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HOUSE FILE 1176

Place On Calendar

Am. Environ. Pres. 2-18-72, Page 2-24

By COMMITTEE ON ENVIRONMENTAL PRESERVATION

Passed House, Date 2-18-72 Passed Senate, Date 3-10-72
Vote: Ayes 76 Nays 0 Vote: Ayes 35 Nays 10
Approved March 17, 1972

A BILL FOR

1 An Act relating to the department of soil conservation.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Amend House File 1176, page 6, after line 22, by adding
2 the following new section and renumbering the subsequent section
3 accordingly:

4 "Sec. . Chapter two hundred twenty-seven (227), section
5 six (6), subsection eight (8), Acts of the Sixty-fourth General
6 Assembly, First Session, is amended to read as follows:

7 8. Have authority to acquire by gift, lease, purchase,
8 grant, or inheritance any property, real or personal, in fee
9 or a lesser interest, needed to achieve the objectives of
10 this Act, and to sell and convey property owned but no longer
11 needed by the district. ~~The board shall also have authority
12 to acquire by condemnation proceedings any real property,
13 in fee or a lesser interest, needed to achieve the objectives
14 of this Act, but no condemnation proceedings shall be insti-
15 tuted by the board less than fifteen days after a letter has
16 been sent by restricted certified mail to the owner or owners
17 of the property sought, setting forth in detail the reasons
18 why the property is needed and the board's best offer for
19 the property."~~

Filed *Last 3/10* By GRAHAM
March 7, 1972

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1 Section 1. Section four hundred sixty-seven A point four
2 (467A.4), subsections one (1) and three (3), Code 1971, as
3 amended by chapter two hundred twenty-seven (227), section
4 twenty-seven (27), Acts of the Sixty-fourth General Assembly,
5 First Session, are amended to read as follows:

6 1. There is hereby established, to serve as an agency
7 of the state and to perform the functions conferred upon it
8 in this chapter, the department of soil conservation. The
9 department shall be administered in accordance with the
10 policies of the state soil conservation committee, which shall
11 consist of a chairman and ten members. The following shall
12 serve as ex officio nonvoting members of the committee: The
13 director of the state agricultural extension service or his
14 designee, the secretary of agriculture, or his designee, the
15 director of the state conservation commission or his designee,
16 and the director of the Iowa natural resources council or
17 his designee. Seven voting members shall be appointed by
18 the governor and confirmed by the senate. Six of the
19 appointive members shall be persons engaged in actual farming
20 operations, one of whom shall be a resident of each of the
21 six conservancy districts established by section three (3)
22 of this Act, and no more than one of whom shall be a resident
23 of any one county. The seventh appointive member shall be
24 chosen by the governor from the state at large and shall be
25 a representative of cities and towns. The committee may
26 invite the secretary of agriculture of the United States to
27 appoint one person to serve with the above mentioned members,
28 and the president of the Iowa county engineers association
29 may designate a member of the association to serve in the
30 same manner, but these persons shall have no vote and shall
31 serve in an advisory capacity only. The committee shall adopt
32 a seal, which seal shall be judicially noticed, and may perform
33 such acts, hold such public hearings, and promulgate such
34 rules and regulations as may be necessary for the execution
35 of its functions under this chapter.

1 3. The committee shall designate its chairman, and may,
2 from time to time, change such designation. The director
3 of the state agricultural extension service shall hold office
4 so long as he shall retain the office by virtue of which he
5 shall be serving on the committee. The members appointed
6 by the governor shall serve for a period of six years, except
7 that in the year 1971, two members shall be appointed for
8 terms of six years beginning July 1, 1971, and two members
9 shall be appointed for terms of four years beginning July
10 1, 1971. Thereafter, members shall be appointed in each odd-
11 numbered year to succeed members whose terms expire on June
12 30 of that year. Appointments may be made at such other times
13 and for such other periods as are necessary to fill vacancies
14 on the committee, and any appointment so made while the general
15 assembly is not in session shall be subject to confirmation
16 by the senate at the next session of the general assembly
17 thereafter. No members shall be appointed to serve more than
18 two complete six-year terms. Members designated to represent
19 the secretary of agriculture, director of the state
20 conservation commission, or the director of the Iowa natural
21 resources council shall serve at the pleasure of the officer
22 making such designation. A majority of the voting members
23 of the committee shall constitute a quorum, and the concurrence
24 of a majority of the voting members of the committee in any
25 matter within their duties shall be required for its
26 determination. The chairman and members of the committee,
27 not otherwise in the employ of the state, or any political
28 subdivision, shall receive thirty dollars per diem as
29 compensation for their services in the discharge of their
30 duties as members of the committee. The committee shall
31 determine the number of days for which any committee member
32 may draw per diem compensation, but the total number of days
33 for which per diem compensation is allowed for the entire
34 committee shall not exceed three hundred fifty days per year.
35 They shall also be entitled to expenses, including traveling

1 expenses, necessarily incurred in the discharge of their
2 duties as members of such committee. The committee shall
3 provide for the execution of surety bonds for all employees
4 and officers who shall be entrusted with funds or property,
5 shall provide for the keeping of a full and accurate record
6 of all proceedings and of all resolutions, regulations, and
7 orders issued or adopted, and shall provide for an annual
8 audit of the accounts of receipts and disbursements.

