

FEB 12 1974

HOUSE FILE 1178

Place On Calendar

In Agriculture 2/21, Pass per 2386

BY COMMITTEE ON AGRICULTURE

House File 1178
Agriculture--
Taylor, Chairman
Van Glist
Priebe

Passed House, Date 2-19-74 (525) Passed Senate, Date 4-11-74 (1323)

Vote: Ayes 88 Nays 2 Vote: Ayes 40 Nays 0

Approved 5-27-74

Passed House as amended by Senate

4-17-74 (1835)

87-0

A BILL FOR

1 An Act relating to administration of the department of soil
2 conservation, soil conservation districts and conservancy
3 districts.

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

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1 Section 1. Section four hundred sixty-seven A point three
2 (467A.3), subsection eleven (11), Code 1973, is amended to
3 read as follows:

4 11. "Landowner" includes any person, firm, or corpora-
5 tion or any federal agency, this state or any of its politi-
6 cal subdivisions, who shall hold title to ~~three-or-more-acres~~
7 ~~of land lying outside-incorporated-cities-or-towns-and~~
8 within a proposed district or a district organized under the
9 provisions of this chapter.

10 Sec. 2. Section four hundred sixty-seven A point three
11 (467A.3), Code 1973, is amended by adding the following new
12 subsections:

13 NEW SUBSECTION. "Conservancy district" means one of the
14 six conservancy districts established by section four hundred
15 sixty-seven D point three (467D.3) of the Code.

16 NEW SUBSECTION. "Board" means the body designated by
17 section four hundred sixty-seven D point four (467D.4) of
18 the Code to administer each of the conservancy districts.

19 NEW SUBSECTION. "Council" means the Iowa natural resources
20 council.

21 Sec. 3. Section four hundred sixty-seven A point four
22 (467A.4), subsection four (4), Code 1973, is amended by add-
23 ing the following new paragraphs:

24 NEW PARAGRAPH. To offer such assistance as may be ap-
25 propriate to the conservancy districts established by sec-
26 tion four hundred sixty-seven D point three (467D.3) of the
27 Code, and in the carrying out of any of their powers and pro-
28 grams.

29 NEW PARAGRAPH. Review, amend, and give final approval
30 to the plan of each of the conservancy districts, and to any
31 subsequent changes therein, in the manner provided by chap-
32 ter four hundred sixty-seven D (467D) of the Code.

33 NEW PARAGRAPH. Maintain files of such proceedings, rules
34 and regulations, and orders, of each of the conservancy
35 districts in the state as the Department may request from

1 the conservancy districts pursuant to section four hundred
2 sixty-seven D point six (467D.6), subsection eleven (11) of
3 the Code.

4 NEW PARAGRAPH. To keep the boards of each of the six con-
5 servancy districts established by section four hundred sixty-
6 seven D point three (467D.3) of the Code informed of the ac-
7 tivities and experience of the other conservancy districts
8 and to facilitate an interchange of advice and experience
9 between conservancy districts and cooperation between them.

10 NEW PARAGRAPH. To coordinate the programs of the con-
11 servancy districts so far as this may be done by advice and
12 consultation.

13 NEW PARAGRAPH. To disseminate information throughout the
14 state concerning the activities and programs of the conservancy
15 districts established by section four hundred sixty-seven
16 D point three (467D.3) of the Code.

17 NEW PARAGRAPH. To render financial aid and assistance
18 to the six conservancy districts established by section four
19 hundred sixty-seven D point three (467D.3) of the Code for
20 the purpose of carrying out the policy stated in chapter four
21 hundred sixty-seven D (467D) of the Code.

22 Sec. 4. Section four hundred sixty-seven A point seven
23 (467A.7), subsection three (3), Code 1973, is amended to read
24 as follows:

25 3. To carry out preventive and control measures within
26 the district, including, but not limited to, crop rotations,
27 engineering operations, methods of cultivation, the growing
28 of vegetation, changes in use of land, and the measures listed
29 in section 467A.2, on lands owned or controlled by this state
30 or any of its agencies, with the consent and co-operation
31 of the agency administering and having jurisdiction thereof,
32 and on any other lands within the district, upon obtaining
33 the consent of the owner or occupier of such lands or the
34 necessary rights or interests in such lands. The Any ap-
35 proval of or permits from the Fewa-natural-resources council

1 ~~shall be required on any project which relates to or in any~~
2 ~~manner affects flood control~~ under other provisions of law
3 shall be obtained by the district prior to initiation of any
4 construction activity.

