

SENATE 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 2013 PA 45.

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~~**IS** 4 years. ~~All~~**EXCEPT AS**
6 **OTHERWISE PROVIDED IN THIS SECTION, ALL** directors shall be elected
7 at an annual meeting by residents of the district. The election
8 shall be nonpartisan and the directors shall be elected by the
9 residents of the district at large. ~~At~~**TO BECOME A CANDIDATE FOR**
10 **DIRECTOR, AT** least 60 days prior to the annual meeting, ~~a candidate~~

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

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

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

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

26 (4) **THE DEPARTMENT SHALL NOTIFY THE DISTRICT OF ITS**
27 **DETERMINATION ON ELECTION CERTIFICATION WITHIN 90 DAYS AFTER THE**

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

8 (5) ~~(4)~~ A majority of the directors constitutes a quorum OF
9 THE BOARD, and the concurrence of a majority in any matter within
10 their duties is required for ~~its~~ THE BOARD'S determination. A
11 director is entitled to expenses, including traveling expenses
12 necessarily incurred in the discharge of his or her duties. A
13 director may be paid a per diem for time spent undertaking his or
14 her duties as a director. ~~in an amount not to exceed the per diem~~
15 ~~paid to a member of the commission of agriculture and rural~~
16 ~~development.~~

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

25 (7) ~~(5)~~ ~~A conservation district~~ THE board may employ a
26 secretary, technical experts, and such other officers, agents, and
27 employees, permanent and temporary, as the board may require, and

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

13 (8) ~~(6) A conservation district~~ **THE** board shall do all of the
14 following:

15 (a) Provide for the execution of surety bonds for all
16 ~~conservation district~~ employees and officers who are entrusted with
17 funds or property.

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

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

22 (9) ~~(7)~~ To be eligible for a grant of \$50,000.00 or more from
23 the department, a ~~conservation district~~ shall do all of the
24 following:

25 (a) Annually submit to the department a budget setting forth
26 the purpose and amount of the expenses expected to be incurred and
27 the source and amount of revenue expected to be received during the

1 ensuing fiscal year.

2 (b) Maintain accurate financial records of receipts and
3 disbursements and uniform accounting in accordance with generally
4 accepted accounting principles under procedures prescribed by the
5 department.

6 (c) Provide for a biennial independent certified audit by a
7 certified public accountant of the financial records, accounts, and
8 procedures of the district. The audit report shall show profits and
9 losses and the financial condition of the district.

10 (d) Agree to comply with subsection ~~(8)~~, **(10)**, and agree to
11 return any grant funds received if subsection ~~(8)~~ **(10)** is violated.

12 **(10)** ~~(8)~~ A professional forester employed under a grant
13 described in subsection ~~(7)~~ **(9)** shall not use his or her position
14 to do either or both of the following:

15 (a) Compete with a private sector business.

16 (b) Develop a client base for forestry consultation during
17 hours when he or she is not employed by the ~~conservation~~ district.

18 **(11)** ~~(9)~~ The department may promulgate rules to implement
19 subsection ~~(7)~~ **(9)**. However, rules promulgated under this
20 subsection shall remain in effect not later than ~~3 years after the~~
21 ~~effective date of the 2013 amendatory act that amended this~~
22 ~~section.~~ **JUNE 11, 2016.**

23 **(12)** ~~(10)~~ ~~A conservation district~~ **THE** board is responsible for
24 the exercise of the powers and the performance of the duties of a
25 conservation district under this part.

26 **(13)** ~~(11)~~ Any director may be removed by the department upon
27 notice and hearing for neglect of duty or malfeasance in office,

1 but for no other reason.

2 (14) ~~(12) A conservation district~~ **THE** board may invite the
3 legislative body of any municipality or county located near the
4 territory comprised within the district to designate a
5 representative to advise and consult with the board on all
6 questions of program and policy that may affect the property, water
7 supply, or other interests of the municipality or county.