Senate Engrossed

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SENATE BILL 1214

AN ACT

AMENDING SECTIONS 37-1013 AND 37-1054, ARIZONA REVISED STATUTES; RELATING TO NATURAL RESOURCE CONSERVATION DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 37-1013, Arizona Revised Statutes, is amended to read:

37-1013. Powers and duties of commissioner

A. The state natural resource conservation commissioner shall:

1. Offer appropriate assistance to the supervisors of districts in carrying out their powers and programs.

2. Keep the supervisors of each district informed of the activities and experiences of other districts, and facilitate cooperation and interchange of advice and experience between districts.

3. Coordinate the programs of the several districts insofar as possible by advice and consultation.

4. Require the supervisors of each district to file with ~~him~~ THE COMMISSIONER annually any audits and the records of the operations of the district for the preceding year in ~~such~~ THE form and detail as ~~he~~ THE COMMISSIONER prescribes.

5. Secure the cooperation and assistance of the United States, its agencies~~,~~ and agencies of this state, in the work of districts AS LOCAL UNITS OF STATE GOVERNMENT WITH SPECIAL EXPERTISE CONCERNING LAND, SOIL, WATER AND NATURAL RESOURCES MANAGEMENT WITHIN THE BOUNDARIES OF THE DISTRICT, as ~~he~~ THE COMMISSIONER deems for the best interest of the state.

6. Disseminate information throughout the state concerning the activities and program of districts.

7. Provide staff support to the Arizona water protection fund commission established by title 45, chapter 12 and provide administrative assistance to natural resource conservation districts for compliance with the duties for districts pursuant to title 45, chapter 12.

B. The commissioner may remove a district supervisor from ~~such~~ office if the commissioner determines, after reasonable notice and an impartial hearing, that the supervisor is guilty of misfeasance, malfeasance or nonfeasance in office. For THE purposes of this subsection, "nonfeasance" includes the failure to attend three consecutive meetings of district supervisors without reasonable excuse.

Sec. 2. Section 37-1054, Arizona Revised Statutes, is amended to read:

37-1054. Powers of district

A. THIS STATE RECOGNIZES THE SPECIAL EXPERTISE OF THE DISTRICTS IN THE FIELDS OF LAND, SOIL, WATER AND NATURAL RESOURCES MANAGEMENT WITHIN THE BOUNDARIES OF THE DISTRICT. A district is empowered to:

1. Conduct surveys, investigations and research relating to the character of the soil, soil erosion prevention within a farm or ranch, methods of cultivation, farm and range practices, seeding, eradication of noxious growths and ~~such~~ ANY other measures ~~as~~ THAT will aid farm and range operations, disseminate information pertaining thereto, and carry on research programs with or without the cooperation of ~~the~~ THIS state~~,~~ OR ITS AGENCIES OR the United States or ITS agencies ~~thereof~~.

2. Conduct demonstration projects within the district on lands owned or controlled by the state or any of its agencies with the consent and cooperation of the agency having jurisdiction ~~thereof~~ OF THE LAND, and on any other lands within the district ~~upon~~ ON obtaining the consent of the ~~owner thereof~~ LANDOWNER or the necessary rights or interests ~~therein~~ IN THE LAND, in order to demonstrate by example the means, methods and measures by which water, soil and soil resources may be conserved~~,~~ and soil erosion and soil washing MAY BE prevented and controlled.

3. Cooperate and enter into agreements with a landowner, an operator or any agency or subdivision of the state or federal government to carry on programs of watershed improvement, soil erosion prevention, methods of cultivation, cropping practices, land leveling and improvement on agricultural lands, and programs limited to methods of proper range use, reseeding and the eradication of noxious growth on grazing lands, all within the limits of an individual farm or ranch and subject to ~~such~~ THE conditions ~~as~~ the supervisors deem necessary.

4. Acquire, by purchase, exchange, lease or otherwise, any property, real or personal, or rights or interest ~~therein~~ IN ANY PROPERTY, maintain, administer and improve any properties acquired, receive income ~~therefrom~~ FROM ANY PROPERTY OR RIGHT OR INTEREST IN PROPERTY and expend it in carrying out the purposes of this chapter, and sell, lease or otherwise dispose of any property or interest ~~therein~~ IN PROPERTY in furtherance of the purposes of this chapter.

5. Make available, on ~~such~~ THE terms ~~as~~ it prescribes to landowners within the district, agricultural and engineering machinery and equipment, fertilizer, seed and ~~such~~ other material or equipment as will assist the landowners to carry on operations ~~upon~~ ON their lands for the purposes and programs authorized by this chapter.

6. Develop, publish and bring to the attention of ~~owners of lands~~ LANDOWNERS within the district comprehensive plans for the conservation of soil and water resources within the district ~~which shall~~ THAT specify in such detail as may be feasible the acts, procedures, performances and avoidances necessary or desirable for the effectuation of the plans.

7. Apply for, receive~~,~~ and spend monies from the Arizona water protection fund pursuant to title 45, chapter 12 to be used in individual districts or in cooperation with other districts, persons, cities, towns, counties, special districts and Indian communities for projects consistent with ~~the provisions of~~ title 45, chapter 12.

8. Employ agents, engineers, attorneys or other employees not readily available from existing state agencies.

9. Sue and be sued in the name of the district, have a seal, which shall be judicially noticed, have perpetual succession unless terminated as provided in this chapter, make and execute contracts and other instruments necessary or convenient to the exercise of its powers~~,~~ and make, amend and

repeal rules not inconsistent with this chapter to carry into effect its purposes and powers.

10. Accept donations, gifts and contributions in money, services, materials or otherwise, and use or expend them in carrying on its operations.

11. Organize and establish an education center.

B. No provision of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to a district organized under this chapter unless specifically stated therein.

C. After the formation of any district under ~~the provisions of~~ this chapter, all participation thereunder shall be voluntary, notwithstanding any provision of this chapter to the contrary.

D. A district may send to the Arizona water protection fund commission established ~~pursuant to~~ BY title 45, chapter 12 written recommendations for geographic areas to be emphasized, issues of concern and measures to implement title 45, chapter 12. A district that sends written recommendations to the commission shall request information from at least the following:

1. The director of the department of water resources and the state land commissioner.

2. The federal and state fish, wildlife, recreation and natural resource agencies.

3. County and municipal entities.

4. The public.

E. The district shall develop procedures to ~~assure~~ ENSURE adequate participation in the public involvement process prescribed by subsection D OF THIS SECTION.