



# HOUSE BILL No. 4157

February 4, 1993, Introduced by Reps. Llewellyn, Brackenridge, Curtis, Wetters, Fitzgerald, Rhead, Galloway, Goschka, Gnodtke, Hill, Vorva, Jaye, Middleton, Stille, Middaugh, Schroer, Varga, DeMars, Oxender, Allen, Brown, DeLange, Rivers, Bodem, Crissman, Yokich, Freeman and Shepich and referred to the Committee on Agriculture and Forestry.

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~~ CONSTITUTES a gov-  
7 ernmental subdivision of this state, and a public body corporate  
8 and politic, exercising public powers. ~~, and a~~ A soil

1 conservation district, and the directors of a district, ~~shall~~  
2 have all of the following powers, in addition to powers granted  
3 in other sections of this act:

4 (a) To conduct surveys, investigations, and research relat-  
5 ing to the character of soil erosion and the preventive and con-  
6 trol measures needed, to publish the results of the surveys,  
7 investigations, or research, and to disseminate information con-  
8 cerning these preventive and control measures. In order to avoid  
9 duplication of research activities, a district shall not initiate  
10 any research program except in cooperation with the government of  
11 this state or any of its agencies or with the United States or  
12 any of its agencies.

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

1 this state or any of its agencies, with the cooperation of the  
2 agency administering and having jurisdiction of the ~~lands~~ LAND,  
3 and on any other ~~lands~~ LAND within the district upon obtaining  
4 the consent of the owner of the ~~lands~~ LAND or the necessary  
5 rights or interests in the ~~lands~~ LAND.

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

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

23 (f) To make available, on the terms it prescribes, to land-  
24 owners or their designated representatives within the district OR  
25 TO OTHER SOIL CONSERVATION DISTRICTS, agricultural and engineer-  
26 ing machinery and equipment, fertilizer, seeds, and seedlings,  
27 and other material or equipment, as will assist the landowners or

1 their designated representatives to carry on operations upon  
2 their ~~lands~~ LAND for the conservation of soil resources and for  
3 the prevention and control of soil erosion.

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

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

17 (i) To take over, by purchase, lease, or otherwise, and to  
18 administer any soil-conservation, erosion-control, or  
19 erosion-prevention project located within its boundaries under-  
20 taken by the United States or any of its agencies or by this  
21 state or any of its agencies; to manage, as agent of the United  
22 States or any of its agencies or of this state or any of its  
23 agencies, any soil-conservation, erosion-control, or  
24 erosion-prevention project within its boundaries; to act as agent  
25 for the United States or any of its agencies or for this state or  
26 any of its agencies in connection with the acquisition,  
27 construction, operation, or administration of any

1 soil-conservation, erosion-control, or erosion-prevention project  
2 within its boundaries; to accept donations, gifts, and contribu-  
3 tions in money, services, materials, or otherwise, from the  
4 United States or any of its agencies or from this state or any of  
5 its agencies, and to use or expend the money, services, materi-  
6 als, or other contributions in carrying on its operations subject  
7 to the policies and procedures adopted by the ~~state~~ committee,  
8 and to accept money, gifts, and donations from any other source  
9 not specified in this subdivision.

10 (j) To sue and be sued in the name of the district; to have  
11 a seal that is judicially noticed; to have perpetual succession  
12 unless terminated as provided in this act; to make and execute  
13 contracts and other instruments necessary or convenient to the  
14 exercise of its powers; to make, and from time to time amend and  
15 repeal, rules and regulations in a manner that is not inconsis-  
16 tent with this act to carry into effect its purposes and powers.

17 (k) As a condition to the extending of any benefit under  
18 this act to, or the performance of work upon, any ~~lands~~ LAND  
19 not owned or controlled by this state or any of its agencies, the  
20 directors may require contributions in money, services, materi-  
21 als, or otherwise to any operation conferring the benefits, and  
22 may require land occupiers to enter into and perform agreements  
23 or covenants as to the permanent use of the ~~lands~~ LAND that  
24 will tend to prevent or control erosion on ~~those lands~~ THE  
25 LAND.

26 (l) To act as the enforcing agency for a county if  
27 designated pursuant to section 6 of the soil erosion and

1 sedimentation control act of 1972, Act No. 347 of the Public Acts  
2 of 1972, being section 282.106 of the Michigan Compiled Laws.

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