

SENATE BILL No. 446

July 25, 1991, Introduced by Senator DILLINGHAM and referred to the Committee on Agriculture, Forestry, and Wildlife.

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~~ IS a governmental
7 subdivision of this state ~~,~~ and a public body corporate and
8 politic, exercising public ~~power, and a~~ POWERS. A soil
9 conservation district ~~, and the directors of a district,~~ AND

1 ITS DIRECTORS shall have all of the following powers, in addition
2 to powers granted 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 REMEDY SOIL EROSION; to publish the
6 results of the surveys, investigations, or research; ~~—~~ and to
7 disseminate information concerning these preventive and control
8 measures. In order to avoid duplication of research activities,
9 a district shall not initiate any research program except in
10 cooperation with the government of this state or any ~~of its~~
11 agencies OF THIS STATE or with the United States or any ~~of its~~
12 agencies OF THE UNITED STATES.

13 (b) To conduct demonstrational projects within the district
14 on lands owned or controlled by this state or any ~~of its~~ agen-
15 cies OF THIS STATE, with the cooperation of the agency adminis-
16 tering and having jurisdiction of the lands, and on any other
17 lands within the district upon obtaining the consent of the
18 ~~owner of the lands~~ LAND OWNER or the necessary rights or inter-
19 est in the lands, in order to demonstrate by example the means,
20 methods, and measures by which soil and soil resources may be
21 conserved and BY WHICH soil erosion in the form of soil blowing
22 and soil washing may be prevented and controlled.

23 (c) To carry out preventive and control measures within the
24 district including, but not limited to, engineering operations,
25 methods of cultivation, the growing of vegetation, changes in use
26 of land, and other measures to achieve purposes listed in
27 declaration of policy CONTAINED IN SECTION 2, on lands owned or

1 controlled by this state or any ~~of its~~ agencies OF THIS STATE,
2 with the cooperation of the agency administering and having
3 jurisdiction of the lands, and on any other lands within the dis-
4 trict upon obtaining the consent of the ~~owner of the lands~~ LAND
5 OWNER or the necessary rights or interests in the lands.

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

15 (e) To obtain options upon and to acquire, by purchase,
16 exchange, lease, gift, grant, bequest, devise, or otherwise, any
17 property, real or personal, or rights or interests in that prop-
18 erty; to maintain, administer, and improve any properties
19 acquired, to receive income from the properties, and to expend
20 income in ~~carrying out~~ ACCOMPLISHING the purposes ~~and~~
21 ~~provisions~~ of this act; TO MORTGAGE, PLEDGE, OR OTHERWISE SECURE
22 ANY PROPERTY; and to sell, lease, or otherwise dispose of any of
23 its property or interests in property in furtherance of the pur-
24 poses ~~and the provisions~~ of this act.

25 (f) To make available, on the terms it prescribes, to
26 ~~landowners~~ LAND OWNERS or their designated representatives
27 within the district, agricultural and engineering machinery and

1 equipment, fertilizer, seeds, and seedlings, and other material
2 or equipment, as will assist the ~~landowners~~ LAND OWNERS or
3 their designated representatives ~~to carry on~~ IN MAINTAINING
4 operations upon their lands for the conservation of soil
5 resources and for the prevention and control of soil erosion.

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

9 (h) To develop comprehensive plans for the conservation of
10 soil resources and for the control and prevention of soil erosion
11 within the district AND TO PUBLISH THE PLANS AND INFORMATION AND
12 BRING THEM TO THE ATTENTION OF OCCUPIERS OF LANDS WITHIN THE
13 DISTRICT. The plans shall specify in such detail as may be pos-
14 sible, the acts, procedures, performances, and avoidances which
15 are necessary or desirable ~~for the effectuation of~~ TO EFFECT
16 the plans, including the specification of engineering operations,
17 methods of cultivation, the growing of vegetation, cropping pro-
18 grams, tillage practices, and changes in use of land. ~~and to~~
19 ~~publish the plans and information and bring them to the attention~~
20 ~~of occupiers of lands within the district.~~

21 (i) To take ~~over~~ CONTROL OF, by purchase, lease, or other-
22 wise, and to administer any soil-conservation, erosion-control,
23 or erosion-prevention project located within its boundaries
24 undertaken by the United States or any ~~of its~~ agencies OF THE
25 UNITED STATES or by this state or any ~~of its~~ agencies OF THIS
26 STATE; to manage, as agent of the United States or any ~~of its~~
27 agencies OF THE UNITED STATES or AS THE AGENT of this state or

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

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

1 (k) As a condition to the extending of any benefit under
2 this act to, or the performance of work upon, any lands not owned
3 or controlled by this state or any ~~of its~~ agencies OF THIS
4 STATE, the directors may require contributions in money, serv-
5 ices, materials, or otherwise to any operation conferring the
6 ~~benefits~~ BENEFIT, and may require land occupiers to enter into
7 ~~and perform~~ agreements or covenants ~~as~~ SPECIFYING CERTAIN
8 PERFORMANCE RELATING to the permanent use of the lands ~~that will~~
9 ~~tend~~ DESIGNED to prevent or control erosion on those lands.

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

14 (2) Unless the legislature specifically states otherwise,
15 provisions with respect to the acquisition, operation, or dispo-
16 sition of property by other public bodies shall not be applicable
17 to a district organized under this act.