

CHAPTER 1153
SOIL CONSERVATION

H. F. 2561

AN ACT relating to the powers and duties of soil conservation districts and soil conservation district commissioners, and amending the statutes relating to establishment of soil and water conservation practices and to duties of the owners and operators of agricultural land and of landowners generally with respect to conservation of soil resources, and prescribing a penalty for knowingly making a false statement of material facts or falsely denying knowledge of material facts on a cost sharing application.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section four hundred sixty-seven A point four (467A.4), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section seventy-one (71), is amended to read as follows:

1. There is hereby established, to serve as an agency of the state and to perform the functions conferred upon it in this chapter, the department of soil conservation. The department shall be administered in accordance with the policies of the state soil conservation committee, which shall approve administrative rules proposed by the department before the rules are promulgated pursuant to chapter seventeen A (17A) of the Code. The state soil conservation committee shall consist of a chairperson and twelve members. The following shall serve as ex officio nonvoting members of the committee: The director of the state agricultural extension service, or the director's designee, the secretary of agriculture, or the secretary's designee, the director of the state conservation commission or the director's designee, and the director of the Iowa natural resources council or the director's designee. Eight voting members shall be appointed by the governor subject to confirmation by the senate. Six of the appointive members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of the six conservancy districts established by section 467D.3, and no more than one of whom shall be a resident of any one county. The seventh and eighth appointive members shall be chosen by the governor from the state at large with one appointed to be a representative of cities and one appointed to be a representative of the mining industry. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the above-mentioned members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons shall have no vote and shall serve in an advisory capacity only. The director of the department of environmental quality shall be an ex officio nonvoting member. The committee shall adopt a seal, which seal shall be judicially noticed, and

may perform acts, hold public hearings, and promulgate rules as provided in chapter 17A as necessary for the execution of its functions under this chapter.

Sec. 2. Section four hundred sixty-seven A point four (467A.4), subsection four (4), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. To establish and maintain an interagency coordinating committee for the purpose of preparing and disseminating recommendations for coordinated efforts to deal with water and soil management problems, including but not necessarily limited to the flow of water into, across and from public roads and roadside ditches, that are the common concern of two or more of the agencies or groups represented on the committee. The committee shall meet at the call of the chairperson or upon the written request of any three members, to execute the functions assigned it by this section. The coordinating committee shall consist of:

(1) The director of the department of soil conservation or the director's designee, who shall act as chairperson of the coordinating committee.

(2) A representative of the state department of agriculture, designated by the secretary of agriculture.

(3) A representative of the department of environmental quality, designated by the executive director of that department.

(4) A representative of the department of transportation, designated by the director of that department.

(5) A representative of the Iowa natural resources council, designated by the council's director.

(6) A representative of county boards of supervisors, designated by the county supervisors association affiliated with the Iowa state association of counties.

(7) A representative of county engineers, designated by the county engineers association affiliated with the Iowa state association of counties.

(8) A representative of soil conservation district commissioners, designated by the Iowa association of soil conservation district commissioners.

(9) A member of the state soil conservation committee.

(10) The state conservationist of the United States soil conservation service, or that officer's designee.

Sec. 3. Section four hundred sixty-seven A point seven (467A.7), subsection sixteen (16), Code 1979, is amended to read as follows:

16. The commissioners shall, as a condition for the receipt of any ~~est~~ state cost-sharing funds for permanent soil conservation practices, require the ~~landowner~~ owner of the land on which the practices are to be established to covenant and file, in the office of the soil conservation district of the county in which the land is located, an agreement identifying the particular lands upon which the practices for which state cost-sharing funds are to be received will be established and providing that if the project is removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on guidelines drawn up by the state soil conservation committee, for a period of

