

SUBSTITUTE FOR
SENATE BILL NO. 1057

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 9301, 9302, 9304, 9307, 9308, and 9310 (MCL
324.9301, 324.9302, 324.9304, 324.9307, 324.9308, and 324.9310),
sections 9301, 9302, 9304, 9308, and 9310 as amended by 1998 PA 463
and section 9307 as amended by 2004 PA 439, and by adding sections
51301, 51302, 51305, and 51306; and to repeal acts and parts of
acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9301. As used in this part:

2 (a) "Agency of this state" includes the government of this
3 state and any subdivision, agency, or instrumentality, corporate or
4 otherwise, of the government of this state.

5 (b) "Board" or "conservation district board" means the
6 governing body of a conservation district.

1 (c) "Compliance assistance agent" means an individual who
2 provides technical assistance to individuals, organizations,
3 agencies, or others to aid them in complying with federal and state
4 laws and local conservation ordinances.

5 (d) "Conservation species" means those plant species
6 beneficial for conservation practices as ~~authorized~~ **LISTED UNDER**
7 **SECTION 9304A** by the conservation species advisory panel.

8 (e) "Conservation species advisory panel" means the
9 conservation species advisory panel created in section 9304a.

10 (f) "Department" means the department of agriculture **AND RURAL**
11 **DEVELOPMENT**.

12 (g) "Director" means 1 of the members of the conservation
13 district board, elected or appointed in accordance with this part.

14 (h) "District" or "conservation district" means a governmental
15 subdivision of this state, and a public body corporate and politic,
16 organized in accordance with this part, for the purposes, with the
17 powers, and subject to the restrictions set forth in this part.

18 (i) "Government" or "governmental" includes the government of
19 this state, the government of the United States, and any
20 subdivision, agency, or instrumentality, corporate or otherwise, of
21 either of them.

22 (j) "Landowner" includes any person who holds title to or has
23 contracted to purchase any land lying within a district organized
24 under this part or former 1937 PA 297.

25 (k) "Person" means an individual, partnership, or corporation.

26 (l) "Plant rescue" means to physically move native conservation
27 species of plants from 1 location in Michigan to another location

1 in Michigan for the purpose of reestablishing the native
2 conservation species.

3 (M) "QUALIFIED FORESTER" MEANS THAT TERM AS DEFINED IN SECTION
4 51301.

5 (N) ~~(m)~~—"Resident" means a person who is of legal age to vote
6 and can demonstrate residency in the district ~~via~~ WITH 1 piece of
7 identification.

8 (O) ~~(n)~~—"State" means this state.

9 (P) ~~(o)~~—"United States" or "agencies of the United States"
10 includes the United States of America, the natural resources
11 conservation service of the United States department of
12 agriculture, and any other agency or instrumentality, corporate or
13 otherwise, of the United States of America.

14 Sec. 9302. It is the policy of the legislature to provide for
15 the conservation of the natural resources of the state, including
16 soil, water, farmland, **FORESTLAND**, and other natural resources, and
17 to provide for the control and prevention of soil erosion, and
18 thereby to conserve the natural resources of this state, control
19 floods, prevent impairment of dams and reservoirs, assist in
20 maintaining the navigability of rivers and harbors, preserve
21 wildlife, protect the tax base, protect public lands, and protect
22 and promote the health, safety, and general welfare of the people
23 of this state.

24 Sec. 9304. In addition to the other duties and powers
25 conferred upon the department under this part, the department has
26 the following duties and powers:

27 (a) To offer such assistance as may be appropriate to the

1 directors of conservation districts in implementing any of their
2 responsibilities under this part and as otherwise provided by law.

3 (b) To keep the directors of each of the districts informed of
4 the activities and experience of all other districts and to
5 facilitate ~~an interchange~~ **COOPERATION AND SHARING** of advice and
6 experience between the districts. ~~and cooperation between them.~~

7 (c) To approve and coordinate the programs of all conservation
8 districts.

9 (d) To secure the cooperation and assistance of the United
10 States and any of its agencies, and the state and any of its
11 agencies, in the work of the districts, and to formulate policies
12 and procedures as the department considers necessary for the
13 extension of aid in any form from federal or state agencies to the
14 districts.

15 (e) To disseminate information throughout the state concerning
16 the activities and programs of the conservation districts and to
17 encourage the formation of districts in areas where their
18 organization is desirable.

19 **(F) TO REVIEW DISTRICT BUDGETS AND FINANCIAL INFORMATION,**
20 **INCLUDING AUDIT REPORTS.**

21 Sec. 9307. (1) A conservation district board shall consist of
22 5 directors. ~~, elected or appointed as provided in this part.~~ The
23 directors shall designate a chairperson annually.

