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FILED MAR 0 1 1989

SENATE FILE 318
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO SSB 210)

Passed Senate, Date 3-29-89 (p. 1083) Passed House, Date _____
Vote: Ayes 41 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the state soil conservation committee, by
2 providing for the composition of the committee and its powers
3 and duties.

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

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SF 318

1 Section 1. Section 159.5, subsection 14, Code 1989, is
2 amended to read as follows:

3 14. Establish and maintain a division of soil
4 conservation. The division administrator shall be appointed
5 by the secretary from a list of names of persons recommended
3450-6 by the soil conservation committee and shall serve at the
7 pleasure of the secretary.

3450-8 Sec. 2. Section 467A.4, subsections 1 through 3, Code
9 1989, are amended to read as follows:

3450-10 1. The soil conservation division is established within
11 the department to perform the functions conferred upon it in
12 chapters 83, 83A, and 467A through 467D 467F. The division
13 shall be administered in accordance with the policies of the
14 state soil conservation committee, which shall advise the
15 division and which shall approve administrative rules proposed
16 by the division for the administration of chapters 83, 83A,
17 and 467A through 467D 467F before the rules are adopted
18 pursuant to chapter 17A. The state soil conservation
19 committee consists of a chairperson and ten eight other voting
20 members. The following shall serve as ex officio nonvoting
21 members of the committee: The director of the Iowa
22 cooperative extension service in agriculture and home
23 economics, or the director's designee, and the director of the
24 department of natural resources or the director's designee.
25 Nine voting members shall be appointed by the governor subject
26 to confirmation by the senate. Six of the appointive members
27 shall be persons engaged in actual farming operations, one of
28 whom shall be a resident of each of the six geographic regions
29 in the state, including northwest, southwest, north central,
30 south central, northeast, and southeast Iowa, water-resource
31 districts-established-by-section-467D-3, and no more than one
32 of whom shall be a resident of any one county. The seventh,
33 eighth, and ninth appointive members shall be chosen by the
34 governor from the state at large with one appointed to be a
35 representative of cities, one appointed to be a representative

1 of the mining industry, and one appointee who is a farmer
2 actively engaged in tree farming operations. The committee
3 may invite the secretary of agriculture of the United States
4 to appoint one person to serve with the other members, and the
5 president of the Iowa county engineers association may
6 designate a member of the association to serve in the same
7 manner, but these persons have no vote and shall serve in an
8 advisory capacity only. The committee shall adopt a seal,
9 which shall be judicially noticed. The committee may perform
10 acts, hold public hearings, and adopt rules as provided in
11 chapter 17A as necessary for the execution of its functions.

3450-12 2. The committee shall recommend three persons to the
13 secretary of agriculture who shall appoint from the persons
14 recommended an administrative director to head the division
15 who shall serve at the pleasure of the secretary. The
16 committee shall recommend to the secretary each year a budget
17 for the division. The committee shall approve a budget
18 request each year prepared by the secretary to carry out the
19 provisions of this chapter. The committee may increase,
20 decrease, or strike an item within the department budget
21 request before granting approval. The committee or division
22 may call upon the attorney general of the state for necessary
23 legal services. The committee may delegate to its
24 chairperson, to one or more of its members, or to one or more
25 agents or employees, powers and duties as it deems proper.
26 Upon request of the committee, for the purpose of carrying out
27 any of the functions assigned the committee or the department
28 by law, the supervising officer of any state agency, or of any
29 state institution of learning shall, insofar as possible under
30 available appropriations, and having due regard to the needs
31 of the agency to which the request is directed, assign or
32 detail the request to the staff or personnel of the agency or
33 institution of learning, and make the special reports,
34 surveys, or studies as the committee requests.

35 3. The committee shall designate its chairperson, and may

1 change the designation. The members appointed by the governor
2 shall serve for a period of six years. Members shall be
3 appointed in each odd-numbered year to succeed members whose
4 terms expire as provided by section 69.19. Appointments may
5 be made at other times and for other periods as necessary to
6 fill vacancies on the committee. Members shall not be
7 appointed to serve more than two complete six-year terms.
8 Members designated to represent the director of the department
9 of natural resources and the director of the Iowa cooperative
10 extension service in agriculture and home economics shall
11 serve at the pleasure of the officer making the designation.
12 A majority of the voting members of the committee constitutes
13 a quorum, and the concurrence of a majority of the voting
14 members of the committee in any matter within their duties is
15 required for its determination. The chairperson and members
16 of the committee, not otherwise in the employ of the state or
17 any political subdivision, shall receive forty dollars per
18 diem as compensation for their services in the discharge of
19 their duties as members of the committee. The committee shall
20 determine the number of days for which a committee member may
21 draw per diem compensation. However, the total number of days
22 for which per diem compensation is allowed shall not exceed
23 four hundred days per year. Members are entitled to actual
24 expenses necessarily incurred in the discharge of their duties
25 as members of the committee. The expenses paid to the
26 committee members shall be paid from funds appropriated to the
27 department or the committee. Each-member-of-the-committee-may
28 also-be-eligible-to-receive-compensation-as-provided-in
29 section-7E-6. The committee shall provide for the execution
30 of surety bonds for all employees and officers who are
31 entrusted with funds or property, shall provide for the
32 keeping of a full and accurate record of all proceedings and
33 of all resolutions, rules, and orders issued or adopted, and
34 shall provide for an annual audit of the accounts of receipts
35 and disbursements.

1 Sec. 3. Section 467A.7, subsection 16, Code 1989, is
2 amended to read as follows:

3 16. The commissioners shall, as a condition for the
4 receipt of any state cost-sharing funds for permanent soil
5 conservation practices, require the owner of the land on which
6 the practices are to be established to covenant and file, in
7 the office of the soil and water conservation district of the
8 county in which the land is located, an agreement identifying
9 the particular lands upon which the practices for which state
10 cost-sharing funds are to be received will be established, and
11 providing that the project will not be removed, altered, or
12 modified so as to lessen its effectiveness without the consent
13 of the commissioners, obtained in advance and based on
14 guidelines drawn up by the state soil conservation committee,
15 for a period of twenty years after the date of receiving
16 payment. The commissioners shall assist the division
17 committee in the enforcement of this subsection. The
18 agreement does not create a lien on the land, but is a charge
19 personally against the owner of the land at the time of
20 removal, alteration, or modification if an administrative
21 order is made under section 467A.61, subsection 3.

22 Sec. 4. Section 467A.10, Code 1989, is amended to read as
23 follows:

24 467A.10 DISCONTINUANCE OF DISTRICTS.

