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House Bill 5013 (Substitute H-3 as reported without amendment)
Sponsor: Representative Gene DeRossett
House Committee: Agriculture and Resource Management
Senate Committee: Farming, Agribusiness and Food Systems

CONTENT

The bill would add Part 82 (Conservation Practices) to the Natural Resources and Environmental Protection Act, which would permit the Michigan Department of Agriculture (MDA) to establish conservation programs, provide for conservation practice verification, and purchase or acquire conservation easements. The bill also would establish an "Agriculture Pollution Prevention Fund", and require the MDA to report to the Legislature annually.

Under the bill, the Department could establish conservation programs designed to encourage the voluntary use of conservation practices in the State. In implementing the programs, the MDA, in coordination with the Departments of Natural Resources and Environmental Quality, could enter into contracts with people to implement and administer conservation practices. As part of the proposed program, the Department could provide for conservation practice verification. Verification could be granted if a person had complied with all the conservation practices provided for in a conservation plan submitted to the MDA, and met other requirements. Also, the Department could purchase or otherwise acquire conservation easements in accordance with Part 21 of the Act (which specifies, in part, that a conservation easement must be recorded).

Money in the proposed Agriculture Pollution Prevention Fund could be spent upon appropriation only for the purposes described in the bill. Not more than 20% of the Fund's annual appropriations could be spent for the MDA's costs to implement Part 82.

The bill states that any information voluntarily provided by a person in connection with the development, implementation, or verification of a conservation plan or conservation practices under Part 82 would be exempt from disclosure under the Freedom of Information Act, and would not be open to public inspection without the person's consent. This exemption would not extend to any documents or other information required to be collected or made available to an agency or person by statute, rule, ordinance, permit, order, or consent agreement.

MCL 324.8201-324.8208

Legislative Analyst: C. Layman

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. The Agriculture Pollution Prevention Fund that would be created under the bill would receive money or other assets from any source. It is estimated that the money appropriated for the Conservation Reserve Enhancement Program (CREP) would be consolidated in the Fund. To date, over \$170 million in State, Federal, and private funds have been dedicated for CREP in Michigan.

Date Completed: 11-13-01

Fiscal Analyst: C. Thiel

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Analysis available @ <http://www.michiganlegislature.org>

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.