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120

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: SB 120
 Title: re: soil & Water conservation
 Sponsor: Aerzula
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Div. of Agriculture
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: Ag. Development

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0		
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Department of Natural Resources Phone: 376-3276
 Division: Division of Agriculture Date: _____
 Approved by ^{Copy} Commissioner: M. Alac... Date: 4/8/83
 Department: NATURAL RESOURCES

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

THE ALASKA SOIL AND WATER CONSERVATION DISTRICT IS SUPPORTED BY OVER 900 COOPERATORS STATEWIDE IN THE INTEREST OF WISE LAND USE AND CONSERVATION PLANNING. THE EXISTING 3-MEMBER VOLUNTEER BOARD PROVIDES SERVICES TO THE WHOLE STATE. DEMAND ON THEIR SERVICES HAS INCREASED TO THE POINT THAT RESTRUCTURING OF THE BOARD IS NECESSARY. (SB 120 INCREASES THE MEMBERSHIP FROM 3 TO 5 ALLOWING FOR APPOINTMENT OF 1 MEMBER FROM EACH OF FIVE GEOGRAPHIC AREAS OF THE STATE, AND AUTHORIZES THE COMMISSIONER OF DNR TO APPOINT AN EXECUTIVE DIRECTOR AND CLERICAL STAFF TO ASSIST THE BOARD.)

THERE IS A ZERO FISCAL NOTE. THE DEPARTMENT HAS INDICATED THEY DO NOT HAVE FUNDING AVAILABLE FOR THIS PROPOSAL THIS YEAR, BUT DOES SUPPORT PUTTING THE RESTRUCTURED BOARD ON THE BOOKS.

CHANGES IN RESOURCES COMMITTEE SUBSTITUTE:

- * MEMBERSHIP IN THE ORIGINAL BILL WAS 6. WE CHANGED IT TO 5 TO ENSURE EQUITABLE REPRESENTATION OF THE RESOURCE AREAS IN THE STATE.
- * MEMBERS IN ORIGINAL BILL HAD TO BE LAND OCCUPIERS. WE CHANGED IT TO USERS TO ENSURE THAT MEMBERS ACTUALLY WORK THE LAND.
- * SPECIFIES THAT THE BOARD REVIEW APPEALS PRIOR TO THE COMMISSIONER'S DECISION. IF REVIEWED AFTER, ANY FURTHER APPEAL WOULD BE WITH THE SUPERIOR COURT. (THIS WAS DNR'S RECOMMENDED AMENDMENT.)

SENATE FINANCE AMENDED THE BILL TO DELETE PAGE 4, LINE 14-17, WHICH WOULD HAVE ALLOWED THE COMMISSIONER OF DNR TO ACCEPT CONTRIBUTIONS (MCNEY, SERVICES, MATERIALS) TO CARRY OUT THE PURPOSES OF THE CHAPTER. KERTTULA HAS NO PROBLEM WITH THE AMENDMENT.

TWO REPEALERS:

AS 41.10.020 DEFINED THE ALASKA SOIL AND WATER CONSERVATION DISTRICT AS THE WHOLE STATE (SB 120 DIVIDES INTO 5 GEOGRAPHIC AREAS.)

AS 41.10.050 DEFINED THE CHAPTER'S SHORT TITLE AS "SOIL CONSERVATION LAW". (SB 120 CHANGES ALL REFERENCES TO SOIL AND WATER.)

The Alaska Soil and Water Conservation District is supported by over 900 cooperators statewide in the purpose of promoting positive growth through wise land use and conservation planning. For the past 35 years, Alaskans involved in agriculture and forestry have been dedicated to this goal.