25 At any time after five years after the organization of a
26 district under this chapter, any twenty-five owners of land
27 lying within the boundaries of the district, but in no case
28 less than twenty percent of the owners of land lying within
29 the district, may file a petition with the division committee
30 asking that the operations of the district be terminated and
31 the existence of the district discontinued. The committee may
32 conduct public meetings and public hearings upon the petition
33 as necessary to assist in the consideration of the petition.
34 Within sixty days after a petition has been received by the
35 division committee, the division shall give due notice of the

1 holding of a referendum, shall supervise the referendum, and
2 shall issue appropriate rules governing the conduct of the
3 referendum, ~~the~~. The question is to be submitted by ballots
4 upon which the words "For terminating the existence of the
5 (name of the soil and water conservation
6 district to be here inserted)" and "Against terminating the
7 existence of the (name of the soil and water
8 conservation district to be here inserted)" shall be printed,
9 with a square before each proposition and a direction to
10 insert an X mark in the square before one or the other of the
11 propositions as the voter favors or opposes discontinuance of
12 the district. All owners of lands lying within the boundaries
13 of the district are eligible to vote in the referendum. No
14 informalities in the conduct of the referendum or in any
15 matters relating to the referendum invalidate the referendum
16 or the result of the referendum if notice was given
17 substantially as provided in this section and if the
18 referendum was fairly conducted.

19 When sixty-five percent of the landowners vote to terminate
20 the existence of the district, the ~~division~~ committee shall
21 advise the commissioners to terminate the affairs of the
22 district. The commissioners shall dispose of all property
23 belonging to the district at public auction and shall pay over
24 the proceeds of the sale to be deposited into the state
25 treasury. The commissioners shall then file an application,
26 duly verified, with the secretary of state for the
27 discontinuance of the district, and shall transmit with the
28 application the certificate of the ~~division~~ committee setting
29 forth the determination of the ~~division~~ committee that the
30 continued operation of the district is not administratively
31 practicable and feasible. The application shall recite that
32 the property of the district has been disposed of and the
33 proceeds paid over as provided in this section, and shall set
34 forth a full accounting of the properties and proceeds of the
35 sale. The secretary of state shall issue to the commissioners

1 a certificate of dissolution and shall record the certificate
2 in an appropriate book of record in the secretary of state's
3 office.

4 Upon issuance of a certificate of dissolution under this
5 section, all ordinances and regulations previously adopted and
6 in force within the districts are of no further force and
7 effect. All contracts previously entered into, to which the
8 district or commissioners are parties, remain in force and
9 effect for the period provided in the contracts. The division
10 committee is substituted for the district or commissioners as
11 party to the contracts. The division committee is entitled to
12 all benefits and subject to all liabilities under the
13 contracts and has the same right and liability to perform, to
14 require performance, to sue and be sued, and to modify or
15 terminate the contracts by mutual consent or otherwise, as the
16 commissioners of the district would have had.

17 The division committee shall not entertain petitions for
18 the discontinuance of any district nor conduct referenda upon
19 discontinuance petitions nor make determinations pursuant to
20 the petitions in accordance with this chapter, more often than
21 once in five years.

3450-22 Sec. 5. Section 467A.11, Code 1989, is amended to read as
23 follows:

24 467A.11 REPORT TO GOVERNOR.

25 The division committee shall submit to the governor, no
26 later than January 1 next preceding each biennial legislative
27 session, a report which shall state the number and acreage of
28 districts in existence or in process of organization, together
29 with an estimate of the number and probable acreage of the
30 districts which may be organized during the ensuing biennial
31 fiscal period, and a statement of the balances of funds, if
32 any, available to the division committee for its
33 administrative and other expenses arising from this chapter,
34 and for allocation among the several districts during the
35 ensuing biennial fiscal period.

1 Sec. 6. Section 467A.12, Code 1989, is amended to read as
2 follows:

3 467A.12 STATEMENT TO DEPARTMENT OF MANAGEMENT.

4 On or before September 1 next preceding each annual
5 legislative session, the division committee shall submit to
6 the department of management, on official estimate blanks
7 furnished for those purposes, statements and estimates of the
8 expenditure requirements for each fiscal year, and a statement
9 of the balance of funds, if any, available to the division
10 committee, and the estimates of the division committee as to
11 the sums needed for the administrative and other expenses of
12 the committee and division for the purposes of this chapter.

13 Sec. 7. Section 467A.42, subsection 2, paragraphs a and b,
14 Code 1989, are amended to read as follows:

15 a. "Permanent soil and water conservation practices" means
16 planting of perennial grasses, legumes, shrubs, or trees, the
17 establishment of grassed waterways, and the construction of
18 terraces, or other permanent soil and water practices approved
19 by the division committee.

20 b. "Temporary soil and water conservation practices" means
21 planting of annual or biennial crops, use of strip-cropping,
22 contour planting, or minimum or mulch tillage, and any other
23 cultural practices approved by the division committee.

24 Sec. 8. Section 467A.44, unnumbered paragraph 1, Code
25 1989, is amended to read as follows:

26 The commissioners of each soil and water conservation
27 district shall, with approval of and within time limits set by
28 administrative order of the division state soil conservation
29 committee, adopt reasonable regulations as are deemed
30 necessary to establish a soil loss limit or limits for the
31 district and provide for the implementation of the limit or
32 limits, and may subsequently amend or repeal their regulations
33 as they deem necessary. The division committee shall review
34 the soil loss limit regulations adopted by the soil and water
35 conservation districts at least once every five years, and

1 shall recommend changes in the regulations of a soil and water
2 conservation district which the division committee deems
3 necessary to assure that the district's soil loss limits are
4 reasonable and attainable. The commissioners may:

5 Sec. 9. Section 467A.45, Code 1989, is amended to read as
6 follows:

3450-7 467A.45 SUBMISSION OF REGULATIONS TO DIVISION -- HEARING.

8 Regulations which the commissioners propose to adopt,
9 amend, or repeal shall be submitted to the division committee,
10 in a form prescribed by the division committee, for its
11 approval. The division committee may approve the regulations
12 as submitted, or with amendments as it deems necessary. The
13 commissioners shall, after approval, publish notice of hearing
14 on the proposed regulations, as approved, in a newspaper of
15 general circulation in the district, setting a date and time
16 not less than ten nor more than thirty days after the
17 publication when a hearing on the proposed regulations will be
18 held at a specified place. The notice shall include the full
19 text of the proposed regulations or shall state that the
20 proposed regulations are on file and available for review at
21 the office of the affected soil and water conservation
22 district.

23 Sec. 10. Section 467A.46, Code 1989, is amended to read as
24 follows:

25 467A.46 CONDUCT OF HEARING.

26 At the hearing, the commissioners or their designees shall
27 explain, in reasonable detail, the reasons why adoption,
28 amendment, or repeal of the regulations is deemed necessary or
29 advisable. Any landowner, or any occupant of land who would
30 be affected by the regulations, shall be afforded an
31 opportunity to be heard for or against the proposed
32 regulations. At the conclusion of the hearing, the
33 commissioners shall announce and enter of record their
34 decision whether to adopt or modify the proposed regulations.
35 Any modification must be approved by the division committee,

1 which may at its discretion order the commissioners to
2 republish the regulations and hold another hearing in the
3 manner prescribed by this chapter.

