

CHAPTER 1192
COST OF SOIL CONSERVATION PRACTICES
H.F. 2167

AN ACT relating to the cost of permanent soil and water conservation practices constructed under administrative order with public cost-sharing funds.

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

Section 1. Section 467A.48, Code 1983, is amended to read as follows:

467A.48 APPLICATION FOR PUBLIC COST-SHARING FUNDS.

1. ~~No~~ An owner or occupant of land in this state ~~shall be~~ is not 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~~ that land and actually made available to the owner or occupant ~~in an amount equal to at least~~. The amount of cost-sharing funds made available shall not exceed seventy-five percent of the estimated cost as established by the commissioners of any a permanent soil and water conservation practice, or seventy-five percent of the actual cost, whichever is less, or an amount set by the state soil conservation committee for any a temporary soil and water conservation practice, except as otherwise provided by law with respect to land classified as agricultural land under conservation cover. The commissioners shall establish the estimated cost of permanent soil and water conservation practices in the district based upon one and two-tenths of the average cost of the practices installed in the district during the previous year. The average costs shall be reviewed and approved by the commissioners each calendar year.

2. The state soil conservation committee shall review these requirements 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~~ constitutes commencement of ~~such~~ the work within the meaning of sections 467A.43 to 467A.53.

3. Upon receiving evidence of the submission of ~~such~~ an 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~~ the application. When notified of the approval of ~~such~~ the 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~~ the 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~~ is not be required to incur a cost ~~therefor~~ for the practice 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~~ to that county.

Approved May 4, 1984

CHAPTER 1193
POSTCONVICTION PROCEDURES
H.F. 582

AN ACT relating to the postconviction procedure Act.

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

Section 1. Section 663A.3, Code 1983, is amended to read as follows:

663A.3 HOW TO COMMENCE PROCEEDING. A proceeding is commenced by filing an application verified by the applicant with the clerk of the court in which the conviction or sentence took place. However, if the applicant is seeking relief under section 663A.2, subsection 6, the application shall be filed with the clerk of the court of the county in which the applicant is being confined. An application may must be filed at any time within three years from the date the conviction or decision is final or, in the event of an appeal, from the date the writ of procedendo is issued. However, this limitation does not apply to a ground of fact or law that could not have been raised within the applicable time period. Facts within the personal knowledge of the applicant and the authenticity of all documents and exhibits included in or attached to the application must be sworn to affirmatively as true and correct. The supreme court may prescribe the form of the application and verification. The clerk shall docket the application upon its receipt and promptly bring it to the attention of the court and deliver a copy to the county attorney and the attorney general.

Approved May 4, 1984