ten twenty years after the date of receiving payment, the landowner owner of the land on which the practices have been so removed, altered or modified shall refund to the department of soil conservation the public state cost-sharing funds used for the project, or for the portion of the project which has been removed, altered or modified so as to lessen its effectiveness. Such refunds shall be computed on a pro rata basis in accordance with guidelines drawn up by the state soil conservation committee in accordance with the age and anticipated remaining useful life of the project, and shall be reallocated to the district from which they were refunded to be used for conservation cost sharing. ~~It shall be the duty of the~~ The commissioners ~~to~~ shall assist the state soil conservation committee in the enforcement of this subsection. The agreement to refund shall not create a lien on the land, but shall be a charge personally against the owner of the land at the time of removal, alteration or modification which gives rise to the need for a refund. Each soil conservation district which has entered into agreements under this subsection shall file in the office of the county recorder a statement that there are in effect in that county certain agreements covenanted under this subsection which place upon owners of agricultural land the obligation to maintain permanent soil conservation practices established with public cost-sharing money, and that failure to do so may result in an obligation to refund a portion of the public cost-sharing money used to establish the practices. A seller of agricultural land with respect to which an agreement covenanted under this subsection is in effect, and who is not currently in violation of that agreement, shall upon request to the commissioners be furnished with a written statement that, as of the date of the statement, the seller has incurred no obligation to refund to the department of soil conservation the state cost-sharing funds obtained pursuant to the agreement.

Sec. 4. Section four hundred sixty-seven A point seven (467A.7), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. To enter into special funding agreements which, notwithstanding subsection four (4) of this section, provide for cost sharing up to sixty percent of the cost of a project including five or more contiguous farm units which have at least five hundred or more acres of farmland and which constitute at least seventy-five percent of the agricultural land lying within a watershed or subwatershed, where the owners jointly agree to a watershed conservation plan in conjunction with their respective farm unit soil conservation plans.

NEW SUBSECTION. To encourage local school districts to provide instruction in the importance of and in some of the basic methods of soil conservation, as a part of the course work relating to conservation of natural resources and environmental awareness required pursuant to section two hundred fifty-seven point twenty-five (257.25), subsections three (3) and four (4), of the Code, and to offer technical assistance to schools in developing such instructional programs.

NEW SUBSECTION. To make incentive payments to encourage summer construction of permanent soil and water conservation practices, provided that the commissioners of a soil conservation district shall not use state

cost-sharing funds to pay such incentives in any fiscal year when requests which seek cost sharing for eligible permanent soil and water conservation practices, but which do not seek incentive payments under this subsection, are sufficient to use all of the state cost-sharing funds made available to the district for that year. Incentive payments made under this subsection may, notwithstanding subsection four (4) of this section, provide for cost sharing up to sixty percent of the cost of establishing any permanent soil and water conservation practice where the establishment of that practice involves a construction project which begins after June first but before August fifteenth of any calendar year. Incentive payments under this subsection may also include, or may be limited to a pro rata amount, in accordance with rules of the department, to compensate for production loss on the area disturbed for construction of practices.

Sec. 5. Section four hundred sixty-seven A point forty-two (467A.42), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

In addition to the definitions established by section 467A.3, as used in sections 467A.43 to 467A.53 and sections ten (10) through fifteen (15) of this Act, unless the context otherwise requires:

Sec. 6. Section four hundred sixty-seven A point forty-two (467A.42), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. "Agricultural land" has the meaning assigned that term by section one hundred seventy-two C point one (172C.1) of the Code.

NEW SUBSECTION. "Farm unit" means a single contiguous tract of agricultural land, or two or more adjacent tracts of agricultural land, located within a single soil conservation district, upon which farming operations are being conducted by a person who owns or is purchasing or renting all of such land, or by his or her tenant or tenants. If a landowner has multiple farm tenants, the land on which farming operations are being conducted by each tenant shall constitute a separate farm unit. This definition does not prohibit land which is within a single soil conservation district and is owned or being purchased by the same person, or is being rented by the same tenant, from being treated as two or more farm units if the commissioners of the soil conservation district deem it preferable to do so.