24 (2) The term of office of each director shall be 4 years. All
25 directors shall be elected at an annual meeting by residents of the
26 district. The election shall be nonpartisan and the directors shall
27 be elected by the residents of the district at large. At least 60

1 days prior to the annual meeting, a candidate for conservation
2 district director must file at the conservation district office a
3 petition signed by 5 residents of the district. A candidate must be
4 a resident of the district. The annual meeting shall be held at a
5 date determined by the board of directors of the district. Notice
6 of the annual meeting shall be published in the official newspaper
7 of record for the area in which the district is located at least 45
8 days prior to the date of the annual meeting. This notice shall
9 include the date, time, and location of the annual meeting, an
10 agenda of items to be considered at the meeting, and a list of all
11 candidates for directors of the conservation district. A resident
12 of a district who is unable to attend the annual meeting may vote
13 for the directors of the conservation district by absentee ballot
14 as follows:

15 (a) In person at the conservation district office, during
16 regular business hours of the conservation district office, at any
17 time after publication of the notice and prior to the annual
18 meeting.

19 (b) By mail received at the conservation district office at
20 any time after publication of the notice and prior to the annual
21 meeting.

22 (3) Director elections shall be certified by the department. A
23 director shall hold office until a successor has been elected and
24 qualified. Vacancies shall be filled by appointment by the board
25 until the next annual meeting.

26 (4) A majority of the directors constitutes a quorum, and the
27 concurrence of a majority in any matter within their duties is

1 required for its determination. A director is entitled to expenses,
 2 including traveling expenses necessarily incurred in the discharge
 3 of his or her duties. A director may be paid a per diem for time
 4 spent undertaking his or her duties as a director in an amount not
 5 to exceed the per diem paid to a member of the commission of
 6 agriculture **AND RURAL DEVELOPMENT**.

7 (5) ~~The directors~~ **A CONSERVATION DISTRICT BOARD** may employ a
 8 secretary, technical experts, and such other officers, agents, and
 9 employees, permanent and temporary, as ~~they~~ **THE BOARD** may require,
 10 and shall determine their qualifications, duties, and compensation.
 11 ~~The directors may~~ **A BOARD SHALL** call upon the attorney general of
 12 the state for legal services as ~~they~~ **THE BOARD** may require. ~~The~~
 13 ~~directors~~ **A BOARD** may delegate to ~~their~~ **ITS** chairperson, to 1 or
 14 more directors, or to 1 or more agents or employees any powers and
 15 duties that ~~they consider~~ **THE BOARD CONSIDERS** proper. ~~The directors~~
 16 **A BOARD** shall furnish to the department, upon request, copies of
 17 ordinances, rules, regulations, orders, contracts, forms, and other
 18 documents that ~~they adopt or employ,~~ **THE BOARD ADOPTS OR UTILIZES**
 19 and any other information concerning ~~their~~ **THE BOARD'S** activities
 20 that the department may require in the performance of its duties
 21 under this part.

22 (6) ~~The directors~~ **A CONSERVATION DISTRICT BOARD** shall do all
 23 of the following:

24 (a) Provide for the execution of surety bonds for all
 25 **CONSERVATION DISTRICT** employees and officers who are entrusted with
 26 funds or property.

27 (b) Provide for the keeping of a full and accurate record of

1 all proceedings and of all resolutions, regulations, and orders
2 issued or adopted.

3 (c) Determine the fiscal year of the district.

4 (7) TO BE ELIGIBLE FOR A GRANT OF \$50,000.00 OR MORE FROM THE
5 DEPARTMENT, A CONSERVATION DISTRICT SHALL DO ALL OF THE FOLLOWING:

6 (A) ANNUALLY SUBMIT TO THE DEPARTMENT A BUDGET SETTING FORTH
7 THE PURPOSE AND AMOUNT OF THE EXPENSES EXPECTED TO BE INCURRED AND
8 THE SOURCE AND AMOUNT OF REVENUE EXPECTED TO BE RECEIVED DURING THE
9 ENSUING FISCAL YEAR.

10 (B) MAINTAIN ACCURATE FINANCIAL RECORDS OF RECEIPTS AND
11 DISBURSEMENTS AND UNIFORM ACCOUNTING IN ACCORDANCE WITH GENERALLY
12 ACCEPTED ACCOUNTING PRINCIPLES UNDER PROCEDURES PRESCRIBED BY THE
13 DEPARTMENT.

