

HOUSE BILL No. 5793

April 28, 1998, Introduced by Reps. Llewellyn, McNutt, Hammerstrom, Wetters, Kukuk, Gilmer, Oxender, Varga, Middaugh, Dalman, Bodem, Brater, Brackenridge, Jelinek and Voorhees and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9301, 9302, 9303, 9304, 9305, 9306, 9307, 9308, 9310, 9311, 9312, and 9313 (MCL 324.9301, 324.9302, 324.9303, 324.9304, 324.9305, 324.9306, 324.9307, 324.9308, 324.9310, 324.9311, 324.9312, and 324.9313), as added by 1995 PA 60, and by adding section 9314; 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
- 4 or otherwise, of the government of this state.

1 (b) "Committee" or "state ~~soil~~ conservation committee"
2 means the advisory body created within the department of
3 agriculture in section 9304.

4 (C) "COMPLIANCE ASSISTANCE AGENT" MEANS AN INDIVIDUAL WHO
5 PROVIDES TECHNICAL ASSISTANCE TO INDIVIDUALS, ORGANIZATIONS,
6 AGENCIES, OR OTHERS TO AID THEM IN COMPLYING WITH FEDERAL, STATE,
7 AND LOCAL CONSERVATION ORDINANCES.

8 (D) "CONSERVATION SPECIES" ARE THOSE PLANT SPECIES BENEFI-
9 CIAL FOR CONSERVATION PRACTICES AS DEFINED BY THE UNITED STATES
10 DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION
11 SERVICE'S PLANT SPECIES LIST, WITH ANY CHANGES OR DELETIONS AS
12 APPROVED BY THE DEPARTMENT.

13 (E) ~~(c)~~ "Department" means the department of agriculture.

14 (F) ~~(d)~~ "Director" means 1 of the members of the governing
15 body of a district, elected or appointed in accordance with this
16 part.

17 (G) ~~(e)~~ "District" or ~~soil~~ "conservation district"
18 means a governmental subdivision of this state, and a public body
19 corporate and politic, organized in accordance with this part,
20 for the purposes, with the powers, and subject to the restric-
21 tions set forth in this part.

22 (H) ~~(f)~~ "Due notice" means notice published at least
23 twice, with an interval of at least 7 days between the 2 publica-
24 tion dates, in a newspaper or other publication of general circu-
25 lation within the appropriate area or, if no publication of gen-
26 eral circulation is available, notice posted at a reasonable
27 number of conspicuous places within the appropriate area, such

1 posting to include, if possible, posting at public places where
2 it may be customary to post notices concerning county or municipi-
3 pal affairs generally. At any hearing held pursuant to the
4 notice, at the time and place designated in the notice, adjourn-
5 ment may be made from time to time without the necessity of
6 renewing the notice for the adjourned dates.

7 (I) ~~(g)~~ "Government" or "governmental" includes the gov-
8 ernment of this state, the government of the United States, and
9 any subdivision, agency, or instrumentality, corporate or other-
10 wise, of either of them.

11 (J) ~~(h)~~ "Land occupier" or "occupier of land" includes any
12 person who ~~holds title to, or is in possession of, any land 3~~
13 ~~acres or more in extent lying within a district organized under~~
14 ~~this part or former Act No. 297 of the Public Acts of 1937,~~
15 ~~whether as owner, lessee, renter, tenant, or otherwise. An indi-~~
16 ~~vidual shall be of legal age to qualify as an occupier of land.~~
17 IS OF LEGAL AGE TO VOTE AND CAN DEMONSTRATE RESIDENCY IN THE DIS-
18 TRICT VIA 1 PIECE OF IDENTIFICATION.

19 (K) ~~(i)~~ "Landowner" includes any person who holds title to
20 or has contracted to purchase any land lying within a district
21 organized under this part or former ~~Act No. 297 of the Public~~
22 ~~Acts of 1937- 1937 PA 297.~~

23 ~~(j) "Nominating petition" means a petition filed under sec-~~
24 ~~tion 9306 to nominate candidates for the office of director of a~~
25 ~~soil conservation district.~~

26 (l) ~~(k)~~ "Person" means an individual, partnership, or
27 corporation.

1 ~~(l) "Petition" means a petition filed under section 9305(1)~~
2 ~~for the creation of a district.~~

3 (M) "PLANT RESCUE" MEANS TO PHYSICALLY MOVE NATIVE SPECIES
4 OF PLANTS FROM 1 LOCATION TO ANOTHER, OFTEN FROM AN AREA WHERE
5 THE VEGETATION WOULD HAVE BEEN DESTROYED DUE TO DEVELOPMENT
6 ACTIVITIES.

7 (N) ~~(m)~~ "State" means this state.

8 (O) ~~(n)~~ "United States" or "agencies of the United States"
9 includes the United States of America, the ~~soil~~ NATURAL
10 RESOURCES conservation service of the United States department of
11 agriculture, and any other agency or instrumentality, corporate
12 or otherwise, of the United States of America.

