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## ENCOURAGE CONSERVATION PRACTICES

House Bill 5013

Sponsor: Rep. Gene DeRossett

Committee: Agriculture and Resource  
Management

Complete to 9-13-01

### A SUMMARY OF HOUSE BILL 5013 AS INTRODUCED 7-10-01

House Bill 5013 would add part 82 to the Natural Resources and Environmental Protection Act. Specifically, the bill would allow the Department of Agriculture to establish conservation programs and approve conservation plans that encourage the use of conservation practices. A conservation plan would mean a plan approved by the Department of Agriculture that, including a schedule for implementation, specifies the conservation practices to be undertaken on all or part of a parcel of land. A "conservation practice" would be defined to mean a practice that protects and conserves water quality, soil, natural features, wildlife, or natural resources. In addition, these practices would comply with United States Natural Resource Conservation Service standards and specifications, as approved by the state Department of Agriculture; be provided in rules promulgated by the Department of Agriculture under the bill; or have been approved by the Commission of Agriculture. The department could promulgate rules to implement the bill.

Conservation Programs. The Department of Agriculture could establish conservation programs that encourage use of the conservation practices. In implementing these programs, the department could enter into a contract with a person to implement the conservation practices on his or her land; enter into a contract or agreement with a person to administer or promote conservation programs, or implement conservation practices; provide financial support, or, upon verification, reimbursement for rental payments and/or the costs of implementing the conservation practices; promote the use of conservation practices; or recognize and award persons who have implemented conservation practices; monitor and verify compliance with conservation plans; enforce contract or other agreements established under the bill; or establish advisory councils to aid in implementation of conservation programs.

Conservation Practice Verification. The Department of Agriculture would determine that conservation practices have been established and are being maintained according to the conservation plan. Verification would be granted if the conservation plan complies with Department of Agriculture requirements; the conservation practices have been established and maintained according to schedule; and the Department of Agriculture is allowed to conduct inspections of the land and facilities; and has indeed conducted on-site inspections of the conservation practices.

If the department determined that the conservation practices have not been established or were not being maintained, it could revoke the verification. If the verification was revoked, the

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person would be responsible for penalties and repayment of any financial support for the costs of implementing the conservation practices.

Conservation Easements. The Department of Agriculture could purchase or acquire conservation easements which could contain provisions for allowable or required use of the land; implementation and maintenance of the conservation practices; inspection of the land; penalties for noncompliance; and other terms agreed to by the department.

Agriculture Pollution Prevention Fund. The Agriculture Pollution Prevention Fund would be created within the state treasury, and could receive money or other assets from any source. Money in the fund could be spent, upon appropriation, for the administrative costs of the Department of Agriculture for implementing the bill, the promotion of conservation programs, awards to participants in conservation programs, financial support or reimbursement for rental payments for conservation practice implementation costs, payments required under contracts entered into under the bill, and the purchase, monitoring, and enforcement of conservation easements. The bill states that expenditures from the fund would be consistent with the state's interest in preserving the natural resources of the state, and would be considered to be for an important public purpose.

F.O.I.A. exemption. Any information provided by a person in connection with the development, implementation, or verification of a conservation plan or conservation practices under the bill would be confidential and exempt from disclosure under the Freedom of Information Act. Further, such information would not be open to public inspection without the person's consent, and any such information that was released to a legislative body could not contain information that identifies a specific person.

MCL 324.8201 et al.

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