14 (C) ~~(d)~~ Provide for an ~~annual~~ A BIENNIAL INDEPENDENT CERTIFIED
15 audit BY A CERTIFIED PUBLIC ACCOUNTANT of the ~~accounts of receipts~~
16 ~~and disbursements.~~ FINANCIAL RECORDS, ACCOUNTS, AND PROCEDURES OF
17 THE DISTRICT. THE AUDIT REPORT SHALL SHOW PROFITS AND LOSSES AND
18 THE FINANCIAL CONDITION OF THE DISTRICT.

19 ~~—— (e) Maintain accurate financial records of receipts and~~
20 ~~disbursements of state funds, which records shall be made available~~
21 ~~to the department.~~

22 (8) A PROFESSIONAL FORESTER EMPLOYED UNDER A GRANT DESCRIBED
23 IN SUBSECTION (7) SHALL NOT USE HIS OR HER POSITION TO DO EITHER OR
24 BOTH OF THE FOLLOWING:

25 (A) COMPETE WITH A PRIVATE SECTOR BUSINESS.

26 (B) DEVELOP A CLIENT BASE FOR FORESTRY CONSULTATION DURING
27 HOURS WHEN HE OR SHE IS NOT EMPLOYED BY THE CONSERVATION DISTRICT.

(9) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT SUBSECTION (7). HOWEVER, RULES PROMULGATED UNDER THIS SUBSECTION SHALL REMAIN IN EFFECT NOT LATER THAN 3 YEARS AFTER THE EFFECTIVE DATE OF THE 2012 AMENDATORY ACT THAT AMENDED THIS SECTION.

(10) A CONSERVATION DISTRICT BOARD IS RESPONSIBLE FOR THE EXERCISE OF THE POWERS AND THE PERFORMANCE OF THE DUTIES OF A CONSERVATION DISTRICT UNDER THIS PART.

(11) ~~(7)~~ Any director may be removed by the department upon notice and hearing for neglect of duty or malfeasance in office, but for no other reason.

(12) ~~(8) The directors~~ A CONSERVATION DISTRICT BOARD may invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the ~~directors of the district~~ BOARD on all questions of program and policy that may affect the property, water supply, or other interests of the municipality or county.

Sec. 9308. (1) A conservation district organized under this part constitutes a governmental subdivision of this state and a public body corporate and politic, exercising public powers, and a conservation district and the conservation ~~district's~~ DISTRICT board has all of the following powers, in addition to powers otherwise granted in this part:

(a) To conduct surveys, investigations, and research relating to the conservation of farmland, **FORESTLAND**, and natural resources, to publish the results of the surveys, investigations, or research, and to disseminate that information upon obtaining the consent of

1 the landowner or the necessary rights or interest in the lands. In
2 order to avoid duplication of research activities, a district shall
3 not initiate any research program except in cooperation with the
4 government of this state or any of its agencies or with the United
5 States. ~~or any of its agencies.~~

6 (b) To conduct demonstrational projects within the district on
7 lands owned or controlled by this state or any of its agencies,
8 with the cooperation of the agency administering and having
9 jurisdiction of the lands, and on any other lands within the
10 district upon obtaining the consent of the owner of the lands or
11 the necessary rights or interest in the lands, ~~in order to~~
12 demonstrate by example the means, methods, and measures by which
13 farmland, **FORESTLAND**, and natural resources may be conserved and
14 soil erosion in the form of soil blowing and soil washing may be
15 prevented and controlled.

16 (c) To carry out preventive and control measures within the
17 district including, but not limited to, engineering operations,
18 methods of cultivation, the growing of vegetation, changes in use
19 of land, and other measures to achieve purposes listed in
20 declaration of policy, on lands owned or controlled by this state
21 or any of its agencies, with the cooperation of the agency
22 administering and having jurisdiction of the lands, and on any
23 other lands within the district upon obtaining the consent of the
24 landowners or the necessary rights or interests in the lands.

25 (d) To cooperate or enter into agreements with and, within the
26 limits of appropriations made available to it by law, to furnish
27 financial or other aid to any agency, governmental or otherwise, or

1 any landowner within the district or his or her designated
2 representative, in the conducting of erosion-control and prevention
3 operations within the district, subject to conditions as the
4 directors consider necessary to advance the purposes of this part.

5 (e) To obtain options upon and to acquire, by purchase,
6 exchange, lease, gift, grant, bequest, devise, or otherwise, any
7 property, real or personal, or rights or interests in ~~that~~
8 property; to maintain, administer, and improve any properties
9 acquired, to receive income from the properties, and to expend
10 income in carrying out the purposes and provisions of this part;
11 and to sell, lease, or otherwise dispose of any of its property or
12 interests in property in furtherance of the purposes and provisions
13 of this part.

