

SENATE BILL No. 379

April 27, 1989, Introduced by Senators DILLINGHAM and SHINKLE and referred to the Committee on Commerce and Technology.

A bill to amend section 2 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 section 320.302 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 94 of the Public Acts of
2 1925, as amended by Act No. 393 of the Public Acts of 1980, being
3 section 320.302 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 2. (1) As used in this act, a "commercial forest"
6 means a tract of land ~~containing no~~ THAT DOES NOT CONTAIN mate-
7 rial natural resources other than forest growth, ~~no portion of~~
8 ~~which~~ THAT is NOT used for agricultural, ~~mineral extraction,~~

1 grazing, industrial, developed recreational or resort purposes,
2 and upon which the owner proposes to develop, maintain, and
3 actively manage a forest through planting, natural reproduction,
4 or other forest practices. A COMMERCIAL FOREST MAY BE USED FOR
5 MINERAL EXTRACTION, BUT ONLY IF THE MINERAL EXTRACTION DOES NOT
6 SUBSTANTIALLY AFFECT THE COMMERCIAL VALUE OF THE FOREST. This
7 land shall also be capable of producing a thrifty forest growth
8 and, at the time of listing as a commercial forest, ~~actually~~
9 carry sufficient forest growth of suitable character and distrib-
10 uted to give assurance that a stand of merchantable timber will
11 be developed within a reasonable period of time. Forest land
12 used for the primary purpose of growing and harvesting forest
13 crops and nonproductive land ~~which~~ THAT occurs intermixed with
14 productive land and ~~which~~ THAT is an integral part of a managed
15 forest shall be eligible for listing as a commercial forest pur-
16 suant to section 3.

17 (2) FOR PURPOSES OF DETERMINING THE TYPES OF MINERAL EXTRAC-
18 TION OPERATIONS THAT DO NOT SUBSTANTIALLY AFFECT THE COMMERCIAL
19 VALUE OF A FOREST UNDER SUBSECTION (1), THE DEPARTMENT OF NATURAL
20 RESOURCES SHALL PROMULGATE RULES PURSUANT TO THE ADMINISTRATIVE
21 PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969,
22 BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS.