

HOUSE BILL No. 4323

February 26, 2013, Introduced by Reps. Pettalia, LaFontaine, Victory, McBroom, Goike, Foster, Rendon and Potvin and referred to the Committee on Natural Resources.

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

1 state and any subdivision, agency, or instrumentality, corporate or
2 otherwise, of the government of this state.

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

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

9 (d) "Conservation species" means those plant species
10 beneficial for conservation practices as ~~authorized~~ **INCLUDED ON THE**
11 **LIST PREPARED UNDER SECTION 9304A** by the conservation species
12 advisory panel.

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

15 (f) "Department" means the department of agriculture **AND RURAL**
16 **DEVELOPMENT**.

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

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

23 (i) "Government" or "governmental" includes the government of
24 this state, the government of the United States, and any
25 subdivision, agency, or instrumentality, corporate or otherwise, of
26 either of them.

27 (j) "Landowner" includes any person who holds title to or has

1 contracted to purchase any land lying within a district organized
2 under this part or former 1937 PA 297.

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

4 (l) "Plant rescue" means to physically move native conservation
5 species of plants from 1 location in Michigan to another location
6 in Michigan for the purpose of reestablishing the native
7 conservation species.

8 (M) **"QUALIFIED FORESTER" MEANS THAT TERM AS DEFINED IN SECTION**
9 **51301.**

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

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

14 (P) ~~(o)~~—"United States" or "agencies of the United States"
15 includes the United States of America, the natural resources
16 conservation service of the United States department of
17 agriculture, and any other agency or instrumentality, corporate or
18 otherwise, of the United States of America.

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

1 of this state.

2 Sec. 9304. In addition to the other duties and powers
3 conferred upon the department under this part, the department has
4 the following duties and powers:

5 (a) To offer such assistance as may be appropriate to the
6 directors of conservation districts in implementing any of their
7 responsibilities under this part and as otherwise provided by law.

8 (b) To keep the directors of each of the districts informed of
9 the activities and experience of all other districts and to
10 facilitate ~~an interchange~~ **COOPERATION AND SHARING** of advice and
11 experience between the districts. ~~and cooperation between them.~~

12 (c) To approve and coordinate the programs of all conservation
13 districts.

14 (d) To secure the cooperation and assistance of the United
15 States and any of its agencies, and the state and any of its
16 agencies, in the work of the districts, and to formulate policies
17 and procedures as the department considers necessary for the
18 extension of aid in any form from federal or state agencies to the
19 districts.

20 (e) To disseminate information throughout the state concerning
21 the activities and programs of the conservation districts and to
22 encourage the formation of districts in areas where their
23 organization is desirable.

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

26 Sec. 9307. (1) A conservation district board shall consist of
27 5 directors. ~~, elected or appointed as provided in this part.~~ The

1 directors shall designate a chairperson annually.

2 (2) The term of office of each director shall be 4 years. All
3 directors shall be elected at an annual meeting by residents of the
4 district. The election shall be nonpartisan and the directors shall
5 be elected by the residents of the district at large. At least 60
6 days prior to the annual meeting, a candidate for conservation
7 district director ~~must~~ **SHALL** file at the conservation district
8 office a petition signed by 5 residents of the district. A
9 candidate must be a resident of the district. The annual meeting
10 shall be held at a date determined by the board of directors of the
11 district. Notice of the annual meeting shall be published in the
12 official newspaper of record for the area in which the district is
13 located at least 45 days prior to the date of the annual meeting.
14 This notice shall include the date, time, and location of the
15 annual meeting, an agenda of items to be considered at the meeting,
16 and a list of all candidates for directors of the conservation
17 district. A resident of a district who is unable to attend the
18 annual meeting may vote for the directors of the conservation
19 district by absentee ballot as follows:

20 (a) In person at the conservation district office, during
21 regular business hours of the conservation district office, at any
22 time after publication of the notice and prior to the annual
23 meeting.

24 (b) By mail received at the conservation district office at
25 any time after publication of the notice and prior to the annual
26 meeting.

27 (3) Director elections shall be certified by the department. A

1 director shall hold office until a successor has been elected and
2 qualified. Vacancies shall be filled by appointment by the board
3 until the next annual meeting.

