



LAWS OF ALASKA

1983

Source

HCS CSSB 120(Fin)

Chapter No.

69

AN ACT

Relating to soil and water conservation; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: July 15, 1983
Actual Effective Date: July 16, 1983

AN ACT

Relating to soil and water conservation; and providing
for an effective date.

* Section 1. AS 41.10.030 is amended to read:

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

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

Sec. 41.10.040. SOIL AND WATER CONSERVATION BOARD. The [DISTRICT IS GOVERNED BY THE] Alaska Soil and Water Conservation Board is composed of five [THREE] members. The commissioner of natural resources or, in the absence of the commissioner, the director of agriculture, serves ex officio but without a vote on the board.

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

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

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

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

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

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

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land areas of the state are:

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

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

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

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

Sec. 41.10.075. BOARD MEETINGS. The board shall hold one regular meeting annually at the state capital and one or more additional meetings at a time and place in the state selected by the board.

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

Sec. 41.10.100. DUTY OF BOARD TO ADVISE COMMISSIONER OF NATURAL RESOURCES. (a) At the request of the commissioner of natural resources, the board shall meet and advise the commissioner [HIM] in the exercise of the [HIS] powers, duties, and functions of the commissioner.

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

(b) The board shall also

- (1) receive and review reports concerning the use of soil resources of the state;
- (2) hold public hearings and meetings to determine whether land in the state is being used in a manner consistent with sound soil and water conservation practices;
- (3) make recommendations for specific action necessary to 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 concerning a sale or lease of state agricultural or grazing land and
5 submit its recommendations to the commissioner or hearing officer;

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

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

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

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

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

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

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

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1 or agency having jurisdiction of the land;

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

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

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

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

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

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

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

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

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

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

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

16 Sec. 41.10.140. DEFINITIONS. In this chapter

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

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

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

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

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

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

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

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