

1 IN THE SENATE

BY YOUNG

2 SENATE BILL NO. 177

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Soil Conservation District  
7 Law; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 41.10 is amended by adding new sections to read:

10 Sec. 41.10.008. DECLARATION OF POLICY. In recognition of the  
11 ever-increasing demands on the renewable natural resources of the state  
12 and of the need to preserve, protect, and develop the resources at a  
13 rate and at levels of quality that will meet the needs of the people  
14 of the state, it is the policy of the legislature to provide for the  
15 conservation of the renewable natural resources of the state, and to  
16 preserve and develop natural resources, control and prevent soil  
17 erosion, control floods, conserve and develop water resources and water  
18 quality, prevent impairment of dams and reservoirs, assist in maintain-  
19 ing the navigability of rivers and harbors, provide for the conserva-  
20 tion, use, and development of the farm, forest, grazing and other  
21 lands of the state, protect fish and wildlife, preserve natural beauty,  
22 promote recreational development, protect the tax base, protect public  
23 lands, and protect and promote the health, safety and general welfare  
24 of the people of the state.

25 Sec. 41.10.012. CREATION OF THE NATURAL RESOURCES CONSERVATION  
26 DISTRICT. There is created as a public corporation, the natural  
27 resources conservation district of Alaska, comprising the area of  
28 the state. The district is an instrumentality of the state within  
29 the Department of Natural Resources, but has a legal existence

1 independent of and separate from the state.

2 Sec. 41.10.014. PURPOSE OF NATURAL RESOURCES CONSERVATION DIS-  
3 TRICT. The purpose of the natural resources conservation district  
4 is to provide for the conservation of renewable natural resources of  
5 the state in accordance with the policy stated in sec. 8 of this  
6 chapter.

7 Sec. 41.10.016. STATE CONSERVATION BOARD. There is created the  
8 State Conservation Board within the Department of Natural Resources.  
9 The natural resources conservation district shall be governed by the  
10 board. The board succeeds to all the powers and duties of the Alaska  
11 Soil Conservation Board and the commissioner of natural resources  
12 with respect to the Soil Conservation District of Alaska and succeeds  
13 to all property acquired or held by the Department of Natural Resources  
14 or other agencies for the use of the district.

15 Sec. 41.10.021. MEMBERSHIP. The board consists of seven voting  
16 members, including the commissioner of natural resources, three elected  
17 members, and three members appointed by the governor.

18 Sec. 41.10.023. ELECTIVE BOARD MEMBERS. (a) For the purpose of  
19 electing the three elective members of the board, the state is divided  
20 into three areas as follows:

21 (1) Area 1 is the area north of the line starting on Norton  
22 Sound following the 64th parallel to the headwaters of the Kuskokwim  
23 River, from there following the divide between the Tanana Drainage on  
24 one side and the Susitna, Matanuska and Copper River on the other to  
25 the Canadian border.

26 (2) Area 2 is the area south of the line described in  
27 Area 1 to a line on the south starting at Kvichak Bay following the  
28 Kvichak River to Iliamna Lake, then along the north shore of Iliamna  
29 and Clark Lake, then east to Cook Inlet and Turnagain Arm to Whittier,

1 then along the coast including Southeast Alaska.

2 (3) Area 3 is the Kenai and Alaska Peninsulas, including the  
3 Aleutian Chain, which is the area south of the south boundary line  
4 described in Area 2.

5 (b) One member of the board shall be elected from each of the  
6 three areas by vote of the members of the boards of supervisors of the  
7 conservation districts in that area. Every voting member of a board  
8 of supervisors of a conservation district organized under this chapter  
9 is eligible to vote in the election of a member of the board for the  
10 area in which the district is located.

11 (c) The elections shall be held under regulations promulgated  
12 by the board.

13 (d) The election of members of the board shall be conducted by  
14 the board.

15 Sec. 41.10.025. APPOINTIVE BOARD MEMBERS. (a) Three members  
16 of the board shall be appointed by the governor, representing a  
17 diversity of natural resource interests in the state.

18 (b) The term of office of a member of the board is four years  
19 and until his successor is appointed or elected. The governor may  
20 extend the terms of one or more of the existing members of the Alaska  
21 Soil Conservation Board in order to provide for overlapping terms for  
22 the members of the board. Vacancies in either elective or appointive  
23 terms may be filled for the unexpired term by appointment by the  
24 board.

25 Sec. 41.10.027. BOARD FUNCTIONS. (a) The board may invite  
26 appropriate officers of cooperating state and federal agencies to serve  
27 as advisors to the board. The advisors are entitled to the same per  
28 diem and travel expenses as the voting members of the board.

29 (b) The board shall keep a record of its official actions, adopt

1 a seal, hold public hearings, and promulgate regulations that are  
2 necessary for the implementation of its powers and functions under  
3 this chapter.