NEW SUBSECTION. "Conservation folder" means compiled information concerning the topography, soil composition, natural or artificial drainage characteristics and other pertinent factors concerning a particular farm unit, which are necessary to the preparation of a sound and equitable conservation agreement for that farm unit. The specific items to be contained in a conservation folder shall be prescribed by administrative rules of the department of soil conservation. The department shall provide by rule that an updated farm plan prepared for a particular farm unit within ten years prior to the effective date of this subsection shall be considered an adequate replacement for the conservation folder for that farm unit.

NEW SUBSECTION. "Farm unit soil conservation plan" means a plan jointly developed by the owner and, if appropriate, the operator of a farm unit and the commissioners of the soil conservation district within which that farm unit is located, based on the conservation folder for that farm unit and

identifying those permanent soil and water conservation practices and temporary soil and water conservation practices the use of which may be expected to prevent soil loss by erosion from that farm unit in excess of the applicable soil loss limit or limits. The plan shall if practicable identify alternative practices by which this objective may be attained.

NEW SUBSECTION. "Conservation agreement" means a commitment by the owner or operator of a farm unit to implement a farm unit soil conservation plan or, with the approval of the commissioners of the soil conservation district within which the farm unit is located, a portion of a farm unit soil conservation plan. The commitment shall be conditioned on the furnishing by the soil conservation district of such technical or planning assistance in the establishment of, and cost-sharing or other financial assistance for establishment and maintenance of the soil and water conservation practices necessary to implement the plan, or a portion of the plan.

Sec. 7. Section four hundred sixty-seven A point forty-three (467A.43), Code 1979, is amended to read as follows:

467A.43 DUTY OF PROPERTY OWNERS. To conserve the fertility, general usefulness, and value of the soil and soil resources of this state, and to prevent the injurious effects of soil erosion, it is hereby made the duty of the owners of real property in this state to establish and maintain soil and water conservation practices or erosion control practices, as required by the regulations of the commissioners of the respective soil conservation districts. As used in this section, "owners of real property in this state" includes each state government agency, each political subdivision of the state and each agency of such a political subdivision which has under its control publicly-owned land, including but not limited to agricultural land, forests, parks, the grounds of state educational, penal and human service institutions, public highways, roads and streets, and other public rights-of-way.

Sec. 8. Section four hundred sixty-seven A point forty-four (467A.44), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The commissioners of each soil conservation district shall, with approval of and within time limits set by administrative order of the state soil conservation committee, adopt such reasonable regulations as are deemed necessary to establish a soil loss limit or limits for the district and provide for the implementation of the limit or limits, and may subsequently amend or repeal their regulations as they deem necessary. The state soil conservation committee shall review the soil loss limit regulations adopted by the soil conservation districts at least once every five years, and shall recommend any changes in the regulations of any soil conservation district which the state committee deems necessary to assure that the district's soil loss limits are reasonable and attainable. The commissioners may:

Sec. 9. Section four hundred sixty-seven A point forty-eight (467A.48), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred fifteen (115), section one (1), is amended to read as follows:

467A.48 APPLICATION FOR PUBLIC COST-SHARING FUNDS. No owner or occupant of land in this state shall be required to establish any new permanent or

