

Withdrawn 4/2

Natural Resources

FILED MAY 11 1979

SENATE FILE 501

By SCHWENGELS

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

A BILL FOR

1 An Act relating to the composition and powers of conservancy
 2 district boards of directors, providing by law for the
 3 establishment or continuation of certain public bodies
 4 within counties and conservancy districts, providing
 5 for the establishment of watershed funding districts,
 6 and authorizing the levying of a tax by watershed
 7 funding districts.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section four hundred sixty-seven D point four
2 (467D.4), Code 1979, is amended to read as follows:

3 467D.4 GOVERNING BODY. The governing body of each
4 conservancy district shall be one of the following:

5 1. The state soil conservation committee established by
6 section 467A.4.

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

16 Sec. 2. Section four hundred sixty-seven D point five
17 (467D.5), Code 1979, is amended by striking the section and
18 inserting in lieu thereof the following:

19 467D.5 ELECTION OF CONSERVANCY DISTRICT BOARD.

20 1. The state soil conservation committee acting in its
21 capacity as a conservancy district board may propose division
22 of a conservancy district, currently being governed by the
23 state soil conservation committee under subsection one (1)
24 of section four hundred sixty-seven D point four (467D.4)
25 of the Code, into not less than five nor more than nine wards.
26 Ward boundaries shall coincide with county boundaries, except
27 that each ward shall lie entirely within the conservancy
28 district of which it is a part. Each ward shall be composed
29 of contiguous territory and shall be drawn with equality of
30 population as an objective, insofar as that objective can
31 reasonably be implemented while meeting the other requirements
32 of this subsection.

33 2. When a proposal for establishment of wards in a
34 conservancy district has been approved by the state soil
35 conservation committee, the members of the first elected board

1 shall be chosen at the next succeeding regular election
2 pursuant to subsection three (3) of this section, unless the
3 date of that election is more than one hundred eighty days
4 after the date of approval of the proposal for establish-
5 ment of wards. In that case, the state soil conservation
6 committee shall, in consultation with the state commissioner
7 of elections, set a date for a special election to choose
8 the first members of the elected board. Upon taking office,
9 the first elected board shall be divided by the soil
10 conservation committee into two classes as nearly equal in
11 number as possible. Members of the second class shall be
12 comprised of those candidates receiving the largest number
13 of votes. Successors to members of the first class shall
14 be elected at the next succeeding regular election under
15 subsection three (3) of this section, and successors to members
16 of the second class shall be elected at the second succeeding
17 such regular election.

18 3. Except as provided in subsection two (2) of this section
19 members of elected conservancy district boards shall be chosen
20 by the qualified electors of their respective wards for
21 staggered four-year terms beginning on January first following
22 their election. The election for conservancy district
23 directors shall be held in each established ward on the first
24 Tuesday following the first Monday of November of each even-
25 numbered year. A ward established under this section is a
26 political subdivision, and each election in the ward shall
27 be conducted by the county commissioner of elections who is
28 responsible under section forty-seven point two (47.2) of
29 the Code. Candidates for the board shall be nominated by
30 petition in accordance with chapter forty-five (45) of the
31 Code, except that each candidate's nominating petition must
32 be signed by at least thirty-five eligible electors of the
33 ward. The petitions shall be filed with the county
34 commissioner of elections who is conducting the election not
35 more than sixty-five nor less than forty days before the date

1 of the election. The provisions of chapters forty-nine (49)
2 and fifty (50) of the Code shall govern the conducting and
3 canvassing of the election, to the same extent and in the
4 same manner as other nonpartisan elections. A plurality is
5 sufficient to elect a person to the board, and no primary
6 shall be held.

7 4. Any eligible elector as defined in section thirty-nine
8 point three (39.3) of the Code residing in a conservancy
9 district ward is eligible to be elected to represent that
10 ward on the board. A person shall be elected to the board
11 for no more than two consecutive terms. A vacancy is created
12 when a member of the board removes his or her residence from
13 the ward he or she was elected to represent. A vacancy shall
14 be filled by appointment of the state soil conservation
15 committee from a list of nominees submitted by the remaining
16 members of the board, for the period until the next regular
17 election under subsection three (3) of this section. At that
18 election, a board member shall be elected for the remaining
19 balance of the unexpired term as provided by section sixty-
20 nine point twelve (69.12) of the Code.