In 1982, some \$195,000 worth of federal cost sharing programs was utilized in conservation practices on more than 15,000 acres of land in Alaska. The Alaska Soil Conservation District has been active in the acquisition of some \$500,000 of state and federal funds to aid in the National Cooperative Soil Survey program in Alaska. In 1981 this money was used to fund soil and range surveys in Susitna Valley, Copper River Valley, Delta, Fairbanks, Kenai Peninsula, and the Seward Peninsula. A recent Memorandum of Understanding was adopted by the Soil Conservation District and the State Department of Environmental Conservation where the Soil Conservation District would address non-point source pollution on agricultural lands for the protection of Alaska's water quality. Alaska is unique in the fact that it requires farm conservation plans on any state land disposed for agriculture. The Soil and Water Conservation Board is vested with the responsibility to perform these conservation plans. However, the development of privately owned land through conservation planning is basically voluntary. The Alaska Soil Conservation District is therefore non-regulatory, and implementation of soil and water conservation practices depends on the educational process and reasonable economic incentive.

With the increased rate of resource development experienced in Alaska at this time, it is increasingly difficult for the Alaska Soil Conservation Board to function as a responsible arm of government without political support from the Legislature and State officials.

The citizens serve in the Soil Conservation District because they are concerned that Alaska not suffer from the same mistakes made by her sister states as they developed. Other states must function under expensive remedial conservation programs while Alaska has an opportunity to continue a less expensive, preventative program. Without the support of this bill, Alaska's conservation program will lose the development race and then we, too will find ourselves operating under the more expensive remedial programs.

5/20 from Kertula's office

Potential House Resources amendment to CSSB 120 (Res) am

page 5, section 13: add

(3) "Alaska Soil and Water Conservation District" means the area of the state not established under Section 41.10.130(a).

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(3) "Alaska Soil and Water Conservation District" means the
area of the state not established under Section 41.10.130(a).

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99801
907 465-3600

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 18, 1983

SUBJECT: Soil and water conservation
[CSSB 120 (Resources)]

TO: Senator Jalmar M. Kerttula

FROM: Richard A. Bradley
Legislative Counsel *B*

You have requested a sectional analysis of the above described bill.

As a preliminary matter, I must advise you that a sectional analysis or summary of a bill should not be considered an authoritative statement of the contents of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please address a specific request to this office.

The bill amends AS 41.20, a chapter relating to the "Soil Conservation District Law." The law has its origins in ACLA, 1949 and 1960 amendments conforming the law to the then newly established structure of state government.

Section 1 of the bill amends AS 41.20.030 and redefines certain technical aspects of the law. The existing law describes the entire state as the "Soil Conservation District of Alaska." See AS 41.20.020 and the commentary on sec. 14 of the bill. The amendment to sec. 30 establishes a "Purpose" to the chapter (AS 41.20) in place of the more awkward "Purpose of [Soil Conservation] District." The amendment also acknowledges that conservation of "water" has also been added as a focus of the chapter.

Section 2 of the bill amends AS 41.10.040. The amendment adds "water" to the name of the former Soil Conservation Board. It provides that the board consists of five members (in place of the former three). It also provides that the commissioner of natural resources (or, in the absence of the

commissioner, the director of agriculture) serves ex officio (by virtue of the office) as a nonvoting member of the board.

In connection with this section note the provisions of sec. 15, a transitional section providing for the termination of the terms of existing members and the appointment of new members.

Section 3 adds a new Sec. 41.20.045. The section directs the commissioner to appoint an executive director and clerical staff to serve the board.

Section 4 amends AS 41.20.060. The section relates to the "Qualifications of Board Members." Existing law requires that board members be "bona fide farmers selected from the major farming areas of the state." As amended by this section, board members would be "bona fide users of land selected from the five major land areas of the state." The term "users of land" is defined [in sec. 13] to mean "producers of renewable resources, including farming and forestry" who have a "current cooperative agreement with a soil and water conservation district." See sec. 13 and its repeal and reenactment of AS 41.20.140(2).

Section 5 adds a new Sec. 41.10.065. It defines the "Major Land Areas of the State."

Section 6 amends AS 41.20.070. The amendment is essentially stylistic; at present, the law provides that initial terms of members of the board are for "one, two, and three" year terms. The provision is, of course, executed and members appointed to those terms presumably have not served on the board for a number of years. The law dealing with this issue for the new board members is not codified in Alaska Statutes but appears in sec. 15 of the bill.