4 (c) The board may employ an administrative officer, technical  
5 experts, and other agents and employees, permanent and temporary, it  
6 requires, and it shall determine their qualifications, duties and  
7 compensation. The board may call upon the attorney general of the  
8 state for any legal services it requires, or it may employ its own  
9 counsel and legal staff. It may delegate to its chairman, to one or  
10 more of its members, or to one or more agents or employees, the powers  
11 and duties it considers proper.

12 (d) The board shall organize annually and select one of its  
13 members as chairman, who shall serve for one year from the date of his  
14 selection. A majority of the board constitutes a quorum for the  
15 transaction of business, and all actions of the board shall be by a  
16 majority vote of the members present and voting at a meeting at which  
17 a quorum is present. The members of the board receive no compensation  
18 for their services, but are entitled to per diem and traveling expenses  
19 necessarily incurred in the discharge of their duties on the board.  
20 The board shall provide for the execution of surety bonds for all  
21 employees who are entrusted with funds or property and shall keep a  
22 full and accurate record of all proceedings and of all resolutions,  
23 regulations, and orders issued or adopted. The board shall provide for  
24 an annual audit of the accounts of receipts and disbursements.

25 Sec. 41.10.029. POWERS AND DUTIES. The board has the duty and  
26 power to

27 (1) assist supervisors of conservation districts in carrying  
28 out their powers and programs and to review and coordinate district  
29 programs;

1 (2) keep the supervisors of conservation districts informed  
2 of the activities and experience of other conservation districts and  
3 to facilitate cooperation and interchange of information between  
4 districts;

5 (3) review proposed agreements between districts or with  
6 state, federal, interstate, or other public or private agencies,  
7 organizations, or individuals, and advise the districts concerning the  
8 agreements;

9 (4) secure the cooperation and assistance of the United  
10 States and any of its agencies, and of agencies of the state, in the  
11 work of the districts;

12 (5) recommend appropriation of funds necessary for funding  
13 the activities of the board and the conservation districts in accordance  
14 with the annual budget requests submitted by the districts;

15 (6) administer the funds appropriated for expenditure in  
16 connection with the activities of conservation districts, and distri-  
17 bute to conservation districts funds, equipment, supplies and services  
18 received by the board for that purpose from any source, subject to  
19 the conditions imposed by state or federal statutes or local ordinance  
20 making the funds, property and services available;

21 (7) review all budgets, administrative procedures and opera-  
22 tions of the districts and advise the districts concerning their con-  
23 formance with applicable laws and regulations;

24 (8) enlist the cooperation of state, federal, regional,  
25 interstate and local public and private agencies with the conservation  
26 districts and facilitate agreements under which the conservation  
27 districts may serve state and local governing bodies and other agencies  
28 as their local operating agencies in the administration of activities  
29 concerned with the conservation of renewable natural resources;

1 (9) disseminate information concerning the activities and  
2 programs of the conservation districts, encourage the formation of  
3 districts in areas where their organization is desirable and make  
4 available information concerning the needs and the work of the conser-  
5 vation districts and the board to the governor, legislature, executive  
6 agencies of the state, political subdivisions of the state, cooperating  
7 federal agencies and the general public;

8 (10) develop mutual procedures with the other state and  
9 local agencies that are authorized to plan or administer activities  
10 significantly affecting the conservation of renewable natural resources  
11 receive from those agencies for review and comment suitable descriptions  
12 of plans, programs and activities for purposes of coordination with  
13 district conservation programs; arrange for and participate in con-  
14 ferences necessary to avoid conflict among plans and programs, in order  
15 to call attention to omissions, and to avoid duplication of effort;  
16 when the board determines that there is a substantial conflict between  
17 the resources conservation program of a district and the proposed plans  
18 or activities directly affecting resource conservation prepared by a  
19 local governmental unit or agency of the state, and that the conflict  
20 cannot be resolved through the consultation procedures provided for  
21 in this chapter, the board shall submit a report of the conflict to  
22 the governor for appropriate action;

23 (11) compile information and make studies, summaries, and  
24 analyses of district programs in relation to each other and to other  
25 statewide resource conservation programs;

26 (12) assist, when not otherwise prohibited by law in carrying  
27 out state programs for the conservation of renewable natural resources;

28 (13) assist conservation districts in obtaining legal ser-  
29 vices from state and local sources and, within available funds, employ

1 a legal staff to furnish legal services to the conservation districts;

2 (14) require annual reports from conservation districts, the  
3 form and content of which shall be developed by the board in consulta-  
4 tion with the district supervisors;

5 (15) establish adequate and uniform accounting and auditing  
6 procedures to be used by conservation districts.

7 Sec. 41.10.031. CREATION OF CONSERVATION DISTRICTS. (a) The  
8 establishment of a conservation district as a subdistrict of the  
9 natural resources conservation district, as a public corporation and  
10 an instrumentality of the state within the Department of Natural  
11 Resources but having a legal existence independent of and separate  
12 from the state, is initiated by the filing with the State Conservation  
13 Board of a petition signed by 10 occupiers of land lying within the  
14 territory proposed to be organized into a district, asking that a  
15 conservation district be organized to function in the territory. The  
16 petition shall set out

17 (1) the proposed name of the district;

18 (2) the need, in the interest of the public health, safety,  
19 and welfare, for a conservation district to function in the territory  
20 described in the petition;

21 (3) a reasonably accurate description of the territory pro-  
22 posed to be organized as a district;

23 (4) a request that the board define the boundaries of the  
24 district, and that a referendum be held within the territory on the  
25 question of the creation of a conservation district in the territory  
26 and that the board determine that the district be created.

