMENT, MAINTENANCE, CONSERVATION, AND PROTECTION OF  
2 WILDLIFE HABITAT AND FOREST RANGE RESOURCES.

3           (xvi) FOREST RECREATION AND ENVIRONMENTAL STUDIES.

4           (xvii) THE DEVELOPMENT OF ACCESS FOR PROTECTION AND MANAGEMENT  
5 OF THE RESOURCE.

6           (xviii) ADAPTATION OF FORESTS AND FOREST PRACTICES RELATED TO  
7 CLIMATE CHANGE.

8           (xix) URBAN FORESTRY AND ARBORICULTURE.

9           (xx) UTILITY FORESTRY AND UTILITY VEGETATION MANAGEMENT.

10          (xxi) TEACHING COLLEGIATE-LEVEL FORESTRY COURSES OR FORESTRY  
11 OUTREACH BASED ON SOUND SCIENTIFIC PRINCIPLES OR CONDUCTING  
12 SCIENTIFIC RESEARCH IN FORESTRY AT A SAF-ACCREDITED UNIVERSITY OR  
13 BOARD-APPROVED PROGRAM.

14          (xxii) FOREST RESEARCH AND MONITORING.

15          (B) FULLY DISCLOSE PERSONAL OR FINANCIAL INTERESTS IN ANY  
16 FORESTRY PROJECT UNDERTAKEN BY THE REGISTERED FORESTER IF THERE IS  
17 A POTENTIAL CONFLICT OF INTEREST.

18          (C) NOT ACCEPT COMPENSATION OR EXPENSES FROM MORE THAN 1  
19 CLIENT OR EMPLOYER FOR THE SAME SERVICE, UNLESS THE PARTIES  
20 INVOLVED ARE INFORMED AND CONSENT.

21          (D) NOT MAKE EXAGGERATED, FALSE, MISLEADING, OR DECEPTIVE  
22 WRITTEN OR VERBAL STATEMENTS, INCLUDING, BUT NOT LIMITED TO,  
23 STATEMENTS ON THE VALUE OF INDIVIDUAL TREES, TIMBER, OR  
24 TIMBERLANDS, IN THE CONDUCT OF PROFESSIONAL PRACTICE.

25          (E) CLEARLY AND ACCURATELY REPRESENT HIS OR HER  
26 QUALIFICATIONS, THE EXTENT OF THE FORESTRY SERVICES OFFERED, AND  
27 THE BASIS FOR CHARGES FOR THOSE SERVICES.

1 (F) NOT OFFER OR MAKE BRIBES OR UNLAWFUL INDUCEMENTS TO THOSE  
2 RESPONSIBLE FOR LETTING FORESTRY CONTRACTS.

3 (G) NOT INTERFERE WITH COMPETITIVE BIDDING FOR FORESTRY  
4 PROJECTS, INCLUDING MAKING FALSE REPRESENTATIONS OR MISLEADING  
5 STATEMENTS ABOUT BIDDERS, PROSPECTIVE BIDDERS, OR COMPETITORS.

6 (H) NOT ISSUE A FORESTRY PLAN, MAP, SPECIFICATION, OR REPORT  
7 PREPARED BY THAT REGISTERED FORESTER OR UNDER HIS OR HER ACTUAL  
8 SUPERVISION UNLESS IT IS ENDORSED WITH THE REGISTERED FORESTER'S  
9 NAME AND CERTIFICATE OF REGISTRATION NUMBER.

10 (I) NOT ENDORSE A FORESTRY PLAN, SPECIFICATION, ESTIMATE, OR  
11 MAP UNLESS PREPARED BY THAT REGISTERED FORESTER OR UNDER HIS OR HER  
12 ACTUAL SUPERVISION.

13 (J) PROVIDE FORESTRY SERVICES IN A MANNER THAT WILL ENSURE THE  
14 PUBLIC HEALTH, SAFETY, AND WELFARE AND IF, IN HIS OR HER  
15 PROFESSIONAL JUDGMENT, ANY OF THESE ARE ENDANGERED, NOTIFY THE  
16 CLIENT OR EMPLOYER AND GIVE APPROPRIATE RECOMMENDATIONS OR  
17 INSTRUCTIONS.