Section 7 adds a new Sec. 41.10.075. It provides for meetings of the board and requires one meeting in the capital and one or more additional meetings at a time and place in the state selected by the board.

Section 8 amends AS 41.10.100. The changes are entirely stylistic.

Section 9 adds a new subsection to AS 41.10.100 to prescribe additional substantive duties for the board.

Section 10 amends AS 41.10.110. The section relates to the "Powers of Commissioner of Natural Resources relating to Soil and Water Conservation." Seven "powers" exist under the current law. With the exception of the changes in sec. 110(4) and (7), whatever changes exist are stylistic.

The amendment to sec. 110(4) deletes the authority of the board to establish conditions on the cooperation, assistance, or agreements that the commissioner offers to users of land.

The finance committee amendment to sec. 110(7) deletes the paragraph as amended. As written, the law permitted the commissioner of natural resources to

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

The deletion of this section, standing alone, constitutes an anomaly to the extent that the deletion does not change the law. This is because any agency of the state has the power to accept contributions "for use in carrying out [statutory functions]" in the absence of an affirmative prohibition. Since no such affirmative prohibition was added to the bill, the deletion of sec. 110(7) was without legal effect. If there is a desire to add such an affirmative prohibition, I suggest putting sec. 110(7) back in the bill and modifying the introductory language to read:

(7) may not accept contributions"

Section 11 amends AS 41.10.120. The amendment changes "land occupier" to "land user", a defined term. It provides that the commissioner of natural resources (rather than the former soil conservation district) may not carry out a "survey, investigation, or plan for land" without the prior approval of the "user of land."

Section 12 amends AS 41.10.130. The section dealt with the creation of "subdistricts" within the "soil conservation district" which, it will be recalled, was the state. See AS 41.10.020, a section proposed for repeal in sec. 14.

Since that concept is abandoned, the establishment of "districts" is permitted under this section; a "district" is

an area proposed by a petition without change from existing law. Except for the change in nomenclature suggested and except for the added requirement that the soil and water conservation board have recommended the establishment of the district, no other substantive change is provided for in the amendment to sec. 130(a).

The amendment also adds a subsection. Sec. 130(b) provides that the "area of the state that is not located within a district organized under (a) of this section shall be governed by the board."

Section 13 repeals and reenacts AS 41.10.140. It defines the board as the newly established board; it defines "land user" or "user of land" as suggested above. Under existing law, AS 41.10.140 provides:

Sec. 41.10.140. "LAND OCCUPIER" DEFINED. In this chapter "land occupier" or "occupier of land" means a person who holds title to, or is in possession of, three or more acres of land in the state, whether as owner, lessee, renter, tenant, or otherwise.

Section 14 repeals AS 41.10.020 and AS 41.10.150. The sections provide:

Sec. 41.10.020. CREATION AND BOUNDARIES OF SOIL CONSERVATION DISTRICT. The Soil Conservation District of Alaska is created. The district is composed of the area of the state.

Sec. 41.10.150. SHORT TITLE. This chapter may be cited as the Soil Conservation District Law.

Section 15 is uncodified law. It provides that the terms of the members of the Soil Conservation Board terminate on the effective date of the Act [July 1, 1983: see sec. 16]. It establishes staggered terms for the new appointees: two members receive three year terms; two members receive two year terms; and one members receives a one year term. The section also recognizes that the section establishing the qualifications for board members [AS 41.10.060] prevents new members from qualifying until "soil and water conservation districts" have been created under the amendments; to resolve that problem, the section provides that a person qualified for appointment to the former board will be qualified for appointment under the revisions.

Senator Jalmar M. Kerttula
Page 5
May 18, 1983

Section 16 establishes an effective date: July 1, 1983.

If I may be of further assistance, please advise.

RAB:ljb
20/017

Chairman Fahrenkamp and members of the Senate Resources Committee:

I would like to help you develop an awareness of the soil and water conservation program in Alaska and the importance of SB 120 to its future. To accomplish this, it is important for you to understand

- 1) a little of the history behind Alaska's Soil and Water Conservation program;
- 2) the relationship between the Alaska Soil Conservation District, the Governor, and the Commissioner of Natural Resources; and
- 3) some of the current responsibilities of the 48 supervisors throughout the state.

