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State Govt. 4/1

SENATE FILE

451

By GAUDINEER

Passed Senate, Date _____ Passed House, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act relating to the reorganization of the Iowa state con-
 2 servation commission, Iowa natural resources council, Iowa
 3 state soil conservation commission, Iowa state geologist,
 4 geological board, and the Iowa state advisory board for
 5 preserves; and to establish a department of natural resource
 6 management.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. There is established a department of natural
2 resource management which shall protect, conserve, regulate
3 the use and enjoyment of, and enhance the natural resources
4 of the state of Iowa to include, but not limited to, wild-
5 life, fish, game, fowl, forests, parks, preserves, water,
6 recreational areas, soil, gas, oil, rock, limestone, minerals,
7 and all other things developed by nature in its raw state.
8 This department shall regulate, administer, and control all
9 matters related to the protection, conservation, use, deple-
10 tion, and enhancement of natural resources. This department
11 shall provide for the reclamation of areas made unproductive
12 or unusable by misuse, disaster, or by the natural processes
13 of nature and shall regulate, administer, and control the
14 private and public use and exploitation of consumable natural
15 resources. The powers, duties, and authority of the Iowa
16 water pollution control commission and Iowa air pollution
17 control commission shall be outside the scope of this depart-
18 ment except as hereinafter provided.

19 Sec. 2. The department of natural resource management
20 shall be under the administrative control and supervision
21 of a commissioner who shall be appointed by the governor and
22 confirmed by a two-thirds vote of the senate and shall serve
23 at the pleasure of the governor. The commissioner's annual
24 compensation shall be set by the governor and approved by
25 the merit employment commission. If a vacancy occurs while
26 the general assembly is not in session, the appointment shall
27 be reported to the senate within sixty days of its convening
28 at its next regular session. The commissioner shall be se-
29 lected for his training, experience, and ability as an ad-
30 ministrator. He shall not be selected on the basis of his po-
31 litical affiliation, and he shall not engage in political
32 activities nor hold a position in any political party while
33 he is commissioner.

34 Sec. 3. The commissioner shall:

35 1. Direct, supervise, and control the daily administra-

- 1 tive responsibilities of the department and its various di-
2 visions.
- 3 2. Coordinate the duties, powers, functions, and respon-
4 sibilities of the various departments and eliminate duplica-
5 tion wherever possible.
- 6 3. Assign duties, powers, functions, and responsibilities
7 to the proper division if the assignment is not otherwise
8 made by law.
- 9 4. Grant permits provided for under this Act.
- 10 5. Promulgate rules and regulations pursuant to chapter
11 seventeen A (17A) of the Code for the implementation of ad-
12 ministrative control and supervision of the department.
- 13 6. Provide for the dissemination of information pertain-
14 ing to all programs, functions, and responsibilities of this
15 department and the Iowa water pollution control commission
16 and the Iowa air pollution control commission.
- 17 7. Provide for research and studies of methods to protect,
18 control, preserve, regulate, and enhance all of the natural
19 resources of the state and, after receiving the advice of
20 the various divisions, prepare, adopt, and publish a compre-
21 hensive five-year program for the regulation, control, con-
22 servation, use, enjoyment, and enhancement of the natural
23 resources of the state of Iowa. The program shall be revised
24 and republished at least once each year, prior to December
25 first, in order to have a continuing five-year program. The
26 program shall set forth the anticipated revenues and addi-
27 tional moneys needed to carry out the duties, programs, and
28 responsibilities of each division for each year of the five-
29 year program. It shall include a projection of capital im-
30 provements needed and the anticipated cost of each ranked
31 in order of priority, by division, for each such year. There
32 shall be included with each capital improvement a comprehen-
33 sive breakdown of the money needed to acquire any land, water,
34 or other matter; money needed to fully develop the capital
35 improvement; and the money needed to adequately maintain and

1 operate the improvement. Periodic reevaluation shall be con-
2 ducted in order to allow proper revision of estimates of
3 future needs to conform to the accessibility of the capital
4 improvements by the people of Iowa. The comprehensive pro-
5 gram shall contain other reports, data, and estimates which
6 the commissioner deems important. The commissioner shall
7 further publish annually a sufficiency rating report showing
8 the relative conditions of all real property, bodies of water,
9 and capital improvements under the department's jurisdiction.
10 The comprehensive program shall be reviewed by the councils
11 of the various divisions as the program affects their divi-
12 sion. If any such council shall disagree with anything con-
13 tained in the program, the council shall, by February first
14 of the following year, report and fully explain, in writing,
15 its disagreements directly to each member of the general as-
16 sembly.

17 8. Create, appoint, and abolish any advisory committees
18 which he may deem necessary to advise the department or any
19 division not otherwise provided by law.

20 9. Receive and review the budget and capital improvement
21 recommendations of the various directors and the councils
22 of the divisions; and prepare, adopt, and present the depart-
23 mental budget to the governor.

24 10. Perform other duties and make other reports as di-
25 rected by the governor.

26 Sec. 4. The department of natural resource management
27 shall be organized into the divisions of recreation, fish,
28 and game; soil conservation; natural resources; and admin-
29 istration. Each division shall be in charge of a director
30 selected pursuant to the merit system and qualified by train-
31 ing, education, and experience relative to the duties, func-
32 tions, responsibilities, and programs of his respective di-
33 vision. All employees necessary to carry out the purposes
34 of this Act shall be employed or shall retain current employ-
35 ment in compliance with chapter nineteen A (19A) of the Code.

1 Sec. 5. The division of recreation, fish, and game shall
2 administer and enforce the laws of the state of Iowa and rules
3 and regulations of the council hereinafter created pertaining
4 to wildlife, fish, game, fowl, forests, parks, preserves,
5 waters, and other recreational areas. This division shall
6 perform other duties which are assigned by the commissioner.

7 1. There is created within the division of recreation,
8 fish, and game, a council consisting of five members which
9 shall promulgate rules and regulations to implement and en-
10 force the laws of the state of Iowa pertaining to the natural
11 resources within the jurisdiction of this division and per-
12 form other duties as assigned by law. The council shall re-
13 view and approve the budget and capital improvement recom-
14 mendations submitted by the director and inform the commis-
15 sioner of its recommendations.

16 2. Each member of the council shall be appointed by the
17 governor and confirmed by a two-thirds vote of the senate
18 for a term of four years. Initially, the governor shall ap-
19 point and designate one member to serve until June 30, 1973;
20 two members to serve until June 30, 1975; and two members
21 to serve until June 30, 1977. Each term shall commence on
22 July first of the year of appointment, except the initial
23 terms shall commence on the effective date of this Act.

24 3. All members of the council shall be electors of the
25 state of Iowa. No more than three members shall belong to
26 the same political party and no two members shall, at the
27 time of appointment, reside in the same congressional dis-
28 trict. Vacancies occurring in office shall be filled in the
29 same manner as the original appointment for the balance of
30 the unexpired term and the appointments shall be reported
31 to the senate for confirmation within sixty days of conven-
32 ing at its next regular session. The council shall elect
33 one of its members chairman and one of its members vice-
34 chairman to serve for a term of one year from July first of
35 each year.

1 4. The council shall meet four times each year. Special
2 meetings may be called by the chairman and shall be called
3 upon written request sent to the chairman by any three mem-
4 bers of the council. The chairman shall preside at all meet-
5 ings, except that in his absence, the vice-chairman shall
6 preside. The members shall receive twenty-five dollars per
7 day while in attendance at the meetings, ten cents per mile
8 for travel, and all other reasonable and necessary expenses
9 incurred while attending the meetings. The per diem compen-
10 sation shall not exceed eight hundred dollars per year.

11 Sec. 6. The division of soil conservation shall adminis-
12 ter and enforce the laws of the state of Iowa and rules and
13 regulations pertaining to the control, protection, conserva-
14 tion, and enhancement of the soil resources of the state of
15 Iowa. This division shall perform other duties which are
16 assigned by the commissioner.

17 1. There is created within the division of soil conser-
18 vation a council consisting of five members which shall
19 promulgate necessary rules and regulations to implement and
20 enforce the laws of the state of Iowa pertaining to the soil
21 resources within the jurisdiction of this division and per-
22 form other duties as assigned by law. The council shall re-
23 view and approve the budget and capital improvement recom-
24 mendations submitted by the director and inform the commis-
25 sioner of its recommendations.

26 2. Each member of the council shall be appointed by the
27 governor and confirmed by a two-thirds vote of the senate
28 for a term of four years. Initially the governor shall ap-
29 point and designate one member to serve until June 30, 1973;
30 two members to serve until June 30, 1975; and two members
31 to serve until June 30, 1977. Each term shall commence on
32 July first of the year of appointment, except the initial
33 term shall commence on the effective date of this Act.

34 3. All members of the council shall be electors of the
35 state of Iowa. No more than three members shall belong to

1 the same political party and no two members shall, at the
 2 time of appointment, reside in the same congressional dis-
 3 trict. At least three members of this council shall actively
 4 spend at least fifty percent of their time farming or have
 5 spent this time farming prior to their retirement. Vacan-
 6 cies occurring in office shall be filled in the same manner
 7 as the original appointment for the balance of the unexpired
 8 term, and appointments shall be reported to the senate for
 9 confirmation within sixty days of convening at its next regular
 10 session. The council shall elect one of its members chairman
 11 and one of its members vice-chairman to serve for a term of
 12 one year from July first of each year.

13 4. The council shall meet four times each year. Special
 14 meetings may be called by the chairman and shall be called
 15 upon written request sent to the chairman by any three mem-
 16 bers thereof. The chairman shall preside at all meetings,
 17 except that in his absence, the vice-chairman shall preside.
 18 The members shall receive twenty-five dollars per day while
 19 in attendance at the meetings, ten cents per mile for travel,
 20 and all other reasonable and necessary expenses incurred while
 21 attending the meetings. The per diem compensation shall not
 22 exceed eight hundred dollars per year.

23 5. This council may enter into and participate in the
 24 interstate cooperation authority pertaining to soil conser-
 25 vation. The council may also designate and select, by a
 26 majority vote, any advisory members, who shall be nonvoting
 27 members, which the council deems appropriate. The council
 28 shall by a majority vote allocate to the individual soil con-
 29 servation districts their individual share of any appropria-
 30 tion by the general assembly.

31 Sec. 7. The division of natural resources shall adminis-
 32 ter, regulate, control, and enforce the laws of the state
 33 of Iowa and rules and regulations pertaining to a comprehen-
 34 sive statewide program for the control, utilization, and pro-
 35 tection of the surface and ground water resources of the state

1 and oil, gas, mineral, rock, and limestone wealth of the state
2 of Iowa. The state geologist and geological survey shall
3 be within this division. This division shall perform such
4 duties which are assigned by the commissioner.

5 1. There is created within the division of natural re-
6 sources a council consisting of seven members which shall
7 determine policy and promulgate rules and regulations to im-
8 plement and enforce the laws of the state of Iowa pertaining
9 to the natural resources within the jurisdiction of this di-
10 vision and shall perform other duties as assigned by law.
11 The council shall review and approve the budget and capital
12 improvement recommendations submitted by the director and
13 inform the commissioner of its recommendations. The coun-
14 cil shall be known as the Iowa natural resources council.

15 2. Each member of the council shall be appointed by the
16 governor and confirmed by a two-thirds vote of the senate
17 for a term of four years. Initially the governor shall ap-
18 point and designate two members to serve until June 30, 1973;
19 two members to serve until June 30, 1975; and three members
20 to serve until June 30, 1977. Each term shall commence on
21 July first of the year of appointment, except the initial
22 term shall commence on the effective date of this Act.

23 3. All members of the council shall be electors of the
24 state of Iowa and shall be selected from the state at large
25 solely with regard to their qualifications and fitness to
26 discharge the duties of office without regard to their po-
27 litical affiliation. Vacancies occurring in office shall
28 be filled in the same manner as the original appointment for
29 the balance of the unexpired term, and the appointments shall
30 be reported to the senate for confirmation within sixty days
31 of convening at its next regular session. The council shall
32 elect one of its members as chairman and one of its members
33 as vice-chairman to serve for a term of one year from July
34 first of each year.

35 4. Meetings may be called by the chairman and shall be

1 called by the chairman on the request of four members of the
2 council. A majority of the council shall constitute a quorum;
3 however, the concurrence of a majority of the council in any
4 matter within their jurisdiction shall be required for its
5 determination. A public hearing on any matter within the
6 council's jurisdiction may be conducted by less than a major-
7 ity of the council or by an employee designated by the coun-
8 cil. The council shall adopt rules and regulations which
9 it may deem necessary to transact its business and for the
10 administration and exercise of its powers and duties. The
11 members shall receive twenty-five dollars per day while in
12 attendance at the meetings, ten cents per mile for travel,
13 and all other reasonable and necessary expenses incurred while
14 attending the meetings. The per diem compensation shall not
15 exceed two thousand five hundred dollars per year.

16 5. The council shall also prepare, adopt, and establish
17 an appropriate comprehensive statewide program for the con-
18 trol, utilization, and protection of the surface and ground
19 water resources of the state and the gas, oil, mineral, rock,
20 and limestone wealth of the state of Iowa to insure that life
21 and property are protected from floods and that the natural
22 resources under the jurisdiction of this division are de-
23 veloped, protected, conserved, regulated, and enhanced. The
24 comprehensive program shall be part of, compatible with, pro-
25 vide for the implementation of, and conform to, the general
26 requirements of the departmental comprehensive program.

27 Sec. 8. The division of administration shall prepare the
28 budget of the department as directed by the commissioner after
29 receiving the advice of the directors of each division and
30 any recommendations of their respective councils. The budget
31 shall include the moneys needed for all capital improvements
32 under the jurisdiction of the department; moneys needed to
33 complete acquisition of any land, water and other matter
34 needed; moneys needed to develop or complete the development
35 of any improvement; and moneys needed to adequately maintain

1 and operate the improvement. The division shall maintain
2 all necessary books of accounts for the department and estab-
3 lish, maintain, supervise, and administer a uniform system
4 of fiscal control for the department that has been approved
5 by the state comptroller. The division shall pre-audit all
6 payments and maintain a central control list of equipment
7 in the department and the location of all equipment. The
8 division shall carry out other duties which are assigned by
9 the commissioner.

10 Sec. 9. In the event the councils within any division
11 shall determine that their policies, rules, and regulations
12 are not being followed or enforced by their division, the
13 council shall report the noncompliance or failure of enforce-
14 ment to the commissioner, and in the event the commissioner
15 does not take corrective action, directly to the governor.

16 Sec. 10. The governor shall appoint the councils within
17 the respective divisions and designate the initial terms of
18 the members prior to January 1, 1972. The commissioner of
19 the department of natural resource management shall be ap-
20 pointed as soon as practical after the effective date of this
21 Act. The governor may, after January 1, 1972 and the appoint-
22 ment of the commissioner, provide for the transfer by execu-
23 tive order of the powers, duties, functions, and responsibil-
24 ities of the Iowa state conservation commission, the Iowa
25 natural resources council, the Iowa state soil conservation
26 committee, the state geological board, and the state advisory
27 board for preserves, or any one or more thereof, to the de-
28 partment of natural resource management. The governor shall
29 provide that at the time of the transfer the affected board,
30 commission, committee, or council shall stand abolished and
31 the members thereof entitled to no further compensation.
32 In any event all powers, duties, responsibilities, and func-
33 tions not so transferred shall be transferred by operation
34 of law as of July 1, 1972, and thereafter all affected boards,
35 commissions, committees, and councils shall stand abolished

1 and the members thereof entitled to no further compensation.

2 Sec. 11. All powers exercised by the Iowa state conser-
3 vation commission, the Iowa natural resources council, the
4 state soil conservation committee, the state geological board,
5 and the state advisory board for preserves, are transferred
6 to the department of natural resource management either upon
7 the effective date of the executive order of the governor
8 or upon the effective date of this Act, whichever event first
9 occurs.

10 Sec. 12. Section one point six (1.6), Code 1971, is amended
11 as follows:

12 1.6 CONDITIONS. Any acquisition by the government of
13 the United States of land and water, or of land or water,
14 under section 1.5 shall be first approved by the ~~state-con-~~
15 ~~servation-commission, by the state-conservation-director-of~~
16 this-state, council of the division of recreation, fish, and
17 game of the department of natural resource management and
18 the executive council.

19 Sec. 13. Section one point eleven (1.11), Code 1971, is
20 amended as follows:

21 1.11 EFFIGY MOUNDS NATIONAL MONUMENT. The executive
22 council may, upon a majority recommendation of the ~~conser-~~
23 ~~vation-commission~~ council of the division of recreation, fish,
24 and game of the department of natural resource management,
25 convey to the United States as a gift and in the manner
26 provided by section 111.33, two hundred and four and thirty-
27 nine hundredths acres, more or less, located within the
28 boundaries of Effigy Mounds National Monument as established
29 by presidential proclamation number 2860, of October 25, 1949,
30 in Allamakee and Clayton counties in the state of Iowa, and
31 in section ten of township ninety-five, range three west of
32 the fifth principal meridian and in sections twenty-seven
33 and thirty-three township ninety-six range three west of
34 the fifth principal meridian.

35 Sec. 14. Section eight point thirty-two (8.32), unnum-

1 bered paragraph two (2), Code 1971, is amended as follows:

2 Provided, that such receipts or collections shall be de-
3 posited in the state treasury as part of the general fund
4 or special funds in all cases, except those collections made
5 by the state fair board, the institutions under the state board
6 of regents and the state-conservation-commission council of
7 the division of recreation, fish, and game of the department
8 of natural resource management.

