

HOUSE BILL No. 5961

April 25, 2002, Introduced by Rep. Callahan and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 9308 (MCL 324.9308), as amended by 1998
PA 463.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7 (a) To conduct surveys, investigations, and research relat-
8 ing to the conservation of farmland and natural resources, to
9 publish the results of the surveys, investigations, or research,
10 and to disseminate that information upon obtaining the consent of

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

6 (b) To conduct demonstrational projects within the district
7 on lands owned or controlled by this state or any of its agen-
8 cies, with the cooperation of the agency administering and having
9 jurisdiction of the lands, and on any other lands within the dis-
10 trict upon obtaining the consent of the owner of the lands or the
11 necessary rights or interest in the lands, in order to demon-
12 strate by example the means, methods, and measures by which farm-
13 land and natural resources may be conserved and soil erosion in
14 the form of soil blowing and soil washing may be prevented and
15 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 decla-
20 ration of policy, on lands owned or controlled by this state or
21 any of its agencies, with the cooperation of the agency adminis-
22 tering and having jurisdiction of the lands, and on any other
23 lands within the district upon obtaining the consent of the land-
24 owners or the necessary rights or interests in the lands.

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

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

6 (e) To obtain options upon and to acquire, by purchase,
7 exchange, lease, gift, grant, bequest, devise, or otherwise, any
8 property, real or personal, or rights or interests in that prop-
9 erty; to maintain, administer, and improve any properties
10 acquired, to receive income from the properties, and to expend
11 income in carrying out the purposes and provisions of this part;
12 and to sell, lease, or otherwise dispose of any of its property
13 or interests in property in furtherance of the purposes and pro-
14 visions of this part. PROPERTY OR RIGHTS IN PROPERTY ACQUIRED BY
15 A DISTRICT UNDER THIS SUBDIVISION MAY BE RETAINED BY THAT DIS-
16 TRICT IN IMPLEMENTING THIS PART. A DISTRICT MAY ESTABLISH A
17 FOUNDATION OR SEPARATE ACCOUNT TO RECEIVE PROPERTY UNDER THIS
18 SUBDIVISION AND MAY APPLY FOR DESIGNATION UNDER FEDERAL LAW FOR
19 CONTRIBUTIONS TO BE GRANTED BENEFICIAL TAX TREATMENT.

20 (f) To make available, on the terms it prescribes, to land-
21 owners or their designated representatives within the district
22 and to other conservation districts in Michigan, agricultural and
23 engineering machinery and equipment, fertilizer, seeds, and seed-
24 lings, and other material or equipment as will assist landowners
25 or their designated representatives to carry on operations upon
26 their lands for the conservation of farmland and natural
27 resources and for the prevention and control of soil erosion.

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

9 (h) To provide technical assistance to other conservation
10 districts.

11 (i) To construct, improve, and maintain structures as may be
12 necessary or convenient for the performance of any of the opera-
13 tions authorized in this part.

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

25 (k) To take over, by purchase, lease, or otherwise, and to
26 administer any farmland and natural resource conservation project
27 located within its boundaries undertaken by the United States or

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

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

23 (m) To borrow money for facilities or equipment for conser-
24 vation purposes and pledge the assets of the district as collat-
25 eral against loans. Any money borrowed shall be solely the obli-
26 gation of the conservation district and not the obligation of the
27 state or any other public entity in the state.

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

9 (o) To act as a compliance assistance agent for other feder-
10 al, state, and county laws.

11 (p) To act as the enforcing agency for a county if desig-
12 nated under section 9105.

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

16 (3) Unless otherwise specifically provided by law, provi-
17 sions with respect to the acquisition, operation, or disposition
18 of property by other public bodies are not applicable to a dis-
19 trict organized under this part.