21 Sec. 3. Section four hundred sixty-seven D point six
22 (467D.6), subsection five (5), Code 1979, is amended to read
23 as follows:

24 5. Review the plans and co-ordinate the programs and ac-
25 tivities between counties, cities and any of the entities
26 listed in subsection 4 of this section, and otherwise advise
27 and assist the governing bodies of such entities in any
28 appropriate manner, in all cases which relate to any manner
29 within the jurisdiction of the conservancy district, ~~provided~~
30 ~~that~~. However the board shall have only advisory and
31 consultative powers with respect to any such entities except
32 as otherwise specifically provided in this chapter, or in
33 section thirty-two (32) of this Act. Upon receiving either
34 a resolution of the governing board of a levee or drainage
35 district or a petition signed by landowners of the levee or

1 drainage district and meeting the requirements of section
2 thirty-two (32) of this Act, the board shall assume
3 administration of the levee or drainage district and
4 consolidate it within a watershed funding district established
5 pursuant to section eleven (11) of this Act.

6 Sec. 4. Section four hundred sixty-seven D point six
7 (467D.6), Code 1979, is amended by adding the following new
8 subsection:

9 NEW SUBSECTION. Establish, administer and direct various
10 advisory committees as authorized by this chapter.

11 Sec. 5. Section four hundred sixty-seven D point seven
12 (467D.7), Code 1979, is amended by striking the section and
13 inserting in lieu thereof the following:

14 467D.7 ADMINISTRATION OF CONSERVANCY DISTRICTS BY STATE
15 COMMITTEE.

16 1. When officially conducting the business of a conservancy
17 district, the committee shall formally convene as the board
18 of that conservancy district and shall keep minutes as such.
19 The chairperson of the committee shall be the chairperson
20 of the board of each conservancy district that it administers.

21 2. The state soil conservation committee, serving in its
22 capacity as the board of a conservancy district, shall appoint
23 a secretary and a treasurer for the conservancy district,
24 and may appoint the same individual as secretary for two or
25 more conservancy districts, or as the treasurer for two or
26 more conservancy districts. However, a person shall not
27 simultaneously serve as both a board secretary and a board
28 treasurer, either for the same conservancy district or for
29 different conservancy districts. A person appointed by the
30 committee as secretary or treasurer of one or more conservancy
31 districts, who is not otherwise employed by the state or any
32 of its political subdivisions, shall receive compensation
33 as the committee determines.

34 Sec. 6. Section four hundred sixty-seven D point eight
35 (467D.8), Code 1979, is amended by striking the section and

1 inserting in lieu thereof the following:

2 467D.8 ADMINISTRATION OF CONSERVANCY DISTRICTS BY ELECTED
3 BOARD.

4 1. The board of each conservancy district which is adminis-
5 tered by an elected board shall hold an annual meeting in
6 July and shall meet at least once each quarter. The
7 chairperson of the board shall schedule a special meeting
8 within five days on the request of any two board members.
9 An action of the board requires the affirmative votes of at
10 least a majority of the elected members.

11 2. At the first meeting after election of the initial
12 board, at the annual meeting in the following calendar year,
13 and at each succeeding annual meeting, the board shall organize
14 by electing a chairperson and a vice-chairperson. Upon
15 completing its organization, the initial elected board of
16 a conservancy district shall so notify the state soil
17 conservation committee in writing. The committee shall
18 transfer the powers, duties and records of the board of that
19 conservancy district to the elected board within thirty days
20 after receiving the notice.

21 3. At its first meeting after election of the initial
22 board pursuant to section two (2) of this Act, and at each
23 succeeding annual meeting, the board of each conservancy
24 district administered by an elected board shall appoint a
25 secretary and a treasurer for the conservancy district.
26 However, a person shall not simultaneously serve as both a
27 board secretary and a board treasurer, either for the same
28 conservancy district or for different conservancy districts.
29 The secretary and treasurer may be either full-time or part-
30 time employees of the conservancy district, at the board's
31 discretion. The secretary and the treasurer shall each qualify
32 by filing with the board, within ten days after being
33 appointed, a bond in an amount designated by the board, but
34 not less than one thousand dollars, conditioned on the faithful
35 performance of their respective duties. The reasonable cost

1 of the secretary's and the treasurer's bonds may be paid from
2 the funds of the conservancy district.

3 Sec. 7. Section four hundred sixty-seven D point ten
4 (467D.10), Code 1979, is amended by adding the following new
5 subsection:

6 NEW SUBSECTION. Perform other duties as directed by the
7 board.

8 Sec. 8. Section four hundred sixty-seven D point fourteen
9 (467D.14), Code 1979, is amended by adding the following new
10 subsection:

11 NEW SUBSECTION. Revenue derived from the special annual
12 tax levied by watershed funding districts pursuant to section
13 eighteen (18) of this Act.

14 Sec. 9. Chapter four hundred sixty-seven D (467D), Code
15 1979, is amended by adding sections ten (10) through twenty-
16 one (21) of this Act.