5 Sec. 5. Section four hundred sixty-seven A point seven
6 (467A.7), subsection seven (7), Code 1973, is amended to read
7 as follows:

8 7. To construct, improve, and maintain such structures
9 as may be necessary or convenient for the performance of any
10 of the operations authorized in this chapter. ~~The~~ Any ap-
11 ~~proval of or permits from the Iowa natural resources council~~
12 ~~shall be required on any project which relates to or in any~~
13 ~~manner affects flood control~~ under other provisions of law
14 shall be obtained by the district prior to initiation of any
15 construction activity.

16 Sec. 6. Section four hundred sixty-seven A point seven
17 (467A.7), subsection thirteen (13), Code 1973, is amended
18 to read as follows:

19 13. After the formation of any district under the pro-
20 visions of this chapter, all participation hereunder shall
21 be purely voluntary, ~~any provision herein contained on the~~
22 ~~contrary notwithstanding~~ except as specifically stated herein.

23 Sec. 7. Section four hundred sixty-seven A point seven
24 (467A.7), subsection fifteen (15), Code 1973, is amended to
25 read as follows:

26 15. To take notice of the conservancy district plan, and
27 conform to the duly promulgated rules of the conservancy
28 district or conservancy districts in which the soil con-
29 servation district is located; provided that this subsection
30 shall not be construed to grant any authority not otherwise
31 granted by law to the commissioners of soil conservation dis-
32 tricts.

33 Sec. 8. Section four hundred sixty-seven A point forty-
34 four (467A.44), subsection three (3), Code 1973, is amended
35 to read as follows:

1 3. Require the owners of real property in the district
2 to employ either soil and water conservation practices or
3 erosion control practices, but-may and:

4 a. May not specify the particular practices to be em-
5 ployed so long as such owners voluntarily comply with the
6 applicable soil loss ~~limit-or-with-an-administrative-order~~
7 limits established for the district.

8 b. May specify approved alternative soil and water con-
9 servations practices or erosion control practices, one of which
10 shall be employed by the landowner to bring erosion from land
11 under ~~their~~ his control ~~with~~ within the applicable soil loss
12 ~~limit,-and-in~~ of the district when an administrative order
13 is issued to the landowner.

14 c. In no case may the commissioners require:

15 a. (1) The employment of erosion control practices as
16 defined in section 467A.42, subsection 3, on land used in
17 good faith for agricultural or horticultural purposes only.

18 b. (2) The employment of soil and water conservation
19 practices or erosion control practices on that portion of
20 any public street, road or highway completed or under con-
21 struction within the corporate limits of any city or town,
22 which is or will become the traveled or surfaced portion of
23 such street, road, or highway.

24 e. (3) That any owner or operator of agricultural land
25 refrain from fall plowing of land on which he intends to raise
26 a crop during the next succeeding growing season, however
27 on those lands which are prone to excessive wind erosion the
28 commissioners may require that reasonable temporary measures
29 be taken to minimize the likelihood of wind erosion so long
30 as such measures do not unduly increase the cost of opera-
31 tion of the farm on which the land is located. However, fall
32 plowing of soil which is commonly known as gumbo shall al-
33 ways be permitted.