18 (K) IF A CLIENT OR EMPLOYER FAILS OR REFUSES TO FOLLOW  
19 RECOMMENDATIONS OR INSTRUCTIONS UNDER SUBDIVISION (J), NOTIFY THE  
20 RESPONSIBLE GOVERNMENTAL DEPARTMENT OR AGENCY OF THE THREAT TO  
21 PUBLIC HEALTH, SAFETY, OR WELFARE.

22 (L) NOT VIOLATE OR CONCEAL VIOLATIONS OF THIS PART AND NOT  
23 KNOWINGLY PERMIT OTHERS TO DO SO.

24 (M) REPORT VIOLATIONS OF THIS PART TO THE BOARD.

25 (N) NOT CONSPIRE OR COLLUDE TO RESTRAIN TRADE THROUGH PRICE  
26 ARRANGEMENT WITH OTHER REGISTERED FORESTERS OR FORESTRY FIRMS AND  
27 NOT ENGAGE IN PRICE-FIXING ACTIVITIES.

1           (O) NOT TAKE FORESTRY PROJECT FUNDS UNDER FALSE PRETENSES AND  
2 NOT ABANDON A FORESTRY PROJECT WITHOUT NOTIFYING THE CLIENT OR  
3 EMPLOYER.

4           SEC. 53517. (1) A PERSON MAY SUBMIT TO THE CHAIRPERSON OF THE  
5 BOARD A COMPLAINT ABOUT A VIOLATION OF SECTION 53515 OR OF AN ORDER  
6 UNDER SECTION 53517. THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE A  
7 COMPLAINT FORM THAT CAN BE COMPLETED AND SUBMITTED TO THE  
8 CHAIRPERSON OF THE BOARD ONLINE OR PRINTED AND COMPLETED. THE  
9 DEPARTMENT SHALL ALSO MAKE COMPLAINT FORMS AVAILABLE AT CUSTOMER  
10 SERVICE CENTERS. UNLESS THE COMPLAINT FORM IS SUBMITTED ONLINE, THE  
11 COMPLAINANT SHALL SUBMIT THE FORM BY MAILING IT TO THE CHAIRPERSON  
12 OF THE BOARD.

13           (2) IF THE CHAIRPERSON OF THE BOARD RECEIVES A COMPLETED  
14 COMPLAINT FORM, THE CHAIRPERSON SHALL, WITHIN 30 DAYS, SUBMIT THE  
15 COMPLAINT TO THE MEMBERS OF THE VIOLATIONS COMMITTEE. WITHIN 30  
16 DAYS AFTER RECEIVING THE COMPLAINT FROM THE CHAIRPERSON, THE  
17 VIOLATIONS COMMITTEE SHALL DETERMINE IF THERE IS SUFFICIENT REASON  
18 TO BELIEVE THAT A VIOLATION HAS OCCURRED.

19           (3) IF THE VIOLATIONS COMMITTEE DETERMINES THAT THERE IS NOT  
20 SUFFICIENT REASON TO BELIEVE THAT A VIOLATION HAS OCCURRED, THE  
21 VIOLATIONS COMMITTEE SHALL, WITHIN 30 DAYS AFTER ITS DETERMINATION,  
22 NOTIFY THE COMPLAINANT IN WRITING OF ITS DETERMINATION AND THE  
23 REASONS FOR ITS DETERMINATION. NO FURTHER ACTION SHALL BE TAKEN ON  
24 THAT COMPLAINT.

25           (4) IF THE VIOLATIONS COMMITTEE DETERMINES THAT THERE IS  
26 SUFFICIENT INFORMATION TO BELIEVE THAT A VIOLATION HAS OCCURRED,  
27 THE VIOLATIONS COMMITTEE SHALL, WITHIN 30 DAYS AFTER ITS

1 DETERMINATION, NOTIFY, BY UNITED STATES MAIL, THE REGISTERED  
2 FORESTER WHO IS THE SUBJECT OF THE COMPLAINT OF ALL OF THE  
3 FOLLOWING:

4 (A) THE ALLEGATIONS IN THE COMPLAINT.

5 (B) THAT THE REGISTERED FORESTER MAY RESPOND TO THE  
6 ALLEGATIONS IN WRITING.

7 (C) THAT THE RESPONSE MUST BE RECEIVED WITHIN 60 DAYS AFTER  
8 THE DATE THE NOTICE WAS MAILED.