17 Sec. 10. NEW SECTION. ESTABLISHMENT OF CERTAIN BODIES
18 BY CONSERVANCY DISTRICT BOARD. The board of each conservancy
19 district, pursuant to a plan drawn up and approved under
20 sections four hundred sixty-seven D point sixteen (467D.16)
21 and four hundred sixty-seven D point seventeen (467D.17) of
22 the Code, may establish the following bodies:

23 1. A five-member subbasin board of trustees for each sub-
24 basin established by the board within the conservancy district.
25 Subbasin trustees shall be chosen from eligible electors
26 residing in the subbasin and shall be appointed by the board
27 from lists of nominees furnished by the commissioners of each
28 soil conservation district any part of which lies in the
29 subbasin. The list shall contain no more than three nominees.
30 Subbasin trustees shall serve two-year terms, and may be
31 reappointed for not more than three consecutive terms. A
32 vacancy on a subbasin board of trustees shall be filled by
33 board appointment in the same manner as the original
34 appointment. Each subbasin board of trustees shall determine
35 priorities for developing and implementing district watershed

1 plans in concurrence with the board, and shall perform other
2 duties delegated by the board.

3 2. Local watershed committees, composed of residents of
4 the respective local watersheds established by the board.

5 3. County resources coordinating committees composed
6 of interested county residents.

7 4. A conservancy district advisory committee, composed
8 of one member from each county resource coordinating committee
9 established in a county wholly or partially contained in the
10 conservancy district.

11 Sec. 11. NEW SECTION. AUTHORITY TO ESTABLISH LOCAL
12 WATERSHED FUNDING DISTRICTS. Local watersheds whose boundaries
13 have been established by the board may be formed into watershed
14 funding districts as provided in sections twelve (12) through
15 sixteen (16) and section thirty-two (32) of this Act for the
16 purpose of carrying out water management, soil erosion and
17 sediment control projects within the local watershed. The
18 projects may include but are not limited to acquisition of
19 real and personal property, construction, operation and
20 maintenance programs, and informational and demonstration
21 programs.

22 Sec. 12. NEW SECTION. PETITION FOR FORMATION OF WATERSHED
23 FUNDING DISTRICT.

24 1. Landowners desiring to organize a watershed funding
25 district shall file a petition with the commissioners of a
26 soil conservation district in which any portion of the proposed
27 watershed funding district would be located.

28 2. The petition for formation of a watershed funding
29 district shall contain the following:

30 a. A request that the watershed be organized as a watershed
31 funding district.

32 b. A concise statement giving the scope of the construc-
33 tion, operation and maintenance project plans, taxing plans,
34 and financing plans of the watershed funding district.

35 c. A description to the nearest quarter section, of the

1 land intended for inclusion in the watershed funding district,
2 which shall be within the conservancy district and, along
3 boundaries approved by the board and shall not overlap with
4 boundaries of an existing watershed funding district.

5 d. A statement of the purpose for the organization of
6 the watershed funding district.

7 e. The signature of landowners holding title to at least
8 sixty-five percent of the land area in the watershed.

9 Signatures of all landowners owning land held in joint tenancy
10 or tenancy-in-common, signatures of the buyer and seller of
11 land subject to a contract of sale filed with the county
12 recorder and signatures of all partners owning land held in
13 partnership, shall be required on the petition before such
14 lands are counted in determining whether sixty-five percent
15 of the landowners have signed the petition.

16 3. The soil conservation district commissioners receiving
17 the petition shall provide copies of the petition to the board
18 and to the commissioners of other soil conservation districts
19 in which a portion of the watershed funding district is
20 located. The soil conservation district commissioners
21 receiving the petition shall arrange to jointly review the
22 petition with the other commissioners notified.

23 Sec. 13. NEW SECTION. HEARING ON PETITION.

24 1. If the soil conservation district commissioners find
25 the petition for formation of a watershed funding district
26 is in proper form, they shall arrange for a hearing on the
27 merits of the petition. Within thirty days after the petition
28 was filed with the commissioners, they shall fix the date,
29 hour and place for the hearing.

30 2. Notice of the hearing shall be given by the secretary
31 of the commissioners by publication, as specified in subsection
32 three (3) of this section, and by certified mail sent at least
33 twenty and not more than thirty days prior to the hearing
34 to the following:

35 a. Each owner of a tract of land within the proposed

1 watershed funding district, as shown by the transfer books
2 of the county auditor's office.

3 b. Each lienholder or encumbrancer of the lands within
4 the proposed watershed funding district, as shown by the
5 records of the county recorder.