4 Sec. 11. Section 467A.48, subsections 1 and 2, Code 1989,
5 are amended to read as follows:

6 1. An owner or occupant of land in this state is not
7 required to establish any new permanent or temporary soil and
8 water conservation practice unless public or other cost-
9 sharing funds have been specifically approved for that land
10 and actually made available to the owner or occupant. The
11 amount of cost-sharing funds made available shall not exceed
12 seventy-five percent of the estimated cost as established by
13 the commissioners of a permanent soil and water conservation
14 practice, or seventy-five percent of the actual cost,
15 whichever is less, or an amount set by the division committee
16 for a temporary soil and water conservation practice, except
17 as otherwise provided by law with respect to land classified
18 as agricultural land under conservation cover. The
19 commissioners shall establish the estimated cost of permanent
20 soil and water conservation practices in the district based
21 upon one and two-tenths of the average cost of the practices
22 installed in the district during the previous year. The
23 average costs shall be reviewed and approved by the
24 commissioners each calendar year.

25 2. The division committee shall review these requirements
26 once each year, and may authorize soil and water conservation
27 district commissioners to make the mandatory establishment of
28 any specified soil and water conservation practice in any
29 particular case conditional on a higher proportion of public
30 cost-sharing than is required by this section. When the
31 commissioners have been so authorized, they shall, in
32 determining the amount of cost-sharing for establishment of a
33 specified soil and water conservation practice to comply with
34 an administrative order issued pursuant to section 467A.47,
35 consider the extent to which the practice will contribute

1 benefits to the public in relation to the benefits that will
2 accrue to the individual owner or occupant of the land on
3 which the practice is to be established. Evidence that an
4 application for public or other cost-sharing funds, from a
5 source or sources having authority to pay a portion of the
6 cost of work needed to comply with an administrative order
7 issued pursuant to section 467A.47, has been submitted to the
8 proper officer or agency constitutes commencement of the work
9 within the meaning of sections 467A.43 through 467A.53.

3450 10 Sec. 12. Section 467A.71, subsection 3, unnumbered
11 paragraph 1, Code 1989, is amended to read as follows:

12 The division committee may:

13 Sec. 13. Notwithstanding this Act persons appointed to
14 serve on the soil conservation committee before July 1, 1989,
15 may serve out their terms as provided in chapter 467A.

16 EXPLANATION

17 This bill restores powers and duties which had been
18 specifically delegated to the state soil conservation
19 committee before reorganization which provided that the powers
20 and duties are delegated to the soil conservation division
21 within the department of agriculture and land stewardship.
22 The committee is directed to adopt a seal. The committee is
23 granted authority to perform acts, hold hearings, adopt rules,
24 and employ administrative staff.

25 The committee replaces the division as the agency
26 responsible for a number of administrative duties relating to
27 discontinuance of districts, reporting to the governor and
28 department of management, approval of soil and water
29 conservation practices, approval of regulations by
30 commissioners, and to contract, sue, and be sued in
31 administering the conservation practices revolving loan fund,
32 and authorize payments from the fund. The committee is
33 charged with recommending three persons to the secretary of
34 agriculture for appointment as division director. The
35 committee is also charged with approving the budget for the

1 division.

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SENATE FILE 318

S-3450

1 Amend Senate File 318 as follows:

2 1. Page 1, line 6, by inserting after the word
3 "committee" the following: " , pursuant to section
4 467A.4, subsection 2,".

5 2. Page 1, line 8, by striking the word and
6 figure "through 3" and inserting the following: "and
7 2".

8 3. Page 1, line 18, by inserting after the figure
9 "17A." the following: "If a difference exists between
10 the committee and secretary regarding the content of a
11 proposed rule, the secretary shall notify the
12 chairperson of the committee of the difference within
13 thirty days from the committee's action on the rule.
14 The secretary and the committee shall meet to resolve
15 the difference within thirty days after the secretary
16 provides the committee with notice of the difference."

17 4. Page 1, line 32, by inserting after the word
18 "county." the following: "The boundaries of the
19 geographic regions shall be established by rule."

20 5. Page 2, by striking lines 8 through 10 and
21 inserting the following: "advisory capacity only.
22 The committee may perform acts, hold public hearings,
23 and propose rules pursuant to".

24 6. Page 2, line 15, by inserting after the word
25 "secretary." the following: "After reviewing the
26 names submitted, the secretary may request the soil
27 conservation committee to submit additional names for
28 consideration."

29 7. Page 2, by striking lines 17 through 21 and
30 inserting the following: "for the division. The
31 secretary, at the earliest opportunity and prior to
32 formulating a budget, shall meet with representatives
33 of the committee to discuss the committee's
34 recommendation. The committee or division".

35 8. By striking page 2, line 35 through page 4,
36 line 21.

37 9. By striking page 6, line 22 through page 7,
38 line 12.

39 10. Page 8, line 7, by striking the word
40 "DIVISION" and inserting the following: "DIVISION
41 COMMITTEE".

42 11. Page 10, by striking lines 10 through 12.

43 12. By renumbering as necessary.

By JIM RIORDAN

S-3450 FILED MARCH 28, 1989

Adopted 3-29-89 (p. 1083)

HOUSE AMENDMENT TO
SENATE FILE 318

S-3717

- 1 Amend Senate File 318 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 18, by inserting after the word
- 4 "propose" the following: "and approve".

RECEIVED FROM THE HOUSE

S-3717 FILED APRIL 17, 1989

Senate Concurred H-18-89 (p.15117)

House Staff Govt
DO PASS, 4-6-89, (P.1407)

SENATE FILE 318
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO SSB 210)

(AS AMENDED AND PASSED BY THE SENATE MARCH 30, 1989)

- New Language by the Senate
- * - Language Stricken by the Senate

Passed Senate, Date 4-18-89 (p.1576) Passed House, Date 4-13-89 (p.1576)
 Vote: Ayes 49 Nays 0 Vote: Ayes 93 Nays 1
 Approved 5-4-89 (p.1908)

A BILL FOR

1 An Act relating to the state soil conservation committee, by
 2 providing for the composition of the committee and its powers
 3 and duties.

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

SENATE FILE 318

H-3889

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 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 18, by inserting after the word
 4 "propose" the following: "and approve".

By PELLETT of Cass

H-3889 FILED APRIL 6, 1989
 ADDED 4-13-89 (P.1576)

S.F. 318

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8 secretary.

