

HOUSE BILL No. 5013

July 10, 2001, Introduced by Rep. DeRossett and referred to the Committee on Agriculture and Resource Management.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 82.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 82 CONSERVATION PRACTICES

2 SEC. 8201. AS USED IN THIS PART:

3 (A) "CONSERVATION EASEMENT" MEANS THAT TERM AS IT IS DEFINED
4 IN SECTION 2140.

5 (B) "CONSERVATION PLAN" MEANS A PLAN APPROVED BY THE DEPART-
6 MENT FOR ALL OR A PORTION OF A PARCEL OF LAND THAT SPECIFIES THE
7 CONSERVATION PRACTICES TO BE UNDERTAKEN AND INCLUDES A SCHEDULE
8 FOR IMPLEMENTATION.

9 (C) "CONSERVATION PRACTICES" MEANS PRACTICES THAT PROTECT
10 AND CONSERVE WATER QUALITY, SOIL, NATURAL FEATURES, WILDLIFE, OR

1 OTHER NATURAL RESOURCES AND THAT MEET 1 OR MORE OF THE
2 FOLLOWING:

3 (i) THE PRACTICES COMPLY WITH UNITED STATES NATURAL RESOURCE
4 CONSERVATION SERVICE STANDARDS AND SPECIFICATIONS AS APPROVED BY
5 THE DEPARTMENT.

6 (ii) THE PRACTICES ARE PROVIDED IN RULES PROMULGATED BY THE
7 DEPARTMENT UNDER THIS PART.

8 (iii) THE PRACTICES HAVE BEEN APPROVED BY THE COMMISSION OF
9 AGRICULTURE.

10 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE OR ITS
11 AUTHORIZED REPRESENTATIVES.

12 (E) "FUND" MEANS THE AGRICULTURE POLLUTION PREVENTION FUND
13 CREATED IN SECTION 8205.

14 (F) "VERIFICATION" OR "VERIFY" MEANS A DETERMINATION BY THE
15 DEPARTMENT THAT 1 OR MORE CONSERVATION PRACTICES HAVE BEEN ESTAB-
16 LISHED AND ARE BEING MAINTAINED IN ACCORDANCE WITH A CONSERVATION
17 PLAN.

18 SEC. 8202. (1) THE DEPARTMENT MAY ESTABLISH CONSERVATION
19 PROGRAMS DESIGNED TO ENCOURAGE THE USE OF CONSERVATION PRACTICES
20 IN THE STATE.

21 (2) IN IMPLEMENTING THE CONSERVATION PROGRAMS ESTABLISHED
22 UNDER THIS PART, THE DEPARTMENT MAY DO 1 OR MORE OF THE
23 FOLLOWING:

24 (A) ENTER INTO CONTRACTS WITH 1 OR MORE PERSONS FOR THE
25 IMPLEMENTATION OF CONSERVATION PRACTICES ON HIS OR HER LAND.

1 (B) ENTER INTO CONTRACTS OR OTHER AGREEMENTS WITH 1 OR MORE
2 PERSONS TO ADMINISTER OR PROMOTE CONSERVATION PROGRAMS, OR TO
3 IMPLEMENT CONSERVATION PRACTICES.

4 (C) PROVIDE PAYMENTS, FINANCIAL INCENTIVES, OR, UPON VERIFI-
5 CATION OF THE IMPLEMENTATION OF CONSERVATION PRACTICES, REIM-
6 BURSEMENT FOR RENTAL PAYMENTS OR FOR COSTS OF CONSERVATION PRAC-
7 TICE IMPLEMENTATION, OR BOTH.

8 (D) PROMOTE THE USE OF CONSERVATION PRACTICES.

9 (E) RECOGNIZE AND PROVIDE AWARDS FOR PERSONS WHO HAVE IMPLE-
10 MENTED CONSERVATION PRACTICES.

11 (F) MONITOR AND VERIFY COMPLIANCE WITH CONSERVATION PLANS.

12 (G) ENFORCE CONTRACTS OR OTHER AGREEMENTS ENTERED INTO UNDER
13 THIS PART.

14 (H) ESTABLISH ADVISORY COUNCILS AS NECESSARY TO PROVIDE
15 GUIDANCE IN THE IMPLEMENTATION OF CONSERVATION PROGRAMS.

16 SEC. 8203. (1) AS PART OF A CONSERVATION PROGRAM ESTAB-
17 LISHED UNDER THIS PART, THE DEPARTMENT MAY PROVIDE FOR CONSERVA-
18 TION PRACTICE VERIFICATION. CONSERVATION PRACTICE VERIFICATION
19 MAY BE GRANTED TO A PERSON IF ALL OF THE FOLLOWING CONDITIONS ARE
20 MET:

21 (A) THE PERSON HAS SUBMITTED A CONSERVATION PLAN IN COMPLI-
22 ANCE WITH REQUIREMENTS OF THE DEPARTMENT.

23 (B) THE PERSON HAS ESTABLISHED AND IS MAINTAINING ALL CON-
24 SERVATION PRACTICES PROVIDED FOR IN THE CONSERVATION PLAN,
25 ACCORDING TO THE PLAN SCHEDULE.

26 (C) THE PERSON HAS AGREED TO ALLOW THE DEPARTMENT TO CONDUCT
27 INSPECTIONS OF THE APPLICABLE LAND AND FACILITIES.