14 (f) To make available, on the terms it prescribes, to
15 landowners or their designated representatives within the district
16 and to other conservation districts, ~~in Michigan,~~ agricultural and
17 engineering machinery and equipment, fertilizer, seeds, and
18 seedlings, and other material or equipment ~~as THAT~~ will assist
19 landowners or their designated representatives to carry on
20 operations upon their lands for the conservation of farmland,
21 **FORESTLAND**, and natural resources and for the prevention and
22 control of soil erosion.

23 (g) To engage in plant rescue operations and to propagate,
24 plant, harvest, and, subject to section 9304a, sell only
25 conservation species. ~~on the list established in section 9304a.~~ A
26 conservation district that violates this subdivision is subject to
27 a civil fine of not more than \$100.00 per day of violation. An

1 action to enforce this subdivision may be brought by the state or a
2 county in the circuit court for the county in which the
3 conservation district is located or in which the violation
4 occurred.

5 (h) To provide technical assistance to other conservation
6 districts.

7 (i) To construct, improve, and maintain structures as may be
8 necessary or convenient for the performance of any of the
9 operations authorized in this part.

10 (j) To develop comprehensive plans for the conservation of
11 farmland, **FORESTLAND**, and natural resources and for the control and
12 prevention of soil erosion within the district or other
13 conservation districts. The plans shall specify, in such detail as
14 is possible, the acts, procedures, performances, and avoidances
15 that are necessary or desirable for the effectuation of the plans,
16 including the specification of engineering operations, methods of
17 cultivation, the growing of vegetation, cropping programs, tillage
18 practices, and changes in use of land; and to publish the plans and
19 information described in this subdivision and bring them to the
20 attention of residents of the district.

21 (k) To take over, by purchase, lease, or otherwise, and to
22 administer any farmland, ~~and~~ **FORESTLAND**, **OR** natural resource
23 conservation project located within its boundaries undertaken by
24 the United States or any of its agencies or by this state or any of
25 its agencies; to manage, as agent of the United States or any of
26 its agencies or of this state or any of its agencies, any farmland,
27 ~~and~~ **FORESTLAND**, **OR** natural resource conservation project within its

1 boundaries; to act as agent for the United States or any of its
2 agencies or for this state or any of its agencies in connection
3 with the acquisition, construction, operation, or administration of
4 any farmland, ~~and FORESTLAND, OR~~ natural resource conservation
5 project within its boundaries; to accept donations, gifts, and
6 contributions in money, services, materials, or otherwise, from the
7 United States or any of its agencies or from this state or any of
8 its agencies, and to use or expend the money, services, materials,
9 or other contributions in carrying on its operations; and to accept
10 money, gifts, and donations from any other source not specified in
11 this subdivision.

12 (l) To sue and be sued in the name of the district; to have a
13 seal that is judicially noticed; to have perpetual succession
14 unless terminated as provided in this part; to make and execute
15 contracts and other instruments necessary or convenient to the
16 exercise of its powers; and to make, and from time to time amend
17 and repeal, rules and regulations in a manner that is not
18 inconsistent with this part to carry into effect its purposes and
19 powers.

20 (m) To borrow money for facilities or equipment for
21 conservation purposes and pledge the assets of the district as
22 collateral against loans. Any money borrowed shall be solely the
23 obligation of the conservation district and not the obligation of
24 the state or any other public entity in the state.

25 (n) As a condition to the extension of any benefit under this
26 part to, or the performance of work upon, any lands not owned or
27 controlled by this state or any of its agencies, the directors may

1 require contributions in money, services, materials, or otherwise
2 to any operation conferring the benefits, and may require
3 landowners to enter into and perform agreements or covenants as to
4 the permanent use of the lands that will tend to prevent or control
5 erosion on those lands.

6 (o) To act as a compliance assistance agent for other federal,
7 state, and county laws.

8 (p) To act as the enforcing agency for a county if designated
9 under section 9105.

10 (Q) SUBJECT TO SUBSECTION (2), IN COOPERATION WITH THE
11 DEPARTMENT, TO EVALUATE NONINDUSTRIAL PRIVATE FORESTLANDS.

12 (R) SUBJECT TO SUBSECTION (3), TO PROVIDE LANDOWNERS ANY OF
13 THE FOLLOWING:

14 (i) TECHNICAL ASSISTANCE REGARDING POTENTIAL ENVIRONMENTAL,
15 ECOLOGICAL, AND ECONOMIC BENEFITS OF FORESTRY, WILDLIFE HABITAT,
16 AND WETLAND DEVELOPMENT AND RESTORATION.

17 (ii) CONTACT INFORMATION FOR QUALIFIED FORESTERS.