In the mid-1930's, President Roosevelt became deeply concerned with the loss of one of America's most valuable resources due to the extreme effects of wind and water erosion. This resource was of course her soil, the basis of America's economic and physical stability. As a result of the "Dirty Thirties," President Roosevelt authorized the development of what is now the Soil Conservation Service under the United States Department of Agriculture. The mandate of this technical service organization was to find 1) the cause and 2) the effect of this depleting natural resource.

The cause, in short, was the misuse and mismanagement in all phases of land use and included agriculture, forestry, grazing, and mining. Most recently we have seen an increase in land resource abuse due to rapid expansion of urban areas. The effect was lower crop yields, destruction of those areas with commercial timber values, complete loss of native range for livestock grazing, deterioration of water and air quality, and the combined effect of all of these on the standard of living and the American economy.

To overcome what seemed to be an insurmountable problem, each state, as well as the Territories of Alaska and Hawaii, was asked to establish a program that would organize the private sector into a unit of government that would work with the Soil Conservation Service in managing the nations renewable natural resources. A.S. 41-10 adopted in 1947 by the Territory of Alaska and amended in 1961 is a result of that request. For the past 36 years the Alaska Soil Conservation District, through a Memorandum of Understanding with the USDA Soil Conservation Service, has provided assistance to the residents of this state as the private sector moves ahead to develop Alaska's valuable natural resources.

I would like to briefly describe the structure of the soil and water conservation program. The current statewide district is administered by three board members appointed by the Governor. There are nine subdistricts established to service various areas of the state where intense land uses have occurred to assist cooperators in their areas. Subdistrict supervisors are elected by the cooperators in their area. The individual districts are

associated into a state association and are also members of the National Association of Conservation Districts to help provide input into programs developed at the federal government level. (Organizational charts attached.)

