



HOUSE BILL No. 4263

February 1, 1995, Introduced by Reps. Llewellyn, LaForge, McBryde, Wetters, Horton, Nye, Brewer, Cropsey, Lowe, Hill, Gernaat, Bobier, Jaye, Law, Brackenridge, Alley, Bodem, London and Geiger and referred to the Committee on Agriculture and Forestry.

A bill to amend the title and section 8 of Act No. 297 of the Public Acts of 1937, entitled as amended "Soil conservation districts law," section 8 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. The title and section 8 of Act No. 297 of the
2 Public Acts of 1937, section 8 as amended by Act No. 380 of the
3 Public Acts of 1988, being section 282.8 of the Michigan Compiled
4 Laws, are amended to read as follows:

TITLE

6 An act to declare the necessity of creating governmental
7 subdivisions of the state, to be known as "soil conservation
8 districts," to engage in conserving soil and water resources and

1 preventing and controlling soil erosion; to establish the state
2 soil conservation committee within the department of agriculture,
3 and to define its powers and duties; to prescribe the powers and
4 duties of the department of agriculture; to provide for the cre-
5 ation of soil conservation districts; to define the powers and
6 duties of soil conservation districts, and to provide for the
7 exercise of such powers, including the power to acquire property
8 by purchase, gift, and otherwise; to empower such districts to
9 adopt programs and regulations for the discontinuance of the
10 land-use practices contributing to soil wastage and soil erosion,
11 and the adoption and carrying out of soil-conserving land-use
12 practices, and to provide for the enforcement of such programs
13 and regulations; to provide for establishing boards of adjustment
14 in connection with land-use regulations, and to define their
15 functions and powers; to provide for financial assistance to such
16 soil conservation districts, and making an appropriation for that
17 purpose; ~~and~~ to declare the effect of this act; AND TO PROVIDE
18 REMEDIES.

19 Sec. 8. (1) A soil conservation district ~~organized under~~
20 ~~the provisions of this act shall constitute~~ CONSTITUTES a gov-
21 ernmental subdivision of this state, and a public body corporate
22 and politic, exercising public powers. ~~, and a~~ A soil conserva-
23 tion district, and the directors of a district, ~~shall~~ have all
24 of the following powers, in addition to powers granted in other
25 sections of this act:

26 (a) To conduct surveys, investigations, and research
27 relating to the character of soil erosion and the preventive and

1 control measures needed, to publish the results of the surveys,
2 investigations, or research, and to disseminate information con-
3 cerning these preventive and control measures. In order to avoid
4 duplication of research activities, a district shall not initiate
5 any research program except in cooperation with the government of
6 this state or any of its agencies or with the United States or
7 any of its agencies.

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

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

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

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

18 (f) To make available, on the terms it prescribes, to land-
19 owners or their designated representatives within the district OR
20 TO OTHER SOIL CONSERVATION DISTRICTS IN THIS STATE, agricultural
21 and engineering machinery and equipment, fertilizer, ~~seeds, and~~
22 ~~seedlings~~ CONSERVATION TYPE PLANT SPECIES, and other material or
23 equipment, as will assist the landowners or their designated rep-
24 resentatives to carry on operations upon their ~~lands~~ LAND for
25 the conservation of soil resources and for the prevention and
26 control of soil erosion. A DISTRICT MAY USE ITS OWN NURSERY, IF
27 THAT NURSERY WAS IN OPERATION ON JANUARY 1, 1993, TO PRODUCE AND

1 MAKE AVAILABLE PLANT SPECIES INTENDED FOR CONTROLLING SOIL
2 EROSION AND PREVENTING SOIL WASTAGE. A DISTRICT NURSERY SHALL
3 NOT PRODUCE PLANTINGS THAT ARE PRIMARILY FOR ORNAMENTAL PURPOSES
4 OR RESIDENTIAL BEAUTIFICATION, BUT ANY DISTRICT MAY MAKE SUCH
5 PLANTS AVAILABLE IF THEY ARE OBTAINED FROM OTHER SOURCES. UPON
6 REQUEST, THE DEPARTMENT MAY APPROVE THE START UP OF A NEW NURSERY
7 FOR A DISTRICT IN THE UPPER PENINSULA.

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

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

21 (i) To take over, by purchase, lease, or otherwise, and to
22 administer any soil-conservation, erosion-control, or
23 erosion-prevention project located within its boundaries under-
24 taken by the United States or any of its agencies or by this
25 state or any of its agencies; to manage, as agent of the United
26 States or any of its agencies or of this state or any of its
27 agencies, any soil-conservation, erosion-control, or

1 erosion-prevention project within its boundaries; to act as agent
2 for the United States or any of its agencies or for this state or
3 any of its agencies in connection with the acquisition, construc-
4 tion, operation, or administration of any soil-conservation,
5 erosion-control, or erosion-prevention project within its bounda-
6 ries; to accept donations, gifts, and contributions in money,
7 services, materials, or otherwise, from the United States or any
8 of its agencies or from this state or any of its agencies, and to
9 use or expend the money, services, materials, or other contribu-
10 tions in carrying on its operations subject to the policies and
11 procedures adopted by the ~~state~~ committee, and to accept money,
12 gifts, and donations from any other source not specified in this
13 subdivision.

14 (j) To sue and be sued in the name of the district; to have
15 a seal that is judicially noticed; to have perpetual succession
16 unless terminated as provided in this act; to make and execute
17 contracts and other instruments necessary or convenient to the
18 exercise of its powers; TO BORROW MONEY AT RATES OF INTEREST AS
19 THE DISTRICT MAY DETERMINE AND SECURE ANY OF ITS OBLIGATIONS BY
20 MORTGAGE OR PLEDGE OF ANY OF ITS PROPERTY OF ANY KIND, WHEREVER
21 SITUATED; to make, and from time to time amend and repeal, rules
22 and regulations in a manner that is not inconsistent with this
23 act to carry into effect its purposes and powers.

24 (k) As a condition to the extending of any benefit under
25 this act to, or the performance of work upon, any ~~lands~~ LAND
26 not owned or controlled by this state or any of its agencies, the
27 directors may require contributions in money, services,

1 materials, or otherwise to any operation conferring the benefits,
2 and may require land occupiers to enter into and perform agree-
3 ments or covenants as to the permanent use of the ~~lands~~ LAND
4 that will tend to prevent or control erosion on ~~those lands~~ THE
5 LAND.

6 (1) To act as the enforcing agency for a county if desig-
7 nated pursuant to section 6 of the soil erosion and sedimentation
8 control act of 1972, Act No. 347 of the Public Acts of 1972,
9 being section 282.106 of the Michigan Compiled Laws.

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

14 (3) A SOIL CONSERVATION DISTRICT THAT VIOLATES THIS SECTION
15 IS SUBJECT TO A CIVIL FINE OF NOT LESS THAN \$100.00 AND NOT MORE
16 THAN \$1,000.00. ALL CIVIL FINES COLLECTED UNDER THIS SECTION
17 SHALL BE FORWARDED TO THE STATE TREASURER FOR DEPOSIT IN THE GEN-
18 ERAL FUND AND SHALL BE AVAILABLE FOR APPROPRIATION FOR THE IMPLE-
19 MENTATION OF THIS ACT.