18 (iii) CONTACT INFORMATION FOR OTHER FOREST RESOURCE
19 PROFESSIONALS THAT MAY HAVE VOLUNTARILY PROVIDED INFORMATION TO THE
20 DEPARTMENT.

21 (S) TO COLLABORATE WITH THE DEPARTMENT IN REVIEWING FOREST
22 MANAGEMENT PLANS FOR COMPLIANCE UNDER SECTION 7JJ OF THE GENERAL
23 PROPERTY TAX ACT, 1893 PA 206, MCL 211.7JJ[1].

24 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A
25 CONSERVATION DISTRICT SHALL NOT DEVELOP MANAGEMENT PLANS FOR
26 NONINDUSTRIAL PRIVATE FORESTLANDS. A DISTRICT SHALL PROVIDE A
27 LANDOWNER UPON REQUEST WITH A LIST OF QUALIFIED FORESTERS TO

1 DEVELOP MANAGEMENT PLANS. THE LIST SHALL BE DEVELOPED AND
 2 MAINTAINED BY THE DEPARTMENT. IF REQUESTED BY A LANDOWNER, THE
 3 CONSERVATION DISTRICT SHALL POST ON ITS WEBSITE NOTICE THAT THE
 4 LANDOWNER IS SEEKING FOREST MANAGEMENT PLAN PREPARATION; TIMBER
 5 HARVESTING, MARKETING, OR THINNING; OR SIMILAR SERVICES. IF A
 6 LANDOWNER IS UNABLE, BECAUSE OF THE SCOPE OR SCALE OF THE PROJECT,
 7 TO IDENTIFY A PRIVATE FORESTER WILLING TO DEVELOP A FOREST
 8 MANAGEMENT PLAN, THE CONSERVATION DISTRICT MAY, UPON APPROVAL BY
 9 THE DEPARTMENT, PREPARE A FOREST MANAGEMENT PLAN FOR THE LANDOWNER.

10 (3) THE EXERCISE OF POWERS UNDER SUBSECTION (1) (R) DOES NOT
 11 AFFECT THE REGULATORY AUTHORITY OF ANY STATE DEPARTMENT.

12 (4) ~~(2)~~—Unless authorized by the county board of commissioners
 13 of each county in which a conservation district is located, a
 14 conservation district shall not enforce state or federal laws.

15 (5) ~~(3)~~—Unless otherwise specifically provided by law,
 16 provisions with respect to the acquisition, operation, or
 17 disposition of property by other public bodies are not applicable
 18 to a district organized under this part.

19 Sec. 9310. (1) Agencies of this state that have jurisdiction
 20 over, or are charged with the administration of, any state owned
 21 lands, and agencies of any county or other governmental subdivision
 22 of the state that have jurisdiction over, or are charged with the
 23 administration of, any county owned or other publicly owned lands,
 24 lying within the boundaries of any **CONSERVATION** district, shall
 25 cooperate to the fullest extent with the ~~directors of the districts~~
 26 **DISTRICT** in the effectuation of programs and operations undertaken
 27 by ~~conservation districts~~ **THE DISTRICT** under this part. ~~The~~

1 ~~directors of the districts~~ **AGENTS OF THE DISTRICT** shall be given
2 free access to enter and perform work upon such publicly owned
3 lands.

4 (2) ~~The board of a~~ **A** conservation district may cooperate with
5 and enter into agreements with a county, township, municipality, or
6 other subdivision of state government in implementing soil, water,
7 **FORESTLAND**, and related land-use projects. A county, township,
8 municipality, or other subdivision of state government through its
9 governing body may cooperate with and enter into agreement with **A**
10 conservation ~~districts~~ **DISTRICT** in carrying out this part and may
11 assist ~~districts~~ **A DISTRICT** by providing ~~them~~ **IT** with such
12 materials, equipment, money, personnel, and other services. ~~as the~~
13 ~~governmental unit considers advisable.~~

14 **SEC. 51301. AS USED IN THIS PART:**

15 (A) "CONSERVATION DISTRICT" MEANS THAT TERM AS IT IS DEFINED
16 IN SECTION 9301.

17 (B) "DEMONSTRATION PROJECT" MEANS A FOREST IMPROVEMENT PROJECT
18 DESIGNED TO ILLUSTRATE THE IMPLEMENTATION AND IMPACT OF ALTERNATE
19 FOREST PRACTICES.

20 (C) "COMMISSION" MEANS THE COMMISSION OF AGRICULTURE AND RURAL
21 DEVELOPMENT.

22 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE AND RURAL
23 DEVELOPMENT.

24 (E) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR
25 HER DESIGNEE.