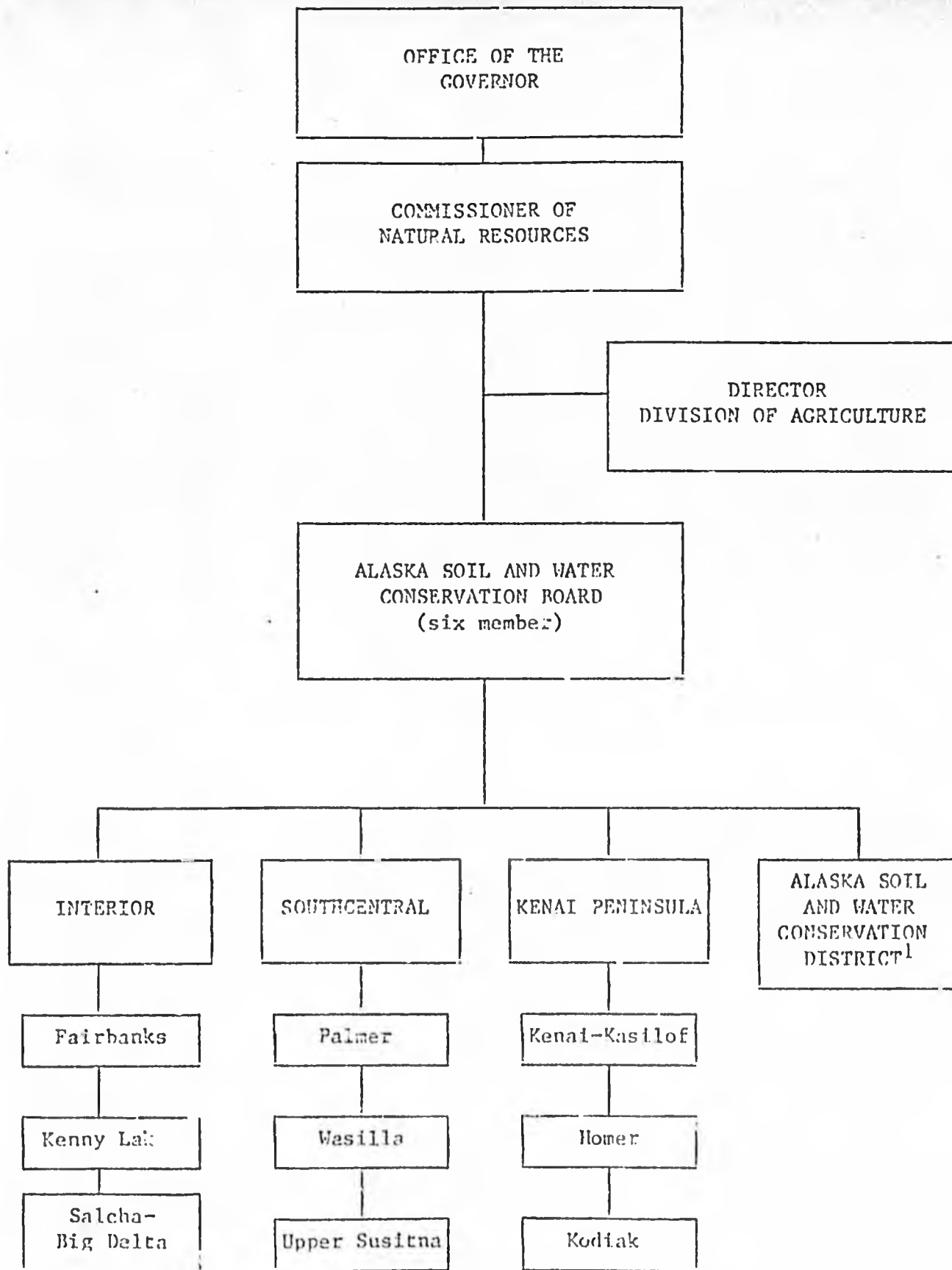
Through long-range and annual plans of operations, the Alaska Soil Conservation District and each of the nine subdistricts identify goals and objectives with regard to the development of the natural resources as a result of settlement. The attitude of the supervisors statewide is that development is a must for Alaska's economic well being, making sure that progress is achieved along reasonable management guidelines. In general, development hazards can be curbed if resource management recommendations are assigned to address the type and intensity of development. An example of such resource management recommendations is the Farm Conservation Plan which is a requirement of the sales contract on all state lands sold for agricultural development. The Farm Conservation Plan is a result of a cooperative effort between the local SCS District Conservationist and the individual farmer and is approved or disapproved by the local soil conservation subdistrict board of supervisors. I would like to emphasize one important aspect of this process. The subdistrict supervisors are elected for three year terms by local land owners in their area who are cooperators with that particular subdistrict.

It is important to remember, however, that development of privately-owned land through conservation planning is basically voluntary. The soil and water conservation program is therefore non-regulatory, and implementation of this program depends on the educational process and reasonable economic incentive.

