

House Engrossed

natural resource conservation districts; revisions

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2444

AN ACT

AMENDING SECTION 37-1002, ARIZONA REVISED STATUTES; AMENDING TITLE 37, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 37-1003, 37-1004, 37-1005, 37-1006, 37-1007, 37-1008 AND 37-1009; AMENDING SECTIONS 37-1012, 37-1013, 37-1014, 37-1032, 37-1033, 37-1034, 37-1038, 37-1051, 37-1052 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 37-1002, Arizona Revised Statutes, is amended to
3 read:

4 37-1002. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Agency of the state" includes the government of ~~the~~ THIS state
7 and any subdivision, agency or instrumentality, corporate or otherwise, of
8 the state government.

9 2. "Agricultural lands" means irrigated farm lands or dry farm
10 lands devoted to the purpose of agriculture.

11 3. "COMMISSION" MEANS THE NATURAL RESOURCE CONSERVATION DISTRICT
12 FUND COMMISSION.

13 ~~3.~~ 4. "Commissioner" or "state natural resource conservation
14 commissioner" means the state land commissioner.

15 5. "COOPERATIVE AGREEMENT" MEANS AN AGREEMENT BETWEEN A NATURAL
16 RESOURCE CONSERVATION DISTRICT AND A PROPERTY OWNER WITHIN THE DISTRICT
17 BOUNDARIES.

18 ~~4.~~ 6. "Department" means the state land department.

19 ~~5.~~ 7. "District" means a natural resource conservation district
20 organized in accordance with the provisions of this chapter.

21 ~~6.~~ 8. "District cooperator" means any person who has entered into
22 a cooperative agreement with a natural resource conservation district for
23 the purpose of protecting, conserving and practicing wise use of the
24 natural resources under his control.

25 ~~7.~~ 9. "Due notice" means notice published at least twice with an
26 interval of at least six days between the two publication dates, in a
27 newspaper of general circulation within the area affected, or if there is
28 no newspaper of general circulation within the area affected, in a
29 newspaper of general circulation in the county in which the area is
30 located.

31 10. "FUND" MEANS THE NATURAL RESOURCE CONSERVATION DISTRICT FUND
32 ESTABLISHED BY SECTION 37-1008.

33 ~~8.~~ 11. "Government" or "governmental" includes the government of
34 ~~the~~ THIS state, the government of the United States, and any subdivision,
35 agency or instrumentality, corporate or otherwise, of either of them.

36 ~~9.~~ 12. "Irrigation district" means an irrigation district,
37 drainage district, water conservation district, agricultural improvement
38 district, and, in addition thereto, includes any district, political
39 subdivision, government agency, canal company, association, corporation or
40 instrumentality of ~~the~~ THIS state, having territorial boundaries and
41 created or organized for the purpose of furnishing irrigation water for
42 lands in ~~the~~ THIS state.

43 ~~10.~~ 13. "Landowner" or "owner of land" means any person, firm or
44 corporation, including ~~the~~ THIS state, holding title to any land lying
45 within a district organized or proposed to be organized under the

1 provisions of this chapter, and includes a buyer on contract ~~who~~ THAT is
2 the occupant of land. For the purposes of this chapter, a holder of a
3 certificate of purchase or lease from ~~the~~ THIS state shall be considered
4 the "landowner" or "owner of land".

5 ~~11.~~ 14. "Nominating petition" means a petition to nominate
6 candidates for the office of supervisor.

7 ~~12.~~ 15. "Petition" means a petition for the creation or for the
8 dissolution of a district.

9 ~~13.~~ 16. "Qualified elector" means a person who is a district
10 cooperater and a qualified elector of the state.

11 ~~14.~~ 17. "Range lands" means lands other than agricultural lands ~~and~~
12 THAT ARE devoted principally to the purpose of grazing livestock.

13 ~~15.~~ 18. "Supervisor" means a member of the governing body of a
14 district, elected or appointed in accordance with the provisions of this
15 chapter.

16 ~~16.~~ 19. "United States" or "agencies of the United States" includes
17 the United States, the United States department of agriculture and any
18 other agency or instrumentality, corporate or otherwise, of the United
19 States.

20 Sec. 2. Title 37, chapter 6, article 1, Arizona Revised Statutes,
21 is amended by adding sections 37-1003, 37-1004, 37-1005, 37-1006, 37-1007,
22 37-1008 and 37-1009, to read:

23 37-1003. Natural resource conservation district fund
24 commission; membership; immunity

25 A. THE NATURAL RESOURCE CONSERVATION DISTRICT FUND COMMISSION IS
26 ESTABLISHED AND CONSISTS OF THE FOLLOWING MEMBERS:

27 1. ONE MEMBER WHO IS A RESIDENT OF THIS STATE, WHO IS EITHER AN
28 ELECTED OR APPOINTED SUPERVISOR FOR A CONSERVATION DISTRICT ESTABLISHED
29 PURSUANT TO ARTICLE 3 OF THIS CHAPTER OR A CONSERVATION DISTRICT THAT HAS
30 EXECUTED A MEMORANDUM OF UNDERSTANDING WITH THE NATURAL RESOURCES
31 CONSERVATION SERVICE AND WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF
32 REPRESENTATIVES.

33 2. ONE MEMBER WHO IS A RESIDENT OF THIS STATE, WHO IS EITHER AN
34 ELECTED OR APPOINTED SUPERVISOR FOR A CONSERVATION DISTRICT ESTABLISHED
35 PURSUANT TO ARTICLE 3 OF THIS CHAPTER OR A CONSERVATION DISTRICT THAT HAS
36 EXECUTED A MEMORANDUM OF UNDERSTANDING WITH THE NATURAL RESOURCES
37 CONSERVATION SERVICE AND WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE.

38 3. ONE MEMBER WHO IS A RESIDENT OF THIS STATE, WHO IS EITHER AN
39 ELECTED OR APPOINTED SUPERVISOR FOR A CONSERVATION DISTRICT ESTABLISHED
40 PURSUANT TO ARTICLE 3 OF THIS CHAPTER OR A CONSERVATION DISTRICT THAT HAS
41 EXECUTED A MEMORANDUM OF UNDERSTANDING WITH THE NATURAL RESOURCES
42 CONSERVATION SERVICE AND WHO IS APPOINTED BY THE MINORITY LEADER OF THE
43 HOUSE OF REPRESENTATIVES.