26 (F) "FOLLOW-UP WORK" MEANS FOREST PRACTICES TO PROMOTE THE
27 SURVIVAL OF SEEDS OR SEEDLINGS OR THE PROTECTION OR ENHANCEMENT OF

1 OTHER WORK PREVIOUSLY UNDERTAKEN UNDER THIS PART.

2 (G) "FOREST IMPROVEMENT PROJECT" MEANS ANY OF THE FOLLOWING:

3 (i) PRODUCTION, PROCESSING, HANDLING, STORAGE, MARKETING, OR
4 TRANSPORTATION OF FOREST RESOURCES, INCLUDING SAWMILLS, HARDBOARD
5 MILLS, POWER STATIONS, WAREHOUSES, AIR AND WATER POLLUTION CONTROL
6 EQUIPMENT, AND SOLID WASTE DISPOSAL FACILITIES.

7 (ii) FOREST PRACTICE OR FOLLOW-UP WORK.

8 (iii) STUDY, PLANNING, OR OTHER WORK INTENDED TO IMPROVE
9 FORESTLANDS OR FOREST RESOURCES OR TO DEMONSTRATE MEANS OF
10 IMPROVING FORESTLANDS OR FOREST RESOURCES.

11 (H) "FOREST MANAGEMENT PLAN" MEANS THAT TERM AS IT IS DEFINED
12 IN SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
13 211.7JJ[1].

14 (I) "FOREST PRACTICE" MEANS THAT TERM AS IT IS DEFINED IN
15 SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
16 211.7JJ[1].

17 (J) "FOREST RESOURCES" MEANS THOSE PRODUCTS, USES, AND VALUES
18 ASSOCIATED WITH FORESTLAND, INCLUDING RECREATION AND AESTHETICS,
19 FISH, FORAGE, SOIL, TIMBER, WATERSHED, WILDERNESS, AND WILDLIFE.

20 (K) "FORESTLAND" MEANS A TRACT OF LAND THAT MAY INCLUDE
21 NONPRODUCTIVE LAND THAT IS INTERMIXED WITH PRODUCTIVE LAND THAT IS
22 AN INTEGRAL PART OF A MANAGED FOREST AND THE OWNER OF WHICH AGREES
23 TO DEVELOP, MAINTAIN, AND ACTIVELY MANAGE THE LAND AS A PRIVATE
24 FOREST THROUGH PLANTING, NATURAL REPRODUCTION, OR OTHER
25 SILVICULTURAL PRACTICES.

26 (L) "FUND" MEANS THE PRIVATE FORESTLAND ENHANCEMENT FUND
27 CREATED IN SECTION 51305.

1 (M) "HARVEST" MEANS THE POINT AT WHICH TIMBER THAT HAS BEEN
2 CUT, SEVERED, OR REMOVED FOR PURPOSES OF SALE OR USE IS FIRST
3 MEASURED IN THE ORDINARY COURSE OF BUSINESS AS DETERMINED BY
4 REFERENCE TO COMMON PRACTICE IN THE TIMBER INDUSTRY.

5 (N) "LANDOWNER" MEANS A PERSON WHO HOLDS AN OWNERSHIP INTEREST
6 IN NONINDUSTRIAL PRIVATE FORESTLAND.

7 (O) "NONINDUSTRIAL PRIVATE FORESTLAND" MEANS A PRIVATELY OWNED
8 TRACT OF LAND, OR THE TIMBER RIGHTS IN THE LAND IF THE TIMBER
9 RIGHTS HAVE BEEN SEVERED, THAT IS AT LEAST 50% OCCUPIED BY FOREST
10 TREE SPECIES, CONSISTS OF 10 ACRES OR MORE, AND HAS THE PRODUCTIVE
11 CAPACITY TO GROW AT LEAST ON AVERAGE 20 CUBIC FEET PER ACRE PER
12 YEAR. FORESTLAND INCLUDES LAND FROM WHICH FOREST TREE SPECIES HAVE
13 BEEN REMOVED AND HAVE NOT BEEN RESTOCKED, BUT DOES NOT INCLUDE LAND
14 CONVERTED TO USES OTHER THAN THE GROWING OF FOREST TREE SPECIES OR
15 LAND CURRENTLY ZONED FOR USES INCOMPATIBLE WITH FOREST PRACTICES.

16 (P) "QUALIFIED FORESTER" MEANS THAT TERM AS IT IS DEFINED IN
17 SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
18 211.7JJ[1].

19 (Q) "TECHNICAL ASSISTANCE" MEANS DIRECT ON-SITE ASSISTANCE
20 PROVIDED TO INDIVIDUALS.