27 (b) If more than one petition is filed covering parts of the same  
28 territory, the board may consolidate all or any of the petitions.

29 (c) Within 30 days after the filing of a petition, the board

1 shall give notice of a proposed hearing upon the desirability and  
2 necessity of creating the proposed district. All occupiers of land  
3 within the limits of the territory described in the petition, and of  
4 lands within any territory considered for addition to the described  
5 territory, and all other interested parties, have the right to attend  
6 the hearing and be heard. If it appears at the hearing that it is  
7 desirable to include within the proposed district territory outside  
8 of the area within which notice of hearing was given, the hearing  
9 shall be adjourned and notice of a further hearing shall be given  
10 throughout the entire area considered for inclusion in the district.  
11 After a subsequent hearing on the entire area, if the board determines  
12 that there is need, in the interest of the public health, safety, and  
13 welfare, for a conservation district to function in the territory  
14 considered at the hearing, it shall record that determination, and  
15 define the boundaries of the district. If the board determines that  
16 there is no need for a conservation district to function in the  
17 territory considered at the hearing, it shall deny the petition.

18 (d) After the board has determined the need, in the interest of  
19 the public health, safety, and welfare, for the organization of a  
20 district and defined the boundaries of it, it shall record the determi-  
21 nation and consider whether the operation of the district is adminis-  
22 tratively feasible. To assist the board in this determination, the  
23 board shall, within a reasonable time after entry of the finding that  
24 there is need for the organization of the district and the determina-  
25 tion of the boundaries of it, hold a referendum within the proposed  
26 district upon the proposition of the creation of the district and give  
27 notice of the referendum. All occupiers of lands lying within the  
28 boundaries of the territory as determined by the board are eligible to  
29 vote in the referendum.

1 (e) The board shall pay all expenses, including notices, of  
2 hearings and referenda, and shall supervise the conduct of them under  
3 regulations issued by it governing the conduct of hearings and referenda  
4 and providing for the registration of all eligible voters.

5 (f) The board shall publish the result of the referendum and  
6 determine whether the operation of the district within the defined  
7 boundaries is administratively feasible. If the board determines that  
8 the operation of the district is not administratively feasible, it  
9 shall record that determination in its official minutes; however, the  
10 board has no authority to determine whether the operation of the pro-  
11 posed district within the defined boundaries is administratively feasible  
12 unless at least a majority of the votes cast in the referendum are in  
13 favor of the creation of the district.

14 (g) If the board determines that the operation of the proposed  
15 district within the defined boundaries is administratively feasible,  
16 it shall appoint two supervisors to act, with three elected supervisors,  
17 as the governing body of the district.

18 Sec. 41.10.033. APPLICATION FOR ESTABLISHMENT OF A CONSERVATION  
19 DISTRICT. (a) The two appointed supervisors shall present to the  
20 lieutenant governor an application signed by them, stating

21 (1) that a petition for the creation of the district was  
22 filed with the board under the provisions of this chapter;

23 (2) that the application is filed in order to complete the  
24 organization of the district and that the board has appointed them as  
25 supervisors;

26 (3) the name and official residence of each of the supervisors  
27 with a certified copy of the appointments confirming their right to  
28 office;

29 (4) the term of office of each of the supervisors;

1 (5) the name proposed for the district; and

2 (6) the location of the principal office of the supervisors  
3 of the district.

4 (b) The application shall be subscribed and sworn to by each of  
5 the two appointed supervisors before an officer authorized to take  
6 and certify oaths. The officer shall certify on the application that  
7 he personally knows the supervisors to be the officers as affirmed in  
8 the application, and that each has subscribed to it in the officer's  
9 presence.

10 (c) The application shall be accompanied by a statement by the  
11 board certifying that (1) the required petition was filed, notice  
12 issued, and hearing held; (2) the board determined that there was  
13 need, in the interest of the public health, safety, and welfare, for  
14 a conservation district in the proposed territory; (3) the board  
15 defined the boundaries of the district; (4) a referendum was held  
16 after notice on the question of the creation of the district showing  
17 a majority of the votes in favor of the creation of the district;  
18 (5) after the referendum the board determined that the operation of  
19 the proposed district was administratively feasible. The statement  
20 shall set out the boundaries of the district as defined by the board.

