

Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

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

CHAPTER 243

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)

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

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

4 37-1013. Powers and duties of commissioner

5 A. The state natural resource conservation commissioner shall:

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

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

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

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

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

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

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

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

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

35 37-1054. Powers of district

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

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

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

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

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

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

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

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

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

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

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

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

5 11. Organize and establish an education center.

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

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

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

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

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

22 3. County and municipal entities.

23 4. The public.

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

APPROVED BY THE GOVERNOR APRIL 30, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2014.

Passed the House April 23, 20 14

Passed the Senate February 27, 20 14

by the following vote: 55 Ayes,

by the following vote: 30 Ayes,

0 Nays, 5 Not Voting

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

Norma Chastain
Assistant Chief Clerk of the House

Susan Acosta
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24 day of April, 20 14,

at 9:25 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 30th day of

April, 20 14,

at 12:31 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30th day of April, 20 14,

at 4:21 o'clock P. M.

[Signature]
Secretary of State

S.B. 1214