4 (4) A majority of the directors constitutes a quorum, and the
5 concurrence of a majority in any matter within their duties is
6 required for its determination. A director is entitled to expenses,
7 including traveling expenses necessarily incurred in the discharge
8 of his or her duties. A director may be paid a per diem for time
9 spent undertaking his or her duties as a director in an amount not
10 to exceed the per diem paid to a member of the commission of
11 agriculture **AND RURAL DEVELOPMENT**.

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

27 (6) ~~The directors~~ **A CONSERVATION DISTRICT BOARD** shall do all

1 of the following:

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

5 (b) Provide for the keeping of a full and accurate record of
6 all proceedings and of all resolutions, regulations, and orders
7 issued or adopted.

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

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

11 (A) **ANNUALLY SUBMIT TO THE DEPARTMENT A BUDGET SETTING FORTH**
12 **THE PURPOSE AND AMOUNT OF THE EXPENSES EXPECTED TO BE INCURRED AND**
13 **THE SOURCE AND AMOUNT OF REVENUE EXPECTED TO BE RECEIVED DURING THE**
14 **ENSUING FISCAL YEAR.**

15 (B) **MAINTAIN ACCURATE FINANCIAL RECORDS OF RECEIPTS AND**
16 **DISBURSEMENTS AND UNIFORM ACCOUNTING IN ACCORDANCE WITH GENERALLY**
17 **ACCEPTED ACCOUNTING PRINCIPLES UNDER PROCEDURES PRESCRIBED BY THE**
18 **DEPARTMENT.**

19 (C) ~~(d) Provide for an annual~~ **A BIENNIAL INDEPENDENT CERTIFIED**
20 **audit BY A CERTIFIED PUBLIC ACCOUNTANT** of the ~~accounts of receipts~~
21 ~~and disbursements.~~ **FINANCIAL RECORDS, ACCOUNTS, AND PROCEDURES OF**
22 **THE DISTRICT. THE AUDIT REPORT SHALL SHOW PROFITS AND LOSSES AND**
23 **THE FINANCIAL CONDITION OF THE DISTRICT.**

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

27 (D) **AGREE TO COMPLY WITH SUBSECTION (8), AND AGREE TO RETURN**

1 ANY GRANT FUNDS RECEIVED IF SUBSECTION (8) IS VIOLATED.

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

5 (A) COMPETE WITH A PRIVATE SECTOR BUSINESS.

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

8 (9) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT
9 SUBSECTION (7). HOWEVER, RULES PROMULGATED UNDER THIS SUBSECTION
10 SHALL REMAIN IN EFFECT NOT LATER THAN 3 YEARS AFTER THE EFFECTIVE
11 DATE OF THE 2013 AMENDATORY ACT THAT AMENDED THIS SECTION.

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

15 (11) ~~(7)~~ Any director may be removed by the department upon
16 notice and hearing for neglect of duty or malfeasance in office,
17 but for no other reason.

18 (12) ~~(8) The directors~~ A CONSERVATION DISTRICT BOARD may
19 invite the legislative body of any municipality or county located
20 near the territory comprised within the district to designate a
21 representative to advise and consult with the ~~directors of the~~
22 ~~district~~ BOARD on all questions of program and policy that may
23 affect the property, water supply, or other interests of the
24 municipality or county.

25 Sec. 9308. (1) A conservation district organized under this
26 part constitutes a governmental subdivision of this state and a
27 public body corporate and politic, exercising public powers, and a

1 conservation district and the conservation ~~district's~~ **DISTRICT**
2 board has all of the following powers, in addition to powers
3 otherwise granted in this part:

4 (a) To conduct surveys, investigations, and research relating
5 to the conservation of farmland, **FORESTLAND**, and natural resources,
6 to publish the results of the surveys, investigations, or research,
7 and to disseminate that information upon obtaining the consent of
8 the landowner or the necessary rights or interest in the lands. In
9 order to avoid duplication of research activities, a district shall
10 not initiate any research program except in cooperation with the
11 government of this state or any of its agencies or with the United
12 States. ~~or any of its agencies.~~

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

23 (c) To carry out preventive and control measures within the
24 district including, but not limited to, engineering operations,
25 methods of cultivation, the growing of vegetation, changes in use
26 of land, and other measures to achieve purposes listed in
27 declaration of policy, on lands owned or controlled by this state

1 or any of its agencies, with the cooperation of the agency
2 administering and having jurisdiction of the lands, and on any
3 other lands within the district upon obtaining the consent of the
4 landowners or the necessary rights or interests in the lands.

