



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4132 (as passed by the House)
Sponsor: Representative Peter Pettalia
House Committee: Natural Resources
Senate Committee: Natural Resources, Environment and Great Lakes

Date Completed: 6-3-13

CONTENT

The bill would amend Part 93 (Soil Conservation Districts) of the Natural Resources and Environmental Protection Act to do the following:

- **Revise provisions regarding the certification of conservation district board elections and the filling of board vacancies.**
- **Eliminate a provision limiting the per diem that a conservation district director may be paid.**
- **Delete a provision allowing conservation district directors to call upon the Attorney General for legal services they require.**

Under Part 93, a soil conservation district board consists of five directors, who generally are elected by residents of the district at an annual meeting. The election must be certified by the Michigan Department of Agriculture and Rural Development (MDARD). Vacancies are filled by appointment by the board until the next annual meeting.

The bill would require MDARD to notify the conservation district of its determination on election certification within 90 days. If MDARD did not certify the election, the board would have to call a special election. The procedures for the special election would have to be the same as those for an election at the annual meeting. If, however, the board received notice that MDARD would not be able to certify the director elections from a special election at least 120 days before the next annual meeting, the vacancies would have to be filled at the next annual meeting.

Part 93 provides that a conservation district director's term of office is four years. Under the bill, this would apply unless a board had insufficient directors to fill a quorum at any time. In that case, MDARD would have to appoint directors to fill the vacancies. The appointed directors would serve until new board members were elected at the next annual meeting and the Department certified the election. New members who were elected to fill vacancies would serve for the remainder of the vacated terms.

A conservation district director may be paid a per diem for time spent undertaking his or her duties in an amount that may not exceed the per diem paid to a member of the Michigan Commission of Agriculture and Rural Development. The bill would eliminate this limit.

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.