

ENVIRONMENTAL EDUCATION PROGRAMS—
FUNDING—ADVISORY COUNCIL

CHAPTER 243

H.B. 2274

AN ACT AMENDING SECTION 28-382, ARIZONA REVISED STATUTES; AMENDING TITLE 37, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 19; AMENDING SECTIONS 37-1013, 37-1014, 37-1053 AND 37-1054, ARIZONA REVISED STATUTES; AMENDING TITLE 37, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 37-1014.01; AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 29; AMENDING SECTION 41-2251, ARIZONA REVISED STATUTES; REPEALING SECTION 41-2252, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 18, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 41-2252; PROVIDING FOR DELAYED REPEAL OF SECTION 15-214, ARIZONA REVISED STATUTES; RELATING TO THE ENVIRONMENT.

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

Section 1. Section 28-382, Arizona Revised Statutes, is amended to read:

§ 28-382. **Environmental special plates**

A. The department shall issue environmental special plates. The environmental special plates shall have the same basic color and design as the environmental number plates issued on or before December 31, 1992, except that the department may make minor alterations of environmental special plates to make the plates more reflective and readable during the daylight and nighttime hours.

B. Of the twenty-five dollar fee required by section 28-205 for original environmental special plates and for renewal of environmental special plates, eight dollars is a special plate administration fee and seventeen dollars is an environmental plate annual donation.

C. The department shall transmit all special plate administration fees and all environmental plate annual donations collected pursuant to this section to the state treasurer. The state treasurer shall deposit the special plate administration fees in the special fund established by section 28-301.03 and shall deposit the environmental plate annual donations in the environmental special plate fund established by section 15-214 37-1014 for disbursement by the state land department of education to for environmental education programs.

Sec. 2. Title 37, chapter 2, Arizona Revised Statutes, is amended by adding article 19, to read:

ARTICLE 19

HOLISTIC RESOURCE MANAGEMENT

§ 37-620.21. **Holistic resource management program**

A. The state land commissioner may coordinate the development of a process of using holistic resource management planning methods to incorporate the critical habitat requirements of plant and animal species with the resource use requirements of this state. If developed, this planning process shall be used as a model for developing specific area plans and developing conservation agreements with the United States fish and wildlife service to alleviate the need for critical habitat designations in this state. In developing the planning process the commissioner may consult with:

1. Holistic resource management practitioners and experts.
2. Federal and state land and wildlife management agencies.
3. Natural resources commodity groups.

B. The commissioner may test the holistic resource management planning process developed under subsection A by developing a plan for at least two areas that are currently proposed as critical habitat for one or more species of concern. The commissioner may develop the plan in conjunction with:

1. Affected land owning and land management entities.
2. Lessees or permittees of land in the planning area.
3. Known land use groups in the planning area.
4. Natural resource conservation districts.
5. Environmental organizations that are incorporated under the laws of this state or that are qualified under section 501(c)(3) of the United States internal revenue code for federal income tax purposes.

C. If a test plan is developed, the commissioner and entities that are identified under subsection B shall select planning areas based on at least the following factors:

1. The planning area must be large enough in size to represent a management unit for purposes of logging, grazing, mining or other land use activities.
2. The planning area must contain proposed or designated critical habitat of the species of concern.

D. The state land department is the central repository for all holistic resource management plans that are developed pursuant to this section.

E. If a holistic resource management program is developed pursuant to this section On or before January 31 of each year, the commissioner shall report to the governor, speaker of the house of representatives and president of the senate on the status of:

1. The plans that are developed pursuant to this section.
2. Conservation agreements with the United States fish and wildlife service.

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

§ 37-1013. Powers and duties of commissioner

- A. The state natural resource conservation commissioner shall:
1. Offer appropriate assistance to the supervisors of districts in carrying out their powers and programs.
 2. Keep the supervisors of each district informed of the activities and experiences of other districts, and facilitate cooperation and interchange of advice and experience between districts.
 3. Coordinate the programs of the several districts insofar as possible by advice and consultation.
 4. Require the supervisors of each district to file with him annually any audits and the records of the operations of the district for the preceding year in such form and detail as he prescribes.
 5. Secure the cooperation and assistance of the United States, its agencies, and agencies of this state, in the work of districts, as he deems for the best interest of the state.
 6. Disseminate information throughout the state concerning the activities and program of districts.

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

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

Sec. 4. Section 37-1014, Arizona Revised Statutes, is amended to read:

§ 37-1014. State financial assistance; application; criteria

A. The commissioner shall include in ~~his annual~~ the biennial state land department budget request a sum of not to exceed ~~the total of ten thirty thousand dollars each for each district and sixty thousand dollars for each education center for~~ distribution by the commissioner to those natural resource conservation districts which have applied for, have met the criteria for and have been approved for receiving state financial assistance for the next ensuing fiscal year, as provided in this section.