44 4. ONE MEMBER WHO IS A RESIDENT OF THIS STATE, WHO IS EITHER AN
45 ELECTED OR APPOINTED SUPERVISOR FOR A CONSERVATION DISTRICT ESTABLISHED

1 PURSUANT TO ARTICLE 3 OF THIS CHAPTER OR A CONSERVATION DISTRICT THAT HAS
2 EXECUTED A MEMORANDUM OF UNDERSTANDING WITH THE NATURAL RESOURCES
3 CONSERVATION SERVICE AND WHO IS APPOINTED BY THE MINORITY LEADER OF THE
4 SENATE.

5 5. TWO MEMBERS WHO ARE RESIDENTS OF THIS STATE, WHO ARE EITHER AN
6 ELECTED OR APPOINTED SUPERVISOR FOR A CONSERVATION DISTRICT ESTABLISHED
7 PURSUANT TO ARTICLE 3 OF THIS CHAPTER OR A CONSERVATION DISTRICT THAT HAS
8 EXECUTED A MEMORANDUM OF UNDERSTANDING WITH THE NATURAL RESOURCES
9 CONSERVATION SERVICE AND WHO ARE APPOINTED BY THE GOVERNOR.

10 6. ONE MEMBER WHO SERVES ON THE EXECUTIVE BOARD OF A STATEWIDE
11 ASSOCIATION OF NATURAL RESOURCE CONSERVATION DISTRICTS AND WHO IS
12 APPOINTED BY THE MEMBERS OF THE COMMISSION WHO ARE APPOINTED PURSUANT TO
13 PARAGRAPHS 1 THROUGH 5 OF THIS SUBSECTION.

14 7. AS A NONVOTING EX OFFICIO MEMBER, THE STATE NATURAL RESOURCE
15 CONSERVATION COMMISSIONER.

16 8. AS NONVOTING ADVISORY MEMBERS, ONE MEMBER OF THE HOUSE OF
17 REPRESENTATIVES WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF
18 REPRESENTATIVES, ONE MEMBER OF THE SENATE WHO IS APPOINTED BY THE
19 PRESIDENT OF THE SENATE, ONE MEMBER OF HOUSE OF REPRESENTATIVES WHO IS
20 APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES AND ONE
21 MEMBER OF THE SENATE WHO IS APPOINTED BY THE MINORITY LEADER OF THE
22 SENATE. THE NONVOTING ADVISORY MEMBERS MAY NOT BE CONSIDERED FOR PURPOSES
23 OF ESTABLISHING A QUORUM.

24 B. NO TWO APPOINTED MEMBERS OF THE COMMISSION MAY SERVE AS AN
25 ELECTED OR APPOINTED SUPERVISOR FOR A CONSERVATION DISTRICT FROM THE SAME
26 GEOGRAPHIC NATURAL RESOURCE AREA AS DEFINED BY A STATEWIDE ORGANIZATION
27 REPRESENTING NATURAL RESOURCE CONSERVATION DISTRICTS. NO FEWER THAN SIX
28 APPOINTED MEMBERS SHALL BE FROM A CONSERVATION DISTRICT ESTABLISHED
29 PURSUANT TO ARTICLE 3 OF THIS CHAPTER.

30 C. APPOINTED MEMBERS OF THE COMMISSION SHALL BE SELECTED FROM
31 APPLICATIONS SUBMITTED TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF
32 REPRESENTATIVES, THE PRESIDENT OF THE SENATE, MINORITY LEADER OF THE HOUSE
33 OF REPRESENTATIVES AND MINORITY LEADER OF THE SENATE. QUALIFIED
34 INDIVIDUALS AND NATURAL RESOURCE CONSERVATION DISTRICT BOARDS ON BEHALF OF
35 QUALIFIED INDIVIDUALS MAY SUBMIT APPLICATIONS. THE APPLICATION SHALL
36 INCLUDE THE APPLICANT'S NAME AND QUALIFICATIONS AND THE NATURAL RESOURCE
37 CONSERVATION DISTRICT FOR WHICH THE APPLICANT SERVES AS AN ELECTED OR
38 APPOINTED SUPERVISOR.

39 D. MEMBERS OF THE COMMISSION APPOINTED PURSUANT TO SUBSECTION A,
40 PARAGRAPHS 1 THROUGH 6 OF THIS SECTION SHALL BE APPOINTED FOR TWO YEAR
41 STAGGERED TERMS. A MEMBER MAY SERVE MORE THAN ONE TERM AND MAY CONTINUE
42 TO SERVE BEYOND THE EXPIRATION OF THE TERM UNTIL A SUCCESSOR IS APPOINTED
43 AND ASSUMES OFFICE.

1 E. ON REQUEST, MEMBERS WHO ARE NOT EX OFFICIO OR ADVISORY MEMBERS
2 OF THE COMMISSION ARE ELIGIBLE FOR REIMBURSEMENT FOR EXPENSES PURSUANT TO
3 TITLE 38, CHAPTER 4, ARTICLE 2.

4 F. MEMBERS OF THE COMMISSION ARE IMMUNE FROM LIABILITY FOR ANY
5 ACTION NECESSARY TO CARRY OUT THE PURPOSES OF THIS CHAPTER.

6 37-1004. Powers and duties; annual report; limits

7 A. THE AUTHORITY VESTED IN AND THE DUTIES IMPOSED ON THE COMMISSION
8 SHALL BE EXERCISED BY A QUORUM OF MEMBERS THAT CONSISTS OF A MAJORITY OF
9 MEMBERS THEN IN OFFICE, EXCEPT THAT A LESSER NUMBER MAY HOLD PUBLIC
10 MEETINGS WITHOUT TAKING LEGAL ACTION.

11 B. THE COMMISSION SHALL:

12 1. ADOPT RULES NECESSARY TO PERFORM ITS DUTIES.

13 2. AWARD GRANT MONIES IN ACCORDANCE WITH SECTION 37-1007.

14 3. COORDINATE STAFFING NEEDS WITH THE STATE NATURAL RESOURCE
15 CONSERVATION COMMISSIONER.

16 4. ADOPT AN OFFICIAL SEAL FOR AUTHENTICATING THE COMMISSION'S
17 RECORDS, DECISIONS AND RESOLUTIONS.