34 Sec. 9. Section four hundred sixty-seven A point forty-
35 seven (467A.47), unnumbered paragraph one (1), Code 1973,

1 is amended to read as follows:

2 The commissioners of any soil conservation district shall
3 inspect or cause to be inspected any land within the dis-
4 trict, upon receipt of a written and signed complaint, from
5 an owner or occupant of land being damaged by sediment, that
6 soil erosion is occurring thereon in excess of the limits
7 established by the district's soil erosion control regula-
8 tions. If they find that sediment damages are occurring to
9 property owned or occupied by the person filing the complaint
10 and that such excess soil erosion is so occurring on the land
11 inspected, they shall issue an administrative order to the
12 landowner or landowners of record, and to the occupant of
13 the land if known to the commissioners, describing said land
14 and stating as nearly as possible the extent to which soil
15 erosion thereon exceeds the limits established by the
16 district's regulations. The order shall be delivered either
17 by personal service or by restricted certified mail to each
18 of the persons to whom it is directed, and shall:

19 Sec. 10. Section four hundred sixty-seven A point fifty-
20 one (467A.51), Code 1973, is amended to read as follows:

21 467A.51 ENTERING ON LAND. The commissioners and their
22 authorized agents or employees shall have authority after
23 ten days written notice by restricted certified mail addressed
24 to the owner and also to the occupant to enter upon any land
25 in the district without the consent of the landowner or person
26 in possession or control of the land, ~~by the procedures and~~
27 ~~subject to the limitations prescribed in section 467B-24,~~
28 to determine whether soil erosion is occurring thereon in
29 violation of the district's regulations. Such entry, after
30 notice, shall not be deemed a trespass, and the commissioners
31 may be aided by injunction to insure peaceful entry, when
32 necessary in order to properly discharge their duties under
33 this chapter.

34 Sec. 11. Section four hundred sixty-seven D point two
35 (467D.2), subsections one (1) and two (2), Code 1973, are

1 amended to read as follows:

2 1. ~~The terms "district" or "conservancy~~ "Conservancy
3 district" ~~mean~~ means one of the six conservancy districts
4 established by section 467D.3.

5 2. "Board" means the body designated by section 467D.4
6 to administer each of the conservancy districts.

7 Sec. 12. Section four hundred sixty-seven D point two
8 (467D.2), Code 1973, is amended by adding the following new
9 subsections:

10 NEW SUBSECTION. "Department" or "department of soil con-
11 servation" means the agency established by section four hun-
12 dred sixty-seven A point four (467A.4) of the Code.

13 NEW SUBSECTION. "Committee" or "state soil conservation
14 committee" means the committee established by section four
15 hundred sixty-seven A point four (467A.4) of the Code.

16 Sec. 13. Section four hundred sixty-seven D point five
17 (467D.5), Code 1973, is amended to read as follows:

18 467D.5 OFFICIALLY AS BOARD OF CONSERVANCY DISTRICTS.
19 When officially conducting the business of any conservancy
20 district, the ~~state-soil-conservation~~ committee shall for-
21 mally convene as the board of that conservancy district and
22 shall keep minutes as such. The chairman of the ~~state-soil~~
23 ~~conservation~~ committee shall be the chairman of the board
24 of each conservancy district.

25 Sec. 14. Section four hundred sixty-seven D point six
26 (467D.6), subsections one (1), six (6), and eleven (11), Code
27 1973, are amended to read as follows:

28 1. Exercise such supervision over the water resources
29 of the conservancy district, including water in any basin,
30 watercourse, or other body of water in the conservancy dis-
31 trict, and have authority to promulgate and repeal, with ap-
32 proval of the ~~council~~ department, and enforce such rules and
33 regulations, except those rules and regulations relating to
34 water quality-standards resources under the authority of the
35 council and the Iowa water pollution-control quality

1 commission, as necessary to achieve the objectives of this
2 chapter as set forth in section 467D.1.

3 6. Have authority to enter into binding agreements, with
4 respect to any matter within the jurisdiction of the conser-
5 vancy district, with:

6 a. Any person, firm, corporation or association, the state
7 of Iowa, or any of its political subdivisions.

8 b. The federal government, or any of the agencies thereof.

9 c. Other states or agencies or subdivisions thereof com-
10 parable in purpose to the district, provided all such agree-
11 ments are entered into jointly with the ~~council~~ department
12 in accordance with other provisions of law.

13 11. Maintain at its office a record of all the conser-
14 vancy district's proceedings, rules and regulations, and
15 orders, and furnish copies thereof to the department and the
16 council upon request.

