

SUBSTITUTE FOR
HOUSE BILL NO. 4132

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 9307 (MCL 324.9307), as amended by 2004 PA 439.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9307. (1) A conservation district board shall consist of
2 5 directors, elected or appointed as provided in this part. The
3 ~~directors~~**BOARD** shall designate a chairperson annually.

4 (2) ~~The~~**EXCEPT AS PROVIDED IN SUBSECTION (6), THE** term of
5 office of each director shall be 4 years. ~~All~~**EXCEPT AS OTHERWISE**
6 **PROVIDED IN THIS SECTION, ALL** directors shall be elected at an
7 annual meeting by residents of the district. The election shall be
8 nonpartisan and the directors shall be elected by the residents of
9 the district at large. ~~At~~**TO BECOME A CANDIDATE FOR CONSERVATION**
10 **DISTRICT DIRECTOR, AT** least 60 days prior to the annual meeting, a

1 ~~candidate for conservation district director must~~ **AN INDIVIDUAL**
2 **SHALL** file at the conservation district office a petition signed by
3 5 residents of the district. A candidate must be a resident of the
4 district. The annual meeting shall be held at a date determined by
5 the board. ~~of directors of the district.~~ Notice of the annual
6 meeting shall be published in the official newspaper of record for
7 the area in which the district is located at least 45 days prior to
8 the date of the annual meeting. This notice shall include the date,
9 time, and location of the annual meeting, an agenda of items to be
10 considered at the meeting, and a list of all candidates for
11 directors of the conservation district. A resident of a district
12 who is unable to attend the annual meeting may vote for the
13 directors of the conservation district by absentee ballot as
14 follows:

15 (a) In person at the conservation district office, during
16 regular business hours of the conservation district office, at any
17 time after publication of the notice and prior to the annual
18 meeting.

19 (b) By mail received at the conservation district office at
20 any time after publication of the notice and prior to the annual
21 meeting.

22 (3) ~~Director~~ **FOLLOWING THE ANNUAL MEETING, DIRECTOR** elections
23 shall be certified by the department. A director shall hold office
24 until a successor has been elected and qualified. Vacancies shall
25 be filled by appointment by the board until the next annual
26 meeting.

27 (4) **THE DEPARTMENT SHALL NOTIFY THE CONSERVATION DISTRICT OF**

1 ITS DETERMINATION ON ELECTION CERTIFICATION WITHIN 90 DAYS AFTER
2 THE ELECTION. IF THE DEPARTMENT DOES NOT CERTIFY THE DIRECTOR
3 ELECTION, THE BOARD SHALL CALL A SPECIAL ELECTION. THE PROCEDURES
4 FOR THE SPECIAL ELECTION SHALL BE THE SAME AS THOSE FOR AN ELECTION
5 AT THE ANNUAL MEETING. HOWEVER, IF THE BOARD RECEIVED NOTIFICATION
6 THAT THE DEPARTMENT WOULD NOT BE ABLE TO CERTIFY THE DIRECTOR
7 ELECTIONS FROM A SPECIAL ELECTION AT LEAST 120 DAYS BEFORE THE NEXT
8 ANNUAL MEETING, THE VACANCIES SHALL BE FILLED AT THE NEXT ANNUAL
9 MEETING.

10 (5) ~~(4)~~A majority of the directors constitutes a quorum OF
11 THE BOARD, and the concurrence of a majority in any matter within
12 their duties is required for ~~its~~THE BOARD'S determination. A
13 director is entitled to expenses, including traveling expenses
14 necessarily incurred in the discharge of his or her duties. A
15 director may be paid a per diem for time spent undertaking his or
16 her duties as a director. ~~in an amount not to exceed the per diem~~
17 ~~paid to a member of the commission of agriculture.~~

18 (6) IF AT ANY TIME A BOARD HAS INSUFFICIENT DIRECTORS TO
19 CONSTITUTE A QUORUM, THE DEPARTMENT SHALL APPOINT DIRECTORS TO FILL
20 THE VACANCIES ON THE BOARD. THE APPOINTED DIRECTORS SHALL SERVE
21 UNTIL NEW DIRECTORS ARE ELECTED AS PROVIDED FOR IN THIS SECTION AT
22 THE NEXT ANNUAL MEETING AND THE ELECTION IS CERTIFIED BY THE
23 DEPARTMENT. HOWEVER, NEW DIRECTORS WHO ARE ELECTED TO FILL
24 VACANCIES SHALL SERVE FOR THE REMAINDER OF THE VACATED TERMS.

25 (7) ~~(5)~~The ~~directors~~BOARD may employ a secretary, technical
26 experts, and such other officers, agents, and employees, permanent
27 and temporary, as ~~they~~IT may require, and shall determine their

1 qualifications, duties, and compensation. ~~The directors may call~~
2 ~~upon~~ **UPON REQUEST OF A BOARD**, the attorney general ~~of the state for~~
3 **MAY, AT HIS OR HER DISCRETION, PROVIDE** legal services ~~as they may~~
4 ~~require.~~ **TO THE DISTRICT.** The ~~directors~~ **BOARD** may delegate to ~~their~~
5 **ITS** chairperson, to 1 or more directors, or to 1 or more agents or
6 employees any powers and duties that ~~they consider~~ **IT CONSIDERS**
7 proper. The ~~directors~~ **BOARD** shall furnish to the department, upon
8 request, copies of ordinances, rules, regulations, orders,
9 contracts, forms, and other documents that ~~they adopt or employ,~~
10 **THE BOARD ADOPTS OR EMPLOYS**, and any other information concerning
11 ~~their~~ **THE BOARD'S** activities that the department may require in the
12 performance of its duties under this part.

13 (8) ~~(6)~~ The ~~directors~~ **BOARD** shall do all of the following:

14 (a) Provide for the execution of surety bonds for all
15 employees and officers who are entrusted with funds or property.

16 (b) Provide for the keeping of a full and accurate record of
17 all proceedings and of all resolutions, regulations, and orders
18 issued or adopted.

19 (c) Determine the fiscal year of the district.

20 (d) Provide for an annual audit of the accounts of receipts
21 and disbursements.

22 (e) Maintain accurate financial records of receipts and
23 disbursements of state funds, which records shall be made available
24 to the department.

25 (9) ~~(7)~~ Any director may be removed by the department upon
26 notice and hearing for neglect of duty or malfeasance in office,
27 but for no other reason.

1 (10) ~~(8)~~The ~~directors~~**BOARD** may invite the legislative body
2 of any municipality or county located near the territory comprised
3 within the district to designate a representative to advise and
4 consult with the ~~directors of the district~~**BOARD** on all questions
5 of program and policy that may affect the property, water supply,
6 or other interests of the municipality or county.