

1 IN THE HOUSE

BY MALONE

2

HOUSE BILL NO. 350

3

IN THE LEGISLATURE OF THE STATE OF ALASKA -

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to soil and water conservation; and
7 providing for an effective date."

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

9 * Section 1. AS 41.10.030 is amended to read:

10 Sec. 41.10.030. PURPOSE OF CHAPTER [DISTRICT]. The purpose of
11 this chapter [THE DISTRICT] is to provide for the orderly development
12 of land [LANDS], for guiding settlement, and for conserving soil and
13 water and soil resources and controlling and preventing soil erosion.

14 * Sec. 2. AS 41.10.040 is amended to read:

15 Sec. 41.10.040. SOIL AND WATER CONSERVATION BOARD. The [DIS-
16 TRICT IS GOVERNED BY THE] Alaska Soil and Water Conservation Board is
17 composed of five [THREE] members. The commissioner of natural re-
18 sources or, in the absence of the commissioner, the director of agri-
19 culture, serves ex officio but without a vote on the board.

20 * Sec. 3. AS 41.10 is amended by adding a new section to read:

21 Sec. 41.10.045. EXECUTIVE DIRECTOR. The commissioner of natural
22 resources shall appoint an executive director and clerical staff to
23 assist the board.

24 * Sec. 4. AS 41.10.060 is amended to read:

25 Sec. 41.10.060. QUALIFICATIONS OF BOARD MEMBERS. Members of the
26 board shall be resident bona fide users of land [FARMERS] selected
27 from the five major land [FARMING] areas of the state.

28 * Sec. 5. AS 41.10 is amended by adding a new section to read:

29 Sec. 41.10.065. MAJOR LAND AREAS OF THE STATE. The five major

1 land areas of the state are:

- 2 (1) the Arctic and northwest Alaska;
- 3 (2) the Yukon and Tanana Valleys;
- 4 (3) southwest Alaska and the Kenai Peninsula;
- 5 (4) southcentral Alaska; and
- 6 (5) southeast Alaska.

7 * Sec. 6. AS 41.10.070 is amended to read:

8 Sec. 41.10.070. TERM OF OFFICE. The term of office of members
9 is three years [, EXCEPT THAT INITIAL APPOINTMENTS SHALL BE FOR TERMS
10 OF ONE, TWO, AND THREE YEARS, RESPECTIVELY].

11 * Sec. 7. AS 41.10 is amended by adding a new section to read:

12 Sec. 41.10.075. BOARD MEETINGS. The board shall hold one regu-
13 lar meeting annually at the state capital and one or more additional
14 meetings at a time and place in the state selected by the board.

15 * Sec. 8. AS 41.10.100 is amended to read:

16 Sec. 41.10.100. DUTY OF BOARD TO ADVISE COMMISSIONER OF NATURAL
17 RESOURCES. (a) At the request of the commissioner of natural re-
18 sources, the board shall meet and advise the commissioner [HIM] in the
19 exercise of the [HIS] powers, duties, and functions of the commis-
20 sioner.

21 * Sec. 9. AS 41.10.100 is amended by adding a new subsection to read:

22 (b) The board shall also

23 (1) receive and review reports concerning the use of soil
24 resources of the state;

25 (2) hold public hearings and meetings to determine whether
26 land in the state is being used in a manner consistent with sound soil
27 and water conservation practices;

28 (3) make recommendations for specific action necessary to
29 provide for the effective and orderly development of agricultural,

1 forest, and grazing land in the state;

2 (4) review an appeal by an applicant or lessee from a
3 decision of the director of the division of land and water management
4 or of the commissioner of natural resources concerning a sale or lease
5 of state agricultural or grazing land and submit its recommendations
6 to the commissioner or hearing officer;

7 (5) act in an advisory capacity to the soil and water
8 conservation districts in the state;

9 (6) act in an advisory capacity to the commissioner of
10 natural resources and director of the division of agriculture in the
11 review of farm conservation plans for all state agricultural land
12 sales in the Alaska District.