17 Sec. 15. Section four hundred sixty-seven D point thir-
18 teen (467D.13), Code 1973, is amended to read as follows:

19 467D.13 REVIEW BY STATE COMMITTEE. The ~~state-soil-con-~~
20 ~~servati~~on committee shall review the proposed biennial bud-
21 get of each of the conservancy districts, and may revise any
22 such budget. The ~~state-soil-conservati~~on committee shall
23 prepare a consolidated list of the appropriations requested
24 for administration, operation, and maintenance of each con-
25 servancy district for each year of the ensuing biennium, and
26 of capital appropriations requested, if any, for each con-
27 servancy district, and shall forward the consolidated list
28 to the state comptroller as a part of the ~~state-soil-conser-~~
29 ~~vati~~on committee's estimates of expenditure requirements sub-
30 mitted pursuant to section 8.23.

31 Sec. 16. Section four hundred sixty-seven D point six-
32 teen (467D.16), unnumbered paragraph one (1), Code 1973, is
33 amended to read as follows:

34 The board shall prepare, ~~in consultation with the coun-~~
35 ~~cil,~~ a plan for accomplishment of the objectives of this

1 chapter within the conservancy district. For this purpose
2 the board may request and shall obtain from any state agency
3 or political subdivision information which the agency or
4 subdivision may have already collected which is pertinent
5 to preparation of the plan, and may conduct such hearings
6 as it deems necessary. The plan shall establish an order
7 of priorities for carrying out projects necessary to accomplish
8 the objectives of this chapter, shall conform as nearly as
9 practicable to the comprehensive state-wide water resources
10 plan established by the council pursuant to section 455A.17
11 and shall reflect the following general policies:

12 Sec. 17. Section four hundred sixty-seven D point seven-
13 teen (467D.17), Code 1973, is amended to read as follows:

14 467D.17 PLAN PRESENTED TO DEPARTMENT AND COUNCIL. The
15 board shall tentatively adopt the plan by resolution and shall
16 present the plan to the department and the council not later
17 than July 4, 1973 for review. The council shall within ninety
18 days approve review the plan as presented, ~~or with such amend-~~
19 ~~ments~~ and make such recommendations as, in its discretion,
20 it deems necessary to bring the conservancy district's plan
21 into conformity with the comprehensive state-wide water re-
22 sources plan established by the council pursuant to section
23 455A.17. The department shall review the plan as presented
24 and, with such amendments as are necessary to bring the plan
25 into conformity with the statewide water resources plan, give
26 final approval within one hundred twenty days.

27 Sec. 18. Section four hundred sixty-seven D point eigh-
28 teen (467D.18), Code 1973, is amended to read as follows:

29 467D.18 WORKING PROGRAM. The plan and the order of pri-
30 orities established thereby shall constitute the working
31 program of the conservancy district. The plan shall be re-
32 viewed from time to time and shall, ~~with the consent of the~~
33 ~~council,~~ be changed as deemed necessary as the result of
34 experience gained in construction and maintenance of inter-
35 nal improvements by the conservancy district, and in opera-

1 tion of the conservancy district, or as the result of changed
2 conditions. The board may initiate changes in the conser-
3 vancy district plan on its own motion or at the direction
4 of the ~~council~~ department.

5 Sec. 19. Section four hundred sixty-seven D point nine-
6 teen (467D.19), Code 1973, is amended to read as follows:

7 467D.19 IMPLEMENTATION. After final approval of the plan,
8 the board shall begin to implement the plan as expeditiously
9 as possible, within the limitations of available appropria-
10 tions and other financial resources. When implementation
11 of the plan involves construction or improvement of any in-
12 ternal improvement by the conservancy district, the board
13 may order the preparation of detailed plans and specifica-
14 tions, and a refined cost estimate. Upon completion of such
15 plans, specifications and cost estimate to their satisfac-
16 tion, the board shall adopt the same, subject to the approval
17 of the ~~council~~ department, and shall let the contract or con-
18 tracts therefor in accordance with section 467D.20. Any ap-
19 proval or permits from the council required under other pro-
20 visions of law shall be obtained by the conservancy district
21 prior to initiation of any construction activity.