temporary soil and water conservation practice unless public or other cost-sharing funds have been specifically approved for such land and actually made available to the owner or occupant in an amount equal to at least seventy-five percent of the cost of any permanent soil and water conservation practice, or an amount set by the state soil conservation committee for any temporary soil and water conservation practice, except as otherwise provided by law with respect to land classified as agricultural land under conservation cover. The state soil conservation committee shall review these requirements ~~at--least~~ once each year, and may authorize soil conservation district commissioners to make the mandatory establishment of any specified soil and water conservation practice in any particular case conditional on a higher proportion of public cost-sharing than is required by this section. When the commissioners have been so authorized, they shall, in determining the amount of cost-sharing for establishment of a specified soil and water conservation practice to comply with an administrative order issued pursuant to section 467A.47, consider the extent to which the practice will contribute benefits to the public in relation to the benefits that will accrue to the individual owner or occupant of the land on which the practice is to be established. Evidence that an application for public or other cost-sharing funds, from a source or sources having authority to pay a portion of the cost of work needed to comply with an administrative order issued pursuant to section 467A.47, has been submitted to the proper officer or agency shall constitute commencement of such work within the meaning of sections 467A.43 to 467A.53. Upon receiving evidence of the submission of such application, the commissioners shall forward to the officer or agency to which the application was made a written request to receive notification of the disposition of such application. When notified of the approval of such application, the commissioners shall issue to the same parties who received the original administrative order, or their successors in interest, a supplementary order, to be delivered in the same manner as provided by sections 467A.43 to 467A.53 for delivery of original administrative orders. The supplementary order shall state a time, not more than six months after approval of the application for public cost-sharing funds, by which the work needed to comply with the original administrative order shall actually be commenced, and a time thereafter when such work is to be satisfactorily completed. If feasible, that time shall be within one year after the date of the supplementary order, but the owner of land on which a soil and water conservation practice is being established under this section shall not be required to incur a cost therefor in any one calendar year which exceeds ten dollars per acre for each acre of land belonging to that owner and located in the county containing the land on which the required practice is being established or in counties contiguous thereto.

Sec. 10. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. DISCRETIONARY INSPECTION BY COMMISSIONERS--ACTIONS UPON CERTAIN FINDINGS.

1. In addition to the authority granted by section four hundred sixty-seven A point forty-seven (467A.47) of the Code, the commissioners of any

soil conservation district may inspect or cause to be inspected any land within the district on which they have reasonable grounds to believe that soil erosion is occurring in excess of the limits established by the district's soil erosion control regulations. If the commissioners find from an inspection conducted under authority of either section four hundred sixty-seven A point forty-seven (467A.47) of the Code or this section that soil erosion is occurring on that land in excess of the applicable soil loss limits established by the district's soil erosion control regulations, they shall send notice of that finding to the landowner or landowners of record, and to the occupant of the land if known to the commissioners. The notice shall describe the land affected and shall state as nearly as possible the extent to which soil erosion from that land exceeds the applicable soil loss limits.

a. If the commissioners find that the excessive erosion described in the notice is not causing sediment damage to property owned or occupied by any person other than the owner or occupant of the land on which the excessive soil erosion is occurring, and that the rate of the excessive erosion is less than twice the applicable soil loss limit, the notice required by this subsection shall include or be accompanied by information regarding financial or other assistance which the commissioners are able to make available to the owner or occupant of the land to aid in achieving compliance with the applicable soil loss limits.

b. If the commissioners find that the excessive soil erosion described in the notice is not causing sediment damage to property owned or occupied by any person other than the owner or occupant of the land on which it is occurring, but that the erosion is occurring at a rate equal to or greater than twice the applicable soil loss limit, the notice shall so state, shall include or be accompanied by the information required by paragraph a of this subsection, and shall be delivered by personal service or by restricted certified mail to each of the persons to whom the notice is directed. A notice given under this paragraph shall also include or be accompanied by information explaining the provisions of subsection two (2) of this section.

2. Beginning January 1, 1985, or five years after the completion of the conservation folder for a particular farm unit pursuant to section ten (10) of this Act, whichever date is later, the commissioners of the soil conservation district in which that farm unit is located may petition the district court for an appropriate order with respect to that farm unit if its owner or occupant has been sent a notice by the commissioners under subsection one (1), paragraph b of this section for three or more consecutive years. The commissioners' petition shall seek a court order which states a time not more than six months after the date of the order when the owner or occupant must commence, and a time when he or she must complete the steps necessary to comply with the order. The time allowed to complete the establishment of any temporary soil and water conservation practice employed to comply or advance toward compliance with the court's order shall be not more than one year after the date of that order, and the time allowed to complete the establishment of any permanent soil and water conservation practice employed to comply with the court's order shall be not more than

