

February 23, 1955.
Passed on File.

Senate File 349
By AGRICULTURE COMMITTEE.

Passed Senate, Date *March 23, 1955*
Vote: Ayes *47* Nays *0*
Passed House, Date.....
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act relating to powers of soil conservation districts and commissioners; authorizing the establishment of subdistricts within a soil conservation district and authorizing and providing for a special tax on all real estate within the boundaries of a subdistrict for the purpose of carrying out watershed protection and flood prevention programs within the subdistricts.

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

1 Section 1. Section four hundred sixty-seven A point two
2 (467A.2), Code 1954, is hereby amended by inserting after the
3 word "erosion" in line five (5) thereof the following:
4 "and for the prevention of erosion, floodwater, and
5 sediment damages."

1 Sec. 2. Section four hundred sixty-seven A point seven
2 (467A.7), Code 1954, is hereby amended as follows:

3 1. By inserting after the word "erosion" in lines two (2)
4 and three (3) of subsection one (1) thereof the following:
5 "and erosion, floodwater, and sediment damages".

6 2. By inserting after the word "and" in line seven (7)
7 of subsection four (4) the following:

8 ", watershed protection and flood".

9 3. By inserting after the word "erosion" in line nine (9)
10 of subsection six (6) the following:
11 "and for the prevention of erosion, floodwater, and sediment
12 damages,".

13 4. By inserting after the word "erosion" in line three (3)
14 of subsection eight (8) the following:
15 "and for the prevention of erosion, floodwater, and sediment
16 damages,".

1 Sec. 3. That chapter four hundred sixty-seven A (467A),
2 Code 1954, be amended by adding thereto the following sections:

3 "1. Subdistricts of a soil conservation district may be
4 formed as hereinafter provided for the purpose of carrying out
5 watershed protection and flood prevention programs within the
6 subdistrict.

7 "2. When a majority of the landowners in a proposed sub-
8 district desire that a subdistrict be organized, they shall
9 file a petition with the commissioners of the soil conservation
10 district. The area must be contiguous and in the same watershed.
11 The petition shall set forth an intelligible description by
12 congressional subdivision, or otherwise, of the land suggested
13 for inclusion in the subdistrict. The petition shall contain
14 a brief statement giving the reasons for organization, request-
15 ing that the proposed area be organized as a subdistrict and
16 must be signed by a majority of the landowners in the proposed
17 subdistrict. Land already in one subdistrict cannot be included
18 in another. The soil conservation district commissioners shall

19 review such petition and if found adequate shall arrange for a
20 hearing thereon.

21 "3. Within thirty days after such petition has been filed
22 with the soil district commissioners, they shall fix a date,
23 hour, and place for a hearing thereon and direct the secretary
24 to cause notice to be given to the owners of each tract of
25 land, or lot, within the proposed subdistrict as shown by the
26 transfer books of the auditor's office, and to each lien
27 holder, or encumbrancer, of any such lands as shown by the
28 county records, and to all other persons whom it may concern,
29 and without naming individuals all actual occupants of land
30 in the proposed subdistrict, of the pendency and prayer of
31 said petition and that all objections to establishment of said
32 subdistrict for any reason must be made in writing and filed
33 with the secretary of the soil conservation district at, or
34 before, the time set for hearing. The soil conservation district
35 commissioners shall consider and determine whether the operation
36 of the subdistrict within the defined boundaries as proposed
37 is desirable, practicable, feasible, and of necessity in the
38 interest of health, safety, and public welfare. All interested
39 parties shall have a right to attend such hearing and to be
40 heard. The soil district commissioners may for good cause
41 adjourn the hearing to a day certain which shall be announced
42 at the time of adjournment and made a matter of record. If the
43 soil district commissioners determine that the petition meets
44 the requirements set forth herein and in section 467A.5, they

45 shall declare that the subdistrict is duly organized and shall
46 record such action in their official minutes together with an
47 appropriate official name, or designation for the subdistrict.

48 "4. The notice of hearing on the formation of a subdistrict
49 shall be by publication once each week for two consecutive
50 weeks in some newspaper of general circulation published in the
51 county (or district) the last of which shall be not less than
52 ten days prior to the day set for the hearing on the petition.
53 Proof of such service shall be made by affidavit of the publisher,
54 and be on file with secretary of the district at the time the
55 hearing begins.

56 "5. If the proposed subdistrict lies in more than one soil
57 conservation district, the petition may be presented to the
58 commissioners of any one of such districts, and the commissioners
59 of all such districts shall act jointly as a board of commissioners
60 with respect to all matters concerning such subdistrict, including
61 its formation. They shall organize as a single board for such
62 purposes and shall designate its chairman, vice-chairman, and
63 secretary-treasurer to serve for terms of one year. Such a
64 subdistrict shall be formed in the same manner and shall have
65 the same powers and duties as a subdistrict formed in one soil
66 conservation district.

67 "6. Following the entry in the official minutes of the soil
68 district commissioners of the creation of the subdistrict, the
69 commissioners shall certify this fact on a separate form,
70 authentic copies of which shall be recorded with the county

71 clerk of each county in which any portion of the subdistrict
72 lies, and with the state soil conservation committee

73 "7. The commissioners of a soil conservation district in
74 which the subdistrict is formed shall be the governing body of
75 the subdistrict. They may appoint three trustees living within
76 the subdistrict to assist with the administration of the subdis-
77 trict. When a subdistrict lies in more than one soil conservation
78 district, the combined board of commissioners shall be the
79 governing body.