1 (D) THE DEPARTMENT HAS CONDUCTED AN ON-SITE INSPECTION OF
2 THE CONSERVATION PRACTICES AND HAS DETERMINED THAT THE PERSON HAS
3 ESTABLISHED AND IS MAINTAINING ALL CONSERVATION PRACTICES PRO-
4 VIDED FOR IN THE CONSERVATION PLAN, ACCORDING TO THE PLAN
5 SCHEDULE.

6 (2) IF THE DEPARTMENT DETERMINES AT ANY TIME THAT THE CON-
7 SERVATION PRACTICES PROVIDED IN A CONSERVATION PLAN HAVE NOT BEEN
8 ESTABLISHED OR ARE NOT BEING MAINTAINED, THE DEPARTMENT MAY
9 REVOKE A PERSON'S CONSERVATION PRACTICE VERIFICATION.

10 (3) IF A PERSON'S CONSERVATION PRACTICE VERIFICATION IS
11 REVOKED, THE PERSON MAY BE SUBJECT TO PENALTIES AND REPAYMENT OF
12 ALL OR A PORTION OF THE PAYMENTS, FINANCIAL INCENTIVES, LAND
13 RENTAL PAYMENTS, AND REIMBURSEMENT OF COSTS PAID FOR IMPLEMENTA-
14 TION OF THE CONSERVATION PRACTICE.

15 SEC. 8204. (1) THE DEPARTMENT MAY PURCHASE OR ACQUIRE CON-
16 SERVATION EASEMENTS IN ACCORDANCE WITH SUBPART 11 OF PART 21. A
17 CONSERVATION EASEMENT PURCHASED OR ACQUIRED UNDER THIS SECTION
18 MAY CONTAIN PROVISIONS FOR THE ALLOWABLE OR REQUIRED USE OF THE
19 LAND SUBJECT TO THE CONSERVATION EASEMENT, IMPLEMENTATION OF CON-
20 SERVATION PRACTICES ON THE LAND, MAINTENANCE OF THE CONSERVATION
21 PRACTICES, OPPORTUNITIES FOR INSPECTION OF THE LAND, PENALTIES
22 FOR NONCOMPLIANCE WITH THE TERMS OF THE CONSERVATION EASEMENT,
23 AND OTHER TERMS AGREED TO BY THE DEPARTMENT.

24 (2) THE DEPARTMENT MAY ENTER INTO CONTRACTS WITH 1 OR MORE
25 PERSONS TO MONITOR AND ENFORCE THE TERMS OF CONSERVATION EASE-
26 MENTS PURCHASED OR ACQUIRED UNDER SUBSECTION (1).

1 SEC. 8205. (1) THE AGRICULTURE POLLUTION PREVENTION FUND IS
2 CREATED IN THE STATE TREASURY.

3 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
4 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND, INCLUDING STATE AND
5 FEDERAL REVENUES, GIFTS, BEQUESTS, AND OTHER DONATIONS. THE
6 STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND AND SHALL
7 CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

8 (3) MONEY IN THE FUND OR IN ANY ACCOUNT WITHIN THE FUND AT
9 THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND OR ACCOUNT
10 AND SHALL NOT LAPSE TO THE GENERAL FUND.

11 (4) MONEY IN THE FUND SHALL BE EXPENDED, UPON APPROPRIATION,
12 AS FOLLOWS:

13 (A) FOR THE ADMINISTRATIVE COSTS OF THE DEPARTMENT IN IMPL-
14 MENTING THIS PART.

15 (B) FOR THE PROMOTION OF CONSERVATION PROGRAMS ESTABLISHED
16 BY THE DEPARTMENT UNDER THIS PART.

17 (C) FOR AWARDS TO PARTICIPANTS IN CONSERVATION PROGRAMS
18 ESTABLISHED BY THE DEPARTMENT UNDER THIS PART.

19 (D) FOR PAYMENTS, FINANCIAL INCENTIVES, OR REIMBURSEMENT FOR
20 RENTAL PAYMENTS FOR THE IMPLEMENTATION OF CONSERVATION
21 PRACTICES.

22 (E) FOR REQUIRED PAYMENTS UNDER CONTRACTS ENTERED INTO UNDER
23 THIS PART.

24 (F) FOR THE PURCHASE OF CONSERVATION EASEMENTS.

25 (G) FOR MONITORING AND ENFORCEMENT OF CONSERVATION
26 EASEMENTS.

1 (6) EXPENDITURES FROM THE FUND AS PROVIDED IN THIS SECTION
2 ARE CONSISTENT WITH THE STATE'S INTEREST IN PRESERVING THE
3 NATURAL RESOURCES AND THE ENVIRONMENT OF THE STATE AND ARE
4 DECLARED TO BE FOR AN IMPORTANT PUBLIC PURPOSE.

5 SEC. 8206. ANY INFORMATION PROVIDED BY A PERSON IN CONNEC-
6 TION WITH THE DEVELOPMENT, IMPLEMENTATION, OR VERIFICATION OF A
7 CONSERVATION PLAN OR CONSERVATION PRACTICES UNDER THIS PART IS
8 CONFIDENTIAL, IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF
9 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, AND IS NOT
10 OPEN TO PUBLIC INSPECTION WITHOUT THE PERSON'S CONSENT. ANY SUCH
11 INFORMATION THAT IS RELEASED TO A LEGISLATIVE BODY SHALL NOT CON-
12 TAIN INFORMATION THAT IDENTIFIES A SPECIFIC PERSON.

13 SEC. 8207. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT
14 THIS PART.