6 c. Occupants of land within the proposed watershed funding
7 district, except that notice may be by ordinary mail instead
8 of certified mail.

9 d. All other persons requesting notice in writing from
10 the commissioners.

11 3. Notice of the hearing by publication shall occur once
12 each week for two consecutive weeks in a newspaper of general
13 circulation published in each county in which the proposed
14 watershed funding district is located. The last publication
15 shall be not less than ten days prior to the day set for the
16 hearing on the petition. Proof of service of the notice shall
17 be made by affidavit of the publisher, which shall be placed
18 on file with the secretary of the soil conservation district
19 at the time the hearing is called to order.

20 4. The notice of the hearing required by subsection two
21 (2) of this section shall contain the following:

22 a. The date, hour and place of the hearing.

23 b. A brief statement of the purpose of the hearing.

24 c. That all comments and objections to establishment of
25 the proposed watershed funding district should be made in
26 writing and filed with the secretary of the soil conservation
27 district at or before the hearing.

28 d. The name and address to which all comments and
29 objections shall be sent.

30 Sec. 14. NEW SECTION. DETERMINATION OF THE MERITS OF
31 THE PETITION.

32 1. If after taking testimony at the hearing the soil
33 conservation district commissioners by majority vote determine
34 that the operation of the proposed watershed funding district
35 within the proposed boundaries is desirable, practicable,

1 feasible, and necessary for the health, safety and public
2 welfare, the commissioners shall declare in writing that the
3 watershed funding district is duly organized and shall record
4 such action in their official minutes together with an
5 appropriate official name of the watershed funding district.

6 2. All interested persons may attend the hearing on the
7 merits of the petition and present oral or written testimony.
8 The commissioners may for good cause adjourn the hearing to
9 a later date, which shall be announced prior to the adjournment
10 and made a matter of record.

11 3. If the scope or purpose of the project is materially
12 changed, a new hearing must be scheduled and notice given
13 in the same manner as the original hearing, before a
14 determination is made on the merits of the petition.

15 4. The costs of organizing the district shall be paid
16 by the board.

17 Sec. 15. NEW SECTION. JOINT BOARD OF SOIL CONSERVATION
18 DISTRICT COMMISSIONERS. If a proposed watershed funding
19 district lies in more than one soil conservation district,
20 the commissioners of the affected soil conservation districts
21 shall act jointly as a board of commissioners with respect
22 to all matters relating to the formation of the watershed
23 funding district or material changes in its project, taxing
24 or financing plans. They shall organize as a single board
25 for these purposes and shall designate a chairperson, vice-
26 chairperson, and secretary to serve until the ruling on
27 formation is made. Minutes of the commissioners acting in
28 a joint capacity shall be made part of the minutes of each
29 soil conservation district whose commissioners are acting
30 in a joint capacity. A watershed funding district crossing
31 soil conservation district lines shall have the same powers
32 and duties as a funding district formed solely within a single
33 soil conservation district.

34 Sec. 16. NEW SECTION. RECORDING OF WATERSHED FUNDING
35 DISTRICT FORMATION. Following the entry in the official

1 minutes of the soil conservation district commissioners of
2 the creation of a watershed funding district, the commissioners
3 shall certify this fact on a separate form with a description
4 of the watershed funding district's boundaries. Verified
5 copies of the form shall be recorded with the county recorder
6 of each county in which a portion of the funding district
7 lies, with the board and with the department. Upon record-
8 ing the watershed funding district is deemed established.

9 Sec. 17. NEW SECTION. GOVERNING BODY OF WATERSHED FUNDING
10 DISTRICT. The board shall be the governing body of the
11 watershed funding district and shall have all the powers and
12 duties granted to the board in section four hundred sixty-
13 seven D point six (467D.6) of the Code when administering
14 a watershed funding district. A local watershed committee
15 established pursuant to section ten (10), subsection two (2)
16 of this Act, comprised of landowners residing in the local
17 watershed, shall be organized by the board, if not already
18 in existence, upon establishment of a watershed funding
19 district. The local watershed committee shall assist the
20 board in an advisory capacity in governing the watershed
21 funding district.

22 Sec. 18. NEW SECTION. SPECIAL ANNUAL TAX.

23 1. After obtaining agreement to carry out recommended
24 soil erosion and sediment control measures on not less than
25 fifty percent of the land situated in the watershed funding
26 district, the governing body of a watershed funding district
27 may levy a special annual tax upon all land within the
28 watershed funding district not exceeding one dollar and eight
29 cents per one thousand dollars of assessed valuation of taxable
30 land in the watershed funding district.

31 2. The revenue derived from the tax shall be used for
32 the following purposes only:

33 a. Repayment of actual and necessary expenses incurred
34 by the board in organizing the watershed funding district.