21 (R) "TIMBER" MEANS WOOD GROWTH, MATURE OR IMMATURE, GROWING OR
22 DEAD, STANDING OR DOWN. TIMBER DOES NOT INCLUDE ANY OF THE
23 FOLLOWING:

24 (i) CHRISTMAS TREES AND ASSOCIATED GREENS.

25 (ii) MATERIAL HARVESTED FROM AN INDIVIDUAL'S OWN LAND AND USED
26 ON THAT LAND FOR THE CONSTRUCTION OF FENCES OR BUILDINGS OR FOR
27 OTHER PERSONAL USE.

1 (S) "TIMBER OWNER" MEANS A PERSON WHO HOLDS AN OWNERSHIP
2 INTEREST IN SPECIES OF FOREST TREES ON FORESTLAND. AN OWNERSHIP
3 INTEREST INCLUDES A LICENSE OR OTHER RIGHT TO HARVEST TIMBER ON
4 STATE LANDS.

5 SEC. 51302. (1) THIS PART IS INTENDED TO STIMULATE IMPROVED
6 MANAGEMENT AND UTILIZATION OF PRIVATE FORESTLAND AND PRIVATE FOREST
7 RESOURCES WITHIN THIS STATE. ECONOMIC AND COMMUNITY DEVELOPMENT
8 OPPORTUNITIES BASED ON THE PRIVATE FOREST RESOURCE WILL BE ENHANCED
9 BY ENSURING ADEQUATE FUTURE HIGH-QUALITY TIMBER SUPPLIES, INCREASED
10 EMPLOYMENT OPPORTUNITIES, A DIVERSIFIED ECONOMY, AND OTHER ECONOMIC
11 BENEFITS AND THE CONSERVATION, MAINTENANCE, AND ENHANCEMENT OF A
12 PRODUCTIVE AND STABLE FOREST RESOURCE SYSTEM FOR THE PUBLIC BENEFIT
13 OF PRESENT AND FUTURE GENERATIONS.

14 (2) THE PRIMARY PURPOSE OF THIS PART IS TO ASSIST PRIVATE
15 LANDOWNERS IN UNDERSTANDING THE VALUE OF FOREST RESOURCES AND THE
16 POTENTIAL THREATS TO FOREST RESOURCES AND TO PROVIDE MANAGEMENT
17 GUIDANCE.

18 (3) THE DEPARTMENT MAY ENTER INTO COOPERATIVE AGREEMENTS WITH
19 THE FEDERAL AGENCIES THAT HAVE BEEN GIVEN AUTHORITY BY ACT OF
20 CONGRESS FOR THE MANAGEMENT OF FORESTLANDS TO ASSIST LANDOWNERS IN
21 MANAGEMENT OF THEIR NONINDUSTRIAL PRIVATE FORESTLANDS.

22 SEC. 51305. (1) THE PRIVATE FORESTLAND ENHANCEMENT FUND IS
23 CREATED WITHIN THE STATE TREASURY.

24 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
25 ANY SOURCE FOR DEPOSIT INTO THE FUND, INCLUDING GENERAL FUND
26 GENERAL PURPOSE APPROPRIATIONS, GIFTS, GRANTS, AND BEQUESTS. THE
27 STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE

1 TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
2 INVESTMENTS.

3 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
4 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

5 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR
6 AUDITING PURPOSES.

7 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
8 APPROPRIATION, ONLY FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

9 (A) DIRECT ASSISTANCE.

10 (B) INDIRECT ASSISTANCE.

11 (C) ADMINISTRATIVE COSTS.

12 (6) THE DEPARTMENT SHALL ESTABLISH CRITERIA AND PROCEDURES FOR
13 APPROVING PROPOSED EXPENDITURES FROM THE FUND.

14 (7) THE DEPARTMENT OF TREASURY SHALL, BEFORE NOVEMBER 1 OF
15 EACH YEAR, NOTIFY THE DEPARTMENT OF THE BALANCE IN THE FUND AT THE
16 CLOSE OF THE PRECEDING FISCAL YEAR.

17 (8) AS USED IN THIS SECTION:

18 (A) "ADMINISTRATIVE COSTS" INCLUDES, BUT IS NOT LIMITED TO,
19 COSTS INCURRED DURING ANY OF THE FOLLOWING:

20 (i) DEVELOPMENT AND ENFORCEMENT OF THIS ACT.

21 (ii) ADMINISTRATION OF THE QUALIFIED FOREST PROGRAM DEVELOPED
22 IN SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
23 211.7JJ[1].