21 (d) The lieutenant governor shall examine the application and  
22 statement and, if he finds that the name proposed for the district is  
23 not identical with that of any other conservation district of the  
24 state or so nearly similar as to lead to confusion or uncertainty, he  
25 shall record the application and statement in an appropriate book of  
26 record in his office. If the lieutenant governor finds that the  
27 name proposed for the district is identical with another conservation  
28 district in the state, or so nearly similar as to lead to confusion  
29 and uncertainty, he shall inform the board, which shall then submit to

1 the lieutenant governor a new name for the district. Upon receipt of  
2 a nonconflicting name, the lieutenant governor shall record the  
3 application and statement in an appropriate book of record in his  
4 office. When the application and statement have been recorded the  
5 district shall constitute a public corporation and an instrumentality  
6 of the state within the Department of Natural Resources but having  
7 a legal existence independent of and separate from the state. The  
8 lieutenant governor shall issue to the supervisors a certificate of  
9 organization of the district, under the seal of the state, and record  
10 the certificate with the application and statement. The boundaries  
11 of the district shall include the appropriate territory as determined  
12 by the board, but in no event may they include an area included within  
13 the boundaries of another conservation district organized under the  
14 provisions of this chapter. The supervisors shall file a copy of  
15 the certificate with the governing body of each borough in which any  
16 part of the district lies.

17 (e) If a petition is denied after a determination by the board  
18 that operation of a proposed district is not administratively feasible  
19 a subsequent petition may be filed after the expiration of six months  
20 in accordance with this chapter.

21 (f) The proceedings provided for the organization of a district  
22 shall be followed in petitions for including additional territory within  
23 an existing district. The board shall prescribe the form for these  
24 petitions, but they shall conform as closely as possible to the form  
25 prescribed for petitions to organize a district. When the total  
26 number of land occupiers in the area proposed for inclusion is less  
27 than 10, the petition may be filed when signed by a majority of the  
28 occupiers of the area, and no referendum is necessary. In referenda  
29 upon petitions for inclusion of additional land, all occupiers of

1 land lying within the proposed additional area are eligible to vote.

2 (g) A change in a district boundary may be made by the board,  
3 which has the power by administrative order, upon the written request  
4 of the board of supervisors of the conservation district or districts  
5 involved, and with a showing that the request has been approved by a  
6 majority vote of the members of each of the boards involved, to

7 (1) transfer land from one district to another;

8 (2) divide a single district into two or more districts,  
9 each of which shall operate as a separate district;

10 (3) consolidate two or more districts into a single district.

11 (h) All cities, and villages lying wholly or partly within the  
12 exterior boundaries of a conservation district shall be included in  
13 the district within the exterior boundaries in which it lies in whole  
14 or in part or to which it lies closest. In doubtful cases, the board  
15 shall make the determination under this subsection.

16 (i) In a suit, action, or proceeding involving the validity or  
17 enforcement of a contract, proceeding, or action of the district, the  
18 district is presumed to be established in accordance with the provisions  
19 of this chapter upon proof of the issuance of a certificate under this  
20 section. A copy of the certificate, certified by the lieutenant  
21 governor, is admissible in evidence in any suit, action or proceeding.

22 Sec. 41.10.035. DISTRICT GOVERNING BODY. The governing body of  
23 a district consists of five supervisors elected under the provisions  
24 of sec. 37 of this chapter; however, two supervisors to serve for one  
25 and two years, respectively, shall be appointed by the board when a  
26 new district is being formed.

27 Sec. 41.10.037. ELECTION OF SUPERVISORS. Nominating petitions  
28 may be filed with the board to nominate candidates for supervisors  
29 of a district. In a newly organized district the petition shall be

1 filed within 30 days, or within an additional period to be determined  
2 by the board, after the date of issuance by the lieutenant governor  
3 of a certificate of organization. Any qualified elector is eligible  
4 as a candidate. The board shall publish regulations to govern the  
5 nomination and election of supervisors. A nominating petition may  
6 not be accepted by the board unless it is subscribed by five or more  
7 qualified electors residing within the boundaries of the district.  
8 Qualified electors may sign more than one nominating petition. Except  
9 for the first election of supervisors of a newly created district,  
10 the election of district supervisors shall be held between December 1  
11 and March 1. The names of all nominees for whom nominating petitions  
12 have been filed within the time designated in regulations published  
13 by the board shall be printed upon ballots, and the ballots shall be  
14 printed, voted, counted, and canvassed, with the results published in  
15 conformity with the provisions of AS 15, except as is otherwise provided  
16 in this chapter. All qualified electors residing within the district  
17 are eligible to vote in an election. Candidates receiving the largest  
18 number of the votes, respectively, cast in an election shall be the  
19 elected supervisors for the district. The expense of an election shall  
20 be paid by the board.

21 Sec. 41.10.039. APPOINTMENT OF SUPERVISORS. When a new district  
22 is formed, two supervisors shall be appointed for the district by the  
23 board to serve for one and two years as designated by the board.