18 5. KEEP THE MINUTES OF COMMISSION MEETINGS AND ALL RECORDS, REPORTS
19 AND OTHER INFORMATION RELATING TO THE COMMISSION'S WORK AND PROGRAMS IN
20 PERMANENT FORM, SYSTEMATICALLY INDEXED AND FILED.

21 6. DESIGNATE AN INDIVIDUAL TO EXECUTE ALL DOCUMENTS AND INSTRUMENTS
22 ON BEHALF OF THE COMMISSION.

23 7. EACH YEAR ELECT A CHAIRPERSON AND A VICE CHAIRPERSON FOR THE
24 COMMISSION.

25 8. MANIFEST AND RECORD COMMISSION ACTIONS BY MOTION, RESOLUTION,
26 ORDER OR OTHER APPROPRIATE MEANS.

27 9. IN ADDITION TO THOSE MEETINGS REQUIRED BY LAW TO BE OPEN, HOLD
28 OPEN PUBLIC MEETINGS AS THE COMMISSION CONSIDERS APPROPRIATE.

29 10. PREPARE AN ANNUAL REPORT OF THE COMMISSION'S ACTIVITIES
30 PURSUANT TO SECTION 37-1009.

31 C. THE COMMISSION MAY:

32 1. SUE AND BE SUED.

33 2. CONTRACT WITH ANY PERSON FOR THE EXPENDITURE OF MONIES,
34 INCLUDING AWARDING GRANTS PURSUANT TO SECTION 37-1007.

35 3. MEET WITH STATE AUTHORITIES TO CONSIDER MATTERS OF MUTUAL
36 INTEREST.

37 4. SECURE FROM ANY STATE AGENCY OR DEPARTMENT INFORMATION NECESSARY
38 TO ENABLE THE COMMISSION TO CARRY OUT ITS PURPOSES.

39 5. ACCEPT, USE AND DISPOSE OF APPROPRIATIONS, GIFTS OR GRANTS OF
40 MONEY OR OTHER PROPERTY OR DONATIONS OF SERVICES, FROM WHATEVER SOURCE,
41 ONLY TO CARRY OUT THE PURPOSES OF THIS CHAPTER.

42 6. PERFORM ALL OTHER ACTS NECESSARY TO CARRY OUT THE PURPOSES OF
43 THIS CHAPTER.

44 D. THIS CHAPTER DOES NOT AUTHORIZE THE COMMISSION TO PURCHASE REAL
45 PROPERTY OR TO USE THIS STATE'S RIGHT OF EMINENT DOMAIN TO ACQUIRE WATER

1 OR WATER RIGHTS OR LONG-TERM STORAGE CREDITS USING MONIES DERIVED FROM THE
2 NATURAL RESOURCE CONSERVATION DISTRICT FUND ESTABLISHED BY SECTION
3 37-1008.

4 37-1005. Application guidelines

5 BEFORE GRANTS ARE AWARDED PURSUANT TO SECTION 37-1007 AND ON OR
6 BEFORE JULY 1, 2024 AND EVERY THREE YEARS THEREAFTER, THE COMMISSION SHALL
7 DEVELOP IN CONJUNCTION WITH THE COMMISSIONER GUIDELINES FOR GRANT
8 APPLICANTS. THE GUIDELINES MUST INCLUDE THE FOLLOWING:

9 1. A DELINEATION OF GEOGRAPHIC AREAS IN THIS STATE WHERE PROTECTION
10 AND RESTORATION WILL BE EMPHASIZED.

11 2. ISSUES OF CONCERN.

12 3. TYPES OF MEASURES NEEDED TO ADDRESS ISSUES OF CONCERN.

13 4. A REQUIREMENT THAT THE APPLICANT INCLUDE A DESCRIPTION OF THE
14 RELATIONSHIP BETWEEN THE PROPOSED PROJECT AND EXISTING PLANS, REPORTS AND
15 INFORMATION THAT ARE RELEVANT TO THE PROPOSED PROJECT.

16 37-1006. Public involvement; fee

17 A. THE COMMISSION IS SUBJECT TO TITLE 38, CHAPTER 3, ARTICLE 3.1
18 AND TITLE 39, CHAPTER 1.

19 B. THE COMMISSION SHALL GATHER INFORMATION FROM THE FOLLOWING:

20 1. THE STATE NATURAL RESOURCE CONSERVATION COMMISSIONER.

21 2. THE FEDERAL AND STATE FISH, WILDLIFE, RECREATION AND NATURAL
22 RESOURCE AGENCIES.

23 3. COUNTY AND MUNICIPAL ENTITIES.

24 4. THE PUBLIC.

25 C. THE COMMISSION SHALL DEVELOP AND MAY AMEND THE GUIDELINES FOR
26 GRANT APPLICANTS REQUIRED BY SECTION 37-1005 AFTER REVIEWING THE
27 RECOMMENDATIONS SUBMITTED BY THE NATURAL RESOURCE CONSERVATION DISTRICTS
28 PURSUANT TO SECTION 37-1054, SUBSECTIONS D AND E AND THE INFORMATION
29 GATHERED DURING THE PUBLIC INVOLVEMENT PROCESS.

30 D. THE COMMISSION SHALL DEVELOP PROCEDURES TO ENSURE ADEQUATE
31 PUBLIC PARTICIPATION. AT A MINIMUM, PUBLIC PARTICIPATION PROCEDURES
32 SHALL:

33 1. PRESCRIBE PUBLIC NOTICE REQUIREMENTS, INCLUDING THE CONTENT AND
34 PUBLICATION OF THE NOTICE.

35 2. PROVIDE AN OPPORTUNITY FOR PUBLIC HEARINGS AND PROCEDURES THAT
36 GOVERN THE PUBLIC HEARINGS, INCLUDING THAT PUBLIC HEARINGS BE HELD AT
37 PLACES AND TIMES THAT AFFORD A REASONABLE OPPORTUNITY FOR THE PUBLIC TO
38 PARTICIPATE.

39 3. REQUIRE THE PUBLIC AVAILABILITY OF RELEVANT DOCUMENTS.

40 E. THE COMMISSION SHALL MAKE AVAILABLE FOR VIEWING COPIES OF THE
41 RECOMMENDATIONS AND SUPPORTING DOCUMENTS SUBMITTED PURSUANT TO THIS
42 SECTION AND MAY CHARGE A FEE PRESCRIBED BY THE COMMISSION FOR COPYING.