35 b. The acquisition of real and personal property and

1 construction, repair, alteration, maintenance and operation
2 of the present and future works of improvement within its
3 boundaries for the purpose of carrying out water management,
4 soil erosion and sediment control projects.

5 c. The watershed funding district's portion of cost sharing
6 with landowners for installation of land treatment measures.

7 d. Payment of administrative costs of the watershed funding
8 district.

9 3. A special tax levied by the governing body shall be
10 certified by the secretary of the board on or before January
11 tenth to the county auditor of each county where any of the
12 property included within the limits of the watershed funding
13 district is located. The levied tax shall be placed upon
14 the tax list for the current fiscal year by the county auditor
15 and the county treasurer shall collect the tax in the same
16 manner as other real property taxes, and when delinquent the
17 tax shall draw the same interest and penalties as other real
18 property taxes.

19 4. All special taxes levied and collected shall be paid
20 over by the collecting officer to the treasurer of the county
21 in which the largest amount of revenue from the special tax
22 is raised. This county treasurer shall credit the tax revenue
23 to the account of the watershed funding district from which
24 it was collected. Expenditures from the account shall be
25 made on requisition of the chairperson and secretary of the
26 governing body of the watershed funding district.

27 5. Sales for delinquent special taxes shall be made at
28 the same time and in the same manner as sales are made for
29 other real property taxes, and provisions of the law relating
30 to the sale of property for delinquent taxes shall be
31 applicable to such sales.

32 Sec. 19. NEW SECTION. WARRANTS AND BONDS. If the petition
33 filed pursuant to section twelve (12) of this Act or section
34 twenty (20) of this Act contained plans for issuing warrants
35 and bonds, then upon majority vote the governing body of a

1 watershed funding district may issue warrants or bonds payable
2 in not more than forty semiannual installments and may pledge
3 and assign the proceeds of the special annual tax and other
4 revenues of the watershed funding district as security
5 therefore. The warrants and bonds of indebtedness shall be
6 general obligations of the watershed funding district, exempt
7 from all state and local taxes, and the warrants and bonds
8 shall not constitute an indebtedness of the soil conservation
9 district, conservancy district, or the state of Iowa.

10 Sec. 20. NEW SECTION. MODIFICATION OF WATERSHED FUNDING
11 DISTRICT PURPOSES.

12 1. Before the scope of the project, taxing or financing
13 plans of a watershed funding district are materially modified
14 from that specified in the original petition for formation
15 of the district, a new petition must be filed and processed
16 in the same manner as the petition for formation of a watershed
17 funding district pursuant to section twelve (12) through
18 fifteen (15) of this Act, except as otherwise provided in
19 this section.

20 2. The petition to modify the project, taxing or financing
21 plans shall request the particular modification in lieu of
22 the request to form a district and shall state the purpose
23 of the modification in lieu of stating the purpose for
24 formation of the district.

25 3. The notice of the hearing on the petition shall specify
26 that comments and objections to the proposed modification
27 in the project, taxing or financing plans should be made in
28 writing and filed with the secretary of the soil conservation
29 district at or before the hearing in lieu of comments and
30 objections to establishment of the proposed district.

31 4. If after taking testimony at the hearing the soil con-
32 servation district commissioners by majority vote determine
33 that the modification of the project, taxing or financing
34 plans is desirable, practicable, feasible, and necessary for
35 the health, safety and public welfare, the commissioners shall

1 in writing declare that the watershed funding district's
2 authorized project, taxing or financing plans are modified
3 and shall record such action in their official minutes.

4 Sec. 21. NEW SECTION. INTERGOVERNMENTAL COOPERATION.

5 1. A watershed funding district may cooperate with any
6 other local, state or federal entity of government in
7 discharging its duties and powers.

8 2. A soil conservation district and a watershed funding
9 district shall cooperate in the implementation of the programs
10 of the watershed funding district.

11 Sec. 22. Section four hundred sixty-seven D point three
12 (467D.3), subsection one (1), paragraph j, Code 1979, is
13 amended to read as follows:

14 j. In Scott county:

15	<u>Twp. N.</u>	<u>Range East</u>	<u>Sections</u>
16	80	1, 2, 3, 4, 5	All.
17	79	1	1 to 18 inclusive, 23, 24.
18		2	1 to 30 inclusive, 33 to 36
19			inclusive.
20		3, 4, 5	All.
21	78	2	1, 2, 10 to 17 inclusive.
22			20 to 36 inclusive
23			<u>20 to 30 inclusive,</u>
24			<u>32 to 36 inclusive.</u>
25	77	2 -3	All <u>1 to 5 inclusive,</u>
26			<u>8 to 17 inclusive,</u>
27			<u>20 to 36 inclusive.</u>
28		3	All.