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14 shall be administered in accordance with the policies of the
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16 division and which shall approve administrative rules proposed
17 by the division for the administration of chapters 83, 83A,
18 and 467A through 467B 467F before the rules are adopted
19 pursuant to chapter 17A. If a difference exists between the
20 committee and secretary regarding the content of a proposed
21 rule, the secretary shall notify the chairperson of the
22 committee of the difference within thirty days from the
23 committee's action on the rule. The secretary and the
24 committee shall meet to resolve the difference within thirty
25 days after the secretary provides the committee with notice of
26 the difference. The state soil conservation committee
27 consists of a chairperson and ten eight other voting members.
28 The following shall serve as ex officio nonvoting members of
29 the committee: The director of the Iowa cooperative extension
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31 designee, and the director of the department of natural
32 resources or the director's designee. Nine voting members
33 shall be appointed by the governor subject to confirmation by
34 the senate. Six of the appointive members shall be persons
35 engaged in actual farming operations, one of whom shall be a

1 resident of each of the six geographic regions in the state,
2 including northwest, southwest, north central, south central,
3 northeast, and southeast Iowa, water-resource-districts
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9 representative of cities, one appointed to be a representative
10 of the mining industry, and one appointee who is a farmer
11 actively engaged in tree farming operations. The committee
12 may invite the secretary of agriculture of the United States
13 to appoint one person to serve with the other members, and the
14 president of the Iowa county engineers association may
15 designate a member of the association to serve in the same
16 manner, but these persons have no vote and shall serve in an
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19 necessary for the execution of its functions.

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27 each year a budget for the division. The secretary, at the
28 earliest opportunity and prior to formulating a budget, shall
29 meet with representatives of the committee to discuss the
30 committee's recommendation. The committee or division may
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32 legal services. The committee may delegate to its
33 chairperson, to one or more of its members, or to one or more
34 agents or employees, powers and duties as it deems proper.
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1 any of the functions assigned the committee or the department
2 by law, the supervising officer of any state agency, or of any
3 state institution of learning shall, insofar as possible under
4 available appropriations, and having due regard to the needs
5 of the agency to which the request is directed, assign or
6 detail the request to the staff or personnel of the agency or
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25 office.

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34 all benefits and subject to all liabilities under the
35 contracts and has the same right and liability to perform, to

1 require performance, to sue and be sued, and to modify or
2 terminate the contracts by mutual consent or otherwise, as the
3 commissioners of the district would have had.

4 The division committee shall not entertain petitions for
5 the discontinuance of any district nor conduct referenda upon
6 discontinuance petitions nor make determinations pursuant to
7 the petitions in accordance with this chapter, more often than
8 once in five years.

* 9 Sec. 4. Section 467A.42, subsection 2, paragraphs a and b,
10 Code 1989, are amended to read as follows:

11 a. "Permanent soil and water conservation practices" means
12 planting of perennial grasses, legumes, shrubs, or trees, the
13 establishment of grassed waterways, and the construction of
14 terraces, or other permanent soil and water practices approved
15 by the division committee.

16 b. "Temporary soil and water conservation practices" means
17 planting of annual or biennial crops, use of strip-cropping,
18 contour planting, or minimum or mulch tillage, and any other
19 cultural practices approved by the division committee.

20 Sec. 5. Section 467A.44, unnumbered paragraph 1, Code
21 1989, is amended to read as follows:

22 The commissioners of each soil and water conservation
23 district shall, with approval of and within time limits set by
24 administrative order of the division state soil conservation
25 committee, adopt reasonable regulations as are deemed
26 necessary to establish a soil loss limit or limits for the
27 district and provide for the implementation of the limit or
28 limits, and may subsequently amend or repeal their regulations
29 as they deem necessary. The division committee shall review
30 the soil loss limit regulations adopted by the soil and water
31 conservation districts at least once every five years, and
32 shall recommend changes in the regulations of a soil and water
33 conservation district which the division committee deems
34 necessary to assure that the district's soil loss limits are
35 reasonable and attainable. The commissioners may:

1 Sec. 6. Section 467A.45, Code 1989, is amended to read as
2 follows:

3 467A.45 SUBMISSION OF REGULATIONS TO DIVISION COMMITTEE --
4 HEARING.

5 Regulations which the commissioners propose to adopt,
6 amend, or repeal shall be submitted to the division committee,
7 in a form prescribed by the division committee, for its
8 approval. The division committee may approve the regulations
9 as submitted, or with amendments as it deems necessary. The
10 commissioners shall, after approval, publish notice of hearing
11 on the proposed regulations, as approved, in a newspaper of
12 general circulation in the district, setting a date and time
13 not less than ten nor more than thirty days after the
14 publication when a hearing on the proposed regulations will be
15 held at a specified place. The notice shall include the full
16 text of the proposed regulations or shall state that the
17 proposed regulations are on file and available for review at
18 the office of the affected soil and water conservation
19 district.

20 Sec. 7. Section 467A.46, Code 1989, is amended to read as
21 follows:

22 467A.46 CONDUCT OF HEARING.

23 At the hearing, the commissioners or their designees shall
24 explain, in reasonable detail, the reasons why adoption,
25 amendment, or repeal of the regulations is deemed necessary or
26 advisable. Any landowner, or any occupant of land who would
27 be affected by the regulations, shall be afforded an
28 opportunity to be heard for or against the proposed
29 regulations. At the conclusion of the hearing, the
30 commissioners shall announce and enter of record their
31 decision whether to adopt or modify the proposed regulations.
32 Any modification must be approved by the division committee,
33 which may at its discretion order the commissioners to
34 republish the regulations and hold another hearing in the
35 manner prescribed by this chapter.

1 Sec. 8. Section 467A.48, subsections 1 and 2, Code 1989,
2 are amended to read as follows:

3 1. An owner or occupant of land in this state is not
4 required to establish any new permanent or temporary soil and
5 water conservation practice unless public or other cost-
6 sharing funds have been specifically approved for that land
7 and actually made available to the owner or occupant. The
8 amount of cost-sharing funds made available shall not exceed
9 seventy-five percent of the estimated cost as established by
10 the commissioners of a permanent soil and water conservation
11 practice, or seventy-five percent of the actual cost,
12 whichever is less, or an amount set by the ~~division~~ committee
13 for a temporary soil and water conservation practice, except
14 as otherwise provided by law with respect to land classified
15 as agricultural land under conservation cover. The
16 commissioners shall establish the estimated cost of permanent
17 soil and water conservation practices in the district based
18 upon one and two-tenths of the average cost of the practices
19 installed in the district during the previous year. The
20 average costs shall be reviewed and approved by the
21 commissioners each calendar year.