9 Sec. 15. Section nineteen point twenty-five (19.25), sub-
10 section thirty-six (36), Code 1971, is amended as follows:

11 36. State-conservation-commission Department of natural
12 resource management.

13 Sec. 16. Section twenty point one (20.1), Code 1971, is
14 amended as follows:

15 20.1 BOARD CREATED. A state war surplus commodities board
16 is hereby created and established hereinafter referred to
17 as the "board", to consist of the commissioner of the depart-
18 ment of social services or any division director assigned
19 by him, a member of the state board of regents, a member of
20 the Iowa state highway commission, a member of the executive
21 council of the state, a-member the commissioner of the con-
22 servation-commission-of-the-state department of natural re-
23 source management, the commissioner of the Iowa state depart-
24 ment of health, a member of the department of public instruc-
25 tion, a member of the Iowa development commission, and the
26 chairman of the budget and financial control committee se-
27 lected by the budget and financial control committee of each
28 general assembly.

29 Sec. 17. Section twenty-seven A point two (27A.2), Code
30 1971, is amended as follows:

31 27A.2 MEMBERSHIP OF COMMISSION. The director-of-the-iowa
32 state-conservation-commission commissioner of the state depart-
33 ment of natural resource management shall be a permanent
34 member from Iowa of the upper Mississippi riverway commission
35 and may designate an alternate in accordance with article

1 IV "a" of the compact. The governor shall appoint the three
 2 remaining members from Iowa of the commission. Such members
 3 may also be members of another board or commission established
 4 by law. The appointment of the remaining three members shall
 5 be confirmed by a two-thirds vote of the senate. Vacancies
 6 occurring while the general assembly is not in session shall
 7 be filled by appointment of the governor and submitted to
 8 the senate for confirmation as herein provided, within thirty
 9 days of convening of the next regular session of the general
 10 assembly. The members so appointed shall serve for a period
 11 of four years, except that for the initial appointments, the
 12 governor shall appoint one member to serve until June 30,
 13 1969, one member to serve until June 30, 1970, and one member
 14 to serve until June 30, 1971. Commission members from this
 15 state shall, upon certification by the comptroller, be re-
 16 imbursed for the actual and necessary expenses incurred by
 17 them in the discharge of their duties.

18 Sec. 18. Section sixty-four point six (64.6), subsections
 19 fourteen (14) and fifteen (15), Code 1971, are amended as
 20 follows:

21 14. Members state-conservation-commission of the councils
 22 of the divisions of the department of natural resource man-
 23 agement, five thousand dollars.

24 15. State-conservation-director Directors of the divi-
 25 sions of the department of natural resource management, ten
 26 thousand dollars.

27 Sec. 19. Section sixty-eight B point two (68B.2), subsec-
 28 tion four (4), Code 1971, is amended as follows:

29 4. "Regulatory agency" means department of agriculture,
 30 industrial commissioner, bureau of labor, employment security
 31 commission, department of banking, insurance department, de-
 32 partment of health, department of public safety, department
 33 of public instruction, board of regents, department of social
 34 services, state department of revenue, department of mines
 35 and minerals, commerce commission, liquor control commission,

1 board of pharmacy examiners, ~~state-conservation-commission~~
2 department of natural resource management, aeronautics com-
3 mission, state highway commission, civil rights commission,
4 soil conservation committee, public defense, and natural re-
5 sources council.

6 Sec. 20. Chapter eighty-four (84), Code 1971, is amended
7 by adding the following new section:

8 "The department of natural resource management shall issue
9 all permits and orders authorized by the council through the
10 central agency established for that purpose."

11 Sec. 21. Section one hundred six point two (106.2), sub-
12 section four (4), Code 1971, is amended as follows:

13 4. "Waters of this state under the jurisdiction of the
14 ~~state-conservation-commission~~ department of natural resource
15 management" means any navigable waters within the territorial
16 limits of this state, and the marginal river areas adjacent
17 to this state, exempting only farm ponds, privately owned
18 lakes and waters specifically delegated to local authorities.

19 Sec. 22. Section one hundred six point two (106.2), Code
20 1971, is amended by striking subsection eleven (11) and in-
21 serting in lieu thereof the following:

22 11. "Director" or "state director" means the director
23 of the division of recreation, fish, and game of the depart-
24 ment of natural resource management.

25 Sec. 23. Section one hundred six point two (106.2), Code
26 1971, is amended by adding the following new subsection:

27 "'Council' means the council of the division of recreation,
28 fish, and game of the department of natural resource manage-
29 ment."

30 Sec. 24. Section one hundred six point twelve (106.12),
31 subsection four (4), Code 1971, is amended as follows:

32 4. No person shall operate on the waters of this state
33 under the jurisdiction of the ~~conservation commission~~ de-
34 partment of natural resource management any vessel displaying
35 or reflecting a blue light or flashing blue light unless such

1 vessel is an authorized emergency vessel.

2 Sec. 25. Section one hundred six point sixteen (106.16),
3 subsection one (1), Code 1971, is amended as follows:

4 1. The commission director may authorize the holding
5 of regattas, motorboat or other boat races, marine parades,
6 tournaments or exhibitions on any waters of this state under
7 the jurisdiction of the commission department of natural
8 resource management. The commission council shall adopt and
9 may, from time to time, amend regulations concerning the
10 safety of vessels and persons, either observers or
11 participants. If a regatta, motorboat or other boat race,
12 marine parade, tournament or exhibition is proposed to be
13 held, the person in charge thereof shall file an application
14 with the commission director for permission to hold such
15 regatta, motorboat or other boat race, marine parade, tourna-
16 ment or exhibition. The application shall set forth the date,
17 time and location where it is proposed to hold such regatta,
18 motorboat or other boat race, marine parade, tournament or
19 exhibition and it shall not be conducted without written
20 authorization of the commission director.

21 Sec. 26. Section one hundred six point seventeen (106.17),
22 subsection one (1), Code 1971, is amended as follows:

23 1. The provisions of this chapter and other applicable
24 laws of this state shall govern the operation, equipment,
25 numbering and all other matters relating thereto of any ves-
26 sel whenever such vessel is operated or maintained on the
27 waters of this state under the jurisdiction of the commis-
28 sion department of natural resource management, but nothing
29 in this chapter shall be construed to prevent the adoption
30 of any ordinance or local law relating to the operation of
31 equipment of vessels. Such ordinances or local law shall
32 be operative only so long as they are not inconsistent with
33 the provisions of this chapter or the rules and regulations
34 adopted by the commission council.

35 Sec. 27. Section one hundred six point seventeen (106.17),

1 subsection three (3), Code 1971, is amended as follows:

2 3. The ~~commission-is-hereby-authorized~~ director may upon
3 application of local authorities to make special rules and
4 regulations, in conformity with this chapter, concerning the
5 operation of vessels on any waters of this state under the
6 jurisdiction of the ~~commission~~ state department of natural
7 resource management within the territorial limits of any
8 subdivision of this state.

9 Sec. 28. Section one hundred six point twenty (106.20),
10 Code 1971, is amended as follows:

11 106.20 BOAT INSPECTION. Any person having, upon any
12 waters of this state under the jurisdiction of the ~~commis-~~
13 ~~sion~~ department of natural resource management, any vessel,
14 either for hire or offered for hire, must have such vessel
15 and all its appurtenances annually inspected.

16 Every such owner shall file in the office of the ~~commis-~~
17 ~~sion~~ director, an application for inspection of such vessels
18 on a blank furnished by the ~~commission~~ director for that
19 purpose.

20 Boat inspectors, conservation officers and water safety
21 patrolmen shall have the power and authority to determine
22 whether such vessel is safe for the transportation of pas-
23 sengers or cargo and upon what waters it may be used. They
24 may determine and designate the number of passengers or cargo,
25 including crew, that may be carried and determined whether
26 the machinery, equipment and all appurtenances are such as
27 to make said vessels seaworthy, where used, and such other
28 matters as are pertinent.

29 After such vessels have been inspected as provided herein,
30 a current inspection seal or tag shall be issued by the ~~com-~~
31 ~~mission~~ director and shall be kept posted in a conspicuous
32 place upon or in such vessel. Any inspection seal or tag
33 shall be in effect only for the calendar year for which the
34 inspection seal or tag is issued.

35 Private vessels may also be inspected to determine their

1 seaworthiness at any time by representatives of the ~~commis-~~
2 sion division.

3 Sec. 29. Section one hundred six point twenty-one (106.21),
4 unnumbered paragraphs seven (7) and eight (8), Code 1971,
5 are amended as follows:

6 The boat inspector or conservation officer shall collect
7 all inspection fees and forward them to the ~~commission~~
8 director.

9 All fees collected shall be forwarded by the ~~commission~~
10 commissioner of the department of natural resource manage-
11 ment to the treasurer of the state, who shall place such money
12 in a conservation fund. The money so collected shall be
13 appropriated by the legislature to the ~~commission~~ department
14 of natural resource management solely for the administration
15 and enforcement of navigation laws and water safety.

16 Sec. 30. Section one hundred six point twenty-two (106.22),
17 Code 1971, is amended as follows:

18 106.22 ENGINEER OR PILOT LICENSE. No vessel shall be oper-
19 ated for hire by a pilot or engineer upon the waters of this
20 state under the jurisdiction of the ~~commission~~ department
21 of natural resource management unless he first obtains an
22 engineer's or pilot's license. A pilot's license is required
23 for any person who has charge of the steering or directing
24 of the vessel's course or who does the steering or directs
25 the vessel's course. An engineer's license is required for
26 all operators who have charge of or operate the equipment
27 by which the boat is propelled. If one person acts in a dual
28 or alternate capacity, he shall first obtain both an engi-
29 neer's and pilot's license.

30 Any person desiring a pilot's or engineer's license shall
31 file an application with the ~~commission~~ director upon forms
32 prepared and furnished by the ~~commission~~ director. Such
33 license may be issued by the ~~commission~~ director only upon
34 recommendation of a boat inspector, water safety patrolman
35 or conservation officer duly authorized by the ~~commission~~

1 director. Before the boat inspector, water safety patrol-
2 man or conservation officer recommends such a license, he
3 shall investigate the competency of the applicant, his ac-
4 quaintance with and experience in boat work, his habits as to
5 sobriety, his mental and physical qualifications for the work,
6 his acquaintance with the waters for which application to
7 operate upon is made, his familiarity with the laws and
8 regulations pertaining to the vessel operation and all other
9 pertinent matters. Such license shall not be issued to any-
10 one under eighteen years of age.

11 Engineer's and pilot's licenses shall be in effect only
12 for the calendar year in which such license is issued.

13 Sec. 31. Section one hundred six point twenty-three
14 (106.23), subsection one (1), Code 1971, is amended as fol-
15 lows:

16 1. The boat inspector, water safety patrolman or conser-
17 vation officer may, for cause, temporarily suspend the regis-
18 tration certificate of any vessel and the license of a pilot
19 or engineer, that has been issued under this chapter, and
20 the commission council, after a due hearing on the matter
21 ~~at-its-next-session~~, shall make final determination in the
22 matter.

23 Sec. 32. Section one hundred six point twenty-three
24 (106.23), subsection four (4), Code 1971, is amended as
25 follows:

26 4. ~~The commission-is-hereby-authorized-to~~ director may
27 suspend or revoke the certificate of registration of a
28 motorboat registered under the provisions of this chapter
29 when:

30 a. ~~It~~ He is satisfied that such registration certifi-
31 cate was fraudulently or erroneously obtained.

32 b. ~~It~~ He determines that a registered motorboat is unsafe
33 to be operated on waters of the state under the jurisdiction
34 of the commission department.

35 c. A registered motorboat has been abandoned or wrecked.

1 d. Identification numbers are knowingly displayed on a
2 motorboat other than the one to which assigned.

3 Sec. 33. Section one hundred six point twenty-three
4 (106.23), subsection six (6), Code 1971, is amended as fol-
5 lows:

6 6. ~~The commission-is-hereby-authorized-to~~ director may
7 suspend or revoke the special certificate of any manufacturer
8 or dealer when ~~it~~ he is satisfied that:

9 a. Such special certificate was fraudulently or erro-
10 neously obtained.

11 b. Such special certificate is being used in violation
12 of the provisions of this chapter or the rules and regulations
13 of the ~~commission~~ director.

14 c. Such manufacturer or dealer is violating any of the
15 provisions of this chapter or the rules and regulations of
16 the ~~commission~~ director.

17 Sec. 34. Section one hundred six point twenty-seven
18 (106.27), Code 1971, is amended as follows:

19 106.27 REMOVAL OF NONPERMANENT STRUCTURES. Every vessel
20 or structure, not considered a permanent structure by the
21 ~~commission~~ director or excepted by the regulations of the
22 ~~commission~~ council, shall be removed from the waters, ice,
23 or land of this state under the jurisdiction of the ~~commission~~
24 department of natural resource management on or before December
25 15 of each year. Failure to comply with this section shall
26 cause said vessel or structure to be declared a public nuisance
27 and disposition shall be in accordance with sections 110.19
28 through 110.22. Provided, however, that structures used for
29 seasonal or year-round habitation purposes shall not be
30 removed.

31 Sec. 35. Section one hundred six point twenty-nine
32 (106.29), Code 1971, is amended as follows:

33 106.29 OFFICIAL DUTY EXEMPTED. ~~Members-of-the-commission;~~
34 ~~its~~ The director, and his division deputies, agents and
35 employees shall not be deemed violating the provisions of

1 this chapter while on emergency duty and acting within the
2 scope of their employment.

3 Sec. 36. Section one hundred six point thirty-one (106.31),
4 subsection two (2), Code 1971, is amended as follows:

5 2. No person shall operate any sailboat on any artificial
6 lake under the jurisdiction of the commission department of
7 natural resource management except those lakes specifically
8 designated by the commission council. All sailboats, so
9 operated, must be of a type and size approved by the commission
10 council.

11 Sec. 37. Section one hundred six point thirty-one (106.31),
12 subsection three (3), Code 1971, is amended as follows:

13 3. All privately-owned boats on artificial lakes under
14 the jurisdiction of the commission department of natural
15 resource management shall be kept at locations designated
16 by the commission director.

17 Sec. 38. Section one hundred six point thirty-one (106.31),
18 subsection four (4), Code 1971, is amended as follows:

19 4. All privately-owned rowboats, used on or kept at the
20 artificial lakes under the jurisdiction of the commission
21 department of natural resource management, shall be seaworthy
22 for the waters where they are kept and used. All such boats
23 shall be removed from state property whenever ordered by the
24 commission director, and, in any event, shall be removed from
25 such property not later than December 15 of each year.

26 Sec. 39. Section one hundred six point thirty-two (106.32),
27 subsection one (1), Code 1971, is amended as follows:

28 1. No private buoy shall be maintained in the waters of
29 this state under the jurisdiction of the commission department
30 of natural resource management except as specified by the
31 rules and regulations of the commission director.

32 Sec. 40. Section one hundred six point thirty-two (106.32),
33 subsection two (2), Code 1971, is amended as follows:

34 2. No other obstruction of any kind shall be maintained
35 in the waters of this state under the jurisdiction of the

1 commission department of natural resource management with-
2 out first receiving permission from the commission director
3 to maintain such obstruction.

4 Sec. 41. Section one hundred six point fifty-two (106.52),
5 Code 1971, is amended as follows:

6 106.52 FEES REMITTED TO COMMISSION. Within ten days after
7 the end of each month, each county recorder shall remit to
8 the commission director all fees collected by him during the
9 previous month. Before May 10 in odd-numbered years, each
10 county recorder shall remit to the commission director all
11 unused license blanks for the previous biennium. Before May
12 10 of each year, each county recorder shall make a final
13 accounting for all registration fees and penalties received
14 during the previous year. All fees collected for the regis-
15 tration of vessels shall be forwarded by the commission
16 director to the treasurer of the state, who shall place such
17 money in a special conservation fund. The money so collected
18 is hereby appropriated to the commission department of natural
19 resource management solely for the administration and
20 enforcement of navigation laws and water safety.

21 Sec. 42. Chapter one hundred seven (107), Code 1971, is
22 amended by adding the following new section:

23 "When used in this chapter, unless the context otherwise
24 indicates:

25 1. 'Commissioner' or 'state commissioner' means the com-
26 missioner of the department of natural resource management.

27 2. 'Department' or 'state department' means the depart-
28 ment of natural resource management.

29 3. 'Council' means the council of the division of recrea-
30 tion, fish, and game of the department."

31 Sec. 43. Section one hundred seven point six (107.6),
32 Code 1971, is amended as follows:

33 107.6 EXPENSES GENERALLY. ~~The members and employees of~~
34 ~~the commission, the conservation director~~ The commissioner
35 of the department of natural resource management, the di-

1 rectors of the divisions therein, the employees of the de-
2 partment, and conservation officers shall be reimbursed for
3 all actual and necessary expenses incurred by them in the
4 discharge of their official duties when absent from their
5 usual place of abode, unless said appointees or employees
6 are serving under a contract which requires them to defray
7 their own expenses.