1 37-1007. Project grants: application: public involvement:
2 exemption

3 A. THE COMMISSION SHALL:

4 1. AWARD GRANT MONIES FROM THE FUND PURSUANT TO THE APPLICATION
5 GUIDELINES DEVELOPED PURSUANT TO SECTION 37-1005.

6 2. ESTABLISH A PROCEDURE BY WHICH MONIES MAY BE GRANTED ANNUALLY.

7 3. APPROVE OR DENY AN APPLICATION AND DISBURSE GRANT MONIES NOT
8 LATER THAN SIX MONTHS AFTER RECEIVING THE APPLICATION.

9 4. REQUIRE AS A CONDITION OF APPROVAL OF ANY APPLICATION ALL OF THE
10 FOLLOWING:

11 (a) ALLOWING ACCESS FOR INSPECTION AND EVALUATION OF THE PROJECT.

12 (b) CONTROLLING THE EXPENDITURE OF AND ACCOUNTING FOR ANY MONIES
13 AWARDED BY THE COMMISSION.

14 (c) REQUIRING THAT THE PERSONS RESPONSIBLE FOR THE PROJECT SUBMIT
15 ALL PERTINENT INFORMATION AND RESEARCH GAINED FROM THE PROJECT TO THE
16 COMMISSION.

17 (d) REQUIRING THAT ANY PERSON RECEIVING A GRANT SPEND NOT MORE THAN
18 FIVE PERCENT OF THE GRANT ON THE COST OF ADMINISTERING THE PROJECT.

19 (e) COMMITTING TO WORK JOINTLY WITH THE AFFECTED CITIES, TOWNS,
20 COUNTIES, NATURAL RESOURCE CONSERVATION DISTRICTS AND SPECIAL DISTRICTS
21 THAT HAVE CONTACTED THE COMMISSION ON ALL ASPECTS OF THE PROJECT'S
22 IMPLEMENTATION AND MONITORING, UNLESS THE JURISDICTION CHOOSES NOT TO
23 PARTICIPATE.

24 5. PROVIDE FOR PUBLIC INVOLVEMENT ON GRANT APPLICATIONS SUBMITTED
25 TO THE COMMISSION. PUBLIC INVOLVEMENT SHALL INCLUDE:

26 (a) PUBLICLY POSTING APPLICATION INFORMATION.

27 (b) NOTIFYING ANY PERSON WHO REQUESTS NOTICE OF APPLICATIONS.

28 (c) A REASONABLE OPPORTUNITY FOR COMMENT ON AN APPLICATION FOR A
29 PERIOD OF AT LEAST FORTY-FIVE DAYS.

30 B. ANY NATURAL RESOURCE CONSERVATION DISTRICT WITH ELECTED OR
31 APPOINTED SUPERVISORS MAY APPLY FOR A GRANT FROM THE FUND.

32 C. THE STATE LAND DEPARTMENT MAY APPLY FOR A GRANT FROM THE FUND
33 FOR ADDITIONAL MONIES NECESSARY TO ADMINISTER THIS CHAPTER.

34 D. A FEDERAL AGENCY IS NOT ELIGIBLE TO RECEIVE GRANT MONIES FROM
35 THE FUND.

36 E. GRANTS MAY BE AWARDED ONLY TO FINANCE PROGRAMS AUTHORIZED UNDER
37 SECTION 37-1054 THAT ARE LOCATED IN THIS STATE.

38 F. GRANT APPLICATIONS SHALL BE SUBMITTED TO THE COMMISSION AND MAY
39 INCLUDE EXPRESSIONS OF SUPPORT FROM AFFECTED CITIES, TOWNS, COUNTIES,
40 NATURAL RESOURCE CONSERVATION DISTRICTS, SPECIAL DISTRICTS OR INDIAN
41 TRIBES.

42 G. GRANTS MADE PURSUANT TO THIS ARTICLE ARE EXEMPT FROM TITLE 41,
43 CHAPTER 23.

1 37-1008. Natural resource conservation district fund

2 A. THE NATURAL RESOURCE CONSERVATION DISTRICT FUND IS ESTABLISHED
3 CONSISTING OF LEGISLATIVE APPROPRIATIONS. THE COMMISSION SHALL ADMINISTER
4 THE FUND FOR THE PURPOSES PRESCRIBED IN THIS ARTICLE. MONIES IN THE FUND
5 ARE SUBJECT TO LEGISLATIVE APPROPRIATION.

6 B. THE COMMISSION SHALL:

7 1. ESTABLISH PRIORITIES FOR THE FUND.

8 2. USE THE MONIES IN THE FUND TO PROVIDE GRANTS TO NATURAL RESOURCE
9 CONSERVATION DISTRICTS TO CONDUCT PROGRAMS AUTHORIZED UNDER SECTION
10 37-1054.

11 C. THE COMMISSION MAY ACCEPT AND SPEND PRIVATE GRANTS, GIFTS,
12 CONTRIBUTIONS AND DEVICES TO ASSIST IN PROVIDING GRANTS UNDER SECTION
13 37-1007.

14 D. THE COMMISSION MAY AWARD UP TO FIVE PERCENT OF THE TOTAL MONIES
15 DEPOSITED IN THE FUND DURING THE PREVIOUS CALENDAR YEAR AS A GRANT TO THE
16 STATE LAND DEPARTMENT FOR ADDITIONAL MONIES TO ADMINISTER THIS CHAPTER.

17 E. ON NOTICE FROM THE COMMISSION, THE STATE TREASURER SHALL INVEST
18 AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES
19 EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND. MONIES IN THE FUND
20 ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF
21 APPROPRIATIONS.

22 F. INTEREST EARNED ON MONIES IN THE FUND MAY BE SPENT BY THE STATE
23 LAND DEPARTMENT TO ADMINISTER THIS CHAPTER. ANY INTEREST EARNED IN EXCESS
24 OF ADMINISTRATIVE COSTS MAY BE AWARDED AS A GRANT PURSUANT TO SUBSECTION D
25 OF THIS SECTION.