13 * Sec. 10. AS 41.10.110 is amended to read:

14 Sec. 41.10.110. POWERS OF COMMISSIONER OF NATURAL RESOURCES
15 RELATING TO SOIL AND WATER CONSERVATION. The commissioner of natural
16 resources has the power to

17 (1) conduct land capability surveys and investigations of
18 potential agricultural areas and of soil conservation and erosion
19 control, including necessary preventative and control measures, in the
20 state; to publish the results of these surveys and investigations and
21 to disseminate information concerning the results of the surveys and
22 investigations to prospective settlers and the general public;

23 (2) make technical guidance and other assistance available
24 to settlers of new land to assure the development of the land in a
25 manner that will permit it to be used in accordance with its capabili-
26 ties and treated in accordance with its needs;

27 (3) carry out measures for soil conservation and erosion
28 control within the state [DISTRICT], including engineering operations,
29 methods of cultivation, the growing of vegetation, and changes in use

1 of land, with the consent and cooperation of the land user [OCCUPIER]
2 or agency having jurisdiction of the land;

3 (4) cooperate with, furnish assistance to, and enter into
4 agreements with, a user [AN OCCUPIER] of land or agency within the
5 state [DISTRICT, SUBJECT TO THE CONDITIONS AS THE BOARD CONSIDERS
6 NECESSARY TO ADVANCE THE PURPOSES OF THIS CHAPTER];

7 (5) construct, improve, and maintain soil erosion control
8 and conservation structures as are necessary and practical for carry-
9 ing out the purposes of this chapter;

10 (6) develop comprehensive plans for the conservation of
11 soil and control of soil erosion within the state [DISTRICT], cropping
12 programs, tillage practices and changes in land use, and publish plans
13 and information and bring them to the attention of users [OCCUPIERS]
14 of land [LANDS] within the state [DISTRICT];

15 (7) accept contributions in money, services, materials, or
16 equipment from the United States or its agencies, from an agency of
17 the state, and from any other source, for use in carrying out the
18 purposes of this chapter.

19 * Sec. 11. AS 41.10.120 is amended to read:

20 Sec. 41.10.120. LAND USER [OCCUPIER] SHALL APPROVE PLANS, ETC.
21 A [NO] survey, investigation or plan for land may not [SHALL] be
22 undertaken by the commissioner of natural resources and [DISTRICT, NOR
23 SHALL] measures for soil conservation and erosion control may not be
24 carried out [,] without the prior approval of the user [OCCUPIER] of
25 the land.

26 * Sec. 12. AS 41.10.130 is amended to read:

27 Sec. 41.10.130. CREATION AND BOUNDARIES OF SOIL AND WATER CON-
28 SERVATION DISTRICTS [OF SUBDISTRICTS]. (a) The commissioner of
29 natural resources may, on the recommendation of the board, create soil

1 and water conservation districts in the state [SUBDISTRICTS OF THE
2 SOIL CONSERVATION DISTRICT OF ALASKA,] upon petition signed by 25 or
3 more land users [OCCUPIERS] setting out the proposed boundaries of the
4 proposed district [SUBDISTRICT]. The commissioner shall fix a time
5 for and give notice of a public hearing based on the petition at a
6 convenient location or locations within the boundaries of the proposed
7 district [SUBDISTRICT]. The commissioner may fix the boundaries of
8 the district [SUBDISTRICT] created, supervise the election of, pre-
9 scribe the duties of, and install a governing body of five land users
10 [OCCUPIERS] to be known as district supervisors for each district
11 [SUBDISTRICT] created, and delegate to the district supervisors powers
12 as the commissioner considers necessary to accomplish the purposes of
13 this chapter within the district [SUBDISTRICT] boundaries.

14 (b) The area of the state that is not located within a district
15 organized under (a) of this section shall be governed by the board.

16 * Sec. 13. AS 41.10.140 is repealed and reenacted to read:

17 Sec. 41.10.140. DEFINITIONS. In this chapter

18 (1) "board" means the Alaska Soil and Water Conservation
19 Board;

20 (2) "land user" or "user of land" means a person who

21 (A) is a producer of renewable resources, including
22 farming and forestry; and

23 (B) has a current cooperative agreement with a soil
24 and water conservation district.

25 * Sec. 14. AS 41.10.020 and AS 41.10.150 are repealed.

26 * Sec. 15. The terms of the members of the Alaska Soil Conservation
27 Board terminate on the effective date of this Act. The initial members of
28 the Soil and Water Conservation Board appointed under this Act shall be
29 appointed for the following terms: two members shall serve for three-year

1 terms; two members shall serve for two-year terms; and one member shall
2 serve for a one-year term. Until soil and water conservation districts
3 have been created under AS 41.10.130 as enacted in sec. 12 of this bill, a
4 "land user" includes a person who would have been qualified for appointment
5 to the Alaska Soil Conservation Board.

6 * Sec. 16. This Act takes effect July 1, 1983.

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