8 Sec. 44. Section one hundred seven point seven (107.7),
9 Code 1971, is amended as follows:

10 107.7 BONDS--SURETY. The ~~conservation-commission~~ state
11 department may obtain an adequate public employees honesty
12 blanket position bond covering all or part of the officers
13 or employees accountable for property or funds of the state
14 of Iowa in which case the officers or employees so covered
15 shall not be required to furnish individual bonds. All bonds
16 insuring the fidelity of the ~~commissioners~~ commissioner, of
17 the directors of divisions within the state department, and
18 of the appointees and employees of the ~~commission~~ department
19 shall be signed by a surety authorized by law to execute such
20 bonds.

21 Sec. 45. Section one hundred seven point seventeen
22 (107.17), Code 1971, is amended as follows:

23 107.17 FUNDS. The financial resources of said ~~commis-~~
24 ~~sion~~ department shall consist of three funds:

- 25 1. A state fish and game protection fund,
- 26 2. A state conservation fund, and
- 27 3. An administration fund.

28 The state fish and game protection fund, except as other-
29 wise provided, shall consist of all moneys accruing from
30 ~~license-fees-and-all-other-sources-of-revenue-arising-under~~
31 ~~the-division-of-fish-and-game~~ fish and game license fees.

32 The conservation fund, except as otherwise provided, shall
33 consist of all other funds accruing to the ~~conservation-com-~~
34 ~~mission~~ state department.

35 The administration fund shall consist of an equitable por-

1 tion of the gross amount of the two aforesaid funds, to be
2 determined by the commission commissioner, sufficient to pay
3 the expense of administration entailed by this chapter.

4 Sec. 46. Section one hundred seven point eighteen (107.18),
5 Code 1971, is amended as follows:

6 107.18 REPORT OF FUNDS. The conservation-director com-
7 missioner shall, at least monthly, make return and pay to
8 the treasurer of state all moneys then in his hands belonging
9 to the aforesaid funds.

10 Sec. 47. Section one hundred seven point nineteen (107.19),
11 Code 1971, is amended as follows:

12 107.19 EXPENDITURES. All funds accruing accruing to the
13 fish and game protection fund, except the said equitable
14 portion, shall be expended solely in-carrying-on-the-activities
15 embraced-in-the-division-of-fish-and-game for fish and game
16 protection purposes. Expenditures incurred by the state
17 conservation-commission division of recreation, fish, and
18 game in carrying on such activities shall be only on
19 authorization by the general assembly.

20 The state-conservation-commission department of natural
21 resource management shall biennially on or before September
22 1 of each even-numbered year submit to the comptroller for
23 transmission to the general assembly a detailed estimate of
24 the amount required by the commission department during the
25 succeeding biennium for the carrying on of the activities
26 embraced in the fish and game division. Such estimate shall
27 be in the same general form and detail as may be required
28 by law in estimates submitted by other state departments.

29 Any unexpended balance at the end of the biennium shall
30 revert to the fish and game protection fund.

31 All administrative expense shall be paid from the admin-
32 istration fund.

33 All other expenditures shall be paid from the conservation
34 fund.

35 All expenditures under this Act* chapter shall be subject

1 to approval by the state comptroller.

2 Sec. 48. Section one hundred seven point twenty (107.20),
3 Code 1971, is amended as follows:

4 107.20 LIMITATION TO STATE LANDS--EXCEPTION. Any and
5 all funds appropriated to the state ~~conservation-commission~~
6 department which are used in growing or handling nursery stock
7 shall be used for growing or handling of such stock for
8 distribution only on state-owned lands. Provided, however,
9 that the ~~commission~~ department may continue to produce and
10 sell at private sale game cover packets and trees for erosion
11 control such as are now offered for sale by it, and may con-
12 tinue to produce trees for a demonstration windbreak in each
13 township in the state, and may dispose of trees now growing
14 under their present plan of distribution.

15 Sec. 49. Section one hundred seven point twenty-two
16 (107.22), Code 1971, is amended as follows:

17 107.22 POLITICAL ACTIVITY. ~~No-member, officer, or em-~~
18 ~~ployee-of-the-commission~~ The commissioner nor any director
19 of any division of the department nor any officer or employee
20 of the department shall, directly or indirectly, exert his
21 influence to induce any other officers or employees of the
22 state to adopt his political views, or to favor any particular
23 candidate for office, nor shall such member, officer, or
24 employee contribute in any manner, directly or indirectly,
25 any money or other things of value to any person, organiza-
26 tion, or committee for political campaign or election pur-
27 poses. Any person violating this section shall be removed
28 from his office or position.

29 Sec. 50. Section one hundred seven point twenty-four
30 (107.24), Code 1971, is amended as follows:

31 107.24 SPECIFIC POWERS. ~~The commission-is-hereby~~
32 ~~authorized-and-empowered-to~~ commissioner may:

- 33 1. Expend, as authorized by the general assembly under
34 section 107.19, any and all moneys accruing to the fish and
35 game protection fund from any and all sources in carrying

1 out the purposes of this chapter; any Act, or Acts, not con-
2 sistent with this provision are hereby repealed so far as
3 they may apply to the fish and game protection fund.

4 2. Acquire by purchase, condemnation, lease, agreement,
5 gift and devise lands or waters suitable for the purposes
6 hereinafter enumerated, and rights of way thereto, and to
7 maintain the same for the following purposes, to wit:

8 a. Public hunting, fishing, and trapping grounds and
9 waters to provide areas in which any person may hunt, fish,
10 or trap in accordance with the provisions of the law and the
11 regulations of the commission council;

12 b. Fish hatcheries, fish nurseries, game farms and fish,
13 game, fur-bearing animal and protected bird refuges.

14 3. Extend and consolidate lands or waters suitable for
15 the above purposes by exchange for other lands or waters and
16 to purchase, erect and maintain buildings necessary to the
17 work of the commission state department.

18 4. Capture, propagate, buy, sell, or exchange any species
19 of fish, game, fur-bearing animals and protected birds needed
20 for stocking the lands or waters of the state, and to feed,
21 provide and care for such fish, animals and birds.

22 5. The ~~commission-is-hereby-authorized-to~~ council shall
23 adopt and enforce such departmental rules governing procedure
24 as may be necessary to carry out the provisions of this
25 chapter; also to carry out any other laws the enforcement
26 of which is vested in the commission department.

27 6. The commission commissioner is hereby further authorized
28 to adopt, publish and enforce such administrative orders as
29 are authorized in section 109.38.

30 7. Pay the salaries, wages, compensation, traveling and
31 other necessary expenses of the ~~state-conservation-com-~~
32 ~~missioners, state-conservation-director, state-conservation~~
33 officers department and of the directors of divisions therein,
34 state conservation officers, and other employees of the
35 commission department, and to expend money for necessary

1 supplies and equipment, and to make such other expenditures
2 as may be necessary for the carrying into effect the purposes
3 of this chapter.

4 8. Control by shooting or trapping any fish, game, fur-
5 bearing animals and protected birds for the purpose of
6 preventing the destruction of or damage to private or public
7 property, but shall not go upon private property for such
8 purpose without the consent of the owner or occupant thereof.

9 9. Provide for the protection against fire and other de-
10 structive agencies on state and privately owned forest and
11 wildlife areas, and to co-operate with federal and other state
12 agencies in protection programs approved by the conservation
13 commissioner, and with the consent of the owner
14 on privately owned areas.

15 10. Purchase, equip and operate such aircraft as the
16 commissioner deems necessary for use in law
17 enforcement, surveys, censusing, and other work for which
18 the commissioner is responsible by law.

19 Sec. 51. Section one hundred seven point thirty-two
20 (107.32), Code 1971, is amended as follows:

21 107.32 APPLICATION FOR AID. The state conservation-com-
22 missioner may apply to any appropriate agency or
23 officer of the United States for participation in or the
24 receipt of aid from any federal program respecting outdoor
25 recreation. ~~It~~ The commissioner may enter into contracts
26 and agreements with the U.S. or any appropriate agency thereof
27 and, for the purposes for the preparation, maintenance and
28 keeping up-to-date of said comprehensive plan, may from time
29 to time engage and contract for the services and advice of
30 any professional planner or planners of outdoor recreation
31 plans and facilities and hire such employees for such purposes
32 as deemed necessary. In connection with obtaining the benefits
33 of any such program, the state conservation-commissioner
34 shall co-ordinate its the department's activities
35 with and represent the interests of all agencies and

1 subdivisions of the state having interests in the planning,
2 development, and maintenance of outdoor recreation resources
3 and facilities.

4 Sec. 52. Section one hundred seven point thirty-four
5 (107.34), Code 1971, is amended as follows:

6 107.34 LIMIT ON STATE'S COMMITMENT. The state ~~conser-~~
7 ~~vation-commission~~ commissioner shall make no commitment or
8 enter into any agreement pursuant to an exercise of author-
9 ity under sections 107.30 through 107.33 until ~~it~~ he has
10 determined that sufficient funds are available to ~~it~~ the
11 department for meeting the state's share, if any, of project
12 costs. It is the legislative intent that, to such extent
13 as may be necessary to assure the proper operation and main-
14 tenance of areas and facilities acquired or developed pur-
15 suant to any program participated in by this state under
16 authority of these sections, such areas and facilities shall
17 be publicly maintained for outdoor recreation purposes. The
18 state ~~conservation-commission~~ commissioner may enter into
19 and administer agreements with the United States or any
20 appropriate agency thereof for planning, acquisition, and
21 development projects involving participating federal aid funds
22 on behalf of any subdivision or subdivisions of this state;
23 provided that such subdivision or subdivisions give necessary
24 assurances to the state ~~conservation-commission~~ commissioner
25 that they have available sufficient funds to meet their shares,
26 if any, of the cost of the project and that the acquired or
27 developed areas will be operated and maintained at the expense
28 of such subdivision or subdivisions for public outdoor
29 recreation use.

30 Sec. 53. Chapter one hundred eight (108), Code 1971, is
31 amended by adding the following new section:

32 "Whenever used in this chapter, 'director' or 'state di-
33 rector' means the director of the division of natural resources
34 of the department of natural resource management."

35 Sec. 54. Section one hundred nine point one (109.1), Code

1 1971, is amended by adding the following new subsection:

2 "'Council': The term 'council' shall mean the council
3 of the division of recreation, fish, and game of the department
4 of natural resource management."

5 Sec. 55. Section one hundred nine point one (109.1), sub-
6 section twelve (12), Code 1971, is amended as follows:

7 ~~12. "Director":--The term "director" shall mean the regu-~~
8 ~~larly-appointed-director-of-the-state-conservation-commission~~
9 ~~and-whenever-such "Director" or "state director":~~ The terms
10 "director" or "state director" mean the regularly appointed
11 director of the division of recreation, fish, and game of
12 the department of natural resource management. When the
13 director is authorized or required to do an act, unless
14 otherwise provided, it shall be construed as authorizing
15 performance by a regular assistant or duly authorized agent
16 of such director.

17 Sec. 56. Section one hundred nine point four (109.4),
18 Code 1971, is amended as follows:

19 109.4 FISH HATCHERIES--GAME FARMS. The ~~state-conserva-~~
20 ~~tion~~ director shall have the right to establish and control
21 the state hatcheries and game farms, which shall be used for
22 the purpose of stocking the waters of the state with fish
23 and the natural covers with game birds to the extent of the
24 means provided for that purpose; and impartially and equitably
25 distribute all birds, eggs, and fry raised by or furnished
26 to the state, or for it through other sources, in the streams,
27 lakes, and natural covers of the state.

28 Sec. 57. Section one hundred nine point five (109.5),
29 Code 1971, is amended as follows:

30 109.5 STATE GAME REFUGES. Whenever any land, stream,
31 or lake has been declared by the ~~state-conservation-commission~~
32 council to be a public park and has been taken for public
33 park purposes, or where any land is now owned and used by
34 the state of Iowa, the ~~state-conservation-director~~ council
35 shall have the right and power to establish state game refuges

1 or sanctuaries on such land where the same is suitable for
2 this purpose.

3 Sec. 58. Section one hundred nine point six (109.6), Code
4 1971, is amended as follows:

5 109.6 GAME MANAGEMENT AREA. Whenever the commission
6 council shall establish and create a game management area
7 upon any public lands or waters, or with the consent of the
8 owner thereof upon any private lands or waters, ~~it~~ he shall
9 with the consent of such owner, if any, have the right to
10 post and prohibit, and to regulate or limit such lands or
11 waters against trespassing, and/or against hunting, fishing,
12 or trapping, and any violation thereof shall be unlawful.

13 Sec. 59. Section one hundred nine point seven (109.7),
14 unnumbered paragraph one (1), Code 1971, is amended as fol-
15 lows:

16 It shall be unlawful to hunt, pursue, kill, trap, or take
17 any wild animal, bird, or game on any state game refuge so
18 established at any time of the year, and no one shall carry
19 firearms thereon, providing, however, the predatory birds
20 and animals may be killed or trapped under the authority and
21 direction of the state conservation director.

22 Sec. 60. Section one hundred nine point ten (109.10),
23 Code 1971, is amended as follows:

24 109.10 REPORTS AND ACCOUNTING. At the time provided by
25 law, the director shall make a report to the commissioner
26 of the department of natural resource management, who in turn
27 will report to the governor of his doings for the preceding
28 biennial period, including therein an itemized statement of
29 all receipts and disbursements; also all contracts for the
30 taking of soft fish from the waters of this state, with the
31 profits accruing from such contracts; also such other
32 information upon the subject of the culture of fish and the
33 protection of game as may be of value. All funds derived
34 under said contracts shall be paid into the state fish and
35 game protection fund.

1 Sec. 61. Section one hundred nine point fourteen (109.14),
2 Code 1971, is amended as follows:

3 109.14 DAMS--FISHWAYS. It shall be unlawful for any per-
4 son, firm, or corporation to place, erect, or cause to be
5 placed or erected, any dam or other device or contrivance
6 in such manner as to hinder or obstruct the free passage of
7 fish up, down, or through such waters, except as otherwise
8 provided in this chapter. Dams for manufacturing or other
9 lawful purposes may be erected across the waters of the state.
10 No permanent dam or obstruction across such waters shall be
11 erected or maintained which is not provided with a fishway,
12 except by written approval of the state ~~conservation~~ direc-
13 tor, nor shall any pumping station or plant except sand pump-
14 ing and dredging machines, in or connected with such waters
15 be constructed or operated except by written approval of the
16 state ~~conservation~~ director, which is not provided with screens
17 to prevent fish from entering the pumping station or plant.
18 Such fishways and screens shall be constructed and used
19 according to the plans and specifications prepared and
20 furnished by the director. Any dam, obstruction, or pump-
21 ing plant which is not so constructed is a public nuisance
22 and may be abated accordingly.

23 Sec. 62. Section one hundred nine point nineteen (109.19),
24 Code 1971, is amended as follows:

25 109.19 RECIPROCITY OF STATES. Any person licensed by
26 the authorities of Illinois, Minnesota, Missouri, Wisconsin,
27 Nebraska, and South Dakota to take fish, game, mussels, or
28 fur-bearing animals from or in the waters forming the boundary
29 between such states and Iowa, may take them from that por-
30 tion of said waters lying within the territorial jurisdiction
31 of this state, without having procured a license therefor
32 from the state ~~conservation~~ director ~~of-this-state~~, in the
33 same manner that persons holding Iowa licenses may do, if
34 the laws of Illinois, Minnesota, Missouri, Wisconsin, Nebraska,
35 or South Dakota, respectively, extend a similar privilege

1 to persons so licensed under the laws of Iowa.

2 Sec. 63. Section one hundred nine point twenty-two
3 (109.22), unnumbered paragraph three (3), Code 1971, is amended
4 as follows:

5 Such permits may be issued by the director ~~of-the-state~~
6 ~~conservation-commission~~ upon proper application and the pay-
7 ment of a fee of two dollars for each trial held. A repre-
8 sentative of the ~~commission~~ state director shall attend all
9 such trials and enforce the laws and regulations governing
10 same.

11 Sec. 64. Section one hundred nine point twenty-eight
12 (109.28), Code 1971, is amended as follows:

13 109.28 EXCEPTIONS. The foregoing provisions regarding
14 the possession and transportation of fish shall not apply
15 to such fishing as is done under written permits from the
16 state ~~conservation~~ director or to such fishing as is permitted
17 with nets or seines in certain boundary waters of the state
18 or fishing done on private fishing preserves. Nothing in
19 the foregoing sections 109.23 to 109.27, inclusive, shall
20 pertain to rabbits.

21 Sec. 65. Section one hundred nine point thirty-eight
22 (109.38), subsection one (1), Code 1971, is amended as fol-
23 lows:

24 1. The ~~commission~~ council may upon its own motion and
25 after an investigation, alter, limit or restrict the methods
26 or means employed and the instruments or equipment used in
27 taking deer, raccoon or rough fish, if the investigation
28 reveals that such action would be desirable or beneficial
29 in promoting the interests of conservation, or the ~~commission~~
30 director may, after an investigation when it is found there
31 is imminent danger of loss of fish through natural causes,
32 authorize the taking of fish by such means as they may deem
33 advisable to salvage such imperiled fish populations.

