

HOUSE BILL No. 6183

September 30, 1992, Introduced by Reps. VanSingel, Middaugh and Alley and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 8 of Act No. 297 of the Public Acts of 1937, entitled as amended

"Soil conservation districts law,"

as amended by Act No. 380 of the Public Acts of 1988, being section 282.8 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 297 of the Public Acts of
2 1937, as amended by Act No. 380 of the Public Acts of 1988, being
3 section 282.8 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 8. (1) A soil conservation district ~~organized under~~
6 ~~the provisions of this act shall constitute~~ CONSTITUTES a gov-
7 ernmental subdivision of this state, and a public body corporate
8 and politic, exercising public powers. ~~, and a~~ A soil
9 conservation district, and the directors of a district, ~~shall~~

1 have all of the following powers, in addition to powers granted
2 in other sections of this act:

3 (a) To conduct surveys, investigations, and research relat-
4 ing to the character of soil erosion and the preventive and con-
5 trol measures needed, to publish the results of the surveys,
6 investigations, or research, and to disseminate information con-
7 cerning these preventive and control measures. In order to avoid
8 duplication of research activities, a district shall not initiate
9 any research program except in cooperation with the government of
10 this state or any of its agencies or with the United States or
11 any of its agencies.

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

22 (c) To carry out preventive and control measures within the
23 district including, but not limited to, engineering operations,
24 methods of cultivation, the growing of vegetation, changes in use
25 of land, and other measures to achieve purposes listed in decla-
26 ration of policy, on ~~lands~~ LAND owned or controlled by this
27 state or any of its agencies, with the cooperation of the agency

1 administering and having jurisdiction of the ~~lands~~ LAND, and on
2 any other ~~lands~~ LAND within the district upon obtaining the
3 consent of the owner of the ~~lands~~ LAND or the necessary rights
4 or interests in the ~~lands~~ LAND.

5 (d) To cooperate, or enter into agreements with, and within
6 the limits of appropriations made available to it by law, to fur-
7 nish financial or other aid to any agency, governmental or other-
8 wise, or any landowner, or his or her designated representative,
9 of ~~lands~~ LAND within the district, in the carrying on of
10 erosion-control and prevention operations within the district,
11 subject to conditions as the directors ~~may~~ consider necessary
12 to advance the purposes of this act.

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

22 (f) To make available, on the terms it prescribes, to land-
23 owners or their designated representatives within the district OR
24 TO OTHER SOIL CONSERVATION DISTRICTS, agricultural and engineer-
25 ing machinery and equipment, fertilizer, seeds, and seedlings,
26 and other material or equipment, as will assist the landowners or
27 their designated representatives to carry on operations upon

1 their ~~lands~~ LAND for the conservation of soil resources and for
2 the prevention and control of soil erosion.

3 (g) To construct, improve, and maintain structures as may be
4 necessary or convenient for the performance of any of the opera-
5 tions authorized in this act.

6 (h) To develop comprehensive plans for the conservation of
7 soil resources and for the control and prevention of soil erosion
8 within the district. The plans shall specify in such detail as
9 may be possible, the acts, procedures, performances, and avoid-
10 ances ~~which~~ THAT are necessary or desirable for the effectua-
11 tion of the plans, including the specification of engineering
12 operations, methods of cultivation, the growing of vegetation,
13 cropping programs, tillage practices, and changes in use of land;
14 and to publish the plans and information and bring them to the
15 attention of occupiers of ~~lands~~ LAND within the district.

16 (i) To take over, by purchase, lease, or otherwise, and to
17 administer any soil-conservation, erosion-control, or
18 erosion-prevention project located within its boundaries under-
19 taken by the United States or any of its agencies or by this
20 state or any of its agencies; to manage, as agent of the United
21 States or any of its agencies or of this state or any of its
22 agencies, any soil-conservation, erosion-control, or
23 erosion-prevention project within its boundaries; to act as agent
24 for the United States or any of its agencies or for this state or
25 any of its agencies in connection with the acquisition, construc-
26 tion, operation, or administration of any soil-conservation,
27 erosion-control, or erosion-prevention project within its

1 boundaries; to accept donations, gifts, and contributions in
2 money, services, materials, or otherwise, from the United States
3 or any of its agencies or from this state or any of its agencies,
4 and to use or expend the money, services, materials, or other
5 contributions in carrying on its operations subject to the poli-
6 cies and procedures adopted by the ~~state~~ committee, and to
7 accept money, gifts, and donations from any other source not
8 specified in this subdivision.

9 (j) To sue and be sued in the name of the district; to have
10 a seal that is judicially noticed; to have perpetual succession
11 unless terminated as provided in this act; to make and execute
12 contracts and other instruments necessary or convenient to the
13 exercise of its powers; to make, and from time to time amend and
14 repeal, rules and regulations in a manner that is not inconsis-
15 tent with this act to carry into effect its purposes and powers.

16 (k) As a condition to the extending of any benefit under
17 this act to, or the performance of work upon, any ~~lands~~ LAND
18 not owned or controlled by this state or any of its agencies, the
19 directors may require contributions in money, services, materi-
20 als, or otherwise to any operation conferring the benefits, and
21 may require land occupiers to enter into and perform agreements
22 or covenants as to the permanent use of the ~~lands~~ LAND that
23 will tend to prevent or control erosion on ~~those lands~~ THE
24 LAND.

25 (l) To act as the enforcing agency for a county if desig-
26 nated pursuant to section 6 of the soil erosion and sedimentation

1 control act of 1972, Act No. 347 of the Public Acts of 1972,
2 being section 282.106 of the Michigan Compiled Laws.

3 (2) Unless the legislature specifically states otherwise,
4 provisions with respect to the acquisition, operation, or dispo-
5 sition of property by other public bodies ~~shall not be~~ ARE NOT
6 applicable to a district. ~~organized under this act.~~