five years after the date of that order. The provisions of section four hundred sixty-seven A point forty-eight (467A.48) of the Code shall apply to a court order issued under this subsection. The steps required of the farm unit owner or operator by the court order shall be those which are necessary to do one of the following:

a. Bring the farm unit which is the subject of the order into compliance with its farm unit soil conservation plan, if such a plan had been agreed upon prior to the time the commissioners petitioned for the order.

b. Bring the farm unit which is the subject of the order into compliance with a plan developed for that farm unit by the commissioners, in accordance with guidelines established by the department of soil conservation, and presented to the court as a part of the commissioners' petition, if a farm unit soil conservation plan has not previously been agreed upon for that farm unit. A plan presented to the court by the commissioners under this paragraph shall specify as many alternative approved soil and water conservation practices as feasible, among which the owner or occupant of the farm unit may choose in taking the steps necessary to comply with the court's order.

c. Bring the farm unit which is the subject of the order into compliance with a soil conservation plan developed by the owner or occupant of that farm unit as an alternative to the proposed soil conservation plan developed by the commissioners, if the owner or occupant so petitions the court and the court finds that the owner or occupant's plan will bring the farm unit into conformity with the applicable soil loss limits of the district.

Sec. 11. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. DUTIES OF COMMISSIONERS AND OF OWNERS AND OCCUPANTS OF AGRICULTURAL LAND--RESTRICTIONS ON USE OF COST-SHARING FUNDS.

1. The commissioners of each soil conservation district shall seek to implement or to assist in implementing the following requirements:

a. Each farm unit shall be furnished a conservation folder by the department of soil conservation, acting through the soil conservation district in which the farm unit is located, not later than January 1, 1985, or as soon thereafter as adequate funding is available to permit completion of a conservation folder for every farm unit in the state. The department shall provide by rule that an updated farm plan prepared for a particular farm unit within ten years prior to the effective date of this subsection shall be considered an adequate replacement for the conservation folder for that farm unit. Upon completion of the conservation folder for a particular farm unit, the district shall send the owner of that farm unit, and also the operator of the farm unit if known by the commissioners to be other than the owner, a letter offering that person or those persons a copy of the folder. The district shall keep a record of the date the folder is completed and the letter is sent. The folder shall be updated from time to time by the district as it deems necessary.

b. The commissioners of each soil conservation district shall complete preparation of a farm unit soil conservation plan for each farm unit within the district, not later than January 1, 1985 or five years after completion

of the conservation folder for that farm unit, whichever date is later, or as soon thereafter as adequate funding is available to permit compliance with this requirement. The commissioners shall make every reasonable effort to consult with the owner and, if appropriate, with the operator of that farm unit, and to prepare the plan in a form which is acceptable to that person or those persons. The plan shall be drawn up and completed without expense to the owner or operator of the farm unit, except that the owner or operator shall not be reimbursed for the value of his or her own time devoted to participation in the preparation of the plan. If the commissioners' plan is unacceptable to the owner or operator of the farm unit, that person or those persons may prepare an alternative farm unit soil conservation plan identifying permanent or temporary soil and water conservation practices which may be expected to achieve compliance with the soil loss limit or limits applicable to that farm unit, and submit that plan to the soil conservation district commissioners for their review.

c. Within one year after completion of a farm unit soil conservation plan for a particular farm unit which is acceptable both to the commissioners of the soil conservation district within which the farm unit is located and to the owner and, if appropriate, to the operator of that farm unit, the commissioners shall offer to enter into a soil conservation agreement with the owner, and also with the operator if appropriate, based on the mutually acceptable farm unit soil conservation plan.