24 Sec. 41.10.041. TERM OF SUPERVISOR. The term of office of a  
25 supervisor is three years, except that upon creation of the district  
26 the supervisors first appointed shall serve for one- and two-year terms,  
27 respectively, as designated by the board. The supervisors first  
28 elected shall be elected for terms of one, two and three years, respec-  
29 tively, as determined by the number of votes received by each candidate,

1 with the candidates receiving the larger number of votes, respectively,  
2 to serve the longer terms. The board has the power to extend the  
3 terms of one or more supervisors in office in any district in order to  
4 provide for overlapping terms for the supervisors of the district.  
5 A supervisor is eligible for reelection. A vacancy in the office of  
6 an elected or appointed supervisor may be filled for the unexpired  
7 term by appointment by the remaining district supervisors. A super-  
8 visor shall hold office until his successor has been elected or  
9 appointed.

10 Sec. 41.10.043. FUNCTIONS OF SUPERVISORS. (a) The supervisors  
11 shall organize annually and select one of their number as chairman.  
12 A majority of the supervisors constitutes a quorum and all actions of  
13 the supervisors are by a majority vote of the supervisors present and  
14 voting at a meeting at which a quorum is present. A supervisor receives  
15 no compensation for his services, but is entitled to per diem and  
16 traveling expenses necessarily incurred in the discharge of his duties.

17 (b) The supervisors may

18 (1) employ a secretary, technical experts, and other officers,  
19 agents, and employees, permanent and temporary, as they may require, and  
20 determine their qualifications, duties and compensation;

21 (2) call upon the board for any legal services as may be  
22 available, or may employ their own counsel and legal staff;

23 (3) delegate to their chairman, to one or more supervisors,  
24 or to one or more agents or employees any powers and duties they may  
25 consider proper;

26 (4) furnish to the board, upon request, copies of ordinances,  
27 rules, regulations, orders, contracts, forms and other documents they  
28 adopt or employ, and any other information concerning their activities  
29 which the board may require.

1 (c) The supervisors shall provide for

2 (1) the execution of surety bonds for all employees and  
3 officers who are entrusted with funds or property;

4 (2) the keeping of a full and accurate record of all  
5 proceedings and resolutions, regulations, and orders issued or adopted;

6 (3) an annual audit of the accounts of receipts and disburse-  
7 ments in accordance with procedures prescribed by regulations of the  
8 board.

9 (d) A supervisor may be removed from office by the board, upon  
10 notice and hearing, for neglect of duty or malfeasance in office or  
11 failure to perform duties, but for no other reason.

12 Sec. 41.10.044. ADVISORY COMMITTEES. The governing body of a  
13 district may appoint advisory committees as needed to assure the availa-  
14 bility of appropriate channels of communication to the supervisors,  
15 persons affected by district operations, and to local, regional, state  
16 and interstate special purpose districts and agencies responsible for  
17 community planning, zoning, or other resource development activities.  
18 The district shall keep advisory committees informed of its work, and  
19 advisory committees shall submit recommendations from time to time to  
20 the supervisors.

21 Sec. 41.10.045. POWERS OF DISTRICTS AND SUPERVISORS. (a) A  
22 conservation district organized under the provisions of this chapter  
23 has, in addition to any other power granted in this chapter, the  
24 power to

25 (1) conduct surveys, investigations, and research relating  
26 to the conservation of renewable natural resources and the preventive  
27 and control measures and works of improvement needed, to publish the  
28 results of the surveys, investigations, or research, and disseminate  
29 the information concerning the preventive and control measures and

1 works of improvement; however, in order to avoid duplication of  
2 research activities, no district may initiate a research program except  
3 in cooperation with the state or any of its agencies or with the  
4 United States or any of its agencies;

5 (2) conduct educational and demonstrational projects within  
6 the district on land owned or controlled by the state or any of its  
7 agencies, with the cooperation of the agency administering and having  
8 jurisdiction over them, and on any other land within the district  
9 after obtaining the consent of the occupier of the land or the neces-  
10 sary right or interest in the land, in order to demonstrate the  
11 means, methods, measures, and works of improvement by which the con-  
12 servation of renewable natural resources may be carried out;

13 (3) carry out preventive and control measures and works of  
14 improvement for the conservation of renewable natural resources within  
15 the district on land owned or controlled by the state or any of its  
16 agencies, with the cooperation of the agency administering and having  
17 jurisdiction over it, and on any other land within the district after  
18 obtaining the consent of the occupier of the land or the necessary  
19 right or interest in the land;

20 (4) cooperate, or enter into agreements with, and within the  
21 limits of appropriations made available to it, furnish financial or  
22 other aid to, any agency, including but not limited to, cities,  
23 boroughs, and other local units of government, or any occupier of land  
24 within the district, in the carrying on of preventive and control  
25 measures and works of improvement for the conservation of renewable  
26 natural resources within the district, subject to conditions the  
27 supervisors consider appropriate;

28 (5) obtain options on and acquire, by purchase, exchange,  
29 lease, gift, grant, bequest, devise, or otherwise, any property, real

1 or personal, or right or interest in it; to acquire by condemnation  
2 any real property, or right or interest in it that is needed for the  
3 purposes of this chapter;

4 (6) maintain, administer, and improve any properties  
5 acquired and receive income from the properties and to expend the  
6 income in carrying out the purposes and provisions of this chapter;