9 Sec. 2. Chapter two hundred twenty-seven (227), section
10 thirty-one (31), unnumbered paragraph one (1), Acts of the
11 Sixty-fourth General Assembly, First Session, amending chapter
12 four hundred sixty-seven A (467A) of the Code, is amended
13 to read as follows:

14 The commissioners of each soil conservation district shall,
15 with approval of and within time limits set by administrative
16 order of the state soil conservation committee, adopt, amend,
17 and repeal such reasonable regulations as are deemed necessary
18 to establish a soil loss limit or limits for the district
19 and provide for the implementation of the limit or limits,
20 and may subsequently amend or repeal their regulations as
21 they deem necessary. The commissioners may:

22 Sec. 3. Chapter two hundred twenty-seven (227), section
23 thirty-two (32), Acts of the Sixty-fourth General Assembly,
24 First Session, is amended to read as follows:

25 Sec. 32. Chapter four hundred sixty-seven A (467A), Code
26 1971, is amended by adding the following new section:

27 Regulations which the commissioners propose to adopt,
28 amend, or repeal shall be submitted to the state soil
29 conservation committee, in such form as the committee shall
30 prescribe, for its approval. The committee may approve the
31 regulations as submitted, or with such amendments as it deems
32 necessary. The commissioners shall thereafter publish notice
33 of hearing on the proposed regulations, as approved, in a
34 newspaper of general circulation in the district, ~~together~~
35 ~~with a notice of~~ setting a date and time not less than ten

1 nor more than thirty days after such publication when a hearing
2 on the proposed regulations will be held at a specified place.
3 The notice shall include the full text of the proposed
4 regulations or shall state that the proposed regulations are
5 on file and available for review at the office of the affected
6 soil conservation district.

7 Sec. 4. Chapter two hundred twenty-seven (227), section
8 thirty-five (35), Acts of the Sixty-fourth General Assembly,
9 First Session, is amended to read as follows:

10 Sec. 35. Chapter four hundred sixty-seven A (467A), Code
11 1971, is amended by adding the following new section:

12 No owner or occupant of land in this state shall be required
13 to establish any new permanent or temporary soil and water
14 conservation practice unless public or other cost-sharing
15 funds have been specifically approved for such land and
16 actually made available to the owner or occupant in an amount
17 equal to at least seventy-five percent of the cost of any
18 permanent soil and water conservation practice, or an amount
19 set by the state soil conservation committee for any temporary
20 soil and water conservation practice. The state soil
21 conservation committee shall review these requirements at
22 least once each year, and may authorize soil conservation
23 district commissioners to make the mandatory establishment
24 of any specified soil and water conservation practice in any
25 particular case conditional on a higher proportion of public
26 cost-sharing than is required by this section. When the
27 commissioners have been so authorized, they shall, in
28 determining the amount of cost-sharing for establishment of
29 a specified soil and water conservation practice to comply
30 with an administrative order issued pursuant to section thirty-
31 four (34) of this Act, consider the extent to which the
32 practice will contribute benefits to the public in relation
33 to the benefits that will accrue to the individual owner or
34 occupant of the land on which the practice is to be
35 established. Evidence that an application for public or other

1 cost-sharing funds, from a source or sources having authority
2 to pay a portion of the cost of work needed to comply with
3 an administrative order issued pursuant to section thirty-
4 four (34) of this Act, has been submitted to the proper officer
5 or agency shall constitute commencement of such work within
6 the meaning of sections thirty (30) through forty (40) of
7 this Act. Upon receiving evidence of the submission of such
8 application, the commissioners shall forward to the officer
9 or agency to which the application was made a written request
10 to receive notification of the disposition of such application.
11 When notified of the approval of such application, the
12 commissioners shall issue to the same parties who received
13 the original administrative order, or their successors in
14 interest, a supplementary order, to be delivered in the same
15 manner as provided by sections thirty (30) through forty (40)
16 of this Act for delivery of original administrative orders.
17 The supplementary order shall state a time, not more than
18 six months after approval of the application for public or
19 other cost-sharing funds, by which the work needed to comply
20 with the original administrative order shall actually be
21 commenced, and a time not more than one year thereafter when
22 such work is to be satisfactorily completed.

23 Sec. 5. This Act, being deemed of immediate importance,
24 shall take effect and be in force from and after its publica-
25 tion in the Fort Dodge Messenger and Chronicle, a newspaper
26 published in Fort Dodge, Iowa, and in The Washington Evening
27 Journal, a newspaper published in Washington, Iowa.

28 EXPLANATION

29 This bill clarifies the voting authority of the ex officio
30 members of the State Soil Conservation Committee, authorizes
31 the State Soil Conservation Committee to set time limitations
32 for soil conservation district commissioners to establish
33 soil loss limits, and provides additional publication
34 requirements for proposed regulations being developed by soil
35 conservation district commissioners.