34 Sec. 66. Section one hundred nine point forty-seven
35 (109.47), Code 1971, is amended as follows:

1 109.47 IMPORTING FISH AND GAME--PERMITS. It shall be
2 unlawful except as otherwise provided for any person, firm
3 or corporation, to bring into the state of Iowa for the purpose
4 of propagating or introducing, or to place or introduce into
5 any of the inland or boundary waters of the state, any fish
6 or spawn thereof that are not native to such waters, or in-
7 troduce or stock any bird or animal that are not native to
8 Iowa, unless application is first made in writing to the
9 ~~commission~~ state director for a permit therefor and such
10 permit granted. Such permit shall be granted only after the
11 ~~commission~~ director has made such investigation or inspection
12 of the fish, birds or animals as ~~it~~ he may deem necessary
13 to determine whether or not such fish, birds or animals are
14 free from disease and whether or not such introduction will
15 be beneficial or detrimental to the native wildlife and the
16 people of the state, and may or may not approve such planting,
17 releasing or introduction according to ~~its~~ his findings.
18 Nothing in the above shall prohibit licensed game breeders
19 from securing native or exotic birds or animals from outside
20 the state and bringing them into the state and they shall not
21 be required to have a permit as provided above when such birds
22 or animals are not released to the wild but are held on the
23 game breeder's premises as breeding stock.

24 Sec. 67. Section one hundred nine point fifty-eight
25 (109.58), Code 1971, is amended as follows:

26 109.58 TRAPPING BIRDS OR POISONING ANIMALS. No person
27 except those acting under the authority of the state ~~conser-~~
28 ~~vation~~ director shall capture or take or attempt to capture
29 or take, with any trap, snare or net, any game bird, nor shall
30 any person use any poison or any medicated or poisoned food
31 or any other substance for the killing, capturing or taking
32 of any game bird or animal.

33 Sec. 68. Chapter one hundred ten (110), Code 1971, is
34 amended by adding the following new section:

35 "When used in this chapter, unless the context otherwise

1 indicates, 'director' or 'state director' means the director
2 of the division of recreation, fish, and game of the depart-
3 ment of natural resource management."

4 Sec. 69. Section one hundred ten point two (110.2), Code
5 1971, is amended as follows:

6 110.2 BLANKS. The state ~~conservation~~ director shall
7 provide blanks for, and determine in addition to the follow-
8 ing requirements, the method of issuing licenses.

9 Sec. 70. Section one hundred ten point eighteen (110.18),
10 Code 1971, is amended as follows:

11 110.18 COURTESY NONRESIDENT LICENSES. The ~~commission~~
12 state director is hereby authorized to issue a courtesy
13 nonresident license for the taking of any fish or game, ex-
14 cept deer. Such licenses may be issued by the director ~~of~~
15 ~~the-commission~~, without charge, to dignitaries and officials
16 of other states, countries, or the United States who are in
17 the state as guests of the governor or the ~~commission~~
18 department of natural resource management. Such licenses
19 shall be issued for a specific number of days. The number
20 of licenses to be issued for any one season or species of
21 fish or game shall not exceed one hundred.

22 Sec. 71. Chapter one hundred ten A (110A), Code 1971,
23 is amended by adding the following new section:

24 "When used in this chapter, unless the context otherwise
25 indicates, 'director' or 'state director' means the director
26 of the division of recreation, fish, and game of the depart-
27 ment of natural resource management."

28 Sec. 72. Chapter one hundred eleven (111), Code 1971,
29 is amended by adding the following new section:

30 "When used in this chapter, unless the context otherwise
31 indicates:

32 1. 'Director' or 'state director' means the director of
33 the division of recreation, fish, and game of the department
34 of natural resource management.

35 2. 'Department' or 'state department' means the depart-

1 ment of natural resource management.

2 3. 'Commissioner' or 'state commissioner' means the com-
3 missioner of the department of natural resource management.

4 4. 'Council' means the council of the division of recrea-
5 tion, fish, and game of the department of natural resource
6 management."

7 Sec. 73. Section one hundred eleven point three (111.3),
8 Code 1971, is amended as follows:

9 111.3 DUTIES AS TO PARKS. It shall be the duty of the
10 ~~commissioner, under the supervision and direction of the~~
11 ~~executive council,~~ council to establish, maintain, improve,
12 and beautify public parks and preserves upon the shores of
13 lakes, streams, or other waters, or at other places within
14 the state which have become historical or which are of
15 scientific interest, or which by reason of their natural
16 scenic beauty or location are adapted therefor. The ~~commissioner~~
17 council shall have the power ~~under such supervision and~~
18 ~~direction,~~ to maintain, improve or beautify state-owned bodies
19 of water, and to provide proper public access thereto. The
20 ~~commissioner~~ council shall have the power to provide and operate
21 facilities for the proper public use of the areas above
22 described.

23 Sec. 74. Section one hundred eleven point four (111.4),
24 Code 1971, is amended as follows:

25 111.4 CONSTRUCTION PERMIT--REGULATIONS--COMMERCIAL CON-
26 CESSIONS. No person, association or corporation shall build
27 or erect any pier, wharf, sluice, piling, wall, fence, ob-
28 struction, building or erection of any kind upon or over any
29 state-owned land or water under the jurisdiction of the ~~com-~~
30 ~~missioner~~ department, without first obtaining from ~~such~~
31 ~~commissioner~~ the director a written permit, provided, however,
32 that this provision shall not apply to dams constructed and
33 operated under the authority of chapter 469. No such permit,
34 in matters relating to or in any manner affecting flood
35 control, shall be issued without approval of the Iowa natural

1 resources council. No person shall maintain or erect any
2 structure beyond the line of private ownership along or upon
3 the shores of state-owned waters in such a manner as to
4 obstruct the passage of pedestrians along the shore between
5 the ordinary high-water mark and the water's edge, except
6 by permission of the commission director.

7 It shall be the duty of the commission council to adopt
8 and enforce rules and regulations governing and regulating
9 the building or erection of any such pier, wharf, sluice,
10 piling, wall, fence, obstruction, building or erection of
11 any kind, and said commission council may prohibit, restrict
12 or order the removal thereof, when in the judgment of said
13 commission council it will be for the best interest of the
14 public.

15 Any person, firm, association, or corporation violating
16 any of the provisions of this section or any rule or regula-
17 tion adopted by the commission council under the authority
18 of this section shall be guilty of a misdemeanor, and upon
19 conviction shall be punished by a fine of not to exceed one
20 hundred dollars or by imprisonment in the county jail not
21 to exceed thirty days.

22 No person, association or corporation shall operate any
23 commercial concession on any state-owned lands or waters
24 without first obtaining from the conservation-commission
25 director a permit therefor. The commission director may issue
26 and revoke such permits for the protection of the public
27 health, safety, morals or welfare.

28 Sec. 75. Section one hundred eleven point five (111.5),
29 Code 1971, is amended as follows:

30 111.5 OBSTRUCTION REMOVED. The commission director shall
31 have full power and authority to order the removal of any
32 pier, wharf, sluice, piling, wall, fence, obstruction, erection
33 or building of any kind upon or over any state-owned lands
34 or waters under ~~their~~ his supervision and direction, when
35 in ~~their~~ his judgment it would be for the best interests

1 of the public, the same to be removed within thirty days after
2 written notice thereof by the commission director. Should
3 any person, firm, association or corporation fail to comply
4 with said order of the commission director within the time
5 provided, the commission director shall then have full power
6 and authority to remove the same.

7 Sec. 76. Section one hundred eleven point nineteen
8 (111.19), Code 1971, is amended as follows:

9 111.19 BOUNDARIES. The commission commissioner shall
10 at once proceed to establish the boundary lines between the
11 state-owned property under ~~its~~ his jurisdiction and privately
12 owned property when said commission commissioner deems it
13 feasible and necessary, and shall where deemed advisable mark
14 the same so that the boundaries of such state-owned property
15 may be easily ascertainable to the public.

16 Sec. 77. Section one hundred eleven point twenty (111.20),
17 Code 1971, is amended as follows:

18 111.20 HIGHWAY COMMISSION--DUTIES. The commission com-
19 missioner may call upon the highway commission for the ser-
20 vices of at least one competent engineer, who shall, under
21 the direction of the conservation-commission commissioner,
22 proceed to work in conjunction with ~~it~~ him in carrying out
23 the true spirit and purpose of this chapter.

24 Sec. 78. Section one hundred eleven point twenty-two
25 (111.22), Code 1971, is amended as follows:

26 111.22 SURVEYS AND PLATS. All surveys and plats shall
27 be filed with the ~~secretary-of-the-commission~~ department
28 and shall become public records of this state.

29 Sec. 79. Section one hundred twenty-four (111.24), Code
30 1971, is amended as follows:

31 111.24 BOUNDARIES--ADJUSTMENT. Whenever a controversy
32 shall arise as to the true boundary line between state-owned
33 property and private property, the commission commissioner
34 may, with the approval of the executive council, adjust said
35 boundary line or take such other action in the premises, all

1 with the approval of the executive council, as in ~~its~~ his
2 judgment may seem right. When such disputed boundary line
3 is fixed it shall be surveyed and marked as herein provided.

4 Sec. 80. Section one hundred eleven point twenty-five
5 (111.25), Code 1971, is amended as follows:

6 111.25 LEASES. The ~~commission~~ commissioner may, with
7 the approval of the executive council, lease for periods not
8 exceeding five years such parts of the property under ~~its~~
9 his jurisdiction as to ~~it~~ him may seem advisable. All leases
10 shall reserve to the public of the state the right to enter
11 upon the property leased for any lawful purpose.

12 Sec. 81. Section one hundred eleven point twenty-six
13 (111.26), Code 1971, is amended as follows:

14 111.26 SPECIAL POLICE. The commission in carrying out
15 its duties may appoint ~~the-state-conservation-director,-chief~~
16 ~~of-division-of-lands-and-waters,-chief-of-division-of-fish~~
17 ~~and-game,-and-such-other~~ supervisory personnel of the
18 commission as necessary to act as special police to carry
19 out the law enforcement program of the ~~conservation-commission~~
20 department. Such officers are hereby vested with the powers
21 and charged with the duties of peace officers while in the
22 performance of their official duties.

23 Sec. 82. Section one hundred eleven point thirty-one
24 (111.31), Code 1971, is amended as follows:

25 111.31 SALE OF ISLANDS. No islands in any of the mean-
26 dered streams and lakes of this state or in any of the waters
27 bordering upon this state shall hereafter be sold, except
28 with the majority vote of the executive council upon the
29 ~~majority~~ recommendation of the ~~commission~~ commissioner, and
30 in the event any of such islands are sold as herein provided
31 the proceeds thereof shall become a part of the funds to be
32 expended under the terms and provisions of this chapter.

33 Sec. 83. Section one hundred eleven point thirty-two
34 (111.32), Code 1971, is amended as follows:

35 111.32 SALE OF PARK LANDS--CONVEYANCES TO CITIES, TOWNS

1 OR COUNTIES. The executive council may, upon a-majority
2 recommendation of the commission commissioner, sell or exchange
3 such parts of public lands under the jurisdiction of the
4 commission commissioner as in ~~its~~ the commissioner's judgment
5 may be undesirable for conservation purposes, excepting state-
6 owned meandered lands already surveyed and platted at state
7 expense as a conservation plan and project tentatively adopted
8 and now in the process of rehabilitation and development
9 authorized by a special legislative act. Such sale or exchange
10 shall be made upon such terms, conditions or considerations
11 as the commission commissioner may recommend and that may
12 be approved by the executive council, whereupon the secretary
13 of state shall issue a patent therefor in the manner provided
14 by law in other cases. The proceeds of any such sale or
15 exchange shall become a part of the funds to be expended under
16 the provisions of this chapter.

17 Upon request by resolution of any city, town or county
18 or any legal agency thereof, the executive council may, upon
19 majority recommendation of the ~~state-conservation-commissioner~~
20 commissioner convey without consideration to such city, town
21 or county or legal agency thereof, such public lands under
22 the jurisdiction of the commission commissioner as in ~~its~~
23 his judgment may be desirable for city, town or county parks.
24 Conveyance shall be in the name of the state, with the great
25 seal of the state attached and shall contain a provision that
26 when such lands cease to be used as public park by said city,
27 town or county such lands revert to the state, and such park
28 shall, within one year after such land has reverted to the
29 state, be restored, as nearly as possible, to the condition
30 it was in when acquired by such city, town, county or legal
31 agency thereof at the expense of such city, town, county or
32 legal agency.

33 The state may require that the city, town, county or legal
34 agency thereof file a notice of intention every three years.

35 Sec. 84. Section one hundred eleven point thirty-seven

1 (111.37), Code 1971, is amended as follows:

2 111.37 EXCESSIVE LOADS. Excessively loaded vehicles shall
3 not operate over state park or preserve drives, roads or
4 highways. The determination as to whether the load is
5 excessive will be made by the ~~state-conservation~~ director
6 ~~or-his-representative~~ and will depend upon the load and the
7 road conditions.

8 Sec. 85. Section one hundred eleven point forty-four
9 (111.44), Code 1971, is amended as follows:

10 111.44 PROHIBITED AREAS. No person shall enter upon
11 portions of any state or preserve in disregard of official
12 signs forbidding same, except by permission of the ~~state~~
13 ~~conservation~~ director or his representative.

14 Sec. 86. Section one hundred eleven point forty-five
15 (111.45), Code 1971, is amended as follows:

16 111.45 ANIMALS ON LEASH. No privately owned animal shall
17 be allowed to run at large in any state park or preserve or
18 upon lands or in waters owned by or under the jurisdiction
19 of the ~~commission~~ commissioner except by permission of the
20 ~~commission~~ director. Every such animal shall be deemed as
21 running at large unless the owner carries such animal or leads
22 it by a leash or chain not exceeding six feet in length, or
23 keeps it confined in or attached to a vehicle.

24 Sec. 87. Section one hundred eleven point fifty-eight
25 (111.58), Code 1971, is amended as follows:

26 111.58 USE BY CITIES, COUNTIES AND HIGHWAY COMMISSION.
27 The council within the limits of the municipal corporation,
28 the board of supervisors within the limits of the county and
29 the state highway commission, are hereby given authority to
30 permit use of maintenance equipment under their control in
31 state parks and other lands ~~of-the-conservation-commission~~
32 under the jurisdiction of the commissioner, notwithstanding
33 any other provisions of the Code to the contrary.

34 Sec. 88. Section one hundred eleven point sixty-four
35 (111.64), Code 1971, is amended as follows:

1 111.64 TIME AND PLACE. Said hearing shall not be less
2 than ten days nor more than thirty days from the date of the
3 last publication and shall be held in the office of the state
4 ~~conservation-commission-or-such-place-as-the-commission-shall~~
5 ~~decide~~ director or another place as prescribed by the director.

6 Sec. 89. Section one hundred eleven point sixty-seven
7 (111.67), Code 1971, is amended as follows:

8 111.67 EXAMINATION--TESTIMONY. The state ~~conservation~~
9 ~~commission~~ director may examine the proposed water recreational
10 area or may cause such examination to be made by an engineer
11 or such other persons as ~~it-desires-to-be-selected-by-it~~ he
12 desires to select, who shall report the results of said
13 examination to the ~~commission~~ director. At said hearing the
14 state ~~conservation-commission~~ director shall consider the
15 petition and any objections filed thereto and may at ~~its~~ his
16 discretion hear such testimony as may aid ~~it~~ him in determining
17 the propriety of granting such permit.

18 Sec. 90. Section one hundred eleven point sixty-eight
19 (111.68), Code 1971, is amended as follows:

20 111.68 FINAL ORDER--CONDITION. ~~It~~ The director may grant
21 such permit in whole or in part upon such terms, conditions
22 and restrictions as may be determined by ~~it~~ him to be just
23 and proper and in the public interest, provided that before
24 any permit shall be granted to any such municipality or
25 corporation the ~~commission~~ director shall, after public hearing
26 as provided hereby, determine whether the water recreational
27 area will be in the interests of the public health and welfare
28 and an affirmative finding to such effect shall be a condition
29 precedent to the granting of such permit.

30 Sec. 91. Section one hundred eleven point seventy (111.70),
31 Code 1971, is amended as follows:

32 111.70 PERMIT. The state ~~conservation-commission~~ director
33 shall cause to be prepared a uniform blank form of permit
34 which shall provide a space for a general description of the
35 area authorized to be included in any water recreational area

1 to be established hereunder, the name and address of the
2 municipality or corporation to whom said permit is granted
3 and the terms and conditions upon which it is granted. Said
4 ~~permit shall be signed by the chairman and all other members~~
5 ~~of the state conservation commission and the official seal~~
6 ~~of said commission shall be attached thereto.~~

7 Sec. 92. Section one hundred eleven point seventy-three
8 (111.73), Code 1971, is amended as follows:

9 111.73 RECORDS. The state conservation commission director
10 shall keep a record of all permits granted and issued by ~~it~~
11 him showing when and to whom issued and the location of the
12 area of the proposed water recreational area covered thereby.

13 Sec. 93. Chapter one hundred eleven A (111A), Code 1971,
14 is amended by adding the following new section:

15 "When used in this chapter, unless the context otherwise
16 indicates, 'director' or 'state director' means the director
17 of the division of recreation, fish, and game of the depart-
18 ment of natural resource management."

