

HOUSE BILL No. 4866

May 25, 1989, Introduced by Reps. Bartnik, Sofio, Ostling, DeMars, Hickner, Stupak, Stacey, Gnodtke, Ouwinga, Owen and Jacobetti and referred to the Committee on Forestry and Minerals.

A bill to amend sections 2 and 10 of Act No. 94 of the Public Acts of 1925, entitled as amended

"An act to provide for the establishment of commercial forests and for the administration and taxation of them,"

as amended by Act No. 393 of the Public Acts of 1980, being sections 320.302 and 320.310 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 10 of Act No. 94 of the Public
2 Acts of 1925, as amended by Act No. 393 of the Public Acts of
3 1980, being sections 320.302 and 320.310 of the Michigan Compiled
4 Laws, are amended to read as follows:

5 Sec. 2. As used in this act, a "commercial forest" means a
6 tract of land ~~containing no~~ THAT DOES NOT CONTAIN material nat-
7 ural resources other than forest growth, ~~no portion of which~~
8 THAT is NOT used for agricultural, mineral extraction EXCEPT AS

1 PROVIDED IN SECTION 10, grazing, industrial, developed
2 recreational or resort purposes, and upon which the owner pro-
3 poses to develop, maintain, and actively manage a forest through
4 planting, natural reproduction, or other forest practices. This
5 land shall also be capable of producing a thrifty forest growth
6 and, at the time of listing as a commercial forest, ~~actually~~
7 carry sufficient forest growth of suitable character and distrib-
8 uted to give assurance that a stand of merchantable timber will
9 be developed within a reasonable period of time. Forest land
10 used for the primary purpose of growing and harvesting forest
11 crops and nonproductive land ~~which~~ THAT occurs intermixed with
12 productive land and ~~which~~ THAT is an integral part of a managed
13 forest shall be eligible for listing as a commercial forest pur-
14 suant to section 3.

15 Sec. 10. (1) The owner of land listed as a commercial
16 forest shall not make use of that land in a manner which would be
17 prejudicial to its development as a commercial forest and shall
18 not use the land for industrial, recreational, or other commer-
19 cial purposes, ~~nor~~ OR enjoy exclusive privileges as to hunting
20 and fishing upon the land. However, the general public shall be
21 accorded the privilege of hunting and fishing on all lands listed
22 as commercial forest except if the lands are closed to hunting or
23 fishing, or both, by order of the ~~natural resources~~ commission
24 OF NATURAL RESOURCES or by an act of the legislature.
25 Exploration for minerals shall be permitted on land listed under
26 this act. ~~if~~ EXCEPT AS PROVIDED IN SUBSECTION (2), IF
27 commercial mineral deposits are discovered and extraction is to

1 be undertaken, the lands affected shall be removed from the
2 ~~provisions~~ OPERATION of this act and penalties paid pursuant to
3 section 7.

4 (2) IF LAND IS LISTED AS A COMMERCIAL FOREST AND THE MINERAL
5 RIGHTS ON THAT LAND ARE OWNED BY 1 OR MORE PERSONS OTHER THAN THE
6 OWNER OF THE SURFACE RIGHTS AND THE OWNER OF THE SURFACE RIGHTS
7 HAS NO DIRECT OR INDIRECT OWNERSHIP, INTEREST, OR CONTROL OVER
8 THE MINERAL RIGHTS, AND THE OWNER OF THE MINERAL RIGHTS OR THEIR
9 AGENTS EXERCISE THEIR LEGAL RIGHT TO DEVELOP AND EXTRACT MINERALS
10 INCLUDING OIL, NATURAL GAS, SALT, COAL, BRINE, IRON, COPPER,
11 GRAVEL, OR ANY OTHER MINERAL FROM THE LAND, THE OWNER OF THE SUR-
12 FACE RIGHTS SHALL NOT BE REQUIRED TO WITHDRAW THE LAND FROM THE
13 OPERATION OF THIS ACT OR BE SUBJECT TO THE PENALTIES UNDER
14 SECTION 7. HOWEVER, THE WITHDRAWAL OF LAND FROM THE OPERATION OF
15 THIS ACT AND THE PAYMENT OF THE PENALTIES UNDER SECTION 7 MAY BE
16 REQUIRED FOR THE LAND IF MINERAL DEVELOPMENT TAKES PLACE THAT IS
17 DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES
18 TO IMPACT THE SURFACE FEATURES ON THE LAND TO THE DEGREE THAT IT
19 WILL JEOPARDIZE THE GROWING OF COMMERCIAL FOREST TREES IN THE
20 FUTURE.