13 Sec. 9302. It is the policy of the legislature to provide
14 for the conservation of the FARMLAND AND NATURAL RESOURCES OF THE
15 STATE, INCLUDING soil, ~~and~~ water, AND OTHER NATURAL resources,
16 ~~of this state~~ and TO PROVIDE for the control and prevention of
17 soil erosion, and thereby to conserve the natural resources of
18 this state, control floods, prevent impairment of dams and reser-
19 voirs, assist in maintaining the navigability of rivers and har-
20 bors, preserve wildlife, protect the tax base, protect public
21 lands, and protect and promote the health, safety, and general
22 welfare of the people of this state.

23 Sec. 9303. (1) The business that the ~~soil conservation~~
24 ~~committee or the~~ board of directors of a ~~soil~~ conservation
25 district or consolidated district may perform shall be conducted
26 at a public meeting of the committee or board held in compliance
27 with the open meetings act, ~~Act No. 267 of the Public Acts of~~

1 ~~1976, being sections 15.261 to 15.275 of the Michigan Compiled~~
2 ~~Laws~~ 1976 PA 267, MCL 15.261 TO 15.275. Public notice of the
3 time, date, and place of the meeting shall be given in the manner
4 required by ~~Act No. 267 of the Public Acts of 1976~~ THE OPEN
5 MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275, in addition to
6 any other notice prescribed in this part.

7 (2) A writing prepared, owned, used, in the possession of,
8 or retained by the ~~soil conservation committee or the~~ board of
9 directors of a ~~soil~~ conservation district or consolidated dis-
10 trict in the performance of an official function shall be made
11 available to the public in compliance with the freedom of infor-
12 mation act, ~~Act No. 442 of the Public Acts of 1976, being sec-~~
13 ~~tions 15.231 to 15.246 of the Michigan Compiled Laws~~ 1976 PA
14 442, MCL 15.231 TO 15.246.

15 Sec. 9304. ~~(1) There is established, to serve as an~~
16 ~~advisory body and to perform the functions conferred upon it by~~
17 ~~the director of the department of agriculture, the state soil~~
18 ~~conservation committee. The committee shall consist of 7~~
19 ~~members. The following shall serve as members of the committee:~~
20 ~~the dean of agriculture and natural resources of Michigan state~~
21 ~~university; the director of the department of agriculture; the~~
22 ~~director of the department of natural resources; and 4 practical~~
23 ~~farmers, who shall be appointed by the governor from among the~~
24 ~~directors of the several districts, for terms of 4 years, to~~
25 ~~begin July 1 of the odd year. The department may invite the~~
26 ~~United States secretary of agriculture to appoint 1 person to~~
27 ~~serve with the other members as a member of the committee. The~~

~~1 department shall keep a record of the committee's official
2 actions, shall adopt a seal, which seal shall be judicially
3 noticed, and may perform acts, hold public hearings, and promul-
4 gate rules as may be necessary for the execution of its functions
5 under this part.~~

~~6 (2) The department may employ an administrative officer,
7 technical experts, and other agents and employees, permanent and
8 temporary, as it may require, and shall determine their qualifi-
9 cations and duties. The department may call upon the attorney
10 general of the state for legal services as it may require. The
11 committee shall be supplied with necessary supplies and
12 equipment. Upon request of the department for the purpose of
13 carrying out any of its functions, the supervising officer of any
14 state agency or of any state institution of learning shall, to
15 the extent possible under available appropriations and having due
16 regard to the needs of the agency or institution of learning to
17 which the request is directed, assign or detail to the department
18 members of the staff or personnel of the agency or institution of
19 learning and make such special reports, surveys, or studies as
20 the committee may request.~~

~~21 (3) The committee shall designate its chairperson annually.
22 The 4 farmer members shall hold office for 4 years or until a
23 successor is appointed and qualified. The nonfarmer members
24 shall hold office as long as they retain the office by virtue of
25 which they serve on the committee. A majority of the committee
26 constitutes a quorum, and the concurrence of a majority in any
27 matter within their duties is required for its determination.~~

1 ~~The farmer members of the committee shall receive compensation~~
2 ~~for their services when attending committee meetings and are~~
3 ~~entitled to expenses, including traveling expenses, necessarily~~
4 ~~incurred in the discharge of their duties on the committee. The~~
5 ~~nonfarmer members shall not receive compensation for their serv-~~
6 ~~ices on the committee. The department shall provide for the~~
7 ~~keeping of a full and accurate record of all proceedings of the~~
8 ~~committee and of all resolutions and recommendations issued or~~
9 ~~adopted by the committee. The department shall provide for an~~
10 ~~annual audit of the accounts of receipts and disbursements of the~~
11 ~~committee.~~ (4) In addition to the OTHER duties and powers con-
12 ferred upon the department under this part, the department has
13 the following duties and powers:

14 (a) To offer such assistance as may be appropriate to the
15 directors of ~~soil~~ conservation districts ~~, organized as pro-~~
16 ~~vided in this part,~~ in implementing any of their ~~powers and~~
17 ~~programs~~ RESPONSIBILITIES UNDER THIS PART AND AS OTHERWISE PRO-
18 VIDED BY LAW.