19 Sec. 94. Section one hundred eleven A point four (111A.4),
20 subsection two (2), Code 1971, is amended as follows:

21 2. To acquire in the name of the county by gift, purchase,
22 lease, agreement or otherwise, in fee or with conditions, suit-
23 able real estate within or without the territorial limits
24 of the county areas of land and water for public museums,
25 parks, preserves, parkways, playgrounds, recreation centers,
26 forests, wildlife and other conservation purposes and for
27 participation in watershed, drainage and flood control pro-
28 grams for the purpose of increasing the recreational resources
29 of the county. The state conservation commission director,
30 the county board of supervisors, or the governing body of
31 any city, town or village may, upon request of the county
32 conservation board, designate, set apart and transfer to the
33 county conservation board for use as museums, parks, pre-
34 serves, parkways, playgrounds, recreation centers, play fields,
35 tennis courts, skating rinks, swimming pools, gymnasiums,

1 rooms for arts and crafts, camps and meeting places, community
 2 forests, wildlife areas and other recreational purposes, any
 3 land and buildings owned or controlled by the state
 4 ~~conservation-commission~~ department of natural resource
 5 management or such county or municipality and not devoted
 6 or dedicated to any other inconsistent public use. In
 7 acquiring or accepting land, due consideration shall be given
 8 to its scenic, historic, archaeologic, recreational or other
 9 special features, and no land shall be acquired or accepted
 10 which in the opinion of the board and the state ~~conservation~~
 11 ~~commission~~ director is of low value from the standpoint of
 12 its proposed use.

13 Sec. 95. Section one hundred eleven A point ten (111A.10),
 14 Code 1971, is amended as follows:

15 111A.10 RULES AND REGULATIONS OF COUNTY CONSERVATION
 16 BOARDS. The provisions of sections 111.35 through 111.57,
 17 inclusive, shall apply to all lands and waters under the
 18 control of any county conservation board, in the same man-
 19 ner as if such lands and waters were state parks, lands, or
 20 waters. Wherever used in said sections, the words "state
 21 ~~conservation-commission~~", "~~conservation-commission~~" and
 22 "~~commission~~" "state department of natural resource manage-
 23 ment" shall include a county conservation board, and the words
 24 "~~state-conservation-director~~" "state director" and "director"
 25 shall include a county conservation board or its executive
 26 officer, with respect to any lands or waters under the control
 27 of a county conservation board. However, the provisions of
 28 said sections may be modified or superseded by rules and
 29 regulations adopted as provided in section 111A.5.

30 Sec. 96. Section one hundred eleven B point one (111B.1),
 31 unnumbered paragraphs four (4) and five (5), Code 1971, are
 32 amended as follows:

33 "Dedication" means the allocation of an area as a pre-
 34 serve by a public administrative agency or by a private owner
 35 by written stipulation in a form approved by the state advi-

1 ~~ery-board-for-preserves~~ director of the division of recrea-
 2 tion, fish, and game of the department of natural resource
 3 management.

4 "Board"-~~means-the-state-advisory-board-for-preserves~~
 5 ~~established-by-this-chapter~~ "Director" or "state director"
 6 means the director of the division of recreation, fish, and
 7 game of the department of natural resource management.

8 "Council" means the council of the division of recreation,
 9 fish, and game of the department of natural resource manage-
 10 ment.

11 Sec. 97. Section one hundred eleven B point two (111B.2),
 12 Code 1971, is amended as follows:

13 111B.2 ADVISORY BOARD. There is hereby created a state
 14 system of preserves ~~and-a-state-advisory-board-for-preserves.~~

15 Sec. 98. Section one hundred eleven B point eight (111B.8),
 16 Code 1971, is amended by striking subsection nine (9) and
 17 amending unnumbered paragraph one (1) and subsections three
 18 (3), four (4), eleven (11), and twelve (12) as follows:

19 111B.8 POWERS AND DUTIES. The ~~board~~ council shall have
 20 the following powers and duties:

21 3. To recommend dedication as preserves, areas owned by
 22 the state under the jurisdiction of the ~~conservation-com-~~
 23 ~~mission~~ commissioner of the department of natural resource
 24 management.

25 4. To recommend acquisition of areas for dedication as
 26 preserves by the ~~state-conservation-commission~~ department
 27 of natural resource management.

28 44 10. To make reports to the commissioner of the
 29 department of natural resource management which are requested
 30 of him, and the commissioners shall in turn submit to the
 31 governor and the legislature a report before January 15, 1967,
 32 and every two years thereafter which shall account for each
 33 preserve in the system and make such other reports and
 34 recommendations as it may deem necessary.

35 42 11. To prepare and recommend a budget, for inclusion

1 as a line item money request in the state-conservation
2 commission department of natural resource management budget,
3 for appropriation from the state general fund.

4 Sec. 99. Section one hundred eleven B point nine (111B.9),
5 Code 1971, is amended as follows:

6 111B.9 ARTICLES OF DEDICATION. The public administrative
7 agency or private owner shall complete articles of dedication
8 on forms approved by the board council. When the articles
9 of dedication have been approved by the governor the board
10 director shall record them with the county recorder for the
11 county or counties in which the area is located.

12 The articles of dedication may contain restrictions on
13 development, sale, transfer, method of management, public
14 access, and commercial or other use, and may contain such
15 other provisions as may be necessary to further the purposes
16 of this chapter. They may define the respective jurisdictions
17 of the owner or operating agency and the board director.

18 They may provide procedures to be applied in case of viola-
19 tion of the dedication. They may recognize reversionary
20 rights. They may vary in provisions from one preserve to
21 another in accordance with differences in relative conditions.

22 Sec. 100. Section one hundred eleven B point ten (111B.10),
23 Code 1971, is amended as follows:

24 111B.10 WHEN DEDICATED AS A PRESERVE. An area shall be-
25 come a preserve when it has been approved by the board coun-
26 cil for dedication as a preserve, whether in public or pri-
27 vate ownership, formally dedicated as a preserve within the
28 system by a public administrative agency or private owner
29 and designated by the governor as a preserve.

30 Sec. 101. Section one hundred eleven B point eleven
31 (111B.11), Code 1971, is amended as follows:

32 111B.11 AREA HELD IN TRUST. An area designated as a pre-
33 serve within the system is hereby declared put to its highest,
34 best, and most important use for public benefit. It shall
35 be held in trust and shall not be alienated except to an-

1 other public use upon a finding by the board council of
 2 imperative and unavoidable public necessity and with the
 3 approval of the state-conservation-commission commissioner
 4 of the department of natural resource management and the
 5 governor. The board's council's interest or interests in
 6 any area designated as a preserve shall not be taken under
 7 the condemnation statutes of this state without such a finding
 8 of imperative and unavoidable public necessity by the board
 9 council, and with the consent of the state-conservation
 10 commission commissioner of the department of natural resource
 11 management and the governor.

12 The board council, with the approval of the governor, may
 13 enter into amendments to any articles of dedication upon its
 14 finding that such amendment will not permit an impairment,
 15 disturbance, or development of the area inconsistent with
 16 the purposes of this chapter.

17 Before the board council shall make a finding of imperative
 18 and unavoidable public necessity, or shall enter into any
 19 amendment to articles of dedication, it shall provide notice
 20 of such proposal and opportunity for any person to be heard.
 21 Such notice shall be published at least once in a newspaper
 22 with a general circulation in the county or counties wherein
 23 the area directly affected is situated, and mailed within
 24 ten days of such published notice to all persons who have
 25 requested notice of all such proposed actions. Each notice
 26 shall set forth the substance of the proposed action and
 27 describe, with or without legal description, the area affected,
 28 and shall set forth a place and time not less than sixty days
 29 thence for all persons desiring to be heard to have reasonable
 30 opportunity to be heard prior to the finding of the board
 31 director.

32 Sec. 102. Chapter one hundred twelve (112), Code 1971,
 33 is amended by adding the following new section:

34 "When used in this chapter:

- 35 1. 'Director' or 'state director' means the director of

1 the division of natural resources of the department of na-
2 tural resource management.

3 2. 'Council' means the council of the division of natural
4 resources of the department of natural resource management."

5 Sec. 103. Section one hundred twelve point one (112.1),
6 Code 1971, is amended as follows:

7 112.1 RESOLUTION OF NECESSITY. Whenever, in the opinion
8 of the state ~~conservation-commission~~ director, it is necessary
9 and desirable for ~~it~~ his division to erect a dam or spillway
10 across a stream or at the outlet of a lake, or to alter or
11 reconstruct an existing dam or spillway, so as to increase
12 or decrease its permanent height, or to permanently affect
13 the water level above the structure, ~~it~~ he shall proceed with
14 said project by first adopting a resolution of necessity to
15 be placed ~~upon-it~~ in his records, in which ~~it~~ he shall
16 describe in a general way the work contemplated.

17 Sec. 104. Section one hundred twelve point three (112.3),
18 Code 1971, is amended as follows:

19 112.3 HEARING--DAMAGES. After said approval the ~~commis-~~
20 ~~sion~~ state director, if ~~it~~ he wishes to proceed further with
21 the project, shall, with the consent of the Iowa natural
22 resources council, fix a date of hearing not less than two
23 weeks from date of approval of the plan. Notice of the day,
24 hour and place of hearing, relative to proposed work, shall
25 be provided by publication at least once a week for two
26 consecutive weeks in some newspaper of general circulation
27 published in the county where the project is located, or in
28 the county or counties where the water elevations are affected,
29 under the tentative plan approved. The last of such
30 publication or publications shall not be less than five days
31 prior to the day set for hearing. Any claim by any persons
32 whomsoever, for damages which may be caused by said project
33 shall be filed with the ~~commission~~ director at or prior to
34 the time of the hearing provided herein.

35 Sec. 105. Section one hundred twelve point four (112.4),

1 Code 1971, is amended as follows:

2 112.4 ADOPTION OF PLAN. If, at the time of the hearing,
3 the ~~commission~~ council shall find that the improvement would
4 be conducive to the public convenience, welfare, benefit or
5 utility, and the cost thereof is not excessive, and no claim
6 shall have been filed for damages, it may adopt the tentative
7 plan as final or may modify the plan, provided said
8 modification will not, to any greater extent than the tentative
9 plan, materially and adversely affect the interests of littoral
10 or riparian owners.

11 Sec. 106. Section one hundred twelve point six (112.6),
12 Code 1971, is amended as follows:

13 112.6 FILING APPRAISEMENT. The appraisers appointed to
14 determine the damages caused by the proposed project shall
15 view the premises and determine and fix the amount of damages
16 to which each claimant is entitled and shall, at least three
17 days before the date fixed by the ~~commission~~ state director
18 to hear and determine the same, file with the ~~secretary-of~~
19 ~~the-commission~~ state director reports in writing showing the
20 amount of damages sustained by each claimant. Should good
21 cause for delay exist, the ~~commission~~ director may postpone
22 the time of final action on the project.

23 Sec. 107. Section one hundred twelve point seven (112.7),
24 Code 1971, is amended as follows:

25 112.7 DAMAGES DETERMINED. At the time fixed for hearing
26 and after receipt of the report of the appraisers, the ~~com-~~
27 ~~mission~~ council shall examine said report, both for and against
28 each claim for damages and compensation and shall determine
29 the amount of damages and compensation due each claimant and
30 may affirm, increase or diminish the amount awarded by the
31 appraisers. After such action, the ~~commission~~ council may
32 thereupon adopt a final plan for the project, and proceed
33 with its construction, or it may dismiss the entire
34 proceedings.

35 Sec. 108. Section one hundred twelve point eight (112.8),

1 Code 1971, is amended as follows:

2 112.8 APPEAL--BOND. Appeals from orders or actions of
3 the commission council fixing the amount of compensation
4 awarded or damages sustained by any claimant shall be treated
5 as ordinary proceedings. All other appeals shall be triable
6 in equity. The court may, in its discretion, order the
7 consolidation for trial of two or more of such equitable
8 cases. All appeals shall be taken within twenty days after
9 date of final action or order of the commission council from
10 which such appeal is taken, by filing with the secretary-of
11 the-commission director a notice of appeal designating the
12 court to which the appeal is taken, the order or action
13 appealed from and stating that the appeal may be heard at
14 any time after the expiration of twenty days following com-
15 pletion of service of notice. This notice shall be accom-
16 panied by an appeal bond with sureties to be approved by the
17 clerk of the district court conditioned to pay all costs
18 adjudged against the appellant.

19 Sec. 109. Chapter one hundred thirty-six B (136B), Code
20 1971, is amended by adding the following new section:

21 "The department of natural resource management shall dis-
22 seminate information provided by the commission pertaining
23 to the purposes, functions, and responsibilities of the com-
24 mission."

25 Sec. 110. Section one hundred thirty-six B point four
26 (136B.4), subsection eighteen (18), Code 1971, is amended
27 as follows:

28 ~~18. Collect-and-disseminate-information-and-conduct~~
29 Conduct educational and training programs, relating to air
30 pollution and its abatement, prevention, and control.

31 Sec. 111. Section one hundred sixty-one point thirteen
32 (161.13), Code 1971, is amended as follows:

33 161.13 COUNTY AUDITOR. It shall be the duty of the county
34 auditor in every county to keep a record of all forest and
35 fruit-tree reservations within his county; and to make a re-

1 port of the same to the state-conservation-commission divi-
2 sion of recreation, fish, and game of the department of natura
3 resource management on or before June 15 of each year.

4 Sec. 112. Section two hundred forty-two point fifteen
5 (242.15), unnumbered paragraph one (1), Code 1971, is amended
6 as follows:

7 The state director may detail boys, classed as trustworthy,
8 from the Iowa training school for boys at Eldora, to perform
9 services for the state-conservation-commission division of
10 recreation, fish, and game of the department of natural
11 resource management within the state parks, state game and
12 forest areas and other lands under the its jurisdiction of
13 said-commission. The conservation-commission division of
14 recreation, fish, and game shall provide such permanent housing
15 and work guidance supervision, but the care and custody of
16 said boys shall remain under employees of the division of
17 child and family services of the department of social ser-
18 vices. All such programs shall have as their primary pur-
19 pose and shall provide for inculcation or the activation of
20 attitudes, skills and habit patterns which will be conducive
21 to the habilitation of said youths.

22 Sec. 113. Section two hundred forty-six point eighteen
23 (246.18), Code 1971, is amended as follows:

24 246.18 EMPLOYMENT OF PRISONERS--INSTITUTIONS AND PARKS.
25 Prisoners in the penitentiary or men's reformatory shall be
26 employed only on state account in the maintenance of the in-
27 stitutions, in the erection, repair, or operation of buildings
28 and works used in connection with said institutions, and in
29 such industries as may be established and maintained in con-
30 nection therewith by the state director. The state director
31 may detail prisoners, classed as trustees, from the state
32 penitentiary or reformatory to perform services for the
33 conservation-commission division of recreation, fish, and
34 game of the department of natural resource management within
35 the state parks. The conservation-commission division of

1 recreation, fish, and game shall provide proper supervision,
2 housing and maintenance for said prisoners but the surveillance
3 of said prisoners shall remain under employees of the state
4 director. All such employment, including but not limited
5 to that provided in this section, shall have as its primary
6 purpose, and shall provide for, inculcation or the reactivation
7 of attitudes, skills, and habit patterns which will be
8 conducive to prisoner rehabilitation.

9 Sec. 114. Section three hundred four point twelve (304.12),
10 Code 1971, is amended as follows:

11 304.12 CO-ORDINATION WITH OTHER DEPARTMENTS. The selec-
12 tion of sites and erection of markers may be co-ordinated
13 with other state departments, including but not limited to
14 the Iowa state highway commission, the ~~Iowa conservation~~
15 commission division of recreation, fish, and game of the
16 department of natural resource management, the Iowa develop-
17 ment commission, with any governmental subdivision of the
18 state, and with private and public groups concerned with the
19 marking of sites.

20 Sec. 115. Chapter three hundred five (305), Code 1971,
21 is amended by adding the following new section:

22 "The geological survey and the state geologist and his
23 assistants and employees shall be a part of the division of
24 natural resources of the state department of natural resource
25 management."

26 Sec. 116. Chapter three hundred five A (305A), Code 1971,
27 is amended by adding the following new section:

28 "When used in this chapter, 'director' or 'state director'
29 means the director of the division of natural resources of
30 the department of natural resource management."

31 Sec. 117. Section three hundred five A point one (305A.1),
32 Code 1971, is amended by striking the section and inserting
33 in lieu thereof the following:

34 "The state director may contract for the professional ser-
35 vices of a qualified archeologist, and if the archeologist

1 is retained, he shall be a member of faculty of the department
2 of sociology and anthropology of the state university of Iowa.
3 The state director may assign to the archeologist any of the
4 duties and responsibilities assigned to the state director
5 which he deems appropriate and necessary."

6 Sec. 118. Section three hundred five A point two (305A.2),
7 Code 1971, is amended as follows:

8 305A.2 DUTIES. The state ~~archaeologist~~ director shall
9 have the primary responsibility for the discovery, location
10 and excavation of archaeological sites and for the recovery,
11 restoration and preservation of archaeological remains in
12 and for the state of Iowa, and shall co-ordinate all such
13 activities through co-operation with the state highway com-
14 mission, ~~state-conservation-commissioner~~ commissioner of the
15 department of natural resource management and directors of
16 other divisions therein, and other state agencies concerned
17 with archaeological salvage or the products thereof.

18 Sec. 119. Section three hundred five A point three
19 (305A.3), Code 1971, is amended as follows:

20 305A.3 AGREEMENTS WITH FEDERAL DEPARTMENTS. The state
21 ~~archaeologist~~ director is authorized to enter agreements
22 and co-operative efforts with the United States commissioner
23 of public roads, the United States departments of commerce,
24 interior, agriculture and defense, and any other federal or
25 state agencies concerned with archaeological salvage or the
26 preservation of antiquities.

