

APPOINTMENT OF CONSERVATION DISTRICT DIRECTORS TO FILL VACANCIES

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House Bill 4132

Sponsor: Rep. Peter Pettalia

Committee: Natural Resources

Complete to 2-11-13

A SUMMARY OF HOUSE BILL 4132 AS INTRODUCED 1-30-13

The bill would amend Part 93 (Soil Conservation Districts) of the Natural Resources and Environmental Protection Act to require the Department of Agriculture and Rural Development to appointment conservation district directors under certain conditions to fill vacancies.

Under current law (MCL 324.9307), conservation districts are administered by a board of five directors that are elected at the annual meeting of residents of the district with the results being certified by the Department of Agriculture and Rural Development. If a director vacates the office during a term, the conservation district board is required to appoint a replacement until an election can be held at the next annual meeting. However, since a quorum is required to conduct business, boards would be unable to legally act to appoint new members if the resignation of a director results in the board not having a quorum.

House Bill 4132 would require the Department of Agriculture and Rural Development to appoint individuals to fill the vacancies on the board if, at any time, the conservation district board did not have enough currently elected directors to constitute a quorum. Appointees would serve until new board members are elected as provided for in the act at the next annual meeting and the results are certified by the department. New members elected to fill vacancies would then serve out the remainder of the vacated term.

The bill would also require the Department of Agriculture and Rural Development to notify the conservation district of its determination on election certification within 90 days of an election being held. If the department fails to certify election results, the conservation board would have to hold a special election, which would be conducted in the same manner as elections held at the annual meeting. If the department provides notice to the board that it is unable to certify election results from a special election at least 120 days prior to the next annual meeting, board vacancies would have to be filled at the next annual meeting.

Additionally, the bill removes the cap on the per diem compensation provided to conservation district directors. Currently, it cannot exceed the amount given to the members of the Agriculture Commission.

FISCAL IMPACT:

A fiscal analysis is in process.

BACKGROUND INFORMATION:

The stated purpose of Part 93 is "to provide for the conservation of the natural resources of the state, including soil, water, farmland, and other natural resources, and to provide for the control and prevention of soil erosion, and thereby to conserve the natural resources of this state, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state."

Among other things, conservation districts have the power and authority to conduct research relating to conservation of farmland and natural resources, conduct demonstration projects on conservation methods, carry out erosion control and prevention measures, and develop comprehensive plans for the conservation of farmland and natural resources. According to the Michigan Association of Conservation Districts website, there are 78 conservation districts in operation today.

Election and responsibilities of directors

Conservation district directors are elected to 4-year terms at the district's annual meeting by district residents. Candidates for conservation district director must file a petition at least 60 days before the annual meeting and must be residents of the conservation district.

Following the annual meeting, election results must be certified by the Department of Agriculture and Rural Development. Under current law, if a vacancy exists, the board must appoint new members and then a special election must be held in accordance with the requirements of elections held at the annual meeting.

Conservation district directors are statutorily required to do all of the following:

- Provide for the execution of surety bonds for all employees and officers that are entrusted with funds or property.
- Provide for full and accurate record keeping of all proceedings and of all resolutions, regulations, and orders that are issued or adopted.
- Decide the district's fiscal year.
- Provide for a yearly audit of the accounts of receipts and disbursements.
- Maintain accurate financial records of receipts and disbursements of state funds.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.