2. State cost-sharing funds shall not be made available for use on a farm unit with respect to which no conservation agreement is in effect by January 1, 1986 or one year after the completion of the farm unit soil conservation plan for that farm unit by the soil conservation district, whichever date is later. The restriction imposed by this subsection shall not apply to any farm unit with respect to which an administrative order or a court order to comply with applicable soil loss limits has been issued as provided by this chapter.

Sec. 12. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. RIGHT OF PURCHASER OF AGRICULTURAL LAND TO OBTAIN INFORMATION. A prospective purchaser of an interest in agricultural land located in this state is entitled to obtain from the seller, or from the office of the soil conservation district in which the land is located, a copy of the most recently updated conservation folder and of any farm unit soil conservation plan, developed pursuant to section eleven (11), subsection one (1), paragraph b of this Act, which are applicable to the agricultural land proposed to be purchased. A prospective purchaser of an interest in agricultural land located in this state shall be entitled to obtain additional copies of either or both of the documents referred to in this subsection from the office of the soil conservation district in which the land is located, promptly upon request, at a fee not to exceed the cost of reproducing them. Each person who identifies himself or herself to the commissioners or staff of a soil conservation district as a prospective purchaser of agricultural land in the district shall be given information, prepared in accordance with rules of the department of soil conservation, which clearly explains the provisions of section fourteen (14) of this Act.

Sec. 13. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. EROSION CONTROL PLANS REQUIRED FOR CERTAIN PROJECTS.

1. When a land disturbing activity is to occur as a part of a project for which a permit is required by a political subdivision which has adopted a building code pursuant to chapter one hundred three A (103A) of the Code or zoning ordinances pursuant to chapter three hundred fifty-eight A (358A) or four hundred fourteen (414) of the Code, the required permit for the project causing the land disturbing activity shall not be issued unless there is on file with the permit issuing authority a soil erosion control plan which covers the proposed project and is approved by the soil conservation district commissioners.

2. For the purposes of this section, "land disturbing activity" means a land change such as the tilling, clearing, grading, excavating, transporting or filling of land which may result in soil erosion from water or wind and the movement of sediment and sediment related pollutants into the waters of the state or onto lands in the state but does not include the following:

- a. Tilling, planting or harvesting of agricultural, horticultural or forest crops.
- b. Preparation for single-family residences separately built unless in conjunction with multiple construction in subdivision development.
- c. Minor activities such as home gardens, landscaping, repairs and maintenance work.
- d. Surface or deep mining.
- e. Installation of public utility lines and connections, fence posts, sign posts, telephone poles, electric poles and other kinds of posts or poles.
- f. Septic tanks and drainage fields unless they are to serve a building whose construction is a land disturbing activity.
- g. Construction and repair of the tracks, right-of-way, bridges, communication facilities and other related structures of a railroad.
- h. Emergency work to protect life or property.
- i. Disturbed land areas of less than ten thousand square feet unless a political subdivision by ordinance establishes a smaller exception or establishes conditions for this exception.
- j. The construction, relocation, alteration or maintenance of public roads.

3. If the permit issuing authority determines that a land disturbing activity is not being conducted in compliance with the soil erosion control plan, the permit issuing authority shall file a written and signed complaint with the soil conservation district commissioners. The complaint shall have the same effect and validity as a complaint filed by an owner or occupant of land being damaged by sediment pursuant to section four hundred sixty-seven A point forty-seven (467A.47) of the Code. The soil conservation district commissioners may issue an administrative order as provided in that section to the person conducting the land disturbing activity.

Sec. 14. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. COST SHARING FOR CERTAIN LANDS RESTRICTED.