B. Any district or education center desiring to receive state financial assistance for the next ensuing fiscal year shall apply to the commissioner not later than ~~July~~ June 20, on a form supplied by the division of natural resource conservation. Each application shall include, but not be limited to:

1. The number of acres of land lying within the district.
2. The extent of conservation programs or education center programs proposed to be undertaken during the fiscal year for which the financial assistance is being requested.
3. Any audits that are requested by the commissioner.

C. Upon receipt of the application, the commissioner shall determine whether or not such funds for the district or education center will be included in the budget request for the state land department ~~for the next ensuing fiscal year~~ and shall promptly notify the district of his determination.

Sec. 5. Title 37, chapter 6, article 2, Arizona Revised Statutes, is amended by adding section 37-1014.01, to read:

§ 37-1014.01. Environmental special plate fund; distribution

A. An environmental special plate fund is established in the state treasury and administered by the commissioner consisting of monies received pursuant to section 28-382.

B. The department shall distribute five thousand dollars annually to each natural resource conservation district with an established education center for the purpose of developing and implementing an environmental education program.

C. The department shall distribute grants as directed pursuant to section 41-2252.

D. The fund established in this section is exempt from the provisions of section 35-190, relating to lapsing of appropriations. On notice from the state land department, the state treasurer shall invest and divest monies in the fund as provided by section 35-313. The state treasurer shall credit all monies earned from these investments to the fund.

Sec. 6. Section 37-1053, Arizona Revised Statutes, is amended to read:

§ 37-1053. **Powers and duties of supervisors**

A. The supervisors shall:

1. Provide for the keeping of a record of all proceedings, resolutions, regulations and orders issued or adopted.

2. Furnish to the commissioner copies of such ordinances, rules, regulations, orders, contracts, forms or other documents adopted or employed, audits of the district or education center and such information concerning their activities as the commissioner requests.

B. The supervisors may appoint additional advisory members to the district governing body and delegate to the chairman or any member, or to any agent or employee, such powers and duties as they deem proper.

C. District supervisors shall require and provide for the execution of a corporate surety bond in suitable penal sum for, and to cover, any person entrusted with the care or disposition of district funds or property.

D. The compensation of the district supervisors shall be determined by the supervisors meeting as the governing body of the district but shall not exceed the compensation prescribed by section 38-611, plus actual and necessary expenses of attending district meetings, and a per diem subsistence allowance and actual and necessary expenses while engaged in official business by order of the supervisors.

Sec. 7. Section 37-1054, Arizona Revised Statutes, is amended to read:

§ 37-1054. **Powers of district**

A. A district is empowered to:

1. Conduct surveys, investigations and research relating to the character of the soil, soil erosion prevention within a farm or ranch, methods of cultivation, farm and range practices, seeding, eradication of noxious growths and such other measures as will aid farm and range operations, disseminate information pertaining thereto, and carry on research programs with or without the cooperation of the state, the United States or agencies thereof.

2. Conduct demonstration projects within the district on lands owned or controlled by the state or any of its agencies with the consent and cooperation of the agency having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner thereof or the necessary rights or interests therein, in order to demonstrate by example the means, methods and measures by which water, soil and soil resources may be conserved, and soil erosion and soil washing prevented and controlled.

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

4. Acquire, by purchase, exchange, lease or otherwise, any property, real or personal, or rights or interest therein, maintain, administer and improve any properties acquired, receive income therefrom and expend it in carrying out the purposes of this chapter, and sell, lease or otherwise dispose of any property or interest therein in furtherance of the purposes of this chapter.

5. Make available, on such terms as it prescribes to landowners within the district, agricultural and engineering machinery and equipment, fertilizer, seed and such other material or equipment as will assist the landowners to carry on

operations upon their lands for the purposes and programs authorized by this chapter.

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

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

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

9. Sue and be sued in the name of the district, have a seal, which shall be judicially noticed, have perpetual succession unless terminated as provided in this chapter, make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and make, amend and repeal rules not inconsistent with this chapter to carry into effect its purposes and powers.

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

11. Organize and establish an education center.

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

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

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

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

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

3. County and municipal entities.

4. The public.

E. The district shall develop procedures to assure adequate participation in the public involvement process prescribed by subsection D.

