



Arkansas Conservation Districts  
Training Program



Legally Speaking



Power Point 3



# What You Will Learn

- What is the legal definition of a Conservation District?
- What are the purposes of Conservation Districts?
- What powers do Conservation Districts have to carry out their purposes?
- What agency drafts, monitors and enforces rules governing Conservation Districts?
- Where can those rules be found?
- What is covered in the rules?





# Arkansas Leads The Way

- In 1937 the Arkansas General Assembly passed the **FIRST** state conservation law in the nation
  - Authorizing creation of local conservation districts
  - Creating what is now the Arkansas Natural Resources Commission
- Today there are **75 local conservation districts in Arkansas**
- While similar, each state's conservation district laws and rules differ



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# Legally Speaking

- General Assembly passed **Act No. 197 of 1937** authorized creation of conservation districts and creating what is now named the Arkansas Natural Resources Commission
  - Amended several times (e.g., 1947, 1963, 1969)
- Act 197 of 1937 is [codified with amendments](#) as **Arkansas Code Annotated § 14-7-125**
  - Title 14 = Local Government
  - Subtitle 7 = Soil & Water Improvement Districts
  - Chapter 125 = Conservation District Law



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# Law Defines *Conservation District*

## ● 14-125-106.

- (1) A “conservation district” ...means a governmental subdivision of this state and a public body, corporate and politic, organized in accordance with the provisions of this chapter for the purposes, with the powers, and subject to the provisions, herein set forth. All districts created under this chapter shall be known as conservation districts and shall have all the powers and duties set out in this chapter





# Law Defines District Purposes

## 14-125-105.

- To provide for the control and prevention of soil erosion
  - For the prevention of floodwater and sediment damages
  - For furthering the conservation, development, and utilization of soil and water resources and the disposal of water
- To preserve natural resources
- Control floods
- Prevent impairment of dams and reservoirs
- Assist in maintaining the navigability of rivers and harbors
- Preserve wildlife
- Assist in the control of nonpoint source pollution
- Protect the tax base
- Protect public lands
- Protect and promote the health, safety, and general welfare of the people of this state.



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# Law Defines District Powers

## 14-125-303. Powers of districts and directors.

- To carry out **preventive and control measures** for better utilization of soil and water resources.
- To **enter into agreements** and furnish financial or other aid to any private or public agency or land user within the district for better utilization of soil and water resources and for removal of excess water as the directors deem necessary.
- To **obtain by purchase, gift or otherwise, any real or personal property** to accomplish the goals of the district.
- To make available to land users any **equipment and materials** needed to carry out soil and water conservation programs.



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# Law Defines District Powers

## 14-125-303. Powers of districts and directors.

- To **construct, improve, operate and maintain works** of improvement as needed.
- To **develop comprehensive plans** for soil and water management in the district and **bring this information to the attention of land users.**
- **Levy taxes** based on specific benefits.
- To **make and amend land use regulations** within the district when needed to conserve soil and water resources.
- To **cooperate with other districts** in the exercise of any of these powers.







# Law Defines District Powers

## 14-125-303. Powers of districts and directors.

- To **accept contributions in money, service or materials** from any source for use in carrying out the district program.
- To **sue and be sued** in the name of the district; to have **perpetual succession** (with exceptions); to **make and execute contracts**; to **borrow money, issue notes and bonds**, and **mortgage property**;
- As a condition to extending benefits on private lands, the district may **require contributions in money, services, or materials**, except that the district may not charge for technical services provided by NRCS or other agencies providing technical assistance.
- Technical assistance provided by the district may be supported by a **reasonable fee or charge**.





# Law Defines Powers

## 14-125-303. Powers of districts and directors.

- To organize an **irrigation, drainage or watershed development district** to install, operate and maintain works of improvement such as dams, levees, ditches and pumping stations.
- To **form improvement project areas** to assume local obligations in installing, operating and maintaining structural measures in watershed projects and Resource Conservation and Development measures.
- The conservation district has the power of **eminent domain** (condemnation) .... The use of condemnation powers must be consistent with specific conservation purposes in the conservation district law. Any condemnation procedure requires an assessment and compensation for damages.
- Act 469 of 1989 authorizes the ANRC to delegate its power to conservation districts to **allocate surface water during times of shortage**.