19 (b) To keep the directors of each of the districts
20 ~~organized under this part~~ informed of the activities and
21 experience of all other districts ~~organized under this part,~~
22 and to facilitate an interchange of advice and experience between
23 the districts and cooperation between them.

24 (c) To approve and coordinate the programs of all ~~soil~~
25 conservation districts. ~~organized under this part.~~

26 (d) To secure the cooperation and assistance of the United
27 States and any of its agencies, and the state and any of its

1 agencies, in the work of the districts, and to formulate policies
2 and procedures as the department considers necessary for the
3 extension of aid in any form from federal or state agencies to
4 the districts.

5 (e) To disseminate information throughout the state concern-
6 ing the activities and programs of the ~~soil~~ conservation dis-
7 tricts ~~organized under this part,~~ and to encourage the forma-
8 tion of districts in areas where their organization is
9 desirable.

10 ~~(5) Members of the committee shall not accept any position~~
11 ~~created by the committee for which a salary is paid or engage in~~
12 ~~any business that is promoted by the committee as part of or that~~
13 ~~contributes to the soil conservation program.~~

14 Sec. 9305. ~~(1) Any 25 occupiers of land lying within the~~
15 ~~limits of the territory proposed to be organized into a district~~
16 ~~may file a petition with the department asking that a soil con-~~
17 ~~servation district be organized to function in the territory~~
18 ~~described in the petition. The petition shall set forth:~~

19 (a) ~~The proposed name of the district.~~

20 (b) ~~That there is need, in the interest of the public~~
21 ~~health, safety, and welfare, for a soil conservation district to~~
22 ~~function in the territory described in the petition.~~

23 (c) ~~A description of the territory proposed to be organized~~
24 ~~as a district. The description is not required to be given by~~
25 ~~metes and bounds or by legal subdivisions, but is sufficient if~~
26 ~~generally accurate.~~

1 ~~(d) A request that the department define the boundaries for~~
2 ~~the district; that a referendum be held within the territory so~~
3 ~~defined on the question of the creation of a soil conservation~~
4 ~~district in the territory; and that the department determine that~~
5 ~~a district be created. If more than 1 petition is filed covering~~
6 ~~parts of the same territory, the department may consolidate all~~
7 ~~or any of the petitions.~~

8 ~~(2) Within 30 days after a petition has been filed with the~~
9 ~~department, the department shall give notice of a proposed hear-~~
10 ~~ing upon the question of the desirability and necessity, in the~~
11 ~~interest of the public health, safety, and welfare, of the cre-~~
12 ~~ation of the district; upon the question of the appropriate~~
13 ~~boundaries to be assigned to the district; upon the propriety of~~
14 ~~the petition and other proceedings taken under this part; and~~
15 ~~upon all questions relevant to those issues. All occupiers of~~
16 ~~land within the limits of the territory described in the peti-~~
17 ~~tion, and of land within a territory considered for addition to~~
18 ~~the described territory, and all other interested parties, have~~
19 ~~the right to attend the hearings and to be heard. If it appears~~
20 ~~at the hearing that it may be desirable to include within the~~
21 ~~proposed district territory outside of the area within which~~
22 ~~notice of the hearing has been given, the hearing shall be~~
23 ~~adjourned, notice of further hearing shall be given throughout~~
24 ~~the entire area considered for inclusion in the district, and a~~
25 ~~further hearing shall be held. After the hearing, if the depart-~~
26 ~~ment determines, upon the facts presented at the hearing and upon~~
27 ~~other relevant facts and information as may be available, that~~

~~1 there is need, in the interest of the public health, safety, and
2 welfare, for a soil conservation district to function in the ter-
3 ritory considered at the hearing, it shall make and record its
4 determination and shall define, by metes and bounds or by legal
5 subdivisions, the boundaries of the district. In making the
6 determination and in defining the boundaries, the department
7 shall give due weight and consideration to the topography of the
8 area considered, the composition of soils, the distribution of
9 erosion, the prevailing land-use practices, the desirability and
10 necessity of including within the boundaries the particular lands
11 under consideration and the benefits the lands may receive from
12 being included within the boundaries, the relation of the pro-
13 posed area to existing watersheds and agricultural regions and to
14 other soil conservation districts already organized or proposed
15 for organization under this part, and other relevant physical,
16 geographical, and economic factors. The territory to be included
17 within the boundaries need not be contiguous. If the department
18 determines after the hearing and after due consideration of the
19 relevant facts that there is no need for a soil conservation dis-
20 trict to function in the territory considered at the hearing, it
21 shall make and record its determination and deny the petition.
22 After 6 months have expired from the date of the denial of any
23 petition, subsequent petitions covering the same or substantially
24 the same territory may be filed and new hearings held and deter-
25 minations made based on those hearings.~~

~~26 (3) After the department has made and recorded a
27 determination that there is need, in the interest of the public~~