5 (d) To cooperate or enter into agreements with and, within the
6 limits of appropriations made available to it by law, to furnish
7 financial or other aid to any agency, governmental or otherwise, or
8 any landowner within the district or his or her designated
9 representative, in the conducting of erosion-control and prevention
10 operations within the district, subject to conditions as the
11 directors consider necessary to advance the purposes of this part.

12 (e) To obtain options upon and to acquire, by purchase,
13 exchange, lease, gift, grant, bequest, devise, or otherwise, any
14 property, real or personal, or rights or interests in ~~that~~
15 property; to maintain, administer, and improve any properties
16 acquired, to receive income from the properties, and to expend
17 income in carrying out the purposes and provisions of this part;
18 and to sell, lease, or otherwise dispose of any of its property or
19 interests in property in furtherance of the purposes and provisions
20 of this part.

21 (f) To make available, on the terms it prescribes, to
22 landowners or their designated representatives within the district
23 and to other conservation districts, ~~in Michigan,~~ agricultural and
24 engineering machinery and equipment, fertilizer, seeds, and
25 seedlings, and other material or equipment ~~as THAT~~ will assist
26 landowners or their designated representatives to carry on
27 operations upon their lands for the conservation of farmland,

1 **FORESTLAND**, and natural resources and for the prevention and
2 control of soil erosion.

3 (g) To engage in plant rescue operations and to propagate,
4 plant, harvest, and, subject to section 9304a, sell only
5 conservation species. ~~on the list established in section 9304a.~~ A
6 conservation district that violates this subdivision is subject to
7 a civil fine of not more than \$100.00 per day of violation. An
8 action to enforce this subdivision may be brought by the state or a
9 county in the circuit court for the county in which the
10 conservation district is located or in which the violation
11 occurred.

12 (h) To provide technical assistance to other conservation
13 districts.

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

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

1 (k) To take over, by purchase, lease, or otherwise, and to
2 administer any farmland, ~~and FORESTLAND, OR~~ natural resource
3 conservation project located within its boundaries undertaken by
4 the United States or any of its agencies or by this state or any of
5 its agencies; to manage, as agent of the United States or any of
6 its agencies or of this state or any of its agencies, any farmland,
7 ~~and FORESTLAND, OR~~ natural resource conservation project within its
8 boundaries; to act as agent for the United States or any of its
9 agencies or for this state or any of its agencies in connection
10 with the acquisition, construction, operation, or administration of
11 any farmland, ~~and FORESTLAND, OR~~ natural resource conservation
12 project within its boundaries; to accept donations, gifts, and
13 contributions in money, services, materials, or otherwise, from the
14 United States or any of its agencies or from this state or any of
15 its agencies, and to use or expend the money, services, materials,
16 or other contributions in carrying on its operations; and to accept
17 money, gifts, and donations from any other source not specified in
18 this subdivision.

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

27 (m) To borrow money for facilities or equipment for

1 conservation purposes and pledge the assets of the district as
2 collateral against loans. Any money borrowed shall be solely the
3 obligation of the conservation district and not the obligation of
4 the state or any other public entity in the state.

5 (n) As a condition to the extension of any benefit under this
6 part to, or the performance of work upon, any lands not owned or
7 controlled by this state or any of its agencies, the directors may
8 require contributions in money, services, materials, or otherwise
9 to any operation conferring the benefits, and may require
10 landowners to enter into and perform agreements or covenants as to
11 the permanent use of the lands that will tend to prevent or control
12 erosion on those lands.