80 "8. A subdistrict shall have all the powers of a soil
81 conservation district and in addition thereto the authority to
82 impose a special tax as hereinafter provided, the proceeds
83 of which shall be used for construction, operation and main-
84 tenance of works of improvement within its boundaries and for
85 general purposes of the subdistrict. On or before July 10 of
86 each year its governing body shall make an estimate of the
87 amount it deems necessary to be raised by such special tax for
88 the ensuing year and transmit said estimate in dollars to the
89 board of supervisors of the county in which the subdistrict
90 lies.

91 If portions of the subdistrict are in more than one county,
92 then the governing body, as hereinbefore designated in such
93 events, after arriving at the estimate in dollars deemed neces-
94 sary for the entire subdistrict shall ratably apportion such
95 amount between the counties and transmit and certify the
96 prorated portion to the respective boards of supervisors of

97 each of the counties.

98 The board or boards of supervisors shall upon receipt of
 99 certification from the governing body of the subdistrict make
 100 the necessary millage levy on the assessed valuation of all
 101 real estate within the boundaries of the subdistrict lying
 102 within their respective county to raise said amounts, but in
 103 no event to exceed eight mills.

104 The special tax so levied shall be collected in the same
 105 manner as other taxes with the proceeds therefrom to be kept in
 106 a separate account by the appropriate county treasurer or
 107 treasurers identified by the official name of the subdistrict
 108 and expenditures therefrom shall be made on requisition of the
 109 chairman and secretary of the governing body of the subdistrict.

1 Amend Senate File 349, Section three (3), subsection eight (8),
 2 line twenty-six (26) by striking the word "four" and inserting
 3 the word "two".

Offered and lost
 March 24, 1955.

LUCKEN of Plymouth.

1 Amend Senate File 349 by striking lines 1 and 2 of section 6
 2 and inserting in lieu thereof the following: "Sec. 3. Chapter
 3 four hundred sixty-seven A (467A), Code 1954, is amended by
 4 adding thereto the following sections:".

Filed
 March 22, 1955.

By WORMLEY.

1 Amend Senate File 349 as follows.

2 1. Amend section 3 by striking the period after the word "sub-
3 district" in line 6 thereof and adding "but may not be formed
4 solely for the purpose of establishing or taking over the opera-
5 tion of an existing drainage district."

6 2. (a) Amend section 3 by striking from line 7 the words "a
majority
7 of".

8 (b) Further amend section 3 by striking from line 16 the words
9 "a majority" and inserting in lieu thereof the words and figures
10 "sixty-five percent (65%)".

11 3. Amend section 3 by striking the period after the word "water-
shed
12 in line 10 thereof and adding "but in no event shall it include
13 any area located within the boundaries of an incorporated city
14 or town."

15 4. Amend section 3 by striking from line 71 the word "clerk" and
16 inserting in lieu thereof the word "recorder".

17 5. Amend section 3 by striking everything after the period in
18 line 75 and all of lines 76, 77, 78, and 79 and inserting in lieu
19 thereof the following: "When a subdistrict lies in more than
20 one soil conservation district, the combined board of commissioners
21 shall be the governing body. The governing body of the subdistrict
22 shall appoint three trustees living within the subdistrict to
23 assist with the administration of the subdistrict."

24 6. Amend section 3 by striking all of lines 80, 81, 82, 83, 84,
25 and the words "general purposes of the subdistrict" in line 85 and
26 inserting in lieu thereof the following: "8. After obtaining
27 agreements to carry out recommended soil conservation measures
28 and proper farm plans from owners of not less than fifty percent
(50%)

29 of the lands situated in the subdistrict, a district shall have
30 the authority to impose a special annual tax for a period of
31 five (5) years as hereinafter provided, the proceeds of which shall
32 be used for repair, alteration, maintenance and operation of the
33 present and future works of improvement within its boundaries.
34 This authority to impose an annual tax may be extended for five (5)
35 year periods by petition of sixty-five percent (65%) of the
36 landowners in the subdistrict".

37 7. Amend section 3 by striking from line 99 the word "subdistrict"
38 and inserting in lieu thereof the word "district".

39 8. Amend section 3 by striking from line 103 the word "eight"
40 and inserting in lieu thereof the word and figure "four (4)".

41 9. Amend Senate File 349 by adding the following new section as
42 the last section: "This Act being of immediate importance shall
43 be in force and effect immediately upon its passage and publication
44 in the Malvern Leader, a newspaper published at Malvern, Iowa,
45 and the Newton Daily News, a newspaper published at Newton,
Iowa."

Filed
March 22, 1955.

By WORMLEY and WASHBURN

1 Amend the Wormley and Washburn amendment to Senate File 349
2 filed March 22 by striking the words "for a period of five (5)
3 years as hereinafter provided" in lines 30 and 31 and all of
4 lines 34, 35, and 36.

Filed and adopted
March 23, 1955.

By WORMLEY.