~~1 health, safety, and welfare, for the organization of a district
2 in a particular territory and has defined the boundaries of the
3 district, it shall consider whether the operation of a district
4 within those boundaries with the powers conferred upon soil con-
5 servation districts in this part is administratively practicable
6 and feasible. To assist the department in the determination of
7 administrative practicability and feasibility, the department,
8 within a reasonable time after entry of the finding that there is
9 need for the organization of the proposed district and the deter-
10 mination of the boundaries of the district, shall hold a referen-
11 dum within the proposed district upon the proposition of the cre-
12 ation of the district and shall give notice of the referendum.
13 The question shall be submitted by ballots upon which the words
14 "For creation of a soil conservation district of the lands below
15 described and lying in the county of and"
16 and "Against creation of a soil conservation district of the
17 lands below described and lying in the county of and
18" shall be printed or mimeographed with a square
19 before each proposition and a direction to insert an X mark in
20 the square before 1 or the other of the propositions as the voter
21 may favor or oppose creation of the district. The ballot shall
22 set forth the boundaries of the proposed district as determined
23 by the department. All occupiers of lands lying within the
24 boundaries of the territory, as determined by the department,
25 shall be eligible to vote in the referendum.~~

~~26 (4) The department shall pay all expenses for the issuance
27 of the notices and the conduct of the hearings and referenda and~~

~~1 shall supervise the conduct of the hearings and referenda. The
2 department shall issue appropriate rules governing the conduct of
3 the hearings and referenda and providing for the registration of
4 all eligible voters or prescribing some other appropriate proce-
5 dure for the determination of those eligible as voters in the
6 referendum. Informalities in the conduct of the referendum or in
7 any matters relating to the referendum shall not invalidate the
8 referendum or the result of the referendum if notice has been
9 given substantially as provided in this section and the referen-
10 dum was fairly conducted.~~

~~11 (5) The department shall publish the result of the referen-
12 dum and thereafter consider and determine whether the operation
13 of the district within the defined boundaries is administratively
14 practicable and feasible. If the department determines that the
15 operation of the district is not administratively practicable and
16 feasible, it shall record its determination and deny the
17 petition. If the department determines that the operation of the
18 district is administratively practicable and feasible, it shall
19 record its determination and proceed with the organization of the
20 district. In making its determination, the department shall give
21 due regard and weight to the attitudes of the occupiers of lands
22 lying within the defined boundaries, the number of land occupiers
23 eligible to vote in the referendum who have voted, the proportion
24 of the votes cast in the referendum in favor of the creation of
25 the district to the total number of votes cast, the probable
26 expense of conducting erosion-control operations within the
27 district, and other economic and social factors that are relevant~~

~~1 to the determination. The department shall not determine that
2 the operation of the proposed district within the defined bounda-
3 ries is administratively practicable and feasible unless at least
4 a majority of the votes cast in the referendum upon the proposi-
5 tion of creation of the district were cast in favor of the cre-
6 ation of the district.~~

~~7 (6) If the department determines that the operation of the
8 proposed district within the defined boundaries is administra-
9 tively practicable and feasible, it shall appoint 2 directors to
10 act, with the 3 directors elected as provided in section 9306, as
11 the governing body of the district. The district shall be a gov-
12 ernmental subdivision of this state and a public body corporate
13 and politic, after the following requirements have been met:~~

~~14 (a) The directors shall present to the secretary of state an
15 application signed by them that sets forth the following:~~

~~16 (i) That a petition for the creation of the district was
17 filed with the department pursuant to this part, and that the
18 proceedings specified in this part were taken pursuant to the
19 petition; that the application is being filed in order to com-
20 plete the organization of the district as a governmental subdivi-
21 sion and a public body, corporate and politic; and that they are
22 the directors.~~

~~23 (ii) The name and official residence of each of the direc-
24 tors, together with a certification evidencing their right to
25 office.~~

~~26 (iii) The term of office of each of the directors.~~

1 ~~(iv) The name that is proposed for the district.~~

2 ~~(v) The location of the principal office of the directors of~~
3 ~~the district.~~

4 ~~(b) The application described in subdivision (a) shall be~~
5 ~~subscribed and sworn to by each of the directors before an offi-~~
6 ~~cer authorized by the laws of this state to take and certify~~
7 ~~oaths, who shall certify upon the application that he or she per-~~
8 ~~sonally knows the directors and knows them to be the officers as~~
9 ~~affirmed in the application, and that each has subscribed to the~~
10 ~~application in the officer's presence. The application shall be~~
11 ~~accompanied by a statement by the department that certifies all~~
12 ~~of the following:~~

13 ~~(i) That a petition was filed, notice issued, and hearing~~
14 ~~held.~~

15 ~~(ii) That the department did determine that there is need,~~
16 ~~in the interest of the public health, safety, and welfare, for a~~
17 ~~soil conservation district to function in the proposed territory~~
18 ~~and did define the boundaries of the district.~~

19 ~~(iii) That notice was given and a referendum held on the~~
20 ~~question of the creation of the district.~~

21 ~~(iv) That the result of the referendum showed a majority of~~
22 ~~the votes cast to be in favor of the creation of the district.~~

23 ~~(v) That the department did determine that the operation of~~
24 ~~the proposed district is administratively practicable and~~
25 ~~feasible.~~