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

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

17 (Q) TO COLLABORATE WITH THE DEPARTMENT IN REVIEWING
18 APPLICATIONS FOR EXEMPTION AS QUALIFIED FOREST PROPERTY UNDER
19 SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
20 211.7JJ[1].

21 (R) SUBJECT TO SUBSECTION (2), IN COOPERATION WITH THE
22 DEPARTMENT, TO EVALUATE NONINDUSTRIAL PRIVATE FORESTLANDS.

23 (S) SUBJECT TO SUBSECTION (3), TO PROVIDE LANDOWNERS ANY OF
24 THE FOLLOWING:

25 (i) TECHNICAL ASSISTANCE REGARDING POTENTIAL ENVIRONMENTAL,
26 ECOLOGICAL, AND ECONOMIC BENEFITS OF FORESTRY, WILDLIFE HABITAT,
27 AND WETLAND DEVELOPMENT AND RESTORATION.

1 (ii) CONTACT INFORMATION FOR QUALIFIED FORESTERS.

2 (iii) CONTACT INFORMATION FOR OTHER FOREST RESOURCE
3 PROFESSIONALS THAT MAY HAVE VOLUNTARILY PROVIDED INFORMATION TO THE
4 DEPARTMENT.

5 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A
6 CONSERVATION DISTRICT SHALL NOT DEVELOP MANAGEMENT PLANS FOR
7 NONINDUSTRIAL PRIVATE FORESTLANDS. A DISTRICT SHALL PROVIDE A
8 LANDOWNER UPON REQUEST WITH A LIST OF QUALIFIED FORESTERS TO
9 DEVELOP MANAGEMENT PLANS. THE LIST SHALL BE DEVELOPED AND
10 MAINTAINED BY THE DEPARTMENT. IF REQUESTED BY A LANDOWNER, THE
11 CONSERVATION DISTRICT SHALL POST ON ITS WEBSITE NOTICE THAT THE
12 LANDOWNER IS SEEKING FOREST MANAGEMENT PLAN PREPARATION; TIMBER
13 HARVESTING, MARKETING, OR THINNING; OR SIMILAR SERVICES. IF, AFTER
14 THE NOTICE IS POSTED FOR AT LEAST 30 DAYS ON THE CONSERVATION
15 DISTRICT'S WEBSITE, A LANDOWNER IS UNABLE TO IDENTIFY A PRIVATE
16 FORESTER WILLING TO DEVELOP A FOREST MANAGEMENT PLAN, THE
17 CONSERVATION DISTRICT MAY, UPON APPROVAL BY THE DEPARTMENT, PREPARE
18 A FOREST MANAGEMENT PLAN FOR THE LANDOWNER.

19 (3) THE EXERCISE OF POWERS UNDER SUBSECTION (1) (S) DOES NOT
20 AFFECT THE REGULATORY AUTHORITY OF ANY STATE DEPARTMENT.

21 (4) ~~(2)~~—Unless authorized by the county board of commissioners
22 of each county in which a conservation district is located, a
23 conservation district shall not enforce state or federal laws.

24 (5) ~~(3)~~—Unless otherwise specifically provided by law,
25 provisions with respect to the acquisition, operation, or
26 disposition of property by other public bodies are not applicable
27 to a district organized under this part.

1 Sec. 9310. (1) Agencies of this state that have jurisdiction
 2 over, or are charged with the administration of, any state owned
 3 lands, and agencies of any county or other governmental subdivision
 4 of the state that have jurisdiction over, or are charged with the
 5 administration of, any county owned or other publicly owned lands,
 6 lying within the boundaries of any **CONSERVATION** district, shall
 7 cooperate to the fullest extent with the ~~directors of the districts~~
 8 **DISTRICT** in the effectuation of programs and operations undertaken
 9 by ~~conservation districts~~**THE DISTRICT** under this part. ~~The~~
 10 ~~directors of the districts~~**AGENTS OF THE DISTRICT** shall be given
 11 free access to enter and perform work upon such publicly owned
 12 lands.