27 Sec. 120. Section three hundred six point four (306.4),
28 Code 1971, is amended as follows:

29 306.4 JURISDICTION OF SYSTEMS. Jurisdiction and control
30 over the highways of the state are hereby vested in and im-
31 posed on (1) the state highway commission as to primary roads;
32 (2) the county board of supervisors as to secondary roads
33 within their respective counties; and (3) the board or com-
34 mission in control of any state park or institution as to
35 any state park or institutional road at such state park or

1 state institution. However, as to any state park road which
2 is an extension of either a primary or secondary highway which
3 both enters and exists from the state park at separate points,
4 the state highway commission in the case of a primary road,
5 and the county board of supervisors in the case of secondary
6 roads, shall have concurrent jurisdiction with the ~~state~~
7 conservation-commission division of recreation, fish, and
8 game of the department of natural resource management over
9 such roads, and the state highway commission in the case of
10 a primary road and the board of supervisors in the case of
11 a secondary road, may expend the moneys available for such
12 roads in the same manner as they expend such funds on other
13 roads over which they exercise jurisdiction and control.
14 The parties exercising concurrent jurisdiction shall enter
15 into agreements with each other as to the kind and type of
16 construction, reconstruction and repair and the division of
17 cost thereof, but in the absence of such agreement the
18 jurisdiction and control of said road shall remain under the
19 conservation-commission division of recreation, fish, and
20 game. Provided, however, that the Iowa state highway
21 commission, in the case of a primary highway extension, and
22 the board of supervisors in the case of a secondary highway
23 extension, shall perform maintenance on said road in the same
24 manner as performed on a highway of a like type of surface
25 or construction.

26 Sec. 121. Section three hundred eight point one (308.1),
27 Code 1971, is amended as follows:

28 308.1 PLANNING COMMISSION. The Mississippi parkway
29 planning commission shall be composed of ten members appointed
30 by the governor, five members to be appointed for two-year
31 terms beginning July 1, 1959, and five members to be appointed
32 for four-year terms beginning July 1, 1959. In addition to
33 the above members there shall be seven advisory ex officio
34 members who shall be as follows: One member from the Iowa
35 state highway commission, one member from the ~~state-conser-~~

1 vation commission division of recreation, fish, and game of
2 the department of natural resource management, one member
3 from the Iowa-state division of soil conservation commission
4 of the department of natural resource management, one member
5 from the state historical society of Iowa, one member from
6 the faculty of the landscape architectural division of the
7 Iowa State University of science and technology, one member
8 from the Iowa development commission, and one member from
9 the natural resources council. Members and ex officio members
10 shall serve without pay, but the actual and necessary expenses
11 of members and ex officio members may be paid if the commission
12 so orders and if the commission has funds available for such
13 purpose.

14 Sec. 122. Section four hundred fifty-five point fifty
15 (455.50), unnumbered paragraphs three (3) and four (4), Code
16 1971, are amended as follows:

17 When any state-owned lands under the jurisdiction of the
18 state-conservation-commission division of recreation, fish,
19 and game of the department of natural resource management
20 are situated within a levee or drainage district, the
21 commissioners to assess benefits shall ascertain and return
22 in their report the amount of benefits and the apportionment
23 of costs and expenses to such lands and the board of
24 supervisors shall assess the same against such lands.

25 Such assessments against lands used by the recreation,
26 fish, and game division of the state-conservation-commission
27 department of natural resource management shall be paid by
28 the state-conservation-commission department from the state
29 fish and game protection fund on due certification of the
30 amount by the county treasurer ~~to-said-commission~~, and against
31 lands used by the ~~division of-lands-and-waters~~ from the state
32 conservation funds.

33 Sec. 123. Section four hundred fifty-five point two hun-
34 dred eighteen (455.218), unnumbered paragraph two (2), Code
35 1971, is amended as follows:

1 In the case of lands lying within the beds of meandered
2 streams and border streams the permission shall be obtained
3 from the ~~state-conservation-commission~~, division of recreation,
4 fish, and game of the department of natural resource management
5 or its successor. In the case of lands that are under the
6 control of no office or agency of the state, then the
7 permission shall be obtained from the executive council.

8 Sec. 124. Section four hundred fifty-five A point one
9 (455A.1), unnumbered paragraph one (1), Code 1971, is amended
10 as follows:

11 As used in this chapter, "council" means ~~"Iowa-Natural~~
12 ~~Resources-Council"~~ the natural resources council within the
13 division of natural resources of the state department of na-
14 tural resource management;

15 Sec. 125. Section four hundred fifty-five A point one
16 (455A.1), Code 1971, is amended by adding the following new
17 paragraphs:

18 "'Director' or 'state director' means the director of the
19 division of natural resources of the department of natural
20 resource management."

21 "'Council' means the council of the division of natural
22 resources of the department of natural resource management."

23 Sec. 126. Section four hundred fifty-five A point two
24 (455A.2), unnumbered paragraph one (1), Code 1971, is amended
25 as follows:

26 It is hereby recognized that the protection of life and
27 property from floods, the prevention of damage to lands there-
28 from and the orderly development, wise use, protection and
29 conservation of the water resources of the state by the con-
30 sidered and proper use thereof, is of paramount importance
31 to the welfare and prosperity of the people of the state,
32 and, to realize these objectives it is hereby declared to
33 be the policy of the state to correlate and vest the powers
34 of the state in a single agency, the Iowa natural resources
35 council, with the duty and authority to establish and-en-

1 force an appropriate comprehensive state-wide program for
2 the control, utilization, and protection of the surface and
3 ground-water resources of the state. It is hereby declared
4 that the general welfare of the people of the state of Iowa
5 requires that the water resources of the state be put to
6 beneficial use to the fullest extent of which they are cap-
7 able, and that the waste or unreasonable use, or unreasonable
8 methods of use, of water be prevented, and that the conserva-
9 tion of such water be exercised with the view to the reason-
10 able and beneficial use thereof in the interest of the people,
11 and that the public and private funds for the promotion and
12 expansion of the beneficial use of water resources shall be
13 invested to the end that the best interests and welfare of
14 the people are served.

15 Sec. 127. Section four hundred fifty-five A point nine
16 (455A.9), Code 1971, is amended as follows:

17 455A.9 DIRECTOR AND WATER COMMISSIONERS.

18 ~~1. The council shall choose a director who shall not be~~
19 ~~a member of the council and shall fix the compensation of~~
20 ~~such director, which shall be payable out of the funds~~
21 ~~appropriated to the council. The director shall be quali-~~
22 ~~fied by training and experience. The term of office of the~~
23 ~~director shall be during the pleasure of the council. The~~
24 ~~director shall serve as the executive officer of the council~~
25 ~~and shall have charge of the work of the council subject to~~
26 ~~its orders and directions.~~

27 2. 1. The council shall choose a water commissioner who
28 shall not be a member of the council and shall fix the
29 compensation of such commissioner, which shall be payable
30 out of the funds appropriated to the council. The water com-
31 missioner shall be qualified by training and experience.
32 The term of office of the water commissioner shall be during
33 the pleasure of the council. The director shall appoint a
34 water commissioner and shall fix his compensation which shall
35 be payable out of the funds appropriated to the division.

1 The water commissioner shall be qualified by training and
2 experience. The water commissioner shall serve in a quasi-
3 judicial capacity as the trier of fact questions in the
4 processing of all applications for appropriation permits.
5 He shall conduct hearings on any applications for permits
6 as provided by law and the rules and regulations of the
7 ~~council~~, director and he shall perform such other duties as
8 the ~~council~~ director may prescribe.

9 ~~3. 2. The council may choose one or more deputy water~~
10 ~~commissioners who shall not be members of the council.~~ The
11 director may appoint one or more deputy water commissioners.
12 The ~~council~~ director shall fix the compensation of such deputy
13 commissioners, which shall be payable out of the funds
14 appropriated to the council. The deputy commissioners shall
15 be qualified by training and experience. ~~The term of office~~
16 ~~of the deputy commissioners shall be during the pleasure of~~
17 ~~the council.~~ A deputy commissioner shall have all of the
18 duties, responsibilities, and powers of the water commissioner
19 when acting in his stead. The deputy commissioners shall
20 be assigned hearings on applications for permits by the water
21 commissioner.

22 Sec. 128. Section four hundred fifty-five A point ten
23 (455A.10), Code 1971, is amended as follows:

24 455A.10 EMPLOYEES. The director, ~~with the approval of~~
25 ~~the council~~ is empowered to employ, discharge, and fix the
26 salaries of such technical, clerical, stenographic and such
27 other employees and assistants as may be required. All of
28 such employees shall be paid from funds appropriated to the
29 ~~council~~ department of natural resource management.

30 Sec. 129. Section four hundred fifty-five A point eleven
31 (455A.11), Code 1971, is amended as follows:

32 455A.11 BONDS. The ~~council~~ director shall provide for
33 the execution of surety bonds for all members and employees
34 who shall be entrusted with funds and property and the premiums
35 on all such surety bonds shall be paid from the funds

1 appropriated to the ~~council~~ department of natural resource
2 management.

3 Sec. 130. Section four hundred fifty-five A point twelve
4 (455A.12), Code 1971, is amended by striking the section and
5 inserting in lieu thereof the following:

6 "All expenses, supplies, salaries, and related expenses
7 shall be included in the budget of the state director and
8 paid from funds appropriated to his division."

9 Sec. 131. Section four hundred fifty-five A point thirteen
10 (455A.13), Code 1971, is amended as follows:

11 455A.13 REPORTS, ACCOUNTING AND RECOMMENDATIONS. ~~The~~
12 ~~council-shall-make-a-report-to-the-governor-of-its~~ The director
13 shall make a report to the commissioner of the department
14 of natural resource management of his activities for the
15 preceding biennial period, including therein an itemized
16 statement of all receipts and disbursements and such other
17 information pertaining to ~~its~~ his work as may be of value.

18 The ~~council-in-its~~ director in his biennial report shall
19 make such recommendations for amendments to this chapter,
20 or for other legislation as ~~it~~ he deems appropriate.

21 The ~~council~~ director shall report to the governor at any
22 time required, the results accomplished since ~~its~~ his last
23 report, pending plans and the status of any work or plans
24 in progress.

25 Sec. 132. Section four hundred fifty-five A point four-
26 teen (455A.14), Code 1971, is amended as follows:

27 455A.14 DEPARTMENTAL CO-OPERATION. The council and
28 director may request and receive from any department, divi-
29 sion, board, bureau, commission, public body, or agency of
30 the state, or of any political subdivision thereof, or from
31 any organization, incorporated or unincorporated, which has
32 for its object the control or use of any of the water resources
33 of the state, such assistance and data as will enable the
34 council and director to properly carry out ~~its~~ their activities
35 and effectuate ~~its~~ their purposes hereunder. The ~~council~~

1 director shall reimburse such agencies for special expense
2 resulting from expenditures not normally a part of the
3 operating expenses of any such agency.

4 The council, ~~its~~ the director and his agents and other
5 employees may enter upon any lands or waters in the state
6 for the purpose of making any investigation, examination,
7 or survey contemplated by this chapter.

8 Sec. 133. Section four hundred fifty-five A point fif-
9 teen (455A.15), Code 1971, is amended as follows:

10 455A.15 EMINENT DOMAIN. The council and director shall
11 have the right to exercise the power of eminent domain. All
12 the provisions of law relating to condemnation of lands for
13 public state purposes shall apply to the provisions hereof
14 in and so far as applicable. The executive council shall
15 institute and maintain such proceedings.

16 The council and director may accept gifts, contributions,
17 donations and grants, and use the same for any purpose within
18 the scope of this chapter.

19 Sec. 134. Section four hundred fifty-five A point six-
20 teen (455A.16), Code 1971, is amended as follows:

21 455A.16 TITLE TO LANDS AND OTHER PROPERTY. The title
22 to all lands, easements, or other interest therein, or other
23 property or rights acquired by the ~~council~~ department shall
24 be approved by the attorney general and taken in the name
25 of the state of Iowa.

26 Sec. 135. Section four hundred fifty-five A point eigh-
27 teen (455A.18), unnumbered paragraph one (1), Code 1971, is
28 amended as follows:

29 The ~~council~~ department shall have jurisdiction over the
30 public and private waters in the state and the lands adjacent
31 thereto necessary for the purposes of carrying out the
32 provisions of this chapter. The ~~council~~ department may
33 construct flood control works or any part thereof. In the
34 construction of such works or in making surveys and in-
35 vestigations or in formulating plans and programs relating

1 to the water resources of the state, the council may co-operate
2 with other states or any agency thereof or with the United
3 States or any agency of the United States, or with any person
4 as defined in this chapter.

5 Sec. 136. Section four hundred fifty-five A point nine-
6 teen (455A.19), subsections one (1), three (3), and five (5),
7 Code 1971, are amended as follows:

8 1. The application for a permit shall be made in writ-
9 ing to the ~~council~~ director and shall set forth the designated
10 beneficial use for which the permit is sought, the specific
11 limits as to quantity, time, place, and rate of diversion,
12 storage or withdrawal of waters.

13 3. The water commissioner shall cause due notice of the
14 hearing to be published. Said notice shall specify the date,
15 time and place of hearing and shall include a concise state-
16 ment of the designated beneficial purposes for which diver-
17 sion is sought, the specific limits as to quantity, time,
18 place, and rate of diversion, storage or withdrawal of waters,
19 the name of the applicant and the description of the land
20 upon which waters are to be diverted, stored or withdrawn.
21 In addition to the foregoing, the water commissioner shall
22 cause a copy of the notice to be sent to the ~~director-of-the~~
23 ~~conservation-commissioner-commissioner-of-public-health-the~~
24 ~~secretary-of-the-soil-conservation-committee~~ commissioner
25 of the department of natural resource management, commissioner
26 of public health, director of the division of soil conservation
27 of the department of natural resource management, secretary
28 of agriculture, director of the Iowa geological survey, the
29 director of the Iowa development commission, and to any other
30 person who has filed a written request for a notification
31 of any hearings affecting a designated area, by ordinary mail,
32 prior to the date of last publication.

33 5. The applicant for a permit shall pay a fee to the
34 ~~council~~ director in the amount of fifteen dollars at the time
35 of filing his application which fee shall include the cost

1 of publishing notice and which publication shall then be paid
2 for by the ~~council~~ director. Such fee shall be used by the
3 ~~council~~ director for administering this chapter, including
4 the payment of expenses incurred in publishing legal notice.

5 Sec. 137. Section four hundred fifty-five A point thirty-
6 three (455A.33), unnumbered paragraph five (5), Code 1971,
7 is amended as follows:

8 The ~~council~~ department shall have the power to ~~remove or~~
9 ~~eliminate~~ order the removal or elimination of any structure,
10 dam, obstruction, deposit or excavation in any floodway which
11 adversely affects the efficiency of or unduly restricts the
12 capacity of the floodway, by an action in condemnation, and
13 in assessing the damages in such proceeding, the appraisers
14 and the court shall take into consideration whether the
15 structure, dam, obstruction, deposit or excavation is lawfully
16 in or on the floodway.

17 Sec. 138. Section four hundred fifty-five A point thirty-
18 five (455A.35), unnumbered paragraph one (1), Code 1971, is
19 amended as follows:

20 The council may establish ~~and enforce~~ regulations for the
21 orderly development and wise use of the flood plains of any
22 river or stream within the state and alter, change, or revoke
23 and terminate the same. The council shall determine the
24 characteristics of floods which reasonably may be expected
25 to occur and may by order establish encroachment limits, pro-
26 tection methods and minimum protection levels appropriate
27 to the flooding characteristics of the stream and to reasonable
28 use of the flood plains. The order shall fix the length of
29 flood plains to be regulated at any practical distance; shall
30 fix the width of the zone between the encroachment limits
31 so as to include portions of the flood plains adjoining the
32 channel, which with the channel, are required to carry and
33 discharge the flood waters or flood flow of such river or
34 stream; and shall fix the design discharge and water surface
35 elevations for which protection shall be provided for projects

1 outside the encroachment limits but within the limits of in-
 2 undation. Plans for the protection of projects proposed for
 3 areas subject to inundation shall be reviewed as plans for
 4 flood control works within the purview of section 455A.36.
 5 No order establishing encroachment limits and flood plain
 6 regulations shall be issued until due notice of the proposed
 7 establishment thereof shall have been given and public hear-
 8 ings held and opportunity given for the presentation of all
 9 protests against the establishment thereof. In establishing
 10 any such limits or regulations, the council shall avoid to
 11 the greatest possible degree the evacuation of persons resid-
 12 ing in the area of any floodway, the removal of any residen-
 13 tial structures occupied by such persons in the area of any
 14 floodway, and the removal of any structures erected or made
 15 prior to July 4, 1965, which are located on the flood plains
 16 of any river or stream but not within the area of any flood-
 17 way.

18 Sec. 139. Section four hundred fifty-five A point thirty-
 19 six (455A.36), unnumbered paragraph two (2), Code 1971, is
 20 amended as follows:

21 The provisions of this section shall apply to all drainage
 22 districts, soil conservation districts, projects undertaken
 23 by the state ~~conservation-commission~~ department of natural
 24 resource management, all public agencies including counties,
 25 cities, towns and all political subdivisions of the state
 26 and to all privately undertaken projects relating to or affect-
 27 ing flood control.