26 ~~(vi) The boundaries of the district as they have been~~
27 ~~defined by the department.~~

1 ~~(c) The secretary of state shall examine the application and~~
2 ~~statement and, if the secretary of state finds that the name pro-~~
3 ~~posed for the district is not identical with that of any other~~
4 ~~soil conservation district or so nearly similar as to lead to~~
5 ~~confusion or uncertainty, he or she shall receive and file the~~
6 ~~application and statement and record them in an appropriate book~~
7 ~~of record in his or her office. If the secretary of state finds~~
8 ~~that the name proposed for the district is identical with that of~~
9 ~~any other soil conservation district or so nearly similar as to~~
10 ~~lead to confusion or uncertainty, that fact shall be certified to~~
11 ~~the department, which shall submit to the secretary of state a~~
12 ~~new name for the district that is not subject to those defects.~~
13 ~~Upon receipt of the new name, free of defects, the secretary of~~
14 ~~state shall record the application and statement, with the modi-~~
15 ~~fied name, in an appropriate book of record in his or her~~
16 ~~office. When the application and statement have been made,~~
17 ~~filed, and recorded, the district constitutes a governmental sub-~~
18 ~~division of this state and a public body corporate and politic.~~
19 ~~The secretary of state shall issue to the directors a certifi-~~
20 ~~cate, under the seal of the state, of the due organization of the~~
21 ~~district, and shall record the certificate with the application~~
22 ~~and statement. The boundaries of the district shall include the~~
23 ~~territory as determined by the department but shall not include~~
24 ~~any area included within the boundaries of another soil conserva-~~
25 ~~tion district organized under this part or former Act No. 297 of~~
26 ~~the Public Acts of 1937.~~

1 ~~(7) After 6 months have expired from the date of entry of a~~
2 ~~determination by the department that operation of a proposed~~
3 ~~district is not administratively practicable and feasible and~~
4 ~~denial of a petition pursuant to that determination, subsequent~~
5 ~~petitions may be filed and action taken in accordance with this~~
6 ~~part.~~

7 ~~(8) Petitions for including additional territory within an~~
8 ~~existing district may be filed with the department, and the pro-~~
9 ~~ceedings provided for in the case of petitions to organize a dis-~~
10 ~~trict shall be observed in the case of petitions for inclusion.~~
11 ~~The department shall prescribe the form for the petitions, which~~
12 ~~shall be as nearly as possible in the form prescribed for peti-~~
13 ~~tions to organize a district. If the total number of land occu-~~
14 ~~piers in the area proposed for inclusion is less than 25, the~~
15 ~~petition may be filed when signed by a majority of the land occu-~~
16 ~~piers of the area, in which case a referendum need not be held.~~
17 ~~In a referendum upon a petition for inclusion, all occupiers of~~
18 ~~land lying within the proposed additional area are eligible to~~
19 ~~vote.~~

20 ~~(9) In any suit, action, or proceeding involving the valid-~~
21 ~~ity or enforcement of, or relating to, any contract, proceeding,~~
22 ~~or action of the district, the district shall be considered to~~
23 ~~have been established in accordance with this part upon proof of~~
24 ~~the issuance of the certificate by the secretary of state. A~~
25 ~~copy of the certificate certified by the secretary of state is~~
26 ~~admissible in evidence in any action or proceeding and is proof~~
27 ~~of the filing and contents of the certificate.~~

1 ~~(10) Petitions signed by a majority of the members of each~~
2 ~~of the governing bodies of adjoining soil conservation districts~~
3 ~~may be filed with the department asking that the boundary line~~
4 ~~between the districts be changed. The department shall prescribe~~
5 ~~the form of the petitions, which shall set out the existing~~
6 ~~boundary line between the districts and the proposed new~~
7 ~~boundary. Within 30 days after a petition has been filed with~~
8 ~~the department, it shall give notice of a public hearing upon the~~
9 ~~question of the proposed change of boundary. All occupiers of~~
10 ~~land lying within the districts and all other interested persons~~
11 ~~may attend the hearings and be heard. After the hearing, the~~
12 ~~department shall determine, upon the facts presented at the hear-~~
13 ~~ing and upon other available facts and information, whether the~~
14 ~~operation of the districts within the proposed new boundaries~~
15 ~~would be administratively practicable and feasible. In making~~
16 ~~its determination, the department shall give consideration to the~~
17 ~~declaration of policy and to the standards provided in this sec-~~
18 ~~tion, relative to the organization of districts. If after the~~
19 ~~hearing the department determines that the operation of the dis-~~
20 ~~tricts within the proposed new boundaries will be administra-~~
21 ~~tively practicable and feasible, it shall record its determina-~~
22 ~~tion and notify the chairpersons of the governing bodies of the~~
23 ~~districts of its determination. The chairpersons shall present~~
24 ~~to the secretary of state an application, signed by them, for a~~
25 ~~certificate evidencing the change of boundary. The application~~
26 ~~shall be accompanied by a statement by the department certifying~~
27 ~~that the boundary between the districts has been changed in~~

1 ~~accordance with the procedures prescribed in this subsection and~~
2 ~~setting forth the new boundary line. When the application and~~
3 ~~statement have been filed with the secretary of state, the change~~
4 ~~of boundary shall be effective, and the secretary of state shall~~
5 ~~issue to the directors of each of the districts a certificate~~
6 ~~evidencing the change of boundary.~~

7 (1) ~~-(11)-~~ Boundaries of ~~soil~~ conservation districts ~~that~~
8 ~~exclude~~ SHALL INCLUDE cities, TOWNSHIPS, and incorporated
9 villages. ~~are extended to include these municipalities.~~

10 Landowners and land occupiers of cities, TOWNSHIPS, and incorpo-
11 rated villages have the same rights and privileges as accorded
12 other landowners and land occupiers under this part.