9 (5) THE BOARD SHALL CONSIDER THE ALLEGATIONS OF THE COMPLAINT  
10 AND ANY WRITTEN RESPONSE TO THE ALLEGATIONS TIMELY RECEIVED FROM  
11 THE REGISTERED FORESTER AND MAY FURTHER INVESTIGATE THE COMPLAINT.  
12 WITHIN 30 DAYS AFTER THE DEADLINE UNDER SUBSECTION (4) FOR A  
13 RESPONSE FROM THE REGISTERED FORESTER, THE BOARD SHALL DO 1 OF THE  
14 FOLLOWING:

15 (A) DISMISS THE COMPLAINT AND NOTIFY THE COMPLAINANT AND  
16 REGISTERED FORESTER IN WRITING.

17 (B) ISSUE A LETTER OF CAUTION TO THE REGISTERED FORESTER AND  
18 PROVIDE A COPY TO THE COMPLAINANT.

19 (C) ISSUE TO THE REGISTERED FORESTER A PROPOSED ORDER THAT,  
20 TOGETHER WITH PRELIMINARY FINDINGS, INCLUDES PROPOSED SANCTIONS, A  
21 PROPOSED NEGOTIATED RESOLUTION, OR A PROPOSED CONSENT AGREEMENT AND  
22 PROVIDE A COPY TO THE COMPLAINANT.

23 (6) IF THE BOARD ISSUES A PROPOSED ORDER UNDER SUBSECTION (5),  
24 THE REGISTERED FORESTER SHALL WITHIN 30 DAYS SUBMIT TO THE BOARD 1  
25 OF THE FOLLOWING, IN WRITING:

26 (A) A STATEMENT ACCEPTING THE PROPOSED ORDER, AT WHICH POINT  
27 THE BOARD SHALL ISSUE THE ORDER AS A FINAL ORDER. FAILURE OF THE

1 REGISTERED FORESTER TO TIMELY RESPOND SHALL BE CONSIDERED TO BE  
2 ACCEPTANCE OF THE PROPOSED ORDER.

3 (B) A STATEMENT OBJECTING TO THE PROPOSED ORDER AND PROVIDING  
4 REASONS FOR THE OBJECTION.

5 (7) IF THE REGISTERED FORESTER OBJECTS TO THE PROPOSED ORDER,  
6 THE BOARD SHALL REVIEW THE OBJECTIONS AND ISSUE TO THE REGISTERED  
7 FORESTER A FINAL ORDER, AMENDING THE PRELIMINARY FINDINGS AS  
8 NECESSARY, WITHIN 90 DAYS AFTER ISSUANCE OF THE PROPOSED ORDER AND  
9 SHALL PROVIDE A COPY OF THE FINAL ORDER TO THE COMPLAINANT.

10 (8) THE BOARD MAY PERMANENTLY REVOKE OR TEMPORARILY SUSPEND  
11 REGISTERED FORESTER STATUS FOR A VIOLATION OF SECTION 53515 OR AN  
12 ORDER ISSUED UNDER THIS SECTION.

13 SEC. 53519. (1) REVENUE FROM REGISTERED FORESTER FEES UNDER  
14 SECTION 53509 SHALL BE DEPOSITED IN THE FOREST DEVELOPMENT FUND.

15 (2) THE STATE TREASURER SHALL PROMPTLY TRANSFER TO THE FOREST  
16 DEVELOPMENT FUND THE FUND BALANCE FROM REGISTERED FORESTER FEES IN  
17 THE LICENSING AND REGULATION FUND CREATED IN SECTION 3 OF THE STATE  
18 LICENSE FEE ACT, 1979 PA 152, MCL 338.2203.

19 Enacting section 1. The following acts and parts of acts are  
20 repealed:

21 (a) Section 29 of the state license fee act, 1979 PA 152, MCL  
22 338.2229.

23 (b) Article 21 of the occupational code, 1980 PA 299, MCL  
24 339.2101 to 339.2108.

25 Enacting section 2. This amendatory act takes effect 90 days  
26 after the date it is enacted into law.

27 Enacting section 3. This amendatory act does not take effect

- 1 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5002 (request no.
- 2 00802'17 a) of the 99th Legislature is enacted into law.