13 (2) ~~The board of a~~**A** conservation district may cooperate with
 14 and enter into agreements with a county, township, municipality, or
 15 other subdivision of state government in implementing soil, water,
 16 **FORESTLAND**, and related land-use projects. A county, township,
 17 municipality, or other subdivision of state government through its
 18 governing body may cooperate with and enter into agreement with **A**
 19 conservation ~~districts~~**DISTRICT** in carrying out this part and may
 20 assist ~~districts~~**A DISTRICT** by providing ~~them~~**IT** with such
 21 materials, equipment, money, personnel, and other services. ~~as the~~
 22 ~~governmental unit considers advisable.~~

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

24 **(A) "CONSERVATION DISTRICT" MEANS THAT TERM AS IT IS DEFINED**
 25 **IN SECTION 9301.**

26 **(B) "DEMONSTRATION PROJECT" MEANS A FOREST IMPROVEMENT PROJECT**
 27 **DESIGNED TO ILLUSTRATE THE IMPLEMENTATION AND IMPACT OF ALTERNATE**

1 FOREST PRACTICES.

2 (C) "COMMISSION" MEANS THE COMMISSION OF AGRICULTURE AND RURAL
3 DEVELOPMENT.

4 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE AND RURAL
5 DEVELOPMENT.

6 (E) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR
7 HER DESIGNEE.

8 (F) "FOLLOW-UP WORK" MEANS FOREST PRACTICES TO PROMOTE THE
9 SURVIVAL OF SEEDS OR SEEDLINGS OR THE PROTECTION OR ENHANCEMENT OF
10 OTHER WORK PREVIOUSLY UNDERTAKEN UNDER THIS PART.

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

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

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

17 (iii) STUDY, PLANNING, OR OTHER WORK INTENDED TO IMPROVE
18 FORESTLANDS OR FOREST RESOURCES OR TO DEMONSTRATE MEANS OF
19 IMPROVING FORESTLANDS OR FOREST RESOURCES.

20 (H) "FOREST MANAGEMENT PLAN" MEANS THAT TERM AS IT IS DEFINED
21 IN SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
22 211.7JJ[1].

23 (I) "FOREST PRACTICE" MEANS THAT TERM AS IT IS DEFINED IN
24 SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
25 211.7JJ[1].

26 (J) "FOREST RESOURCES" MEANS THOSE PRODUCTS, USES, AND VALUES
27 ASSOCIATED WITH FORESTLAND, INCLUDING RECREATION AND AESTHETICS,

1 FISH, FORAGE, SOIL, TIMBER, WATERSHED, WILDERNESS, AND WILDLIFE.

2 (K) "FORESTLAND" MEANS A TRACT OF LAND THAT MAY INCLUDE
3 NONPRODUCTIVE LAND THAT IS INTERMIXED WITH PRODUCTIVE LAND THAT IS
4 AN INTEGRAL PART OF A MANAGED FOREST AND THE OWNER OF WHICH AGREES
5 TO DEVELOP, MAINTAIN, AND ACTIVELY MANAGE THE LAND AS A PRIVATE
6 FOREST THROUGH PLANTING, NATURAL REPRODUCTION, OR OTHER
7 SILVICULTURAL PRACTICES.

8 (L) "FUND" MEANS THE PRIVATE FORESTLAND ENHANCEMENT FUND
9 CREATED IN SECTION 51305.

10 (M) "HARVEST" MEANS THAT TERM AS IT IS DEFINED IN SECTION 7JJ
11 OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.7JJ[1].

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

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

23 (P) "QUALIFIED FORESTER" MEANS THAT TERM AS IT IS DEFINED IN
24 SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
25 211.7JJ[1].

26 (Q) "TECHNICAL ASSISTANCE" MEANS DIRECT ON-SITE ASSISTANCE
27 PROVIDED TO INDIVIDUALS.

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

4 (i) CHRISTMAS TREES AND ASSOCIATED GREENS.

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

8 (S) "TIMBER OWNER" MEANS A PERSON WHO HOLDS AN OWNERSHIP
9 INTEREST IN SPECIES OF FOREST TREES ON FORESTLAND. AN OWNERSHIP
10 INTEREST INCLUDES A LICENSE OR OTHER RIGHT TO HARVEST TIMBER ON
11 STATE LANDS.