28 Sec. 140. Chapter four hundred fifty-five A (455A), Code
 29 1971, is amended by adding the following new section:

30 "The department of natural resource management shall issue
 31 all permits and orders authorized by the council through the
 32 central agency established for that purpose. All orders and
 33 directives issued by the council shall be enforced by the
 34 director."

35 Sec. 141. Section four hundred fifty-five B point four

1 (455B.4), Code 1971, is amended by striking subsection two
2 (2), and inserting in lieu thereof the following:

3 2. Commissioner of the department of natural resource
4 management.

5 Sec. 142. Section four hundred fifty-five B point four
6 (455B.4), Code 1971, is amended by striking subsection three
7 (3) and inserting in lieu thereof the following:

8 3. Director of the division of natural resources of the
9 department of natural resource management.

10 Sec. 143. Chapter four hundred fifty-five B (455B), Code
11 1971, is amended by adding the following new section:

12 "The department of natural resource management shall dis-
13 seminate information provided by the commission pertaining
14 to the purpose, functions, and responsibilities of the com-
15 mission."

16 Sec. 144. Section four hundred sixty-seven A point three
17 (467A.3), Code 1971, is amended by striking subsection three
18 (3) and adding the following new subsections:

19 "'Director' or 'state director' means the director of the
20 division of soil conservation of the department of natural
21 resource management."

22 "'Council' means the director of the division of soil con-
23 servation of the department of natural resource management."

24 Sec. 145. Section four hundred sixty-seven A point four
25 (467A.4), Code 1971, is amended by striking subsections one
26 (1) and three (3).

27 Sec. 146. Section four hundred sixty-seven A point four
28 (467A.4), subsections two (2) and four (4), Code 1971, are
29 amended as follows:

30 2. The state ~~soil-conservation-committee~~ director may
31 employ ~~an-administrative-officer-and-such~~ other agents-and
32 employees, permanent and temporary, as ~~it~~ he may require,
33 and shall determine their qualifications, duties and
34 compensation. The ~~committee~~ director or department may call
35 upon the attorney general of the state for such legal ser-

1 vices as either he may require. ~~The committee shall have~~
 2 ~~authority to delegate to its chairman, to one or more of its~~
 3 ~~members, or to one or more agents or employees, such powers~~
 4 ~~and duties as it may deem proper.~~ Upon request of the
 5 committee director, for the purpose of carrying out any of
 6 the functions assigned the committee director or the department
 7 by law, the supervising officer of any state agency, or of
 8 any state institution of learning shall, insofar as may be
 9 possible under available appropriations, and having due regard
 10 to the needs of the agency to which the request is directed,
 11 assign or detail to the department members of the staff or
 12 personnel of such agency or institution of learning, and make
 13 such special reports, surveys, or studies as the committee
 14 director may request.

15 4. In addition to the duties and powers hereinafter con-
 16 ferred upon the ~~department of soil conservation, its~~ director,
 17 he shall have the following duties and powers:

18 Sec. 147. Section four hundred sixty-seven A point five
 19 (467A.5), Code 1971, is amended as follows:

20 467A.5 CREATION OF SOIL CONSERVATION DISTRICTS.

21 1. Any twenty-five owners, but in no case less than twenty
 22 percent of the owners of land lying within the limits of the
 23 territory proposed to be organized into a district may file
 24 a petition with the ~~state soil conservation committee~~ council,
 25 asking that a soil conservation district be organized to
 26 function in the territory described in the petition. Such
 27 petition shall set forth:

- 28 a. The proposed name of said district.
- 29 b. That there is need, in the interest of health, safety
 30 and public welfare, for a soil conservation district to func-
 31 tion in the territory described in the petition.
- 32 c. A description of the territory proposed to be organized
 33 as a district, which description shall not be required to
 34 be given by metes and bounds or by legal subdivisions, but
 35 shall be deemed sufficient if generally accurate.

1 d. A request that the ~~state-soil-conservation-committee~~
2 council duly define the boundaries for such district; that
3 a referendum be held within the territory so defined on the
4 question of the creation of a soil conservation district in
5 such territory; and that the ~~committee~~ director determine
6 that such a district be created.

7 Where petitions are filed covering adjacent territory or
8 parts of the same territory, the state ~~soil-conservation~~
9 ~~committee~~ director may consolidate all or any of such
10 petitions.

11 2. Within ninety days after such petition has been for-
12 mally accepted by the ~~state-soil-conservation-committee~~
13 council, it shall cause due notice by publication to be given
14 of a proposed hearing upon the question of the desirability
15 and necessity in the interest of health, safety and public
16 welfare, of the creation of such district, on the question
17 of the appropriate boundaries to be assigned to each district
18 upon the propriety of the petition and other proceedings taken
19 under this chapter and upon all questions relative to such
20 inquiries.

21 All owners of land within the limits of the territory de-
22 scribed in the petition and of lands within any territory
23 considered for addition to such described territory and all
24 other interested parties shall have the right to attend such
25 hearings and to be heard. If it shall appear on the hearing
26 that it shall be desirable to include within the proposed
27 district territory outside the area within which due notice
28 of the hearing has been given, the hearing shall be adjourned
29 and due notice of further hearing shall be given through the
30 entire area considered for inclusion in the district, and
31 such further hearing held. After such hearing, if the ~~com-~~
32 ~~mittee~~ council shall determine, upon the facts presented at
33 such hearing and upon such other relevant facts and infor-
34 mation as may be available, that there is need in the inter-
35 est of health, safety and public welfare, for a soil conser-

1 vation district to function in the territory considered at
2 the hearing, it shall make and record such determination,
3 and shall define the boundaries of such district. In making
4 such determination and in defining such boundaries, the
5 committee council shall give due weight and consideration
6 to the topography of the area considered and of the state,
7 the character of soils therein, the distribution of erosion,
8 the prevailing land-use practices, the desirability and
9 necessity of including within the boundaries the particular
10 lands under consideration and the benefits which such lands
11 may receive from being included within such boundaries, the
12 relation of the proposed area to existing watersheds and
13 agricultural regions, and to other soil conservation districts
14 already organized or proposed for organization under the
15 provisions of this chapter, and such other physical,
16 geographical and economic factors as are relevant, having
17 due regard to the legislative determinations set forth in
18 section 467A.2. If the committee council shall determine
19 after such hearing, after due consideration of the said
20 relevant facts, that there is no need for a soil conservation
21 district to function in the territory considered at the
22 hearing, it shall make and record such determination and shall
23 deny the petition.

24 3. After the committee council has made and recorded a
25 determination that there is need, in the interest of health,
26 safety and public welfare, for the organization of a district
27 in a particular territory and has defined the boundaries
28 thereof, it shall consider the question whether the operation
29 of a district within such boundaries with the powers conferred
30 upon soil conservation districts in this chapter is admin-
31 istratively practicable and feasible. It shall be the duty
32 of the department director to hold a referendum within the
33 proposed district upon the question of the creation of the
34 district, and, at the same time, hold an election to elect
35 the first commissioners of the district, and to cause due

1 notice of such referendum and election to be given. Petitions
2 nominating candidates for the office of commissioner shall
3 be filed with the ~~department-of-soil-conservation~~ director
4 at least ten days prior to the date of the election, unless
5 the ~~department~~ director extends the time within which such
6 petitions may be filed. No nominating petition shall be
7 accepted by the ~~department~~ director which contains the name
8 of more than one candidate for the office of commissioner,
9 nor which is signed by fewer than twenty-five landowners of
10 the proposed district. No landowner may sign more than five
11 such petitions. The referendum and election shall be held
12 by using ballots upon which the words "For creation of a soil
13 conservation district of the lands below described and lying
14 in the county (ies) of,,
15 and" and "Against creation of a soil
16 conservation district of the lands below described and lying
17 in the county (ies) of,,
18 and" shall appear, with a square before each
19 proposition, and a direction to insert an X mark in the square
20 before one or the other of said propositions as the voter
21 may favor or oppose creation of such district. The ballot
22 shall set forth the boundaries of such proposed district as
23 determined by the ~~committee~~ council. The names of all nominees
24 on behalf of whom such nominating petitions have been filed
25 within the time herein designated shall also appear upon the
26 ballots, arranged in alphabetical order of the surnames, with
27 a square before each name and a direction to insert an X mark
28 in the square before any five names to indicate the voter's
29 preference. Only owners of land within the boundaries of
30 the territory as determined by the ~~state-soil-conservation~~
31 committee council shall be eligible to vote in such referendum
32 and election. After the district is organized, all qualified
33 electors residing within the jurisdiction of the district
34 as defined by this chapter shall have the right to sign
35 nominating petitions and to vote for election of commissioners.

1 4. The department director shall pay all expenses for
2 the issuance of such notices and the conduct of such hear-
3 ings, referenda and elections, and shall supervise and con-
4 duct such hearings, referenda and elections. ~~It~~ He shall
5 issue appropriate regulations governing the conduct of such
6 hearings, referenda and elections, and provide for the
7 registration, prior to the date of the referendum and election,
8 of all eligible voters, or prescribe some other appropriate
9 procedure for the determination of those eligible as voters
10 in such referendum and election. No informalities in the
11 conduct of such referendum and election or in any matters
12 relating thereto shall invalidate said referendum and election
13 or the result thereof if notice thereof shall have been given
14 substantially as herein provided and said referendum and
15 election shall have been fairly conducted.

16 5. The committee council shall consider and determine
17 whether the operation of the district within the defined
18 boundaries is administratively practicable and feasible and
19 shall publish the result of such referendum. If the committee
20 council shall determine that the operation of such district
21 is not administratively practicable and feasible, it shall
22 record such determination and shall deny the petition for
23 organization of a district. If the committee council shall
24 determine that the operation of such district is administra-
25 tively practicable and feasible, it shall record such deter-
26 mination and shall proceed with the organization of the dis-
27 trict in the manner hereinafter provided. In making such
28 determination the committee council shall give due regard
29 and weight to the attitudes of the landowners and occupiers
30 within the defined boundaries, and the number of landowners
31 eligible to vote in such ~~referendum~~ referendum who shall have
32 voted, the proportion of the votes cast in such referendum
33 in favor of the creation of the district to the total number
34 of votes cast, the income of the landowners and occupiers
35 of the proposed district, the probable expense of carrying

1 on erosion-control operations within such district, and such
2 other economic and social factors as may be relevant to such
3 determination, having due regard to the legislative determina-
4 tions set forth in section 467A.2; provided, however, that
5 the committee council shall not have authority to determine
6 that the operation of the proposed district within the defined
7 boundaries is administratively practicable and feasible unless
8 at least sixty-five percent of the votes cast in the referendum
9 is in favor of the creation of such district.

10 6. If the committee council shall determine that the
11 operation of the proposed district within the defined
12 boundaries is administratively practicable and feasible, it
13 shall publish the results of the election of commissioners.
14 The five candidates who shall have received the largest number,
15 respectively, of the votes cast in such election shall be
16 the elected commissioners for such district. The term of
17 office of each commissioner shall be six years, except that
18 the terms of the commissioners first elected shall be as
19 follows: Six years for the commissioner receiving the highest
20 number of votes in the election, four years for the two
21 commissioners receiving the second and third highest number
22 of votes in the election, and two years for the commissioners
23 receiving the fourth and fifth highest number of votes in
24 the election. A commissioner shall hold office until his
25 successor has been elected and has qualified. Vacancies shall
26 be filled for the unexpired term. There shall be elected
27 biennially one commissioner for the term of six years to
28 succeed each commissioner whose term of office expires. The
29 election of a successor to fill an unexpired term or for a
30 full term shall be made under regulations of the ~~state-soil~~
31 ~~conservation-committee~~ council and conducted by the
32 commissioners of the district in the same manner as hereinabove
33 provided; or, at the discretion of the committee council,
34 it may appoint a successor to fill the unexpired term of a
35 commissioner, but only for a term extending to the date of

1 the next election in the district held to elect a successor
2 to a commissioner for that district.

3 7. Each district shall, at the next regular biennial
4 election of a commissioner in that district after July 1,
5 1969, elect three commissioners whose terms shall each begin
6 at the expiration of the term of the commissioner whose suc-
7 cessor is to be elected at that election. The commissioner
8 receiving the highest number of votes in such election shall
9 serve a term of six years, the commissioner receiving the
10 second highest number of votes shall serve a term of four
11 years, and the commissioner receiving the third highest number
12 of votes shall serve a term of two years.

13 8. The district shall be a body corporate upon the taking
14 of the following proceedings: The five commissioners shall
15 present to the secretary of state an application signed by
16 them, which shall set forth (and such application need con-
17 tain no detail other than the mere recitals):

18 a. That a petition for the creation of the district was
19 approved by the ~~state-soil-conservation-committee~~ council
20 pursuant to the provisions of this chapter, and that they
21 are the duly elected commissioners;

22 b. The name and official residence of each of the commis-
23 sioners;

24 c. The name which is proposed for the district; and

25 d. The location of the proposed office of the commis-
26 sioners of the district.

27 The application shall be subscribed and sworn to by each
28 of said commissioners before an officer authorized by the
29 laws of this state to take and certify oaths. The applica-
30 tion shall be accompanied by a statement by the ~~state-soil~~
31 ~~conservation-committee~~ director which shall certify that a
32 petition was filed, notice issued, and hearing held as
33 aforesaid; that the ~~committee~~ council did duly determine that
34 there is need, in the interest of health, safety and public
35 welfare, for a soil conservation district to function in the

1 proposed territory and did define the boundaries thereof;
2 that notice was given and a referendum held on the question
3 of the creation of such district and an election held to elect
4 commissioners for such district, if created, and that the
5 results of such referendum showed sixty-five percent of the
6 votes cast in such referendum to be in favor of the creation
7 of the district; that thereafter the ~~committee~~ council did
8 duly determine that the operation of the proposed district
9 is administratively practicable and feasible. The said
10 statement shall set forth the boundaries of the district as
11 they have been defined by the ~~committee~~ council, and the names
12 of the duly elected commissioners.

13 The secretary of state shall examine the application and
14 statement and, if he finds that the name proposed for the
15 district is not identical with that of any other soil conser-
16 vation district of this state or so nearly similar as to lead
17 to confusion or uncertainty, he shall receive and file them
18 and shall record them in an appropriate book of record in
19 his office. If the secretary of state shall find that the
20 name proposed for the district is identical with that of any
21 other soil conservation district of this state, or so nearly
22 similar as to lead to confusion and uncertainty, he shall
23 certify such fact to the state ~~soil-conservation-committee~~
24 which director, who shall thereupon submit to the secretary
25 of state a new name for the said district, which shall not
26 be subject to such defects. Upon receipt of such new name,
27 free of such defects, the secretary of state shall record
28 the application and statement, with the name so modified,
29 in an appropriate book of record in his office. When the
30 application and statement have been made, filed and recorded,
31 as herein provided, the district shall constitute a body cor-
32 porate. The secretary of state shall make and issue to the
33 said commissioners a certificate, under the seal of the state,
34 of the due organization of the said district, and shall record
35 such certificate with the application and statement. The

1 commissioners shall also cause such certificate to be recorded
2 in the office of the county recorder of each county in which
3 the land of the district extends. The boundaries of such
4 district shall include the territory as determined by the
5 ~~state-soil-conservation-committee~~ council as aforesaid, but
6 in no event shall they include any area included within the
7 boundaries of another soil conservation district organized
8 under the provisions of this chapter.

9 9. After six months shall have expired from the date of
10 entry of a determination by the ~~state-soil-conservation~~
11 ~~committee council~~ council that operation of a proposed district is
12 not administratively practicable and feasible, and denial
13 of a petition pursuant to such determination, subsequent pe-
14 titions may be filed as aforesaid, and action taken thereon
15 in accordance with the provisions of this chapter.

16 10. Petitions for including additional territory within
17 an existing district may be filed with the ~~state-soil-con-~~
18 ~~servation-committee~~ council, and the proceedings herein
19 provided for in the case of petition to organize a district
20 shall be observed in the case of petitions for such inclusion.
21 The committee council shall prescribe the form for such
22 petition, which shall be as nearly as may be in the form pre-
23 scribed in this chapter for petitions to organize a district.
24 In referenda upon petitions for such inclusion, all landowners
25 within the proposed area shall be eligible to vote. Where
26 the total number of landowners in the area proposed for
27 inclusion shall be less than twenty-five, the petition may
28 be filed when signed by seventy-five percent of the landowners
29 of such area, and in such case no referendum need be held.

30 11. In any suit, action, or proceeding involving the
31 validity or enforcement of, or relating to, any contract,
32 proceeding, or action of the district, the district shall
33 be deemed to have been established in accordance with the
34 provisions of this chapter upon proof of the issuance of the
35 aforesaid certificate by the secretary of state. A copy of

1 such certificate duly certified by the secretary of state
2 shall be admissible in evidence in any such suit, action or
3 proceeding, and shall be proof of the filing and contents
4 thereof.

5 12. All land within the outside boundaries of any dis-
6 trict established in accordance with this chapter shall be
7 subject to the jurisdiction of the district, including land
8 lying within any city or town.

9 Sec. 148. Section four hundred sixty-seven A point six
10 (467A.6), unnumbered paragraph four (4), Code 1971, is amended
11 as follows:

12 The commissioners may call upon the attorney general of
13 the state for such legal services as they may require. The
14 commissioners may delegate to their chairman, to one or more
15 commissioners or to one or more agents, or employees, such
16 powers and duties as they may deem proper. The commissioners
17 shall furnish to the ~~department-of-soil-conservation~~ director
18 of the division of soil conservation of the department of
19 natural resource management, upon request, copies of such
20 ordinances, rules, regulations, orders, contracts, forms,
21 and other documents as they shall adopt or employ, and such
22 other information concerning their activities as it may re-
23 quire in the performance of its duties under this chapter.