26 37-1009. Annual report

27 ON OR BEFORE JULY 1, 2024 AND EVERY YEAR THEREAFTER, THE COMMISSION
28 SHALL SUBMIT A DETAILED REPORT TO THE GOVERNOR, THE PRESIDENT OF THE
29 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE A
30 COPY OF THIS REPORT TO THE SECRETARY OF STATE. THE REPORT SHALL DESCRIBE
31 THE ACTIONS TAKEN BY THE COMMISSION AND THE GRANTS AWARDED FROM THE FUND
32 DURING THE PREVIOUS FISCAL YEAR.

33 Sec. 3. Section 37-1012, Arizona Revised Statutes, is amended to
34 read:

35 37-1012. State natural resource conservation commissioner

36 A. The state land commissioner shall be THE state natural resource
37 conservation commissioner. ~~He~~ THE COMMISSIONER shall serve as such
38 without additional compensation.

39 B. The commissioner may appoint an administrative officer of the
40 division of natural resource conservation, a secretary and such other
41 assistants as may be required, assign their duties, ~~AND~~ AND define their
42 powers and determine the amount of bond required of any assistant
43 entrusted with funds or property. The compensation of all such assistants
44 shall be as determined pursuant to section 38-611.

- 1 C. The commissioner shall:
- 2 1. Adopt a seal, ~~which~~ THAT shall be judicially noticed. ~~, and~~
3 ~~shall~~
- 4 2. Hold ~~such~~ public hearings. ~~,~~
- 5 3. Provide for the keeping of a record of all proceedings and
6 annual records of district operations. ~~,~~
- 7 4. Promulgate ~~such~~ orders, rules and regulations and perform such
8 other acts as are necessary to carry out the provisions of this chapter.
- 9 5. COORDINATE WITH THE COMMISSION ON STAFFING NEEDS.
- 10 Sec. 4. Section 37-1013, Arizona Revised Statutes, is amended to
11 read:
- 12 37-1013. Powers and duties of commissioner
- 13 A. The state natural resource conservation commissioner shall:
- 14 1. Offer appropriate assistance to the supervisors of districts in
15 carrying out their powers and programs.
- 16 2. Keep the supervisors of each district informed of the activities
17 and experiences of other districts, ~~AND OF RELEVANT INFORMATION FROM~~
18 ~~OTHER STATES~~ and facilitate cooperation and interchange of advice, ~~and~~
19 experience ~~AND PROGRAM OPPORTUNITIES~~ between districts.
- 20 ~~3. Coordinate the programs of the several districts insofar as~~
21 ~~possible by advice and consultation.~~
- 22 ~~4.~~ 3. Require the supervisors of each district to file with the
23 commissioner annually any audits and the records of the operations of the
24 district for the preceding year in the form and detail as the commissioner
25 prescribes.
- 26 ~~5.~~ 4. Secure the cooperation and assistance of the United States,
27 its agencies and agencies of this state, in the work of districts as local
28 units of state government with special expertise concerning land, soil,
29 water and natural resources management within the boundaries of the
30 district, ~~as~~ as the commissioner deems for the best interest of ~~the~~ THIS
31 state.
- 32 ~~6. Disseminate information throughout the state concerning the~~
33 ~~activities and program of districts.~~
- 34 ~~7.~~ 5. Provide staff support to the Arizona water protection fund
35 commission established by title 45, chapter 12 and provide administrative
36 assistance to natural resource conservation districts for compliance with
37 the duties for districts pursuant to title 45, chapter 12.
- 38 6. PROVIDE ADMINISTRATIVE, TECHNICAL AND LEGAL SUPPORT TO THE
39 COMMISSION TO THE EXTENT FUNDING IS AVAILABLE AS PRESCRIBED BY SECTION
40 37-1008 AND FROM LEGISLATIVE APPROPRIATIONS. THIS SUPPORT MAY INCLUDE THE
41 HIRING OF A CONTRACT ADMINISTRATOR, OFFICE SUPPORT AND TECHNICAL SUPPORT
42 STAFF, WHO SHALL BE EMPLOYEES OF THE STATE LAND DEPARTMENT.
- 43 7. ASSIST A DISTRICT WHEN IT IS COOPERATING OR COORDINATING WITH A
44 FEDERAL AGENCY.
- 45 8. ASSIST DISTRICTS IN DEVELOPING LONG-RANGE PLANS.

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

7 Sec. 5. Section 37-1014, Arizona Revised Statutes, is amended to
8 read:

9 37-1014. State financial assistance; application; criteria

10 A. The commissioner shall include in the annual state land
11 department budget request a sum of not more than ~~forty thousand dollars~~
12 \$40,000 for each district ESTABLISHED PURSUANT TO ARTICLE 3 OF THIS
13 CHAPTER and ~~sixty thousand dollars~~ \$60,000 for each DISTRICT THAT OPERATES
14 AN education center for distribution by the commissioner to those natural
15 resource conservation districts that have applied for, have met the
16 criteria for and have been approved for receiving state financial
17 assistance, as provided in this section.

18 B. Any district or DISTRICT THAT OPERATES AN education center
19 desiring to receive state financial assistance for the next ensuing fiscal
20 year shall apply to the commissioner not later than June 20, on a form
21 supplied by the division of natural resource conservation. Each
22 application shall include:

23 1. The number of acres of land lying within the district.

24 2. The extent of conservation programs or education center programs
25 proposed to be undertaken during the fiscal year for which the financial
26 assistance is being requested.

27 3. Any audits that are requested by the commissioner.

28 C. On receipt of the application, the commissioner shall determine
29 whether or not such funds for the district or education center will be
30 included in the budget request for the state land department and shall
31 promptly notify the district of that determination.

32 Sec. 6. Section 37-1032, Arizona Revised Statutes, is amended to
33 read:

34 37-1032. Hearing on petition; notice

35 A. Within ninety days after a petition has been accepted by the
36 commissioner, notice shall be given by publication in at least two issues,
37 at intervals of not less than six days, of a newspaper of general
38 circulation within the area affected, or if there is no such newspaper,
39 ~~a newspaper of general circulation within the county~~ THE DISTRICT SHALL
40 POST THE NOTICE ON THE DISTRICT'S PUBLIC WEBSITE, of a hearing ~~upon~~ ON:

41 1. The desirability and necessity, in the interest of preservation
42 of property, health, safety and public welfare, of the creation of such
43 district.