Sec. 8. Title 41, Arizona Revised Statutes, is amended by adding chapter 29, to read:

CHAPTER 29

ENVIRONMENTAL EDUCATION PROVIDED BY THE STATE GOVERNMENT

ARTICLE 1. GENERAL PROVISIONS

§ 41-4001. Environmental education provided by state agencies; requirements; definition

A. A state agency shall not engage in instructing the general public in environmental education concepts unless the instruction provided:

1. Is based on current scientific information.
2. Includes a discussion of economic and social implications.

B. For purposes of this section, "environmental education" means providing courses or programs to the general public in a formal setting on the relationship of humans to their natural and artificial surroundings and includes the relation of population, pollution, resource allocation, conservation, transportation, technology and resource production to the environment.

Sec. 9. Section 41-2251, Arizona Revised Statutes, is amended to read:

§ 41-2251. Establishment of advisory council; members; terms

A. The Arizona advisory council on environmental education is established to facilitate coordination and planning with public and private agencies and educational institutions on environmental education goals and objectives contained in the comprehensive plan for environmental education.

B. The advisory council consists of nine ten members serving three year terms. Four members shall be appointed by the governor for three year terms and shall include one member appointed at the discretion of the governor. The governor, the president of the senate and the speaker of the house of representatives shall each appoint three members to the council as follows:

1. One member who represents educational institutions.
2. One member who represents natural resource industries or organizations concerned with environmental preservation.
3. One member who represents private agencies or organizations.

C. Appointment to fill a vacancy resulting other than from expiration of a term shall be for the unexpired term only. The governor shall designate a chairperson and vice-chairperson.

~~C. Three members of the advisory council shall represent public agencies or organizations. Three members of the advisory council shall represent private agencies or organizations. Three members of the advisory council shall represent educational institutions.~~

D. Members of the advisory council are not eligible to receive compensation. Members are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

E. An unexcused absence from three consecutive meetings of the advisory council constitutes an abandonment of the office, and the governor, the president of the senate or the speaker of the house of representatives shall appoint a person to fill the unexpired term.

Sec. 10. Repeal

Section 41-2252, Arizona Revised Statutes, is repealed.

Sec. 11. Title 41, chapter 18, article 1, Arizona Revised Statutes, is amended by adding a new section 41-2252, to read:

§ 41-2252. Advisory council; duties

A. The Arizona advisory council on environmental education shall:

1. Direct the state land department as to distributions from the environmental license plate fund established in section 28-382.

2. Report to the governor, speaker of the house of representatives and the president of the senate by October 30 of each year on uses of the fund to assure compliance with the purpose of the fund.

B. The advisory council shall:

1. Devise a system for evaluating funding requests to assure equitable distribution between schools and resource centers among rural and urban areas of the state.

2. Award grants not exceeding ten thousand dollars annually. Grant monies shall be used for environmental education projects that are based on current scientific information and include a discussion of economic and social implications. Grants will be available to:

(a) Public, charter, alternative schools and natural resource conservation district education centers.

(b) Private organizations who have established joint research ventures with schools to provide instruction of environmental education.

C. Agencies or organizations who within one year prior to the application for this grant have received grant monies pursuant to sections 17-298 or 41-503 are not eligible to receive grant monies pursuant to this section.

D. Natural resource conservation districts shall be eligible for monies not to exceed fifty per cent of the total fund in any given fiscal year.

E. Monies distributed from the fund shall be used for environmental education programs that are based on current scientific information and include discussions of economic and social implications.

Sec. 12. **Advisory council on environmental education; interim appointments**

A. Notwithstanding section 41-2251, Arizona Revised Statutes, as amended by this act, all persons serving as members of the advisory council on environmental education on the effective date of this act may continue to serve until the expiration of their normal terms.

B. On expiration of the term of each member who had been appointed to represent public agencies or organizations, the appointee shall be a representative of natural resource industries or organizations. For each opening on the board that occurs after the effective date of this act, the appointer shall be determined by lot until the board is filled as prescribed by statute.

Sec. 13. **Delayed effective date**

A. Section 28-382, Arizona Revised Statutes, as amended by this act, is effective from and after October 1, 1996.

B. Sections 37-1014.01 and 41-2252, Arizona Revised Statutes, as added by this act, are effective from and after October 1, 1996.

Sec. 14. **Delayed repeal**

Section 15-214, Arizona Revised Statutes, is repealed from and after September 30, 1996.

Approved by the Governor April 19, 1995.

Filed in the Office of the Secretary of State April 20, 1995.

TRANSPORTATION—HIGHWAY USER REVENUES

CHAPTER 244

H.B. 2032

[Item vetoes indicated by shading]

AN ACT AMENDING SECTIONS 28-1594.02, 28-1598 AND 28-1822, ARIZONA REVISED STATUTES; RELATING TO HIGHWAY USER REVENUES.

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

Additions are indicated by underline; deletions by ~~strikeout~~