22 2. The ~~division~~ committee shall review these requirements
23 once each year, and may authorize soil and water conservation
24 district commissioners to make the mandatory establishment of
25 any specified soil and water conservation practice in any
26 particular case conditional on a higher proportion of public
27 cost-sharing than is required by this section. When the
28 commissioners have been so authorized, they shall, in
29 determining the amount of cost-sharing for establishment of a
30 specified soil and water conservation practice to comply with
31 an administrative order issued pursuant to section 467A.47,
32 consider the extent to which the practice will contribute
33 benefits to the public in relation to the benefits that will
34 accrue to the individual owner or occupant of the land on
35 which the practice is to be established. Evidence that an

1 application for public or other cost-sharing funds, from a
2 source or sources having authority to pay a portion of the
3 cost of work needed to comply with an administrative order
4 issued pursuant to section 467A.47, has been submitted to the
5 proper officer or agency constitutes commencement of the work
6 within the meaning of sections 467A.43 through 467A.53.

* 7 Sec. 9. Notwithstanding this Act persons appointed to
8 serve on the soil conservation committee before July 1, 1989,
9 may serve out their terms as provided in chapter 467A.

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RORDAN, CH.
BOSWELL
FUHAMAN

SSB 210
AGRICULTURE

SENATE FILE 318
BY (PROPOSED COMMITTEE
ON AGRICULTURE BILL)

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

A BILL FOR

1 An Act relating to the state soil conservation committee, by
2 providing for the composition of the committee and its powers
3 and duties.

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

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1 Section 1. Section 159.5, subsection 14, Code 1989, is
2 amended to read as follows:

3 14. Establish and maintain a division of soil
4 conservation. The division administrator shall be appointed
5 by the secretary from a list of names of persons recommended
6 by the soil conservation committee and shall serve at the
7 pleasure of the secretary.

8 Sec. 2. Section 467A.4, subsections 1 through 3, Code
9 1989, are amended to read as follows:

10 1. The soil conservation division is established within
11 the department to perform the functions conferred upon it in
12 chapters 83, 83A, and 467A through ~~467D~~ 467F. The division
13 shall be administered in accordance with the policies of the
14 state soil conservation committee, which shall advise the
15 division and which shall approve administrative rules proposed
16 by the division for the administration of chapters 83, 83A,
17 and 467A through ~~467D~~ 467F before the rules are adopted
18 pursuant to chapter 17A. The state soil conservation
19 committee consists of a chairperson and ~~ten~~ eight other voting
20 members. The following shall serve as ex officio nonvoting
21 members of the committee: The director of the Iowa
22 cooperative extension service in agriculture and home
23 economics, or the director's designee, and the director of the
24 department of natural resources or the director's designee.
25 Nine voting members shall be appointed by the governor subject
26 to confirmation by the senate. Six of the appointive members
27 shall be persons engaged in actual farming operations, one of
28 whom shall be a resident of each of the six geographic regions
29 in the state, including northwest, southwest, north central,
30 south central, northeast, and southeast Iowa, water-resource
31 ~~districts-established-by-section-467B-3~~, and no more than one
32 of whom shall be a resident of any one county. The seventh,
33 eighth, and ninth appointive members shall be chosen by the
34 governor from the state at large with one appointed to be a
35 representative of cities, one appointed to be a representative

1 of the mining industry, and one appointee who is a farmer
2 actively engaged in tree farming operations. The committee
3 may invite the secretary of agriculture of the United States
4 to appoint one person to serve with the other members, and the
5 president of the Iowa county engineers association may
6 designate a member of the association to serve in the same
7 manner, but these persons have no vote and shall serve in an
8 advisory capacity only. The committee shall adopt a seal,
9 which shall be judicially noticed. The committee may perform
10 acts, hold public hearings, and adopt rules as provided in
11 chapter 17A as necessary for the execution of its functions.

12 2. The committee shall recommend three persons to the
13 secretary of agriculture who shall appoint from the persons
14 recommended an administrative director to head the division
15 who shall serve at the pleasure of the secretary. The
16 committee shall recommend to the secretary each year a budget
17 for the division. The committee shall approve a budget
18 request each year prepared by the secretary to carry out the
19 provisions of this chapter. The committee may increase,
20 decrease, or strike an item within the department budget
21 request before granting approval. The committee or division
22 may call upon the attorney general of the state for necessary
23 legal services. The committee may delegate to its
24 chairperson, to one or more of its members, or to one or more
25 agents or employees, powers and duties as it deems proper.
26 Upon request of the committee, for the purpose of carrying out
27 any of the functions assigned the committee or the department
28 by law, the supervising officer of any state agency, or of any
29 state institution of learning shall, insofar as possible under
30 available appropriations, and having due regard to the needs
31 of the agency to which the request is directed, assign or
32 detail the request to the staff or personnel of the agency or
33 institution of learning, and make the special reports,
34 surveys, or studies as the committee requests.

35 3. The committee shall designate its chairperson, and may

1 change the designation. The members appointed by the governor
2 shall serve for a period of six years. Members shall be
3 appointed in each odd-numbered year to succeed members whose
4 terms expire as provided by section 69.19. Appointments may
5 be made at other times and for other periods as necessary to
6 fill vacancies on the committee. Members shall not be
7 appointed to serve more than two complete six-year terms.
8 Members designated to represent the director of the department
9 of natural resources and the director of the Iowa cooperative
10 extension service in agriculture and home economics shall
11 serve at the pleasure of the officer making the designation.
12 A majority of the voting members of the committee constitutes
13 a quorum, and the concurrence of a majority of the voting
14 members of the committee in any matter within their duties is
15 required for its determination. The chairperson and members
16 of the committee, not otherwise in the employ of the state or
17 any political subdivision, shall receive forty dollars per
18 diem as compensation for their services in the discharge of
19 their duties as members of the committee. The committee shall
20 determine the number of days for which a committee member may
21 draw per diem compensation. However, the total number of days
22 for which per diem compensation is allowed shall not exceed
23 four hundred days per year. Members are entitled to actual
24 expenses necessarily incurred in the discharge of their duties
25 as members of the committee. The expenses paid to the
26 committee members shall be paid from funds appropriated to the
27 department or the committee. ~~Each member of the committee may~~
28 ~~also be eligible to receive compensation as provided in~~
29 ~~section 7E-6.~~ The committee shall provide for the execution
30 of surety bonds for all employees and officers who are
31 entrusted with funds or property, shall provide for the
32 keeping of a full and accurate record of all proceedings and
33 of all resolutions, rules, and orders issued or adopted, and
34 shall provide for an annual audit of the accounts of receipts
35 and disbursements.

1 Sec. 3. Section 467A.7, subsection 16, Code 1989, is
2 amended to read as follows:

3 16. The commissioners shall, as a condition for the
4 receipt of any state cost-sharing funds for permanent soil
5 conservation practices, require the owner of the land on which
6 the practices are to be established to covenant and file, in
7 the office of the soil and water conservation district of the
8 county in which the land is located, an agreement identifying
9 the particular lands upon which the practices for which state
10 cost-sharing funds are to be received will be established, and
11 providing that the project will not be removed, altered, or
12 modified so as to lessen its effectiveness without the consent
13 of the commissioners, obtained in advance and based on
14 guidelines drawn up by the state soil conservation committee,
15 for a period of twenty years after the date of receiving
16 payment. The commissioners shall assist the ~~division~~
17 committee in the enforcement of this subsection. The
18 agreement does not create a lien on the land, but is a charge
19 personally against the owner of the land at the time of
20 removal, alteration, or modification if an administrative
21 order is made under section 467A.61, subsection 3.