24 (B) "DIRECT ASSISTANCE" INCLUDES, BUT IS NOT LIMITED TO,
25 PROGRAMS THAT WILL PROVIDE FOR ANY OF THE FOLLOWING:

26 (i) PROGRAMS DEVOTED TO NONINDUSTRIAL PRIVATE FORESTLAND TO
27 ENCOURAGE THE JUDICIOUS MANAGEMENT OF FORESTLANDS TO MAXIMIZE

1 ECONOMIC AND ECOLOGICAL VALUE.

2 (ii) INCENTIVE AND COST-SHARE PROGRAMS TO ASSIST LANDOWNERS.

3 (iii) PROGRAMS THAT ENHANCE INVESTMENT OF PRIVATE AND FEDERAL
4 FUNDS IN SUSTAINABLE FOREST MANAGEMENT.

5 (iv) OTHER PROGRAMS ESTABLISHED PURSUANT TO THIS PART.

6 (C) "INDIRECT ASSISTANCE" INCLUDES, BUT IS NOT LIMITED TO,
7 PROGRAMS THAT WILL PROVIDE FOR ANY OF THE FOLLOWING:

8 (i) PUBLIC EDUCATION AND DEMONSTRATION PROGRAMS ON SUSTAINABLE
9 MANAGEMENT OF PRIVATE FORESTLAND FOR INCREASING VALUE FOR WILDLIFE
10 HABITAT OR TIMBER MANAGEMENT, OR BOTH.

11 (ii) EDUCATIONAL PROGRAMS.

12 (iii) TECHNICAL ASSISTANCE PROGRAMS.

13 (iv) THE PROMOTION OF ON-SITE EVALUATION SYSTEMS AND MANAGEMENT
14 PRACTICES.

15 SEC. 51306. (1) THE DEPARTMENT SHALL PREPARE AND MAINTAIN A
16 LIST OF QUALIFIED FORESTERS IN THE STATE.

17 (2) AN INDIVIDUAL WHO WISHES TO BE INCLUDED ON THE LIST OF
18 QUALIFIED FORESTERS SHALL SUBMIT A REGISTRATION TO THE DEPARTMENT
19 ON A FORM PREPARED BY THE DEPARTMENT. THE REGISTRATION FORM SHALL
20 INCLUDE ALL OF THE FOLLOWING:

21 (A) THE CATEGORY OF QUALIFIED FORESTER FOR WHICH THE
22 INDIVIDUAL MEETS THE NECESSARY REQUIREMENTS.

23 (B) THE CONTINUING EDUCATION REQUIRED FOR THE INDIVIDUAL TO
24 MAINTAIN HIS OR HER STATUS AS A QUALIFIED FORESTER, INCLUDING THE
25 DATE ON WHICH THE CONTINUING EDUCATION IS REQUIRED TO BE COMPLETED.

26 (C) A PLACE FOR AN INDIVIDUAL TO CERTIFY WITH HIS OR HER
27 SIGNATURE THAT HE OR SHE MEETS THE REQUIREMENTS OF A QUALIFIED

1 FORESTER AND IS CURRENT WITH ANY CONTINUING EDUCATION THAT IS
2 REQUIRED.

3 (D) A PLACE TO DESIGNATE WHETHER THE INDIVIDUAL IS SUBMITTING
4 A NEW REGISTRATION OR A RENEWAL OF REGISTRATION.

5 (3) AN INDIVIDUAL MAY UPDATE HIS OR HER REGISTRATION AT ANY
6 TIME BY SUBMITTING A RENEWAL OF REGISTRATION.

7 (4) AN INDIVIDUAL WHO NO LONGER MEETS THE REQUIREMENTS TO BE
8 CONSIDERED A QUALIFIED FORESTER SHALL NOTIFY THE DEPARTMENT IN
9 WRITING, AND THE DEPARTMENT SHALL REMOVE THE INDIVIDUAL FROM THE
10 LIST OF QUALIFIED FORESTERS.

11 (5) THE DEPARTMENT SHALL PUBLISH THE LIST OF QUALIFIED
12 FORESTERS ON THE DEPARTMENT'S WEBSITE.

13 Enacting section 1. Sections 50110, 50112, and 50136 of the
14 natural resources and environmental protection act, 1994 PA 451,
15 MCL 324.50110, 324.50112, and 324.50136, are repealed.

16 Enacting section 2. This amendatory act does not take effect
17 unless all of the following bills of the 96th Legislature are
18 enacted into law:

19 (a) Senate Bill No. 1058.

20 (b) Senate Bill No. 1059.

21 (c) Senate Bill No. 1061.

22 (d) Senate Bill No. 1062.

23 (e) House Bill No. 4302.

24 (f) House Bill No. 4969.

25 (g) House Bill No. 4970.