29 All territory within the corporate limits of the city of
30 Bluegrass, as such limits existed on January 1, 1979, shall
31 be within the northeast Iowa conservancy district, including
32 the portion of such city not within any of the sections of
33 land previously listed in this paragraph.

34 Sec. 23. Section four hundred sixty-seven D point three
35 (467D.3), subsection one (1), paragraphs k and l, Code 1979,

1 are amended by striking the paragraphs.

2 Sec. 24. Section four hundred sixty-seven D point three
 3 (467D.3), subsection two (2), unnumbered paragraph one (1),
 4 Code 1979, is amended to read as follows:

5 2. The Iowa-Cedar river conservancy district shall include
 6 all of Worth, Cerro Gordo, Butler, Franklin, Grundy, Benton,
 7 Tama, Johnson, Muscatine, and Iowa counties, those portions
 8 of Mitchell, Floyd, Chickasaw, Bremer, Black Hawk, Buchanan,
 9 Linn, Cedar, and Scott, ~~and Muscatine~~ counties not included
 10 in the northeast Iowa conservancy district, that portion of
 11 Jones county not so included in the northeast Iowa conservancy
 12 district and also all territory within the corporate limits
 13 of the city of Martelle in Jones county, as such limits existed
 14 on January 1, 1969, including that portion of such city within
 15 any of the sections of land listed in paragraph "h" of
 16 subsection 1 of this section, and the designated portions
 17 of each of the following counties:

18 Sec. 25. Section four hundred sixty-seven D point three
 19 (467D.3), subsection two (2), paragraph m, Code 1979, is
 20 amended to read as follows:

21 m. In Louisa county:

22	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
23	76	5	All.
24	75	<u>2</u>	<u>All.</u>
25		3	4-to-9-inclusive,
26			16-to-22-inclusive,
27			27-to-34-inclusive
28			<u>All.</u>
29		4, 5	All.
30	74	1	All.
31		2	18--19--29-to-32-inclusive, 36
32			<u>5 to 9 inclusive, 16 to 22</u>
33			<u>inclusive, 26 to 36 inclusive.</u>
34		3	2-to-36-inclusive <u>All.</u>
35		4	1 to 30 inclusive,

1 32 to 36 inclusive.
 2 5 1 to 29 inclusive, 34.
 3 73 1 All.
 4 2 ~~1, 4 to 36 inclusive~~ All.
 5 3 All.
 6 4 1 to 5 inclusive,
 7 9 to 16 inclusive,
 8 23 to 26 inclusive, 35, 36.

9 ~~All territory within the corporate limits of the city of~~
 10 ~~Grandview, as such limits existed on January 17, 1969, shall~~
 11 ~~be within the Iowa Cedar river conservancy district, including~~
 12 ~~the portion of the city not within any of the sections of~~
 13 ~~land listed in this paragraph.~~

14 Sec. 26. Section four hundred sixty-seven D point three
 15 (467D.3), subsection five (5), unnumbered paragraph one (1),
 16 Code 1979, is amended to read as follows:

17 The southern Iowa conservancy district shall include all
 18 of Wayne, Decatur, Ringgold, Adams, Taylor, Cass, Montgomery,
 19 Mills, Fremont, and Page counties, those portions of Audubon
 20 and Monroe counties not included in the Des Moines river
 21 conservancy district, and the designated portions of each
 22 of the following counties:

23 Sec. 27. Section four hundred sixty-seven D point three
 24 (467D.3), subsection five (5), paragraph k, Code 1979, is
 25 amended to read as follows:

26 k. In Crawford county:

27 <u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
28 83	37	11 to 36 inclusive.
29	38	23 to 26 inclusive, 34, 35, 36.
30 82	37	All.
31	38	1 to 5 inclusive, 9 to 36 inclusive.
32	39	13, 23 to 28 inclusive, 33 <u>30</u> to 36 33 inclusive.