13 (2) ~~-(12)-~~ The board of directors of a ~~soil~~ conservation
14 district may petition the department to change the district's
15 name. The petition form shall be provided by the department.
16 The department shall give due consideration to the petition and,
17 if the request is determined to be needed and practical, shall
18 approve the change in name and request the secretary of state to
19 enter the new name in the secretary of state's official records
20 of the district.

21 Sec. 9307. (1) The first governing body of the district
22 shall consist of 5 directors, elected or appointed as provided in
23 this part. ~~The 2 directors appointed by the department shall be~~
24 ~~persons who are by training and experience qualified to perform~~
25 ~~the specialized skilled services that will be required of them in~~
26 ~~the performance of their duties under this part.~~ The directors
27 shall designate a chairperson annually.

1 (2) The term of office of each director shall be ~~3~~ 4
2 years. ~~, except that the director first appointed shall serve~~
3 ~~for 2 years, the second director appointed shall serve for 1~~
4 ~~year, and the directors first elected at the time of the referen-~~
5 ~~dum shall serve as follows: the director receiving the highest~~
6 ~~number of votes shall serve for 3 years, the director receiving~~
7 ~~the second highest number of votes shall serve for 2 years, and~~
8 ~~the director receiving the third highest number of votes shall~~
9 ~~serve for 1 year. Thereafter, all~~ ALL directors shall be
10 elected at an annual meeting of the land occupiers of the
11 district. The annual meeting shall be held within 30 days fol-
12 lowing the close of the fiscal year of the district. The fiscal
13 year of the district shall be determined by the board of direc-
14 tors of the district. A director shall hold office until a suc-
15 cessor has been elected and qualified. Vacancies shall be filled
16 by appointment by the board of directors until the next annual
17 meeting. ~~, at which time a director shall be elected to fill the~~
18 ~~unexpired or full term. The department shall promulgate rules~~
19 ~~governing the conduct of elections at annual meetings.~~

20 (3) A majority of the directors constitutes a quorum, and
21 the concurrence of a majority in any matter within their duties
22 is required for its determination. A director is entitled to
23 expenses, including traveling expenses ~~,~~ necessarily incurred
24 in the discharge of his or her duties. A DIRECTOR MAY BE PAID A
25 PER DIEM FOR TIME SPENT UNDERTAKING HIS OR HER DUTIES AS A
26 DIRECTOR.

1 (4) The directors may employ a secretary, technical experts,
2 and such other officers, agents, and employees, permanent and
3 temporary, as they may require, and shall determine their quali-
4 fications, duties, and compensation. The directors may call upon
5 the attorney general of the state for legal services as they may
6 require. The directors may delegate to their chairperson, to 1
7 or more directors, or to 1 or more agents or employees any powers
8 and duties that they consider proper. The directors shall fur-
9 nish to the department, upon request, copies of ordinances,
10 rules, regulations, orders, contracts, forms, and other documents
11 that they adopt or employ, and any other information concerning
12 their activities that the department may require in the per-
13 formance of its duties under this part.

14 (5) The directors shall provide for the execution of surety
15 bonds for all employees and officers who are entrusted with funds
16 or property; shall provide for the keeping of a full and accurate
17 record of all proceedings and of all resolutions, regulations,
18 and orders issued or adopted; shall provide for an annual audit
19 of the accounts of receipts and disbursements; and shall maintain
20 accurate financial records of receipts and disbursements of state
21 funds, which records shall be made available to the department.
22 Any director may be removed by the department upon notice and
23 hearing for neglect of duty or malfeasance in office, but for no
24 other reason.

25 (6) The directors may invite the legislative body of any
26 municipality or county located near the territory comprised
27 within the district to designate a representative to advise and

1 consult with the directors of the district on all questions of
2 program and policy that may affect the property, water supply, or
3 other interests of the municipality or county.

4 Sec. 9308. (1) A ~~soil~~ conservation district organized
5 under this part constitutes a governmental subdivision of this
6 state and a public body corporate and politic, exercising public
7 powers, and a ~~soil~~ conservation district and the directors of a
8 district have all of the following powers, in addition to powers
9 otherwise granted in this part:

10 (a) To conduct surveys, investigations, and research relat-
11 ing to ~~the character of soil erosion and the preventive and con-~~
12 ~~trol measures needed~~ THE CONSERVATION OF FARMLAND AND NATURAL
13 RESOURCES, to publish the results of the surveys, investigations,
14 or research, and to disseminate THAT information ~~concerning~~
15 ~~these preventive and control measures~~ UPON OBTAINING THE CONSENT
16 OF THE OWNER OF THE LANDS OR THE NECESSARY RIGHTS OR INTEREST IN
17 THE LANDS. In order to avoid duplication of research activities,
18 a district shall not initiate any research program except in
19 cooperation with the government of this state or any of its agen-
20 cies or with the United States or any of its agencies.