7 (7) sell, lease, or otherwise dispose of any of its property  
8 or interests for the purposes of this chapter;

9 (8) make available, on terms it prescribes, agricultural  
10 and engineering machinery and equipment, fertilizer, seeds, and seed-  
11 lings, to land occupiers within the district and to make available any  
12 other material or equipment which will assist land occupiers to carry  
13 on operations upon their land for the conservation of renewable natural  
14 resources;

15 (9) prepare an annual budget to meet the expenses of carrying  
16 on the work of the district during the following year, submitting it to  
17 the board for inclusion in the board's annual appropriation budget;

18 (10) construct, improve, repair, operate and maintain the  
19 structures or other works of improvement necessary for the performance  
20 of any of the operations or activities authorized in this chapter;

21 (11) develop resource conservation programs and annual work  
22 plans as provided in secs. 49 - 51 of this chapter;

23 (12) acquire, by purchase, lease or otherwise, and administer  
24 any project or program concerned with the conservation of renewable  
25 natural resources located within its boundaries undertaken by a federal,  
26 state, or other public agency;

27 (13) accept funds, donations, gifts, and contributions in  
28 money, services, materials, or otherwise, from the United States or any  
29 of its agencies, from the state or any of its agencies, from cities,

1 boroughs, or other local units of government, or from any other source,  
2 and to use or expend these funds, services, materials, or other  
3 contributions in carrying out the purposes of this chapter;

4 (14) sue and be sued in the name of the district;

5 (15) adopt a seal;

6 (16) have perpetual succession unless terminated as provided  
7 in sec. 73 of this chapter;

8 (17) execute contracts and other instruments necessary to the  
9 exercise of its powers;

10 (18) borrow money and pledge, mortgage and assign the income  
11 of the district and its real or personal property for the loan;

12 (19) promulgate, and from time to time amend and repeal,  
13 regulations not inconsistent with this chapter to carry into effect  
14 its purposes and powers;

15 (20) require as a condition to the extending of benefits  
16 under this chapter or performing work upon land not owned or controlled  
17 by the state or any of its agencies, contributions in money, services  
18 or materials, or may require land occupiers to enter into agreements  
19 as to the use of the land that are consistent with the purposes of  
20 this chapter.

21 (b) No provision with respect to the acquisition, operation, or  
22 disposition of property by other public bodies is applicable to a  
23 district organized under this chapter unless authorized by the legis-  
24 lature.

25 Sec. 41.10.047. COOPERATION BETWEEN DISTRICTS. (a) The super-  
26 visors of two or more districts may cooperate with each other in the  
27 exercise of powers conferred in this chapter.

28 (b) By agreement, two or more districts may engage jointly in  
29 planning, financing, constructing, operating, maintaining, and

1 administering a program or project concerned with the conservation of  
2 renewable natural resources. The districts concerned may make available  
3 for purposes of the agreement any funds, property, personnel, equipment,  
4 or services available to them under this chapter.

5 (c) The board may propose, guide, and facilitate the establish-  
6 ment and carrying out of all joint agreements.

7 Sec. 41.10.049. PREPARATION OF LONG-RANGE RESOURCES CONSERVATION  
8 PROGRAM. (a) A district organized under this chapter shall prepare  
9 and keep current a long-range program for the conservation of all of  
10 the renewable natural resources of the district. The program shall be  
11 directed toward conservation of resources for their best uses and in a  
12 manner that will best meet the needs of the district and the state,  
13 taking into consideration where appropriate such uses as farming,  
14 grazing, timber supply, forest, parks, outdoor recreation, potable  
15 water supplies for urban and rural areas, water for agricultural and  
16 industrial uses, watershed stabilization, control of soil erosion,  
17 retardation of water runoff, flood prevention and control, reservoirs  
18 and other water storage, maintenance of adequate vegetation cover,  
19 restriction of developments of flood plains, protection of open spaces  
20 and scenery, preservation of natural beauty, protection of fish and  
21 wildlife, preservation of wilderness areas and wild rivers, the preven-  
22 tion or reduction of sedimentation and other pollution in rivers and  
23 other waters, and the location of highways, schools, housing develop-  
24 ments, industries, airports and other facilities and structures to fit  
25 the needs of the state and be consistent with the best uses of the  
26 renewable natural resources.

27 (b) The program shall include

28 (1) an inventory of all renewable natural resources in the  
29 district;

1 (2) a compilation of current resource needs;

2 (3) projections of future resource requirements;

3 (4) priorities for various resource activities; with pro-  
4 jected timetables, descriptions of available alternatives, and provi-  
5 sions for coordination with other resource programs.

6 Sec. 41.10.051. ANNUAL DISTRICT WORK PLAN. The district shall  
7 prepare an annual work plan, describing the action programs, services,  
8 facilities, materials, working arrangements and estimated funds needed  
9 to carry out the parts of the long-range program that are of the highest  
10 priority.