1. It is the intent of this Act that, effective January 1, 1981, each tract of agricultural land which has not been plowed or used for growing row crops at any time within fifteen years prior to that date, shall for purposes of this section be considered classified as agricultural land under conservation cover. If any tract of land so classified is thereafter plowed or used for growing row crops, the commissioners of the soil conservation district in which the land is located shall not approve use of state cost-sharing funds for establishing permanent or temporary soil and water conservation practices on that tract of land in an amount greater than one-half the amount of cost-sharing funds which would be available for that land if it were not considered classified as agricultural land under conservation cover. The restriction imposed by this section shall apply even if an administrative order or court order has been issued requiring establishment of soil and water conservation practices on that land. The commissioners may waive the restriction imposed by this section if they determine in advance that the purpose of plowing or row cropping land classified as land under conservation cover is to revitalize permanent pasture and that the land will revert to permanent pasture within two years after it is plowed.

2. When receiving an application for state cost-sharing funds to pay a part of the cost of establishing a permanent or temporary soil and water conservation practice, the commissioners of the soil conservation district to which the application is submitted shall require the applicant to state in writing whether, to the best of the applicant's knowledge, the land on which the proposed practice will be established is land considered to be classified as agricultural land under conservation cover, as defined in subsection one (1) of this section. An applicant who knowingly makes a false statement of material facts or who falsely denies knowledge of material facts in completing the written statement required by this subsection commits a simple misdemeanor and, in addition to the penalty prescribed therefor by law, shall be required to repay to the department of soil conservation any cost-sharing funds made available to the applicant in reliance on the false statement or false denial.

Sec. 15. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. PROCEDURE WHEN COMMISSIONER IS COMPLAINANT. A soil conservation district commissioner who is an owner or occupant of land being damaged by sediment has the same right as any other person in like circumstances to file a complaint under section four hundred sixty-seven A point forty-seven (467A.47) of the Code, however a commissioner who is the complainant shall not vote on the question whether, on the basis of the inspection made pursuant to the complaint, the commissioners shall issue an administrative order under section four hundred sixty-seven A point forty-seven (467A.47) of the Code.

Sec. 16. The first review of soil loss limit regulations which have been adopted by soil conservation districts in the state, conducted pursuant to section four hundred sixty-seven A point forty-four (467A.44) of the Code as amended by section eight (8) of this Act, shall be completed by the state soil conservation committee not later than December 31, 1980.

Sec. 17. As soon as reasonably possible after July 1, 1980, the commissioners of each soil conservation district in the state shall publish, in a newspaper of general circulation in the district, a notice advising owners and operators of agricultural land in the district of the provisions of section fourteen (14) of this Act. The notice shall be drawn up in accordance with rules of the department of soil conservation.

Sec. 18. Sections one (1) through seven (7) and nine (9) through fifteen (15) of this Act are effective January first following its enactment.

Approved May 22, 1980

CHAPTER 1154
CONSERVANCY DISTRICT DIRECTORS
S. F. 2357

AN ACT relating to the composition and powers of conservancy district boards of directors, and adjusting the statutory boundaries of certain conservancy districts.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section four hundred sixty-seven D point four (467D.4), Code 1979, is amended to read as follows:

467D.4 GOVERNING BODY. The governing body of each conservancy district shall be one of the following:

1. The state soil conservation committee established by section 467A.4.
2. A board of not less than five nor more than nine members elected from conservancy district wards established under section four hundred sixty-seven D point five (467D.5) of the Code. Conservancy district board members so elected shall be reimbursed for travel and other actual and necessary expenses incurred in performing their duties. The member of the state soil conservation committee appointed from that conservancy district is an ex officio nonvoting member of the district board of directors.

Sec. 2. Section four hundred sixty-seven D point five (467D.5), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

467D.5 ELECTION OF CONSERVANCY DISTRICT BOARD.

1. The state soil conservation committee acting in its capacity as a conservancy district board may propose division of a conservancy district, currently being governed by the state soil conservation committee under subsection one (1) of section four hundred sixty-seven D point four (467D.4) of the Code, into not less than five nor more than nine wards. Ward boundaries shall coincide with county boundaries, except that each ward shall lie entirely within the conservancy district of which it is a part. Each ward shall be composed of contiguous territory and shall be drawn with