21 (b) To conduct demonstrational projects within the district
22 on lands owned or controlled by this state or any of its agen-
23 cies, with the cooperation of the agency administering and having
24 jurisdiction of the lands, and on any other lands within the dis-
25 trict upon obtaining the consent of the owner of the lands or the
26 necessary rights or interest in the lands, in order to
27 demonstrate by example the means, methods, and measures by which

1 ~~soil and soil~~ FARMLAND AND NATURAL resources may be conserved
2 and soil erosion in the form of soil blowing and soil washing may
3 be prevented and controlled.

4 (c) To carry out preventive and control measures within the
5 district including, but not limited to, engineering operations,
6 methods of cultivation, the growing of vegetation, changes in use
7 of land, and other measures to achieve purposes listed in decla-
8 ration of policy, on lands owned or controlled by this state or
9 any of its agencies, with the cooperation of the agency adminis-
10 tering and having jurisdiction of the lands, and on any other
11 lands within the district upon obtaining the consent of the owner
12 of the lands or the necessary rights or interests in the lands.

13 (d) To cooperate or enter into agreements with and, within
14 the limits of appropriations made available to it by law, to fur-
15 nish financial or other aid to any agency, governmental or other-
16 wise, or any landowner of land within the district or his or her
17 designated representative, in the conducting of erosion-control
18 and prevention operations within the district, subject to condi-
19 tions as the directors consider necessary to advance the purposes
20 of this part.

21 (e) To obtain options upon and to acquire, by purchase,
22 exchange, lease, gift, grant, bequest, devise, or otherwise, any
23 property, real or personal, or rights or interests in that prop-
24 erty; to maintain, administer, and improve any properties
25 acquired, to receive income from the properties, and to expend
26 income in carrying out the purposes and provisions of this part;
27 and to sell, lease, or otherwise dispose of any of its property

1 or interests in property in furtherance of the purposes and
2 provisions of this part.

3 (f) To make available, on the terms it prescribes, to land-
4 owners or their designated representatives within the district
5 AND TO OTHER CONSERVATION DISTRICTS, agricultural and engineering
6 machinery and equipment, fertilizer, seeds, and seedlings, and
7 other material or equipment as will assist ~~the~~ landowners or
8 their designated representatives to carry on operations upon
9 their lands for the conservation of ~~soil~~ FARMLAND AND NATURAL
10 resources and for the prevention and control of soil erosion.

11 (G) TO ENGAGE IN PLANT RESCUE OPERATIONS AND TO PROPAGATE,
12 HARVEST, AND SELL CONSERVATION SPECIES FOR CONSERVATION
13 PURPOSES.

14 (H) TO PROVIDE TECHNICAL ASSISTANCE TO OTHER CONSERVATION
15 DISTRICTS.

16 (I) ~~(g)~~ To construct, improve, and maintain structures as
17 may be necessary or convenient for the performance of any of the
18 operations authorized in this part.

19 (J) ~~(h)~~ To develop comprehensive plans for the conserva-
20 tion of ~~soil~~ FARMLAND AND NATURAL resources and for the control
21 and prevention of soil erosion within the district OR OTHER CON-
22 SERVATION DISTRICTS. The plans shall specify, in such detail as
23 is possible, the acts, procedures, performances, and avoidances
24 that are necessary or desirable for the effectuation of the
25 plans, including the specification of engineering operations,
26 methods of cultivation, the growing of vegetation, cropping
27 programs, tillage practices, and changes in use of land; and to

1 publish the plans and information described in this subdivision
2 and bring them to the attention of occupiers of lands within the
3 SUBJECT district.

4 (K) ~~(i)~~ To take over, by purchase, lease, or otherwise,
5 and to administer any ~~soil-conservation, erosion-control, or~~
6 ~~erosion-prevention~~ FARMLAND AND NATURAL RESOURCE CONSERVATION
7 project located within its boundaries undertaken by the United
8 States or any of its agencies or by this state or any of its
9 agencies; to manage, as agent of the United States or any of its
10 agencies or of this state or any of its agencies, any
11 ~~soil-conservation, erosion-control, or erosion-prevention~~
12 FARMLAND AND NATURAL RESOURCE CONSERVATION project within its
13 boundaries; to act as agent for the United States or any of its
14 agencies or for this state or any of its agencies in connection
15 with the acquisition, construction, operation, or administration
16 of any ~~soil-conservation, erosion-control, or~~
17 ~~erosion-prevention~~ FARMLAND AND NATURAL RESOURCE CONSERVATION
18 project within its boundaries; to accept donations, gifts, and
19 contributions in money, services, materials, or otherwise, from
20 the United States or any of its agencies or from this state or
21 any of its agencies, and to use or expend the money, services,
22 materials, or other contributions in carrying on its operations
23 subject to the policies and procedures adopted by the state soil
24 conservation committee; and to accept money, gifts, and donations
25 from any other source not specified in this subdivision.