44 2. The appropriate boundaries to be assigned to the district.

45 3. The propriety of the petition and other proceedings taken.

1 4. All related questions.

2 B. All owners of land within the limits of the territory described
3 in the petition and of lands within any territory considered for addition
4 to the described territory, and all other interested parties, may attend
5 and be heard at such hearing.

6 C. If it appears on the hearing that it is desirable to include
7 within the proposed district territory outside the area described in the
8 petition, the hearing shall be adjourned and notice of further hearing
9 given, in the manner provided by this section, in the entire area
10 considered for inclusion in the district.

11 Sec. 7. Section 37-1033, Arizona Revised Statutes, is amended to
12 read:

13 37-1033. Determination by commissioner

14 A. If, after final hearing ~~upon~~ ON a petition, the commissioner
15 determines ~~upon~~ ON the facts presented and other relevant information that
16 a district within the territory considered is in the public interest, ~~the~~
17 THE COMMISSIONER shall record such determination and define the boundaries
18 of the district. In defining the boundaries, ~~the~~ THE COMMISSIONER shall
19 consider:

20 1. The topography of the area.

21 2. The character of soils.

22 3. The distribution of erosion.

23 4. Prevailing land use practices.

24 5. The desirability and necessity of including within the
25 boundaries of the district the particular lands under consideration and
26 the benefits to be received by such inclusion.

27 6. The relation of the proposed area to existing watersheds and
28 agricultural regions, ~~and~~ and to other districts already organized or
29 proposed for organization.

30 7. Such other physical, geographical and economic factors as are
31 relevant.

32 B. In defining the boundaries of the district, the commissioner
33 shall not include ~~therein~~ IN THE BOUNDARIES any area, land or property of
34 any person or persons who do not desire to have such area, land, ~~or~~
35 property included in such district. Notwithstanding any provision of this
36 chapter to the contrary, lands held under certificate of purchase or lease
37 from the state shall not be included in any district if the holder or
38 holders of certificates of purchase or the leases therefor do not desire
39 such lands included.

40 C. If the commissioner determines that it is not in the public
41 interest for a district to function in the territory considered, ~~the~~ THE
42 COMMISSIONER shall record such determination and deny the petition.

43 D. After expiration of eighteen months ~~from~~ AFTER the date of entry
44 of a determination by the commissioner that operation of a proposed
45 district is not administratively and economically feasible, and denial of

1 a petition pursuant to that determination, petitions may again be filed
2 and action taken in accordance with the provisions of this chapter.

3 Sec. 8. Section 37-1034, Arizona Revised Statutes, is amended to
4 read:

5 37-1034. Referendum; election of supervisors

6 A. Within a reasonable time after the commissioner has recorded ~~his~~
7 ~~THE COMMISSIONER'S~~ determination that it is in the public interest that a
8 district be organized, and has defined the boundaries ~~thereof~~ OF THE
9 DISTRICT, ~~he~~ THE COMMISSIONER shall hold a referendum within the proposed
10 district ~~upon~~ ON the question of the creation of the district, and an
11 election to elect three supervisors. ~~He~~ THE COMMISSIONER shall adopt
12 rules for the conduct of such referendum and election and prescribe a
13 procedure for the determination of persons eligible to vote. The
14 referendum and election of supervisors shall be conducted by separate
15 ballots.

16 B. The ballot for the referendum shall:

17 1. Describe the boundaries of the proposed district as determined
18 by the commissioner.

19 2. Contain the propositions: "For the creation of a district" and
20 "against the creation of a district", with a square after each
21 proposition.

22 3. An instruction to mark an X in the square after the proposition
23 for which the voter wishes to vote.

24 C. Only owners of land lying within the boundaries of the territory
25 described ~~shall be~~ ARE eligible to vote on the referendum, but any such
26 owner who is not a qualified elector of the district, or any owner who is
27 a qualified elector but is unable because of illness or absence from the
28 district to appear at the polls, may appoint in writing, on a form
29 prescribed by the commissioner, a qualified elector of the district as ~~his~~
30 THE OWNER'S agent or proxy. The appointment of agent or proxy shall be
31 presented to the board of election, and if it is found to be bona fide and
32 in proper form, the holder thereof shall be allowed to vote ~~in~~ ON behalf
33 of the owner executing the appointment on the question of creation of the
34 district only. The appointment shall be filed with the ballots and other
35 election returns.

36 D. Candidates for supervisor shall file nomination petitions with
37 the commissioner in the manner prescribed by the commissioner. Any
38 qualified elector of the proposed district may sign the petitions of not
39 more than three candidates. The names of candidates shall appear on the
40 election ballot in alphabetical order by surnames, with a square opposite
41 each name, and an instruction to mark an X in the squares opposite the
42 names of not more than three candidates for whom the voter wishes to vote.

1 E. ~~No~~ Informality in the conduct of any referendum or election held
2 under the provisions of this chapter, or in any matter relating thereto,
3 ~~shall~~ DOES NOT invalidate the result ~~thereof~~ OF THE REFERENDUM OR ELECTION
4 if notice has been given substantially as prescribed in section 37-1032,
5 and the referendum and election have been fairly conducted. All expenses
6 of a referendum and election shall be paid by the commissioner.

7 Sec. 9. Section 37-1038, Arizona Revised Statutes, is amended to
8 read:

9 37-1038. Dissolution of district

10 A. At any time after five years following the organization of a
11 district, any twenty-five owners of land or not less than twenty ~~per cent~~
12 PERCENT of the owners of land lying within the boundaries of the district
13 may file a petition with the commissioner ~~praying~~ REQUESTING that the
14 operations of the district be terminated and its existence
15 discontinued. The commissioner shall conduct ~~such~~ public meetings and
16 hearings ~~upon~~ ON the petition as may be necessary to assist in the
17 consideration ~~thereof~~ TERMINATING AND DISCONTINUING THE DISTRICT.