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# ANRC Responsible For Rules

- The law gives **Arkansas Natural Resources Commission** responsibility for developing, maintaining and enforcing rules to implement the law.
  - **ANRC Rule Title II: Rules Governing Conservation Districts** (2005)
  - ANRC Rules are updated periodically
  - The most recent update was August 13, 2005
  - The most recent official version is always online on the ARNC website
  - Click this link to see rules online - [ANRC Rule Title II: Rules Governing Conservation Districts](#) (2005)
  - A paper copy of the current rule can be found in Module 2 of your training manual



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# ANRC Roles

- ANRC **Land Resources Specialists** work with districts to interpret, implement and enforce Title II: Rules Governing Conservation Districts
- Land Resource Specialists work in the **Conservation Division** of ANRC.
- When Rules Governing Conservation Districts need to be updated, ANRC staff write the draft revisions for review and approval by the **ANRC Executive Director**.
- The ANRC Executive Director is appointed by the Governor.



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# ANRC Roles

## STATE OF ARKANSAS

Mike Beebe, Governor

## Arkansas Natural Resources Commission

**J. Randy Young, P.E.**

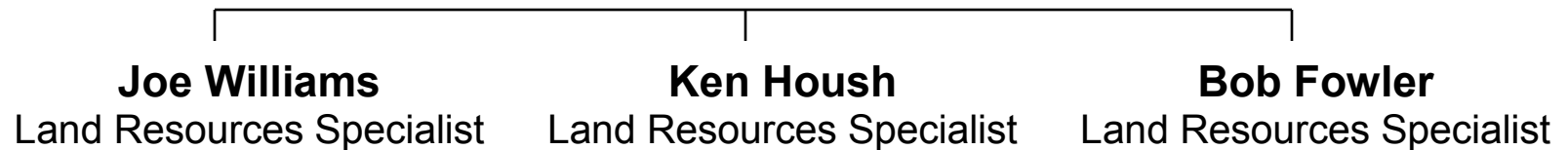
Executive Director

**Jonathan R. Sweeney, P.E.**

Deputy Director / Chief Engineer

**Adrian Baber**

Conservation Division Chief





# ANRC Roles

- The nine-member **Arkansas Natural Resources Commission** reviews and approves draft revisions to the rules governing conservation districts. The Governor appoints the Commission.

## Commission Members

**Corbet Lamkin**  
Chairman  
Chidester

**James Neal Anderson**  
Commissioner  
Lonoke

**Daniel Bryant**  
Commissioner  
North Little Rock

**David Feilke**  
Commissioner  
Stuttgart

**Alec Farmer**  
Commissioner  
Jonesboro

**Jerry Mitchell**  
Commissioner  
Harrison

**Robert White**  
Commissioner  
Fayetteville

**Sloan Hampton**  
Commissioner  
Stuttgart

**Ann Cash**  
Commissioner  
McGhee



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# ANRC Title II Subtitles

## Arkansas Natural Resources Commission

### Title II: Rules Governing Conservation Districts” (2005)

- I. General Provisions
- X. Appointment and Re-Appointment of District Directors
- XI. Election And Re-election Of District Directors
- XII. Waivers
- XIII. Resignation Of District Directors And Decline Of Office
- XIV. Removal Of District Directors



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# ANRC Title II Subtitles

XVI. District Operations - State Funding

XVII. District Operations - Planning

XVIII. District Operations - Financial

XIX. Conservation District Beaver Control Program

XX. Conservation District Grant Program

XXV. Rules Governing The Delegation And Operation of the Water Conservation Education/Information Program by Conservation Districts



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## **Detailed Outline of What's In Title II**

**Arkansas Natural Resources Commission  
Title II: Rules Governing Conservation  
Districts” (2005)**



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# I. General Provisions

201.1 Purpose

201.2 Enabling/Pertinent Legislation

201.3 Definitions

201.4 Executive Director & Staff Assistance



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## **X. Appointment And Re-appointment Of District Directors**