11 Sec. 41.10.053. LIAISON REPRESENTATIVES. The district shall  
12 invite appropriate boroughs, municipalities, special purpose districts,  
13 or other governmental units to designate liaison representatives for  
14 consultation on their respective programs and plans for resource  
15 conservation. The districts shall designate liaison representatives  
16 to advise and consult with other local agencies.

17 Sec. 41.10.055. COOPERATION WITH OTHER AGENCIES. (a) The dis-  
18 tricts shall consult and cooperate with state, regional, interstate,  
19 and federal agencies to promote harmony and avoid conflict in the  
20 programs and plans for resource conservation developed and carried out  
21 by them.

22 (b) State agencies, districts, and other local agencies may make  
23 available to each other maps, reports and data in their possession that  
24 are useful in the preparation of their respective programs and plans  
25 for resource conservation. The districts shall keep the state and  
26 local agencies fully informed concerning the status and progress of  
27 the preparation of their resource conservation programs and plans.

28 Sec. 41.10.057. LONG-RANGE PROGRAM HEARINGS. The districts shall  
29 hold public hearings at appropriate times in connection with the

1 preparation of programs and plans, and shall keep the public informed  
2 concerning their programs, plans, and activities. Agencies and  
3 individuals shall be invited to submit proposals for consideration at  
4 the hearings. The districts may supplement the hearings with meetings,  
5 referenda or other means to determine the views of interested parties  
6 in regard to current and proposed plans and programs of a district.  
7 The districts shall confer with public and private agencies, individu-  
8 ally and in groups, to exchange information and understanding regarding  
9 the impact of district operations on agriculture, forestry, water  
10 supply and quality, flood control, commercial and other public and  
11 private interests, both rural and urban.

12 Sec. 41.10.059. SUBMISSION OF PROGRAMS AND PLANS TO BOARD. A  
13 district shall submit to the board its proposed long-range program  
14 and annual work plans for review and comment.

15 Sec. 41.10.061. STATUS OF DISTRICT CONSERVATION PROGRAM. The  
16 long-range resources conservation program, with the supplemental annual  
17 work plan developed by a district shall have official status as the  
18 authorized program of the district, and shall be published by a district  
19 as its "resources conservation program". Copies shall be made available  
20 by the district to the appropriate boroughs, municipalities, special  
21 purpose districts and state agencies, and shall be made available in  
22 convenient places for examination by any public or private interest  
23 concerned. Summaries of the program and selected materials from it  
24 shall be distributed as widely as possible for public information.

25 Sec. 41.10.063. AGENCY FOR LOCAL OPERATIONS. (a) A district  
26 organized under this chapter is authorized, if not prohibited by law,  
27 to serve as a local agency for operating and maintaining a project or  
28 program concerned with the conservation of renewable natural resources  
29 that is administered by a local, state, interstate or federal public

1 agency. To further this purpose, it may enter into a contract or  
2 other appropriate administrative agreement with the agency administering  
3 the project or program.

4 (b) An agency or local political subdivision of the state may  
5 make agreements with a district, through contract, regulation or other  
6 appropriate means, when these agreements will promote administrative  
7 efficiency or economy.

8 (c) In connection with agreements made under (b) of this section  
9 a state or local agency or political subdivision of the state may,  
10 within the limits of funds available to it, contribute funds, equipment,  
11 property or services to a district and collaborate with the district  
12 in jointly planning, constructing, financing or operating the work or  
13 activity provided for in the agreements and in the joint acquisition,  
14 maintenance and operation of equipment or other facilities.

15 (d) A district may receive funds, property, equipment and ser-  
16 vices from a local, state, interstate or federal public agency, or  
17 from a private donor, for use in serving as the local agency for  
18 operating and maintaining a program or project under a contract or  
19 other agreement under this section.

20 Sec. 41.10.065. ANNUAL REPORT. Each district organized under  
21 this chapter shall submit an annual report of its plans, programs,  
22 activities, budget, receipts and expenditures to the governor and the  
23 board. The board shall furnish a copy of the report to the legislature,  
24 and shall make copies of the report available to all federal, state  
25 and local cooperating agencies. Each district may publish additional  
26 information and reports as are necessary and appropriate.

27 Sec. 41.10.067. PUBLIC INFORMATION. Each district shall, through  
28 public hearings, publications and other means, keep the general public,  
29 and all operators or occupiers of land within the district informed

1 of the works and activities planned and administered by the district.

2 Sec. 41.10.069. PARTICIPATION IN LOAN, GRANT, AND OTHER PROGRAMS  
3 ADMINISTERED BY FEDERAL OR STATE AGENCIES. A conservation district  
4 may obtain a loan or grant of funds, property, equipment or services  
5 which any state or federal agency or local government unit is authorized  
6 to lend or grant for any of the purposes of this chapter. A conserva-  
7 tion district may enter into a contract, loan agreement or other  
8 administrative arrangement that is lawfully required for a loan or  
9 grant, and in connection with a loan or grant may pledge, encumber,  
10 or obligate property or income of the district.