18 B. Within sixty days after filing of the petition, the commissioner
19 shall give notice of the holding of a referendum, and shall supervise the
20 referendum and issue appropriate regulations governing the conduct
21 thereof. The question shall be submitted by ballots ~~upon~~ ON which the
22 propositions, "For terminating the existence of the (name of district)"
23 and "against terminating the existence of the (name of district)," shall
24 be printed, with a square after each proposition and an instruction to
25 mark an X in the square following the proposition for which the voter
26 desires to vote. Only owners of lands lying within the boundaries of the
27 district ~~shall be~~ ARE eligible to vote on the referendum. ~~No~~ Informality
28 in the conduct of the referendum or in any matter relating ~~thereto shall~~
29 THE REFERENDUM DOES NOT invalidate the referendum or the result ~~thereof~~ OF
30 THE REFERENDUM, if due notice ~~thereof~~ OF THE REFERENDUM has been given
31 substantially as provided in this chapter and the referendum has been
32 fairly conducted.

33 C. If sixty-five ~~per cent~~ PERCENT of the landowners voting thereon
34 vote to terminate the existence of a district, the commissioner shall
35 advise the supervisors to conclude the affairs of the district. The
36 supervisors shall dispose of all property belonging to the district at
37 public auction and shall transmit the proceeds of the sale to the state
38 treasurer for deposit, pursuant to sections 35-146 and 35-147.

39 D. AFTER DISPOSING OF THE PROPERTY AND TRANSMITTING THE PROCEEDS OF
40 THE SALE PURSUANT TO SUBSECTION C OF THIS SECTION, the supervisors shall
41 ~~thereupon~~ file a verified application with the secretary of state for
42 discontinuance of the district, together with the certificate of the
43 commissioner setting forth the determination of the commissioner that the
44 continued operation of the district is not administratively feasible. The
45 application shall ~~recite~~ STATE that the property of the district has been

1 disposed of and the proceeds paid over as provided in this section, ~~and~~
2 ~~shall~~ include a full accounting of the properties and the proceeds of the
3 sale. The secretary of state shall issue to the supervisors a certificate
4 of dissolution, ~~and shall~~ record the certificate in ~~his~~ THE SECRETARY OF
5 STATE'S office.

6 E. The commissioner ~~shall~~ MAY not entertain a petition for the
7 discontinuance of any district, nor conduct a referendum ~~thereon~~ ON
8 DISCONTINUANCE OF ANY DISTRICT, nor make any determination pursuant
9 thereto, more than once in five years.

10 Sec. 10. Section 37-1051, Arizona Revised Statutes, is amended to
11 read:

12 37-1051. District supervisors; term of office; biennial
13 election

14 A. The governing body of a district shall consist of five
15 supervisors, three of whom are to be elected and two appointed by the
16 commissioner FROM A LIST OF NOMINEES PROVIDED BY THE ELECTED SUPERVISORS.
17 Except as to the first supervisors, whose election and terms are
18 prescribed in section 37-1035, the term of each elected supervisor shall
19 be six years, beginning on June 1 following ~~his~~ THE SUPERVISOR'S election.
20 As prescribed in section 37-1036, the terms of the two supervisors
21 appointed by the commissioner shall be until May 31 of the next
22 even-numbered year, ~~or~~ or until their successors are otherwise appointed.

23 B. An election shall be held on the first Saturday in May of each
24 even-numbered year, at which one supervisor of the district shall be
25 elected. Any person desiring to be a candidate shall file with the
26 commissioner a nomination petition in such form as the commissioner
27 prescribes, at least ten days ~~prior to~~ BEFORE the election, containing the
28 signatures of ~~not less than twenty-five~~ AT LEAST ONE-HALF OF ONE PERCENT
29 OF THE QUALIFIED ELECTORS IN THE DISTRICT BUT NOT FEWER THAN FIVE
30 qualified electors of the district. ~~No~~ A person ~~shall be~~ IS NOT eligible
31 to be a candidate for supervisor unless ~~he~~ THE PERSON is a qualified
32 elector of the district. The names of candidates shall appear on the
33 ballot in alphabetical order by surnames, with a square after each name
34 and an instruction to mark an X in the square after the name of the
35 voter's choice. The governing body of a district may provide a mail
36 ballot to a qualified district elector for which the district governing
37 body has a first class mailing address. Qualified electors of a district
38 who wish to vote by mail ballot shall file a first class mailing address
39 with the district governing body at least thirty days ~~prior to~~ BEFORE the
40 date of the election. Qualified district electors who receive ballots in
41 proper form from the district governing body may cast their votes by
42 mail. Mail ballots, to be counted, shall be received at the place
43 designated, and within the time prescribed by the district supervisors and
44 clearly specified in the notice of election. Only qualified electors of
45 the district shall have the right to vote. The district governing body

1 shall provide at least one polling place in the district for qualified
2 voters who wish to vote in person. If two or more candidates receive the
3 same number of votes, the successful candidate shall be determined by lot.
4 IF ONLY ONE PERSON FILES OR NO PERSON FILES A NOMINATING PETITION FOR AN
5 ELECTION TO FILL A POSITION ON THE DISTRICT BOARD FOR WHICH THE TERM OF
6 OFFICE IS TO EXPIRE, THE BOARD MAY CANCEL THE ELECTION FOR THAT POSITION
7 AND APPOINT THE PERSON WHO FILED THE NOMINATING PETITION TO FILL THE
8 POSITION. IF NO PERSON FILES A NOMINATING PETITION FOR AN ELECTION TO
9 FILL A DISTRICT OFFICE, THE BOARD MAY CANCEL THE ELECTION FOR THOSE
10 OFFICES AND THOSE OFFICES ARE DEEMED VACANT AND SHALL BE FILLED AS
11 OTHERWISE PROVIDED BY LAW. A PERSON WHO IS APPOINTED PURSUANT TO THIS
12 PARAGRAPH IS FULLY VESTED WITH THE POWERS AND DUTIES OF THE OFFICE AS IF
13 ELECTED TO THAT OFFICE.

14 Sec. 11. Section 37-1052, Arizona Revised Statutes, is amended to
15 read:

16 37-1052. Organization of supervisors; vacancies

17 A. At the first meeting of the supervisors following an election,
18 they shall organize by electing a ~~chairman~~ CHAIRPERSON and a vice ~~chairman~~
19 CHAIRPERSON and ~~such~~ other officers as are deemed necessary from among
20 their number to serve for the ensuing two years.

21 B. If a vacancy occurs in the office of an elected supervisor
22 otherwise than by expiration of term, the commissioner may appoint a
23 qualified elector FROM A LIST OF NOMINEES PROVIDED BY THE SUPERVISORS of
24 the district to serve until June 1 of the next even-numbered year, when a
25 successor shall be elected for the remainder of the term.