- 210.1 Notification Of Expiration Of Term
- 210.2 Request For Board Recommendation
- 210.3 Re-appointment Of Director
- 210.4 Public Request For Appointment
- 210.5 Review Of Qualifications Of Prospective Appointees
- 210.6 Report Of The Director
- 210.7 Commission Action
- 210.8 Issuance Of Certificate Of Appointment





# XI. Election And Re-election Of District Directors

- 211.1 Elections
- 211.2 Notice To District
- 211.3 Appointed Directors To Serve As Election Committee
- 211.4 Approval Of Polling Place
- 211.5 Petitions
- 211.6 Re-election Of Directors
- 211.7 Certification Of Candidates
- 211.8 Notice Of Election
- 211.9 Ballots
- 211.10 Absentee Ballots
- 211.11 Write-in Candidates
- 211.12 Voting Procedure
- 211.13 Vote Tally
- 211.14 Election Challenge
- 211.15 Certification Of Results
- 211.16 Issuance - Certificate Of Election





## XII. Waivers

- 212.1 Request For Waiver
- 212.2 Meeting With Director Making Request
- 212.3 Consideration Of Request
- 212.4 Criteria In Making Decision





## **XIII. Resignation of District Directors and Decline of Office**

- 213.1 Resignations In Writing
- 213.2 Resignations Filed With Commission
- 213.3 Resignations Effective
- 213.4 No Contingent Resignations
- 213.5 Decline Of Office





## XIV. Removal Of District Directors

- 214.1 Grounds For Removal
- 214.2 Petition For Removal
- 214.3 Executive Director To Investigate
- 214.4 Review Of Commission
- 214.5 Decision Of The Commission
- 214.6 Appointment Of Successor



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## **XVII. District Operations - Planning**

217.1 Operating Plan Required

217.2 Operating Plan Contents

217.3 Disqualification From Commission Funding



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# XVIII. District Operations - State Funding

- 218.1 State Fund Requests
- 218.2 Special Project Fund Requests
- 218.3 Approval Of Applications
- 218.4 Distribution-state Matching Funds
- 218.5 Application For Hardship Status
- 218.6 Funds: Limitations And Priority
- 218.7 Eligibility-state Matching Funds
- 218.8 Administrative Divisions
- 218.9 District Review Committee
- 218.10 District Review System
- 218.11 District Review





# XIX. District Operations - Financial

- 219.1 Accounting
- 219.2 State/Local Matching Fund Accounting
- 219.3 Financial Report
- 219.4 Annual Review Of Financial Records
- 219.5 Report Of Difficulties
- 219.6 Inventory
- 219.7. District Employees
- 219.8 Equipment Rental And Sale Of Goods
- 219.9 Program Accounting
- 219.10 District Travel
- 219.11 Penalty For Noncompliance





## **XX. Conservation District Beaver Control Program**

220.1 Purpose

220.2 District Participation

220.3 Funding



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# XXI. Conservation District Grant Program

- 222.1 Purposes
- 222.2 Availability Of Funds
- 222.3 Application Period And Notification Of Application Period
- 222.4 Projects For Which Grants May Be Obtained And Applicants
- 222.5 Application Procedure
- 222.6 Grants Review Committee
- 222.7 Review Of Applications
- 222.8 Award Of Grants
- 222.9 Grant Agreement And Reports.
- 222.10 Additional Conditions



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# **XXV. Rules Governing The Delegation And Operation Of The Water Conservation Education/Information Program By Conservation Districts**

225.1 Purpose

225.2 Request For Delegation Of Local Program

225.3 Memorandum Of Understanding

225.4 Available Funding

225.5 Local Program Contents

225.6 Specific Local Program Activities

225.7 Specific Local Plan And Review

225.8 District Transfer Of Funds



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# Discussion Questions

- What is the legal definition of a Conservation District?
- What is the purpose of Conservation Districts?
- Where can you find the Conservation District Law online?
- What agency writes rules to enforce the Conservation District Law?
- What do those rules cover?
- Is your conservation district using all of your powers to achieve your purposes?
- How might your conservation district use its powers more effectively to achieve its purposes?