26 (l) ~~(j)~~ To sue and be sued in the name of the district; to
27 have a seal that is judicially noticed; to have perpetual

1 succession unless terminated as provided in this part; to make
2 and execute contracts and other instruments necessary or conven-
3 ient to the exercise of its powers; and to make, and from time to
4 time amend and repeal, rules and regulations in a manner that is
5 not inconsistent with this part to carry into effect its purposes
6 and powers.

7 (M) TO BORROW MONEY FOR FACILITIES OR EQUIPMENT FOR CONSER-
8 VATION PURPOSES AND PLEDGE THE ASSETS OF THE DISTRICT AS COLLAT-
9 ERAL AGAINST LOANS.

10 (N) ~~-(k)-~~ As a condition to the extension of any benefit
11 under this part to, or the performance of work upon, any lands
12 not owned or controlled by this state or any of its agencies, the
13 directors may require contributions in money, services, materi-
14 als, or otherwise to any operation conferring the benefits, and
15 may require land occupiers to enter into and perform agreements
16 or covenants as to the permanent use of the lands that will tend
17 to prevent or control erosion on those lands.

18 (O) TO ACT AS A COMPLIANCE ASSISTANCE AGENT FOR OTHER FEDER-
19 AL, STATE, AND COUNTY LAWS, IF APPROVED BY THE DISTRICT BOARD,
20 AND SO DESIGNATED.

21 (P) ~~-(i)-~~ To act as the enforcing agency for a county if
22 designated under section 9105.

23 (2) Unless the legislature specifically states otherwise,
24 provisions with respect to the acquisition, operation, or dispo-
25 sition of property by other public bodies are not applicable to a
26 district organized under this part.

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

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

22 Sec. 9312. (1) ~~Two or more soil~~ ONE OR MORE conservation
23 districts ~~organized pursuant to this part~~ may petition the
24 department for ~~consolidation of the districts into a single~~
25 ~~district~~ A CHANGE IN THE BOUNDARIES OF 1 OR MORE CONSERVATION
26 DISTRICTS. The department shall not take action on the petition
27 unless it is signed by a majority of the directors of each of the

1 districts involved IN THE CHANGE AND BY A MAJORITY OF THE COUNTY
2 BOARD OF COMMISSIONERS OF EACH COUNTY IN WHICH A DISTRICT
3 INVOLVED IN THE CHANGE IS LOCATED. Within 30 days after receipt
4 of a proper petition, the department shall cause notice of hear-
5 ing to be given to the occupiers of land in the area ~~proposed to~~
6 ~~be included in the consolidated district~~ OR AREAS AFFECTED BY
7 THE PROPOSED CHANGE AS IDENTIFIED BY THE DIRECTORS OF A DISTRICT
8 OR THE COUNTY BOARD OF COMMISSIONERS OF A COUNTY.

9 (2) The department shall determine if ~~consolidation~~ THE
10 PROPOSED CHANGE as petitioned for is desirable. If it finds in
11 the affirmative, the department shall issue an order that states
12 that the BOUNDARIES OF THE districts are to be MERGED, consoli-
13 dated, OR SEPARATED at a date specified in the order and includes
14 the name and the CHANGE OF THE boundaries of the ~~consolidated~~
15 NEW district OR DISTRICTS.

16 (3) Upon transmission of the order to the secretary of
17 state, a certificate of due organization under seal of the state
18 shall issue, IF NECESSARY, to the directors of the district as
19 provided in this part. The ~~consolidated~~ CHANGED district OR
20 DISTRICTS shall have the same powers, duties, and functions as
21 other districts organized under this part.

22 (4) The department shall appoint the first board of direc-
23 tors of the ~~consolidated~~ CHANGED district, 1 of whom shall be
24 appointed for a term of 1 year, 2 for a term of 2 years, and 2
25 for a term of 3 years. Thereafter, directors shall be elected as
26 provided in section 9307.

1 (5) All assets, liabilities, records, documents, writings,
2 or other property of whatever kind of the districts of which the
3 consolidated district is composed shall become the property of
4 the consolidated district, and all agreements made by, and obli-
5 gations of, the former districts shall be binding upon and
6 enforceable by the consolidated district. At the date specified
7 in the department's order, the districts of which the consoli-
8 dated district is composed shall cease to exist, and their powers
9 and duties shall cease after that date. The consolidated dis-
10 trict shall be governed by this part.

11 Sec. 9313. The necessary expenses of ~~the state soil con-~~
12 ~~servations committee and~~ any ~~soil~~ conservation districts shall
13 be made from appropriations made for those purposes.

14 Enacting section 1. Sections 9306 and 9311 of the natural
15 resources and environmental protection act, 1994 PA 451,
16 MCL 324.9306 and 324.9311, are repealed.