34 Sec. 28. Section four hundred sixty-seven D point three
 35 (467D.3), subsection five (5), paragraph 1, Code 1979, is

1 amended to read as follows:

2 1. In Shelby county:

3	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
4	81	37, 38	All.
5		39	1-2-3-10-to-15-inclusive, 7-22-to-27
6			inclusive, 34-35-36
7			<u>1 to 5 inclusive, 7 to 36 inclusive.</u>
8		<u>40</u>	<u>13, 23 to 26 inclusive, 35, 36.</u>
9	80	37, 38	All.
10		39	1-2-3-10-to-16-inclusive, 7-21-to-29
11			inclusive, 34-35-36
12			<u>All.</u>
13		<u>40</u>	<u>1 to 4 inclusive, 8 to 17 inclusive,</u>
14			<u>19 to 36 inclusive.</u>
15	79	37, 38	All.
16		<u>39, 40</u>	1-2-3-10-to-16-inclusive, 7-21-to-28
17			inclusive, 32-to-36-inclusive
18			<u>All.</u>
19	78	37, 38, 39	All.
20		40	1-2-3-10-to-15-inclusive, 7-21-to-28
21			inclusive, 32-to-36-inclusive
22			<u>All.</u>

23 ~~All-territory-within-the-corporate-limits-of-the-cities-of~~
 24 ~~Shelby, Tennant, and Westphalia, as such limits existed on~~
 25 ~~January 1, 1969, shall be within the southern Iowa conservancy~~
 26 ~~district, including the portions of such cities not within~~
 27 ~~any of the sections of land listed in this paragraph.~~

28 Sec. 29. Section four hundred sixty-seven D point three
 29 (467D.3), subsection five (5), paragraph m, Code 1979, is
 30 amended to read as follows:

31 m. In Pottawattamie county:

32	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
33	77	38, 39, 40	All.
34		<u>41, 42, 43</u>	<u>25-36 All.</u>
35		<u>44</u>	<u>1, 12, 13, 24, 25, 28 to 36 inclusive.</u>

1 76 38, 39, 40 All.
2 41, 42, 43, ~~17-11-to-15-inclusive~~, ~~21-to-29~~
3 44 ~~inclusive~~, ~~32-to-36-inclusive~~
4 All.
5 75 38, 39, 40,
6 41 All.
7 42, 43, 44 ~~137-247-257-267-357-36~~ All.
8 74 38, 39, 40,
9 41 All.
10 42, 43, 44 ~~17-27-11-to-14-inclusive~~, ~~237-247~~
11 ~~257-357-36~~ All.

12 Sec. 30. Section four hundred sixty-seven D point three
13 (467D.3), subsection five (5), paragraphs n and o, Code 1979,
14 are amended by striking the paragraphs and adding the following
15 new paragraph:

16 NEW PARAGRAPH. In Harrison county:

17	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
18	80	41	25, 26, 34, 35, 36.
19	79	41	1, 2, 3, 10 to 16 inclusive, 21 to
20			29 inclusive, 31 to 36 inclusive.
21		42	36.
22	78	41	All.
23		42	1 to 5 inclusive, 7 to 36 inclusive.
24		43	13, 15, 22 to 28 inclusive, 32 to
25			36 inclusive.

26 Sec. 31. Section four hundred sixty-seven D point three
27 (467D.3), subsection six (6), paragraphs c and d, Code 1979,
28 are amended by striking the paragraphs and adding the following
29 new paragraph:

30 NEW PARAGRAPH. That portion of Harrison county not in-
31 cluded in the southern Iowa conservancy district.

32 Sec. 32. Chapter four hundred fifty-six (456), Code 1979,
33 is amended by adding the following new section:

34 NEW SECTION. CONVERSION TO WATERSHED FUNDING DISTRICT.

35 1. a. Notwithstanding any provision of this chapter or

1 sections twelve (12) through sixteen (16) of this Act to the
2 contrary, if a levee or drainage district is contained entirely
3 within a watershed funding district established pursuant to
4 section eleven (11) of this Act and entirely within the same
5 conservancy district, it may be dissolved and incorporated
6 into that watershed funding district in accordance with the
7 provisions of subsection two (2) or three (3) of this section.

8 b. Upon incorporation into a watershed funding district,
9 the powers, duties and responsibilities conferred on the levee
10 or drainage district pursuant to chapters four hundred fifty-
11 five (455) and four hundred fifty-six (456) through four
12 hundred sixty-six (466) of the Code shall be exercised by
13 the governing body of the watershed funding district.

14 2. a. A levee or drainage district may be dissolved and
15 its projects and internal improvements incorporated into an
16 existing watershed funding district by filing with the county
17 auditor and the governing body of the levee or drainage
18 district a petition requesting that the levee or drainage
19 district be dissolved and its projects incorporated into a
20 specific watershed funding district and a separate petition
21 requesting that all projects within the levee or drainage
22 district be incorporated into an existing watershed funding
23 district.