22 Sec. 4. Section 467A.10, Code 1989, is amended to read as
23 follows:

24 467A.10 DISCONTINUANCE OF DISTRICTS.

25 At any time after five years after the organization of a
26 district under this chapter, any twenty-five owners of land
27 lying within the boundaries of the district, but in no case
28 less than twenty percent of the owners of land lying within
29 the district, may file a petition with the ~~division~~ committee
30 asking that the operations of the district be terminated and
31 the existence of the district discontinued. The committee may
32 conduct public meetings and public hearings upon the petition
33 as necessary to assist in the consideration of the petition.
34 Within sixty days after a petition has been received by the
35 ~~division~~ committee, the division shall give due notice of the

1 holding of a referendum, shall supervise the referendum, and
2 shall issue appropriate rules governing the conduct of the
3 referendum~~7-the~~. The question is to be submitted by ballots
4 upon which the words "For terminating the existence of the
5 (name of the soil and water conservation
6 district to be here inserted)" and "Against terminating the
7 existence of the (name of the soil and water
8 conservation district to be here inserted)" shall be printed,
9 with a square before each proposition and a direction to
10 insert an X mark in the square before one or the other of the
11 propositions as the voter favors or opposes discontinuance of
12 the district. All owners of lands lying within the boundaries
13 of the district are eligible to vote in the referendum. No
14 informalities in the conduct of the referendum or in any
15 matters relating to the referendum invalidate the referendum
16 or the result of the referendum if notice was given
17 substantially as provided in this section and if the
18 referendum was fairly conducted.

19 When sixty-five percent of the landowners vote to terminate
20 the existence of the district, the division committee shall
21 advise the commissioners to terminate the affairs of the
22 district. The commissioners shall dispose of all property
23 belonging to the district at public auction and shall pay over
24 the proceeds of the sale to be deposited into the state
25 treasury. The commissioners shall then file an application,
26 duly verified, with the secretary of state for the
27 discontinuance of the district, and shall transmit with the
28 application the certificate of the division committee setting
29 forth the determination of the division committee that the
30 continued operation of the district is not administratively
31 practicable and feasible. The application shall recite that
32 the property of the district has been disposed of and the
33 proceeds paid over as provided in this section, and shall set
34 forth a full accounting of the properties and proceeds of the
35 sale. The secretary of state shall issue to the commissioners

1 a certificate of dissolution and shall record the certificate
2 in an appropriate book of record in the secretary of state's
3 office.

4 Upon issuance of a certificate of dissolution under this
5 section, all ordinances and regulations previously adopted and
6 in force within the districts are of no further force and
7 effect. All contracts previously entered into, to which the
8 district or commissioners are parties, remain in force and
9 effect for the period provided in the contracts. The division
10 committee is substituted for the district or commissioners as
11 party to the contracts. The division committee is entitled to
12 all benefits and subject to all liabilities under the
13 contracts and has the same right and liability to perform, to
14 require performance, to sue and be sued, and to modify or
15 terminate the contracts by mutual consent or otherwise, as the
16 commissioners of the district would have had.

17 The division committee shall not entertain petitions for
18 the discontinuance of any district nor conduct referenda upon
19 discontinuance petitions nor make determinations pursuant to
20 the petitions in accordance with this chapter, more often than
21 once in five years.

22 Sec. 5. Section 467A.11, Code 1989, is amended to read as
23 follows:

24 467A.11 REPORT TO GOVERNOR.

25 The division committee shall submit to the governor, no
26 later than January 1 next preceding each biennial legislative
27 session, a report which shall state the number and acreage of
28 districts in existence or in process of organization, together
29 with an estimate of the number and probable acreage of the
30 districts which may be organized during the ensuing biennial
31 fiscal period, and a statement of the balances of funds, if
32 any, available to the division committee for its
33 administrative and other expenses arising from this chapter,
34 and for allocation among the several districts during the
35 ensuing biennial fiscal period.

1 Sec. 6. Section 467A.12, Code 1989, is amended to read as
2 follows:

3 467A.12 STATEMENT TO DEPARTMENT OF MANAGEMENT.

4 On or before September 1 next preceding each annual
5 legislative session, the division committee shall submit to
6 the department of management, on official estimate blanks
7 furnished for those purposes, statements and estimates of the
8 expenditure requirements for each fiscal year, and a statement
9 of the balance of funds, if any, available to the division
10 committee, and the estimates of the division committee as to
11 the sums needed for the administrative and other expenses of
12 the committee and division for the purposes of this chapter.

13 Sec. 7. Section 467A.42, subsection 2, paragraphs a and b,
14 Code 1989, are amended to read as follows:

15 a. "Permanent soil and water conservation practices" means
16 planting of perennial grasses, legumes, shrubs, or trees, the
17 establishment of grassed waterways, and the construction of
18 terraces, or other permanent soil and water practices approved
19 by the division committee.

20 b. "Temporary soil and water conservation practices" means
21 planting of annual or biennial crops, use of strip-cropping,
22 contour planting, or minimum or mulch tillage, and any other
23 cultural practices approved by the division committee.

24 Sec. 8. Section 467A.44, unnumbered paragraph 1, Code
25 1989, is amended to read as follows:

26 The commissioners of each soil and water conservation
27 district shall, with approval of and within time limits set by
28 administrative order of the division state soil conservation
29 committee, adopt reasonable regulations as are deemed
30 necessary to establish a soil loss limit or limits for the
31 district and provide for the implementation of the limit or
32 limits, and may subsequently amend or repeal their regulations
33 as they deem necessary. The division committee shall review
34 the soil loss limit regulations adopted by the soil and water
35 conservation districts at least once every five years, and

1 shall recommend changes in the regulations of a soil and water
2 conservation district which the division committee deems
3 necessary to assure that the district's soil loss limits are
4 reasonable and attainable. The commissioners may:

5 Sec. 9. Section 467A.45, Code 1989, is amended to read as
6 follows:

7 467A.45 SUBMISSION OF REGULATIONS TO DIVISION -- HEARING.

8 Regulations which the commissioners propose to adopt,
9 amend, or repeal shall be submitted to the division committee,
10 in a form prescribed by the division committee, for its
11 approval. The division committee may approve the regulations
12 as submitted, or with amendments as it deems necessary. The
13 commissioners shall, after approval, publish notice of hearing
14 on the proposed regulations, as approved, in a newspaper of
15 general circulation in the district, setting a date and time
16 not less than ten nor more than thirty days after the
17 publication when a hearing on the proposed regulations will be
18 held at a specified place. The notice shall include the full
19 text of the proposed regulations or shall state that the
20 proposed regulations are on file and available for review at
21 the office of the affected soil and water conservation
22 district.