26 C. District supervisors may employ a secretary and ~~such~~ other
27 agents, employees and technical or professional experts as they may from
28 time to time require, and may determine qualifications, compensation and
29 duties applicable to any agent, employee or expert engaged.

30 Sec. 12. Section 37-1054, Arizona Revised Statutes, is amended to
31 read:

32 37-1054. Powers of district

33 A. This state recognizes the special expertise of the districts in
34 the fields of land, soil, water and natural resources management within
35 the boundaries of the district. A district is empowered to:

36 1. Conduct surveys, investigations and research relating to the
37 character of the soil, soil erosion prevention within a farm or ranch,
38 methods of cultivation, farm and range practices, seeding, eradicating
39 noxious growths and invasive vegetation and any other measures that will
40 aid farm and range operations, disseminate information AND EDUCATE
41 LANDOWNERS pertaining thereto, and carry on research programs with or
42 without the cooperation of this state or its agencies or the United States
43 or its agencies.

1 2. Create and administer a soil health program that promotes
2 implementation of soil health practices, research projects, demonstration
3 projects, educational projects or other activities appropriate to promote
4 the continuing capacity for soil to function as a vital living biological
5 system that sustains plants, animals and humans, increased soil organic
6 matter, improved soil structure, water-holding and nutrient-holding
7 capacity or nutrient cycling.

8 3. Conduct demonstration projects within the district on lands
9 owned or controlled by ~~the~~ THIS state or any of its agencies with the
10 consent and cooperation of the agency having jurisdiction of the land, and
11 on any other lands within the district on obtaining the consent of the
12 landowner or the necessary rights or interests in the land, in order to
13 demonstrate by example the means, methods and measures by which water,
14 soil and soil resources may be conserved and soil erosion and soil washing
15 may be prevented and controlled.

16 4. Cooperate, COORDINATE and enter into agreements with a
17 landowner, an operator or any agency or subdivision of ~~the~~ THIS state or
18 federal government to carry on programs of watershed improvement, soil
19 erosion prevention, methods of cultivation, cropping practices, land
20 leveling and improvement on agricultural lands, and programs limited to
21 methods of proper range use, reseeding and eradicating noxious growth and
22 invasive vegetation on grazing lands, all within the limits of an
23 individual farm or ranch and subject to the conditions the supervisors
24 deem necessary.

25 5. Acquire, by purchase, exchange, lease or otherwise, any
26 property, real or personal, or rights or interest in any property,
27 maintain, administer and improve any properties acquired, receive income
28 from any property or right or interest in property and expend it in
29 carrying out the purposes of this chapter, and sell, lease or otherwise
30 dispose of any property or interest in property in furtherance of the
31 purposes of this chapter.

32 6. Make available, on the terms it prescribes to landowners within
33 the district, agricultural and engineering machinery and equipment,
34 fertilizer, seed and other material or equipment as will assist the
35 landowners to carry on operations on their lands for the purposes and
36 programs authorized by this chapter.

37 7. Develop, publish and bring to the attention of landowners within
38 the district comprehensive plans for conserving soil and water resources
39 within the district that specify in such detail as may be feasible the
40 acts, procedures, performances and avoidances necessary or desirable to
41 effect the plans.

42 8. Apply for, receive and spend monies from the Arizona water
43 protection fund pursuant to title 45, chapter 12 to be used in individual
44 districts or in cooperation with other districts, persons, cities, towns,

1 counties, special districts and Indian communities for projects consistent
2 with title 45, chapter 12.

3 9. APPLY FOR, RECEIVE AND SPEND MONIES FROM THE WATER
4 INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA PURSUANT TO TITLE 49, CHAPTER
5 8 TO BE USED IN INDIVIDUAL DISTRICTS OR IN COOPERATION WITH OTHER
6 DISTRICTS, PERSONS, CITIES, TOWNS, COUNTIES AND SPECIAL DISTRICTS FOR
7 PROJECTS CONSISTENT WITH TITLE 49, CHAPTER 8.

8 ~~9.~~ 10. Employ agents, engineers, attorneys or other employees not
9 readily available from existing state agencies.

10 ~~10.~~ 11. Sue and be sued in the name of the district, have a seal,
11 which shall be judicially noticed, have perpetual succession unless
12 terminated as provided in this chapter, make and execute contracts and
13 other instruments necessary or convenient to exercise its powers and make,
14 amend and repeal rules not inconsistent with this chapter to effect its
15 purposes and powers.

16 ~~11.~~ 12. APPLY FOR GRANTS AND accept donations, gifts and
17 contributions in monies, services, materials or otherwise, and use or
18 expend them in carrying on its operations.

19 ~~12.~~ 13. Organize and establish an education center to increase the
20 knowledge of natural resources in this state through the following
21 methods:

22 (a) Offering technical guidance and training to agricultural
23 producers.

24 (b) Publishing scholarly materials.

25 (c) Providing educational and training opportunities, both inside
26 and outside of the district.

27 (d) Conducting or sponsoring scientific studies that affect natural
28 resources in this state.

29 (e) Increasing public awareness of water conservation statewide,
30 including water conservation methods and best management practices.

31 (f) Increasing public awareness of soil health practices statewide.

32 B. A provision of law with respect to acquiring, operating or
33 disposing of property by other public bodies is not applicable to a
34 district organized under this chapter unless specifically stated
35 ~~therein~~ IN THAT LAW.

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

39 D. A district may send to the NATURAL RESOURCE CONSERVATION
40 DISTRICT FUND COMMISSION ESTABLISHED BY SECTION 37-1003 AND THE Arizona
41 water protection fund commission established by ~~title 45, chapter 12~~
42 SECTION 45-2103 written recommendations for geographic areas to be
43 emphasized, issues of concern and measures to implement title 45,
44 chapter 12. A district that sends written recommendations ~~to the~~
45 ~~commission~~ shall request information from at least the following:

- 1 1. The director of the department of water resources and the state
- 2 land commissioner.
- 3 2. The federal and state fish, wildlife, recreation and natural
- 4 resource agencies.
- 5 3. County and municipal entities.
- 6 4. The public.
- 7 E. The district shall develop procedures to ensure adequate
- 8 participation in the public involvement process prescribed by subsection D
- 9 of this section.