24 b. The petition for dissolution of the levee or drainage
25 district and incorporation of its projects into a specific
26 watershed funding district shall be signed by the landowners
27 holding title to at least sixty-five percent of the land area
28 in the levee or drainage district. The petition for
29 incorporation of the levee or drainage district projects into
30 the watershed funding district shall be signed by landowners
31 holding title to at least sixty-five percent of the land area
32 in the watershed funding district. The provisions of paragraph
33 e of subsection two (2) of section twelve (12) of this Act
34 shall apply in determining if the requisite number of
35 landowners have signed the petitions. The county auditor

1 shall certify to the governing body of the levee or drainage
2 district and to the conservancy district board whether the
3 petitions contain the required signatures.

4 c. Within thirty days of receiving from the auditor
5 certification that both petitions have the requisite number
6 of signatures, the governing body of the levee or drainage
7 district shall adopt a resolution to dissolve the district
8 and incorporate it into the watershed funding district. The
9 resolution shall be certified and recorded on a separate form
10 in the manner prescribed in section sixteen (16) of this Act.
11 Upon recording the resolution, the levee or drainage district
12 is dissolved and incorporated into the watershed funding
13 district.

14 3. A levee or drainage district may be dissolved and
15 incorporated into an existing watershed funding district by
16 adoption of a resolution by the governing body of the levee
17 or drainage district. The resolution shall be certified and
18 recorded on a separate form in the manner prescribed in section
19 sixteen (16) of this Act. Upon recording the resolution,
20 the levee or drainage district is dissolved and incorporated
21 into the watershed funding district.

22 4. When a levee or drainage district is dissolved and
23 incorporated into a watershed funding district pursuant to
24 this section, all indebtedness of the levee or drainage
25 district shall be assessed only against the lands in the
26 watershed funding district that were part of the previously
27 dissolved levee or drainage district. Upon dissolution and
28 incorporation of a levee or drainage district, all real
29 property and improvements of the levee or drainage district
30 shall be transferred to the conservancy district and all
31 present or future liquid assets will be turned over to the
32 county treasurer as specified in subsection four (4) of section
33 eighteen (18) of this Act, for deposit in the account created
34 for that watershed funding district.

35 Sec. 33. Section four hundred sixty-seven D point nine

1 (467D.9), Code 1979, is repealed.

2 Sec. 34. This Act is effective January first following
3 its enactment.

4 EXPLANATION

5 This bill amends chapter 467D of the Code relating to con-
6 servancy districts in order to implement the recommendations
7 made in the Iowa-Cedar Conservancy district plan adopted by
8 the state soil conservation committee pursuant to section
9 467D.17 of the Code.

10 Under present law the governing body of a conservancy
11 district is the state soil conservation committee, which is
12 also the governing body of the department of soil conservation.
13 Sections one through eight of the bill provide for election
14 of the governing body of the conservancy district, which would
15 then administer the conservancy district in lieu of the
16 committee. The election would be called by the committee,
17 acting in its capacity as the conservancy district board,
18 after dividing the conservancy district into five or more
19 wards. The elected members of the conservancy district board
20 must be qualified electors and residents of the ward they
21 represent.

22 Section ten of the bill provides that the conservancy
23 district board may establish certain bodies that are intended
24 to provide active and constant public participation in the
25 conservancy district programs. These bodies include the
26 following: (1) a five-member subbasin board of trustees
27 appointed by the board for each subbasin designated in the
28 conservancy district; (2) a local watershed committee, composed
29 of residents of local watersheds; (3) county resource
30 coordinating committees, composed of all interested county
31 residents; and (4) a conservancy district advisory committee,
32 composed of one member from each county resource coordinating
33 committee.

34 Sections eleven through twenty-one of the bill provide
35 for creation and administration of watershed funding districts.

1 The procedures for forming the watershed funding district
2 include filing a petition for formation with the soil
3 conservation district commissioners signed by landowners
4 holding title to at least sixty-five percent of the land
5 affected, a hearing on the petition after notice, and a finding
6 by the commissioners that the formation would be desirable,
7 practicable, feasible and necessary for the health, safety
8 and public welfare. Once established, a watershed funding
9 district is governed by the conservancy district board, and
10 it may engage in water management, soil erosion and sediment
11 control programs.

12 Section thirty-two of the bill provides procedures for
13 dissolution of a levee or drainage district contained within
14 a watershed funding district and incorporation of its projects
15 into the programs administered by the watershed funding
16 district.

17 Sections eighteen and nineteen of the bill provide that
18 a watershed funding district may also levy a tax of up to
19 one dollar and eight cents per one thousand dollars of assessed
20 valuation of taxable land in the watershed funding district
21 and issue warrants and bonds, provided the petition for
22 formation of the district or a subsequent petition for
23 modification of the district's powers requested the authority.

24 Sections twenty-two through thirty-one of the bill provide
25 for minor changes in the conservancy district boundaries
26 presently set by section 467D.3 of the Code.

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