23 Sec. 10. Section 467A.46, Code 1989, is amended to read as
24 follows:

25 467A.46 CONDUCT OF HEARING.

26 At the hearing, the commissioners or their designees shall
27 explain, in reasonable detail, the reasons why adoption,
28 amendment, or repeal of the regulations is deemed necessary or
29 advisable. Any landowner, or any occupant of land who would
30 be affected by the regulations, shall be afforded an
31 opportunity to be heard for or against the proposed
32 regulations. At the conclusion of the hearing, the
33 commissioners shall announce and enter of record their
34 decision whether to adopt or modify the proposed regulations.
35 Any modification must be approved by the division committee,

1 which may at its discretion order the commissioners to
2 republish the regulations and hold another hearing in the
3 manner prescribed by this chapter.

4 Sec. 11. Section 467A.48, subsections 1 and 2, Code 1989,
5 are amended to read as follows:

6 1. An owner or occupant of land in this state is not
7 required to establish any new permanent or temporary soil and
8 water conservation practice unless public or other cost-
9 sharing funds have been specifically approved for that land
10 and actually made available to the owner or occupant. The
11 amount of cost-sharing funds made available shall not exceed
12 seventy-five percent of the estimated cost as established by
13 the commissioners of a permanent soil and water conservation
14 practice, or seventy-five percent of the actual cost,
15 whichever is less, or an amount set by the division committee
16 for a temporary soil and water conservation practice, except
17 as otherwise provided by law with respect to land classified
18 as agricultural land under conservation cover. The
19 commissioners shall establish the estimated cost of permanent
20 soil and water conservation practices in the district based
21 upon one and two-tenths of the average cost of the practices
22 installed in the district during the previous year. The
23 average costs shall be reviewed and approved by the
24 commissioners each calendar year.

25 2. The division committee shall review these requirements
26 once each year, and may authorize soil and water conservation
27 district commissioners to make the mandatory establishment of
28 any specified soil and water conservation practice in any
29 particular case conditional on a higher proportion of public
30 cost-sharing than is required by this section. When the
31 commissioners have been so authorized, they shall, in
32 determining the amount of cost-sharing for establishment of a
33 specified soil and water conservation practice to comply with
34 an administrative order issued pursuant to section 467A.47,
35 consider the extent to which the practice will contribute

1 benefits to the public in relation to the benefits that will
2 accrue to the individual owner or occupant of the land on
3 which the practice is to be established. Evidence that an
4 application for public or other cost-sharing funds, from a
5 source or sources having authority to pay a portion of the
6 cost of work needed to comply with an administrative order
7 issued pursuant to section 467A.47, has been submitted to the
8 proper officer or agency constitutes commencement of the work
9 within the meaning of sections 467A.43 through 467A.53.

10 Sec. 12. Section 467A.71, subsection 3, unnumbered
11 paragraph 1, Code 1989, is amended to read as follows:

12 The division committee may:

13 Sec. 13. Notwithstanding this Act persons appointed to
14 serve on the soil conservation committee before July 1, 1989,
15 may serve out their terms as provided in chapter 467A.

16 EXPLANATION

17 This bill restores powers and duties which had been
18 specifically delegated to the state soil conservation
19 committee before reorganization which provided that the powers
20 and duties are delegated to the soil conservation division
21 within the department of agriculture and land stewardship.
22 The committee is directed to adopt a seal. The committee is
23 granted authority to perform acts, hold hearings, adopt rules,
24 and employ administrative staff.

25 The committee replaces the division as the agency
26 responsible for a number of administrative duties relating to
27 discontinuance of districts, reporting to the governor and
28 department of management, approval of soil and water
29 conservation practices, approval of regulations by
30 commissioners, and to contract, sue, and be sued in
31 administering the conservation practices revolving loan fund,
32 and authorize payments from the fund. The committee is
33 charged with recommending three persons to the secretary of
34 agriculture for appointment as division director. The
35 committee is also charged with approving the budget for the

- 1 division.
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SENATE FILE 318

AN ACT

RELATING TO THE STATE SOIL CONSERVATION COMMITTEE, BY PROVIDING FOR THE COMPOSITION OF THE COMMITTEE AND ITS POWERS AND DUTIES.

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

Section 1. Section 159.5, subsection 14, Code 1989, is amended to read as follows:

14. Establish and maintain a division of soil conservation. The division administrator shall be appointed by the secretary from a list of names of persons recommended by the soil conservation committee, pursuant to section

467A.4, subsection 2, and shall serve at the pleasure of the secretary.

Sec. 2. Section 467A.4, subsections 1 and 2, Code 1989, are amended to read as follows:

1. The soil conservation division is established within the department to perform the functions conferred upon it in chapters 83, 83A, and 467A through 467B 467F. The division shall be administered in accordance with the policies of the state soil conservation committee, which shall advise the division and which shall approve administrative rules proposed by the division for the administration of chapters 83, 83A, and 467A through 467B 467F before the rules are adopted pursuant to chapter 17A. If a difference exists between the committee and secretary regarding the content of a proposed rule, the secretary shall notify the chairperson of the committee of the difference within thirty days from the committee's action on the rule. The secretary and the committee shall meet to resolve the difference within thirty days after the secretary provides the committee with notice of the difference. The state soil conservation committee consists of a chairperson and ten eight other voting members. The following shall serve as ex officio nonvoting members of the committee: The director of the Iowa cooperative extension service in agriculture and home economics, or the director's designee, and the director of the department of natural resources or the director's designee. Nine voting members shall be appointed by the governor subject to confirmation by the senate. Six of the appointive members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of the six geographic regions in the state, including northwest, southwest, north central, south central, northeast, and southeast Iowa, water-resource-districts established-by-section-467B-3, and no more than one of whom shall be a resident of any one county. The boundaries of the geographic regions shall be established by rule. The seventh,

eighth, and ninth appointive members shall be chosen by the governor from the state at large with one appointed to be a representative of cities, one appointed to be a representative of the mining industry, and one appointee who is a farmer actively engaged in tree farming operations. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the other members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons have no vote and shall serve in an advisory capacity only. The committee may perform acts, hold public hearings, and propose and approve rules pursuant to chapter 17A as necessary for the execution of its functions.