24 Sec. 149. Section four hundred sixty-seven A point ten
25 (467A.10), Code 1971, is amended as follows:

26 467A.10 DISCONTINUANCE OF DISTRICTS. At any time after
27 five years after the organization of a district under the
28 provisions of this chapter, any twenty-five owners of land
29 lying within the boundaries of such district, but in no case
30 less than twenty percent of the owners of land lying within
31 such district, may file a petition with the ~~state-soil-con-~~
32 ~~servation-committee~~ council praying that the operations of
33 the district be terminated and the existence of the district
34 discontinued. The ~~committee~~ council may conduct such public
35 meetings and public hearings upon such petition as may be

1 necessary to assist in the consideration thereof. Within
 2 sixty days after such a petition has been received by the
 3 committee director, the department director shall give due
 4 notice of the holding of a referendum, and shall supervise
 5 such referendum, and issue appropriate regulations governing
 6 the conduct thereof, the question to be submitted by ballots
 7 upon which the words "For terminating the existence of the
 8(name of the soil conservation
 9 district to be here inserted)" and "Against terminating the
 10 existence of the (name of the soil
 11 conservation district to be here inserted)" shall be printed,
 12 with a square before each proposition and a direction to
 13 insert an X mark in the square before one or the other of
 14 said propositions as the voter may favor or oppose
 15 discontinuance of such district. All owners of lands lying
 16 within the boundaries of the district shall be eligible to
 17 vote in such referendum. Only such landowners shall be
 18 eligible to vote. No informalities in the conduct of such
 19 referendum or in any matters relating thereto shall invalidate
 20 said referendum or the result thereof if notice thereof shall
 21 have been given substantially as herein provided and said
 22 referendum shall have been fairly conducted.

23 When sixty-five percent of the landowners vote to terminate
 24 the existence of such district, the state ~~soil-conservation~~
 25 committee director shall advise the commissioners to terminate
 26 the affairs of the district. The commissioners shall dispose
 27 of all property belonging to the district at public auction
 28 and shall pay over the proceeds of such sale to be covered
 29 into the state treasury. The commissioners shall thereupon
 30 file an application, duly verified, with the secretary of
 31 state for the discontinuance of such district, and shall
 32 transmit with such application the certificate of the state
 33 ~~soil-conservation-committee~~ director setting forth the deter-
 34 mination of the committee council that the continued operation
 35 of such district is not administratively practicable and

1 feasible. The application shall recite that the property
2 of the district has been disposed of and the proceeds paid
3 over as in this section provided, and shall set forth a full
4 accounting of such properties and proceeds of the sale. The
5 secretary of state shall issue to the commissioners a
6 certificate of dissolution and shall record such certificate
7 in an appropriate book of record in his office.

8 Upon issuance of a certificate of dissolution under the
9 provisions of this section, all ordinances and regulations
10 theretofore adopted and in force within such districts shall
11 be of no further force and effect. All contracts thereto-
12 fore entered into, to which the district or commissioners
13 are parties, shall remain in force and effect for the period
14 provided in such contracts. The state ~~soil-conservation~~
15 ~~committee~~ division of soil conservation shall be substituted
16 for the district or commissioners as party to such contracts.
17 The ~~committee~~ division of soil conservation shall be entitled
18 to all benefits and subject to all liabilities under such
19 contracts and shall have the same right and liability to
20 perform, to require performance, and sue and be sued thereon,
21 and to modify or terminate such contracts by mutual consent
22 or otherwise, as the commissioners of the district would have
23 had.

24 The ~~state-soil-conservation-committee~~ division of soil
25 conservation shall not entertain petitions for the discontin-
26 uance of any district nor conduct referenda upon such petitions
27 nor make determinations pursuant to such petitions in
28 accordance with the provisions of this chapter, more often
29 than once in five years.

30 Sec. 150. Section four hundred sixty-seven A point eleven
31 (467A.11), Code 1971, is amended as follows:

32 467A.11 REPORT TO GOVERNOR. The ~~committee~~ director will
33 supply to the commissioner of the department of natural
34 resource management any information and reports which are
35 requested by the commissioner, and the commissioner shall

1 submit to the governor, no later than January 1 next preceding
2 each biennial legislative session, a report which shall state
3 the following: The number and acreage of districts in exist-
4 tence or in process of organization, together with an estimate
5 of the number and probable acreage of the districts which
6 may be organized during the ensuing biennial fiscal period;
7 a statement of the balances of funds, if any, available to
8 the committee division of soil conservation of the department
9 of natural resource management for conservation projects as
10 to the sums needed for-its-administrative-and-ether-expenses,
11 and for allocation among the several districts during the
12 ensuing biennial fiscal period.

13 Sec. 151. Section four hundred sixty-seven A point twelve
14 (467A.12), Code 1971, is amended as follows:

15 467A.12 STATEMENT TO COMPTROLLER. On or before September
16 1 next preceding each biennial legislative session, the state
17 soil-conservation-committee director of the division of
18 administration of the department of natural resource manage-
19 ment, on behalf of the director of the division of soil con-
20 servation, shall submit to the state comptroller, on offi-
21 cial estimate blanks furnished for such purposes, statements
22 and estimates of the expenditure requirements for each fiscal
23 year of the ensuing biennium, and a statement of the balance
24 of funds, if any, available to the committee,-and-the-estimates
25 of-the-committee-as-to-the-sums-needed-for-the-administrative
26 director of the division of soil conservation for soil con-
27 servation projects and other expenses of the committee and
28 department.

29 Sec. 152. Section four hundred sixty-seven A point eigh-
30 teen (467A.18), Code 1971, is amended as follows:

31 467A.18 AUTHENTICATION. Following the entry in the of-
32 ficial minutes of the soil district commissioners of the
33 creation of the subdistrict, the commissioners shall certify
34 this fact on a separate form, authentic copies of which shall
35 be recorded with the county recorder of each county in which

1 any portion of the subdistrict lies, and with the department
2 ~~of-soil-conservation~~ director.

3 Sec. 153. Section four hundred sixty-seven A point twenty-
4 two (467A.22), unnumbered paragraph two (2), Code 1971, is
5 amended as follows:

6 The governing body of the subdistrict, upon determination
7 that benefits from works of improvement as set forth in the
8 watershed work plan to be installed will exceed costs thereof,
9 and that funds needed for purposes of the subdistrict require
10 levy of a special benefit assessment as provided in section
11 467A.23, in lieu of the special annual tax as provided in
12 section 467A.20, shall record its decision to use said taxing
13 authority and shall have authority, upon majority vote of
14 said governing body and with the approval of the ~~state-soil~~
15 ~~conservation-committee~~ council of the division of recrea-
16 tion, fish, and game of the department of natural resource
17 management, to issue warrants or bonds payable in not more
18 than forty semiannual installments in connection therewith,
19 and to pledge and assign the proceeds of the special benefit
20 assessment and other revenues of the subdistrict as security
21 therefor. Such warrants and bonds of indebtedness shall be
22 general obligations of the subdistrict, exempt from all taxes,
23 state and local, and in no event shall such warrants and
24 bonds constitute an indebtedness of the soil conservation
25 district or the state of Iowa.

26 Sec. 154. Section four hundred sixty-seven C point five
27 (467C.5), Code 1971, is amended as follows:

28 467C.5 APPROVAL OF COMMISSIONERS. No district shall be
29 established by any board of supervisors under this chapter
30 unless the organization of such district is approved by the
31 commissioners of any soil conservation district established
32 under the provisions of chapter 467A and which is included
33 all or in part within such district, nor shall any such dis-
34 trict be established without the approval of the ~~state-con-~~
35 ~~servation-commission-and-the-Iowa-natural-resources-council~~

1 council of the division of recreation, fish, and game of the
2 department of natural resource management.

3 Sec. 155. Chapter four hundred sixty-nine (469), Code
4 1971, is amended by adding the following new sections:

5 "When used in this chapter:

6 1. 'Director' or 'state director' means the director of
7 the division of natural resources of the department of natural
8 resource management.

9 2. 'Council' means the council of the division of natural
10 resources of the department of natural resource management."

11 "The department of natural resource management shall issue
12 all permits and orders authorized by the council through the
13 central agency established for that purpose."

14 Sec. 156. Section four hundred seventy-one point four
15 (471.4), subsection one (1), Code 1971, is amended as follows:

16 1. COUNTIES. Upon all counties for such lands as are
17 reasonable and necessary for the erection of courthouses or
18 jails or any other buildings or additions to buildings which
19 the county has statutory power to erect, construct or make
20 additions, and the construction, improvement or maintenance
21 of highways, and for the carrying out of plans for the
22 acquisition of land advanced by a county conservation board,
23 and approved by the state ~~conservation-commission~~ depart-
24 ment of natural resource management as provided in section
25 111A.4; providing further, it would not completely prevent
26 development of the conservation project, this authority shall
27 not apply to any improved private property used as a residence
28 or living quarters for a period of one year, not to exceed
29 two acres, or if jointly owned, not to exceed two acres per
30 residential unit, unless subsequently abandoned for use for
31 such purposes. Temporary unoccupancy shall not be construed
32 as abandonment. Wherever the county has the right to take
33 private property for public use, it also has the right to
34 contract for options for the purchase of said land.

35 Sec. 157. Sections one hundred seven point twenty-seven

1 (107.27), one hundred seven point twenty-eight (107.28), one
2 hundred seven point twenty-nine (107.29), one hundred seven
3 point thirty-one (107.31), one hundred seven point thirty-
4 three (107.33), one hundred eleven point two (111.2), one
5 hundred eleven point eleven (111.11), one hundred eleven point
6 sixteen (111.16), one hundred eleven point eighteen (111.18),
7 one hundred eleven point twenty-one (111.21), one hundred
8 eleven point twenty-seven (111.27), one hundred eleven point
9 thirty-five (111.35), one hundred eleven point fifty-two
10 (111.52), one hundred eleven point fifty-three (111.53), and
11 one hundred eleven point fifty-six (111.56), Code 1971, are
12 amended by striking from such sections the words "commission"
13 or "conservation commission" and inserting in lieu thereof
14 the word "commissioner".

15 Sec. 158. Sections one hundred six point three (106.3),
16 one hundred six point five (106.5), subsections one (1), two
17 (2), six (6), and seven (7), one hundred six point six (106.6),
18 subsection six (6), one hundred six point seven (106.7), one
19 hundred six point eight (106.8), one hundred six point nine
20 (106.9), one hundred six point ten (106.10), one hundred six
21 point twenty-four (106.24), one hundred six point seventeen
22 (106.17), subsection two (2), one hundred six point nineteen
23 (106.19), one hundred six point twenty-three (106.23),
24 subsections two (2) and three (3), one hundred six point nine-
25 teen (106.19), one hundred six point twenty-six (106.26),
26 one hundred six point thirty-three (106.33), one hundred six
27 point thirty-six (106.36), one hundred six point thirty-seven
28 (106.37), one hundred six point thirty-eight (106.38), one
29 hundred six point thirty-nine (106.39), one hundred six point
30 forty (106.40), one hundred six point forty-two (106.42),
31 one hundred six point forty-six (106.46), one hundred six
32 point fifty (106.50), one hundred six point fifty-one (106.51),
33 one hundred eight point seven (108.7), one hundred nine point
34 seventeen (109.17), one hundred nine point twenty-two (109.22),
35 subsection five (5), one hundred nine point thirty-two

1 (109.32), one hundred nine point thirty-eight (109.38), one
2 hundred nine point thirty-nine (109.39), one hundred nine
3 point forty-eight (109.48), one hundred nine point forty-nine
4 (109.49), one hundred nine point fifty-six (109.56), one
5 hundred nine point fifty-seven (109.57), one hundred nine
6 point sixty-one (109.61), one hundred nine point sixty-two
7 (109.62), one hundred nine point sixty-three (109.63), one
8 hundred nine point sixty-four (109.64), one hundred nine point
9 sixty-five (109.65), one hundred nine point sixty-six (109.66),
10 one hundred nine point seventy (109.70), one hundred nine
11 point seventy-six (109.76), one hundred nine point seventy-
12 eight (109.78), one hundred nine point eighty (109.80), one
13 hundred nine point eighty-five (109.85), one hundred nine
14 point eighty-seven (109.87), one hundred nine point eighty-
15 eight (109.88), one hundred nine point eighty-nine (109.89),
16 one hundred nine point ninety-five (109.95), one hundred nine
17 point ninety-seven (109.97), one hundred nine point ninety-
18 eight (109.98), one hundred nine point one hundred (109.100),
19 one hundred nine point one hundred five (109.105), one hundred
20 nine point one hundred seven (109.107), one hundred nine point
21 one hundred eight (109.108), one hundred nine point one hundred
22 sixteen (109.116), one hundred nine point one hundred seventeen
23 (109.117), one hundred nine point one hundred eighteen
24 (109.118), one hundred ten point one (110.1), one hundred
25 ten point eleven (110.11), one hundred ten point fourteen
26 (110.14), one hundred ten point fifteen (110.15), one hundred
27 ten point seventeen (110.17), one hundred ten A point one
28 (110A.1), one hundred ten A point two (110A.2), one hundred
29 ten A point three (110A.3), one hundred ten A point four
30 (110A.4), one hundred ten A point five (110A.5), one hundred
31 ten A point seven (110A.7), one hundred ten A point eight
32 (110A.8), one hundred eleven point seven (111.7), one hundred
33 eleven point eight (111.8), one hundred eleven point fifteen
34 (111.15), one hundred eleven point thirty-six (111.36), one
35 hundred eleven point forty-one (111.41), one hundred eleven

1 point forty-two (111.42), one hundred eleven point forty-seven
2 (111.47), one hundred eleven point forty-eight (111.48), one
3 hundred eleven point forty-nine (111.49), one hundred eleven
4 point sixty (111.60), one hundred eleven point sixty-two
5 (111.62), one hundred eleven point sixty-three (111.63), one
6 hundred eleven point sixty-six (111.66), one hundred eleven
7 point seventy-one (111.71), one hundred eleven point seventy-
8 two (111.72), one hundred eleven point seventy-four (111.74),
9 one hundred eleven point seventy-five (111.75), one hundred
10 eleven A point three (111A.3), one hundred eleven A point
11 four (111A.4), subsection three (3), one hundred eleven A
12 point seven (111A.7), one hundred eleven A point nine (111A.9),
13 one hundred twelve point two (112.2), one hundred twelve point
14 five (112.5), one hundred twelve point nine (112.9), and one
15 hundred twelve point ten (112.10), Code 1971, are amended
16 by striking from such sections the words "conservation
17 commission" or "commission" and inserting in lieu thereof
18 the word "director".

19 Sec. 159. Sections one hundred six point two (106.2),
20 subsection four (4), one hundred six point four (106.4), one
21 hundred six point nine (106.9), subsection twelve (12), one
22 hundred six point fifteen (106.15), one hundred six point
23 twenty-eight (106.28), one hundred six point thirty (106.30),
24 one hundred six point thirty-one (106.31), subsection one
25 (1), one hundred seven point twenty-six (107.26), one hundred
26 eight point eight (108.8), one hundred eight point ten
27 (108.10), and four hundred fifty-five A point thirty-six
28 (455A.36), Code 1971, are amended by striking from such sec-
29 tions the words "conservation commission" or "commission"
30 and inserting in lieu thereof the words "state department
31 of natural resource management".

32 Sec. 160. Sections one hundred seven point eight (107.8),
33 one hundred seven point nine (107.9), one hundred seven point
34 twenty (107.20), one hundred seven point twenty-three (107.23),
35 one hundred nine point one (109.1), subsections eight (8)

1 and ten (10), and one hundred eleven point seventeen (111.17),
2 Code 1971, are amended by striking from such sections the
3 words "conservation commission" or "commission" and inserting
4 in lieu thereof the words "state department".

5 Sec. 161. Sections one hundred seven point one (107.1),
6 one hundred seven point two (107.2), one hundred seven point
7 three (107.3), one hundred seven point four (107.4), one
8 hundred seven point five (107.5), one hundred seven point
9 ten (107.10), one hundred seven point eleven (107.11), one
10 hundred seven point twelve (107.12), one hundred seven point
11 fourteen (107.14), one hundred seven point sixteen (107.16),
12 one hundred seven point twenty-one (107.21), one hundred
13 eleven point one (111.1), one hundred eleven B point three
14 (111B.3), one hundred eleven B point four (111B.4), one hundred
15 eleven B point five (111B.5), one hundred eleven B point six
16 (111B.6), one hundred eleven B point seven (111B.7), four
17 hundred fifty-five A point three (455A.3), four hundred fifty-
18 five A point four (455A.4), four hundred fifty-five A point
19 five (455A.5), four hundred fifty-five A point six (455A.6),
20 four hundred fifty-five A point seven (455A.7), and four
21 hundred fifty-five A point eight (455A.8), Code 1971, are
22 repealed.

23 EXPLANATION

24 This bill reorganizes the state conservation commission,
25 Iowa natural resources council, state soil conservation com-
26 mittee, state geologist geological board, and the state ad-
27 visory council for preserves into a department of natural
28 resource management.

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