11 Sec. 41.10.071. SAVING PROVISION. Nothing in this chapter may  
12 be interpreted to reduce or limit an authorization granted to an agency  
13 of the state or to a borough, municipality, special purpose district  
14 or local governmental subdivision of the state, or to a research or  
15 educational institution supported wholly or in part with public funds  
16 and operating in the state.

17 Sec. 41.10.073. DISCONTINUANCE OF DISTRICTS. (a) At any time  
18 after a district organized under this chapter has been in existence for  
19 five years 10 occupiers of land lying within the boundaries of the  
20 district may file a petition with the board proposing that the opera-  
21 tions of the district be terminated and the existence of the district  
22 discontinued. The board may conduct public meetings and public hearings  
23 on the petition. Within 60 days after a petition has been received  
24 by the board it shall give notice of the holding of a referendum. The  
25 board shall issue regulations governing the holding of a referendum  
26 and shall supervise it. All occupiers of land lying within the  
27 boundaries of the district are eligible to vote in the referendum.

28 (b) The board shall publish the result of the referendum and  
29 determine whether the continued operation of the district within the

1 defined boundaries is administratively practicable and feasible. If  
2 the board determines that the continued operation of the district is  
3 administratively practicable and feasible, it shall record the deter-  
4 mination and deny the petition. If the board determines that the  
5 continued operation of the district is not administratively practicable  
6 and feasible, it shall record the determination and shall certify that  
7 determination to the supervisors of the district. However, the board  
8 is not authorized to make a determination that the continued operation  
9 of the district is administratively practicable and feasible unless a  
10 majority of the votes cast in the referendum are in favor of the con-  
11 tinuance of the district.

12 (c) After receiving a certificate from the board stating that  
13 the board has determined that the continued operation of the district  
14 is not administratively practicable and feasible, under provisions of  
15 this section, the supervisors shall immediately terminate the affairs  
16 of the district. The supervisors shall dispose of all property belong-  
17 ing to the district at public auction and pay the proceeds of the sale  
18 to the general fund. The supervisors shall file an application with  
19 the lieutenant governor for the discontinuance of the district, and  
20 transmit with the application the certificate of the board stating  
21 that the determination of the board is that the continued operation of  
22 the district is not administratively practicable and feasible. The  
23 application shall state that the property of the district has been  
24 disposed of and the proceeds paid into the general fund, and shall set  
25 out a full accounting of the properties and proceeds of the sale. The  
26 lieutenant governor shall issue to the supervisors a certificate of  
27 dissolution and shall record the certificate in an appropriate book  
28 of record in his office.

29 (d) Upon issuance of a certificate of dissolution under the

1 provisions of this section, all regulations adopted and in force in  
2 the discontinued district are void. All previous contracts to which  
3 the district or supervisors are parties, shall remain valid for the  
4 period provided in the contracts, except that the board is substituted  
5 for the discontinued district or supervisors as party to the contracts.  
6 The board shall assume all benefits and is subject to all liabilities  
7 under the contracts and has the same rights and liabilities of perfor-  
8 mance as the supervisors of the discontinued district had.

9 (e) A petition for the discontinuance of a district may not be  
10 submitted more often than once in five years.

11 Sec. 41.10.075. DEFINITIONS. In this chapter

12 (1) "board" means the State Conservation Board;

13 (2) "conservation" includes conservation, development,  
14 improvement, maintenance, preservation, protection and use, and the  
15 control and prevention of floodwater and sediment damages, and the  
16 disposal of water;

17 (3) "conservation district" or "district" means a subdistrict  
18 of the natural resources conservation district;

19 (4) "electors" or "qualified electors" means those persons  
20 entitled to vote under the general election laws of the state;

21 (5) "land occupier" or "occupier of land" includes any  
22 person, firm or corporation who holds title to, or possesses land  
23 lying within a district organized under the provisions of this chapter,  
24 whether as owner, lessee, renter, tenant or homesteader;

25 (6) "notice" means notice published at least twice with  
26 an interval of at least seven days between the two publication dates,  
27 in a newspaper or other publication of general circulation within the  
28 appropriate area, or if no publication of general circulation is  
29 available, by posting at a reasonable number of conspicuous places

1 within the appropriate area; adjournment of a hearing held under  
2 notice requires no additional notice for the adjourned hearing;

3 (7) "renewable natural resources" or "natural resources"  
4 includes land, soil, water, vegetation, trees, wild rivers, wilderness,  
5 vegetative cover, natural beauty, scenery, and open space;

6 (8) "supervisor" means one of the members of the governing  
7 body of a conservation district.

8 Sec. 41.10.077. SHORT TITLE. This chapter may be cited as the  
9 Conservation Districts Act.

10 \* Sec. 2. Soil conservation subdistricts existing on the effective date  
11 of this Act shall, on the effective date of this Act, assume the authority  
12 of, and be identified as, conservation districts under the provisions of  
13 AS 41.10.

14 \* Sec. 3. AS 41.10.010 - 41.10.150 are repealed.

15 \* Sec. 4. This Act takes effect on the day after its passage and approv-  
16 al or on the day it becomes law without approval.