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

21 (2) THE PRIMARY PURPOSE OF THIS PART IS TO ASSIST PRIVATE
22 LANDOWNERS IN UNDERSTANDING THE VALUE OF FOREST RESOURCES AND THE
23 POTENTIAL THREATS TO FOREST RESOURCES AND TO PROVIDE MANAGEMENT
24 GUIDANCE.

25 (3) THE DEPARTMENT MAY ENTER INTO COOPERATIVE AGREEMENTS WITH
26 THE FEDERAL AGENCIES THAT HAVE BEEN GIVEN AUTHORITY BY ACT OF
27 CONGRESS FOR THE MANAGEMENT OF FORESTLANDS TO ASSIST LANDOWNERS IN

1 MANAGEMENT OF THEIR NONINDUSTRIAL PRIVATE FORESTLANDS.

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

4 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
5 ANY SOURCE FOR DEPOSIT INTO THE FUND, INCLUDING GENERAL FUND
6 GENERAL PURPOSE APPROPRIATIONS, GIFTS, GRANTS, AND BEQUESTS. THE
7 STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE
8 TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
9 INVESTMENTS.

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

12 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR
13 AUDITING PURPOSES.

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

16 (A) DIRECT ASSISTANCE.

17 (B) INDIRECT ASSISTANCE.

18 (C) ADMINISTRATIVE COSTS.

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

21 (7) THE DEPARTMENT OF TREASURY SHALL, BEFORE NOVEMBER 1 OF
22 EACH YEAR, NOTIFY THE DEPARTMENT OF THE BALANCE IN THE FUND AT THE
23 CLOSE OF THE PRECEDING FISCAL YEAR.

24 (8) AS USED IN THIS SECTION:

25 (A) "ADMINISTRATIVE COSTS" INCLUDES, BUT IS NOT LIMITED TO,
26 COSTS INCURRED IN ADMINISTERING THE QUALIFIED FOREST PROGRAM
27 DEVELOPED IN SECTION 7JJ OF THE GENERAL PROPERTY TAX ACT, 1893 PA

1 206, MCL 211.7JJ[1].

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

4 (i) PROGRAMS DEVOTED TO NONINDUSTRIAL PRIVATE FORESTLAND TO
5 ENCOURAGE THE JUDICIOUS MANAGEMENT OF FORESTLANDS TO MAXIMIZE
6 ECONOMIC AND ECOLOGICAL VALUE.

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

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

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

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

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

16 (ii) EDUCATIONAL PROGRAMS.

17 (iii) TECHNICAL ASSISTANCE PROGRAMS.

18 (iv) THE PROMOTION OF ON-SITE EVALUATION SYSTEMS AND MANAGEMENT
19 PRACTICES.

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

22 (2) AN INDIVIDUAL WHO WISHES TO BE INCLUDED ON THE LIST OF
23 QUALIFIED FORESTERS SHALL SUBMIT A REGISTRATION TO THE DEPARTMENT
24 ON A FORM PREPARED BY THE DEPARTMENT. THE REGISTRATION FORM SHALL
25 INCLUDE ALL OF THE FOLLOWING:

26 (A) THE CATEGORY OF QUALIFIED FORESTER FOR WHICH THE
27 INDIVIDUAL MEETS THE NECESSARY REQUIREMENTS.

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

4 (C) A PLACE FOR AN INDIVIDUAL TO CERTIFY WITH HIS OR HER
5 SIGNATURE THAT HE OR SHE MEETS THE REQUIREMENTS OF A QUALIFIED
6 FORESTER AND IS CURRENT WITH ANY CONTINUING EDUCATION THAT IS
7 REQUIRED.

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

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

12 (4) AN INDIVIDUAL WHO NO LONGER MEETS THE REQUIREMENTS TO BE
13 CONSIDERED A QUALIFIED FORESTER SHALL NOTIFY THE DEPARTMENT IN
14 WRITING, AND THE DEPARTMENT SHALL REMOVE THE INDIVIDUAL FROM THE
15 LIST OF QUALIFIED FORESTERS.

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

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

21 Enacting section 2. This amendatory act takes effect June 1,
22 2013.