2. The committee shall recommend three persons to the secretary of agriculture who shall appoint from the persons recommended an administrative director to head the division who shall serve at the pleasure of the secretary. After reviewing the names submitted, the secretary may request the soil conservation committee to submit additional names for consideration. The committee shall recommend to the secretary each year a budget for the division. The secretary, at the earliest opportunity and prior to formulating a budget, shall meet with representatives of the committee to discuss the committee's recommendation. The committee or division may call upon the attorney general of the state for necessary legal services. The committee may delegate to its chairperson, to one or more of its members, or to one or more agents or employees, powers and duties as it deems proper. Upon request of the committee, for the purpose of carrying out any of the functions assigned the committee or the department by law, the supervising officer of any state agency, or of any state institution of learning shall, insofar as possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail the request to the staff or personnel of the agency or

institution of learning, and make the special reports, surveys, or studies as the committee requests.

Sec. 3. Section 467A.10, Code 1989, is amended to read as follows:

467A.10 DISCONTINUANCE OF DISTRICTS.

At any time after five years after the organization of a district under this chapter, any twenty-five owners of land lying within the boundaries of the district, but in no case less than twenty percent of the owners of land lying within the district, may file a petition with the division committee asking that the operations of the district be terminated and the existence of the district discontinued. The committee may conduct public meetings and public hearings upon the petition as necessary to assist in the consideration of the petition. Within sixty days after a petition has been received by the division committee, the division shall give due notice of the holding of a referendum, shall supervise the referendum, and shall issue appropriate rules governing the conduct of the referendum-the. The question is to be submitted by ballots upon which the words "For terminating the existence of the (name of the soil and water conservation district to be here inserted)" and "Against terminating the existence of the (name of the soil and water conservation district to be here inserted)" shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions as the voter favors or opposes discontinuance of the district. All owners of lands lying within the boundaries of the district are eligible to vote in the referendum. No informalities in the conduct of the referendum or in any matters relating to the referendum invalidate the referendum or the result of the referendum if notice was given substantially as provided in this section and if the referendum was fairly conducted.

When sixty-five percent of the landowners vote to terminate the existence of the district, the division committee shall advise the commissioners to terminate the affairs of the district. The commissioners shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of the sale to be deposited into the state treasury. The commissioners shall then file an application, duly verified, with the secretary of state for the discontinuance of the district, and shall transmit with the application the certificate of the division committee setting forth the determination of the division committee that the continued operation of the district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as provided in this section, and shall set forth a full accounting of the properties and proceeds of the sale. The secretary of state shall issue to the commissioners a certificate of dissolution and shall record the certificate in an appropriate book of record in the secretary of state's office.

Upon issuance of a certificate of dissolution under this section, all ordinances and regulations previously adopted and in force within the districts are of no further force and effect. All contracts previously entered into, to which the district or commissioners are parties, remain in force and effect for the period provided in the contracts. The division committee is substituted for the district or commissioners as party to the contracts. The division committee is entitled to all benefits and subject to all liabilities under the contracts and has the same right and liability to perform, to require performance, to sue and be sued, and to modify or terminate the contracts by mutual consent or otherwise, as the commissioners of the district would have had.

The division committee shall not entertain petitions for the discontinuance of any district nor conduct referenda upon

discontinuance petitions nor make determinations pursuant to the petitions in accordance with this chapter, more often than once in five years.

Sec. 4. Section 467A.42, subsection 2, paragraphs a and b, Code 1989, are amended to read as follows:

a. "Permanent soil and water conservation practices" means planting of perennial grasses, legumes, shrubs, or trees, the establishment of grassed waterways, and the construction of terraces, or other permanent soil and water practices approved by the division committee.

b. "Temporary soil and water conservation practices" means planting of annual or biennial crops, use of strip-cropping, contour planting, or minimum or mulch tillage, and any other cultural practices approved by the division committee.

Sec. 5. Section 467A.44, unnumbered paragraph 1, Code 1989, is amended to read as follows:

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

Sec. 6. Section 467A.45, Code 1989, is amended to read as follows:

467A.45 SUBMISSION OF REGULATIONS TO DIVISION COMMITTEE -- HEARING.

Regulations which the commissioners propose to adopt, amend, or repeal shall be submitted to the division committee, in a form prescribed by the division committee, for its approval. The division committee may approve the regulations as submitted, or with amendments as it deems necessary. The commissioners shall, after approval, publish notice of hearing on the proposed regulations, as approved, in a newspaper of general circulation in the district, setting a date and time not less than ten nor more than thirty days after the publication when a hearing on the proposed regulations will be held at a specified place. The notice shall include the full text of the proposed regulations or shall state that the proposed regulations are on file and available for review at the office of the affected soil and water conservation district.

Sec. 7. Section 467A.46, Code 1989, is amended to read as follows:

467A.46 CONDUCT OF HEARING.

At the hearing, the commissioners or their designees shall explain, in reasonable detail, the reasons why adoption, amendment, or repeal of the regulations is deemed necessary or advisable. Any landowner, or any occupant of land who would be affected by the regulations, shall be afforded an opportunity to be heard for or against the proposed regulations. At the conclusion of the hearing, the commissioners shall announce and enter of record their decision whether to adopt or modify the proposed regulations. Any modification must be approved by the division committee, which may at its discretion order the commissioners to republish the regulations and hold another hearing in the manner prescribed by this chapter.

Sec. 8. Section 467A.48, subsections 1 and 2, Code 1989, are amended to read as follows:

1. An owner or occupant of land in this state is not required to establish any new permanent or temporary soil and

water conservation practice unless public or other cost-sharing funds have been specifically approved for that land and actually made available to the owner or occupant. The amount of cost-sharing funds made available shall not exceed seventy-five percent of the estimated cost as established by the commissioners of a permanent soil and water conservation practice, or seventy-five percent of the actual cost, whichever is less, or an amount set by the division committee for a temporary soil and water conservation practice, except as otherwise provided by law with respect to land classified as agricultural land under conservation cover. The commissioners shall establish the estimated cost of permanent soil and water conservation practices in the district based upon one and two-tenths of the average cost of the practices installed in the district during the previous year. The average costs shall be reviewed and approved by the commissioners each calendar year.

2. The division committee shall review these requirements once each year, and may authorize soil and water conservation district commissioners to make the mandatory establishment of any specified soil and water conservation practice in any particular case conditional on a higher proportion of public cost-sharing than is required by this section. When the commissioners have been so authorized, they shall, in determining the amount of cost-sharing for establishment of a specified soil and water conservation practice to comply with an administrative order issued pursuant to section 467A.47, consider the extent to which the practice will contribute benefits to the public in relation to the benefits that will accrue to the individual owner or occupant of the land on which the practice is to be established. Evidence that an application for public or other cost-sharing funds, from a source or sources having authority to pay a portion of the cost of work needed to comply with an administrative order issued pursuant to section 467A.47, has been submitted to the

proper officer or agency constitutes commencement of the work within the meaning of sections 467A.43 through 467A.53.

Sec. 9. Notwithstanding this Act persons appointed to serve on the soil conservation committee before July 1, 1989, may serve out their terms as provided in chapter 467A.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 318, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 5/4, 1989

TERRY E. BRANSTAD
Governor

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