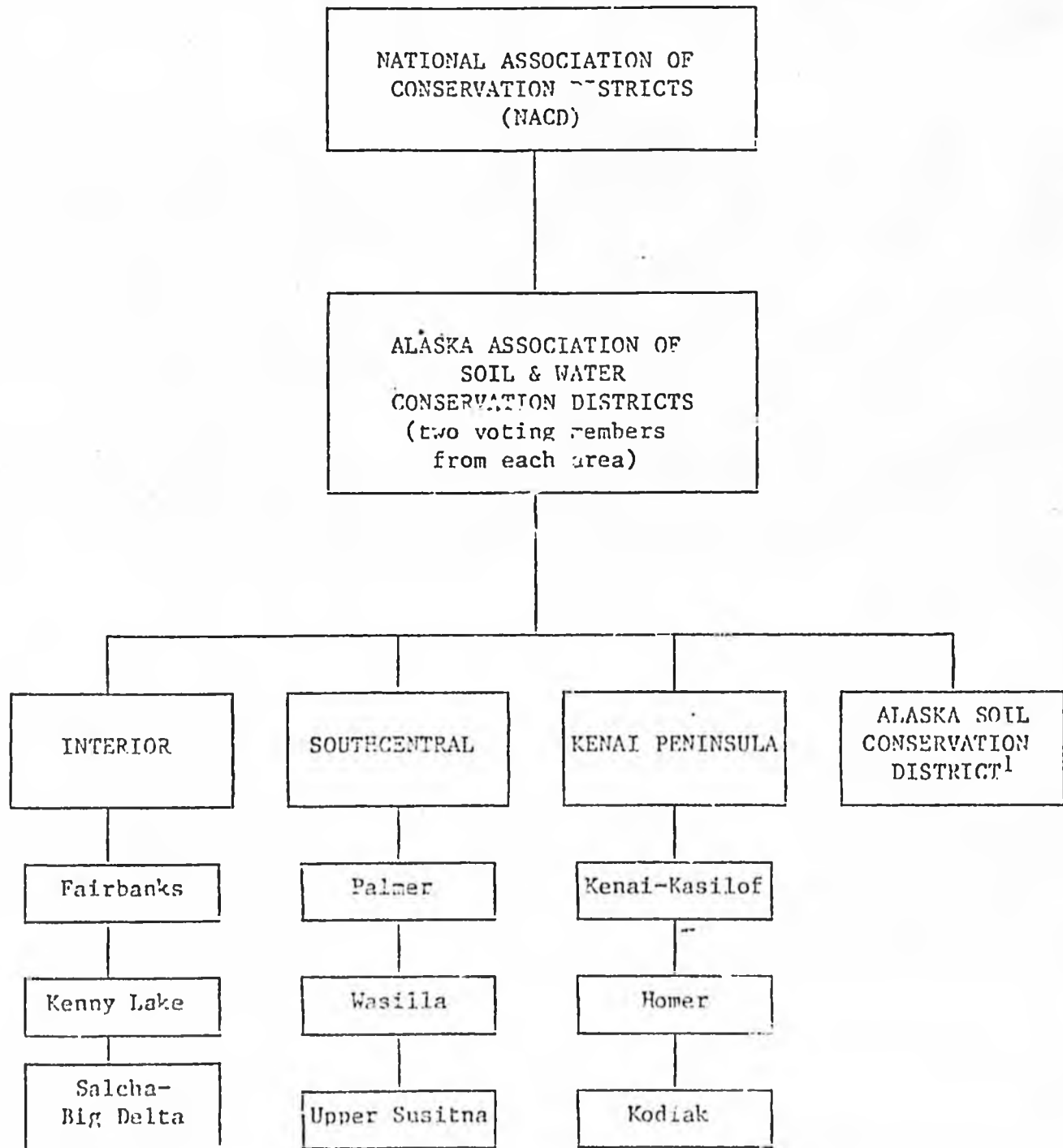
I would like to conclude by reading a brief excerpt from the Executive Summary prepared by the Alaska Soil Conservation District Board of Directors:

"In 1982 our support of federal programs has been responsible for approximately \$195,000 worth of cost-shared conservation practices on more than 15,000 acres of land in Alaska. Recent Soil Conservation Service records indicate 5,595,222 acres of land in Alaska which are adequately treated as a result of conservation planning. The Alaska Soil Conservation District has been active in the acquisition of approximately \$500,000 of state and federal funds to help support the National Cooperative Soil Survey program in Alaska. In 1981 this money was used to fund soil and range surveys in the Susitna Valley, Copper River Valley, Delta, Fairbanks, Kenai Peninsula, and the Seward Peninsula. A recent Memorandum of Understanding with the Alaska Division of Forestry establishes a working relationship for conservation planning with regard to privately owned timber resources. The Department of Environmental Conservation also recognizes the ability of the District to address non-point source pollution on agricultural lands for the protection of Alaska's water quality."

Alaska Association of Soil Conservation Subdistricts



¹ Defined as that area of the state which is not encompassed by an organized district. The Alaska Soil and Water Conservation District is administered by the Soil Conservation Board.



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