22 Sec. 20. Section four hundred fifty-five A point forty
23 (455A.40), subsection two (2), Code 1973, is amended to read
24 as follows:

25 2. ~~Review, amend, and give final approval~~ make such rec-
26 ommendations as it deems necessary to bring the plan of each
27 of the conservancy districts, and ~~to any subsequent changes~~
28 therein, ~~in the manner provided by this chapter~~ into conform-
29 ity with the statewide water resources plan established by
30 the council pursuant to section four hundred fifty-five A
31 point seventeen (455A.17) of the Code.

32 Sec. 21. Section four hundred fifty-five A point forty
33 (455A.40), Code 1973, is amended by striking subsection three
34 (3).

35 Sec. 22. The Code editor is directed to insert the word

1 "conservancy" before the word "district" or the word "dis-
2 tricts" or the word "district's" wherever any of these words
3 appear, except where they are immediately preceded by the
4 word "conservancy" or the words "soil conservation", and to
5 make any necessary conforming changes in capitalization or
6 punctuation, in sections four hundred sixty-seven D point
7 four (467D.4), four hundred sixty-seven D point six (467D.6),
8 subsections two (2), five (5), eight (8), nine (9) and ten
9 (10), sections four hundred sixty-seven D point seven (467D.7),
10 four hundred sixty-seven D point eight (467D.8), four hundred
11 sixty-seven D point ten (467D.10), subsections two (2), three
12 (3) and four (4), sections four hundred sixty-seven D point
13 eleven (467D.11), four hundred sixty-seven D point twelve
14 (467D.12), four hundred sixty-seven D point fourteen (467D.14),
15 four hundred sixty-seven D point fifteen (467D.15), four hun-
16 dred sixty-seven D point twenty (467D.20), four hundred sixty-
17 seven D point twenty-one (467D.21), four hundred sixty-seven
18 D point twenty-two (467D.22), unnumbered paragraph one (1),
19 and section four hundred sixty-seven D point twenty-three
20 (467D.23), Code 1973, and to such extent the enumerated
21 sections and subsections are amended.

22

EXPLANATION

23 The Iowa Conservancy District Law, enacted in 1971, added
24 to the Code Chapter 467D, which establishes and delineates
25 six conservancy districts in the state, sets forth their func-
26 tions, and provides for construction of internal improvements
27 after plans have been prepared and approved by various state
28 agencies and funded by the General Assembly. The law also
29 amended Chapter 467A to expand the membership of the State
30 Soil Conservation Committee and provide for filing of com-
31 plaints against individuals controlling property from which
32 sediment losses occur in excess of soil loss limit regula-
33 tions established by soil conservation districts.

34 This law was the product of a legislative study effort
35 covering some four years. During much of this time, it was

1 intended that each of the conservancy districts would have
2 a separate board which would relate to the Iowa Natural Re-
3 sources Council as well as to the Soil Conservation Committee.
4 However, the bill as enacted assigns administrative authority
5 for each district to the State Soil Conservation Committee.
6 As matters have developed since passage of this law, it now
7 seems logical to place administrative authority with respect
8 to the individual conservancy districts more directly with
9 the State Department of Soil Conservation. This bill makes
10 the changes in Chapters 467A, 467D, and one section of Chap-
11 ter 455A, which are necessary to effect that objective.

12

H-2240

1 Amend House File 1178, page 5, line 8, by striking
2 the word "alternative" and inserting in lieu thereof
3 the words "alternatives for".

H-2240 Filed and adopted
February 19, 1974

By SCHROEDER of Pottawattamie
PELLETT of Cass

SENATE AMENDMENT TO HOUSE FILE 1178

1 Amend House File 1178 as amended and passed by the
2 House as follows:
3 1. Page 5, by striking all of line 8 and inserting
4 in lieu thereof the following:
5 "b. May specify two or more approved soil and
6 water con-".

House concurred 4-17

Received from the Senate
April 16, 1974

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LSB 3953
pb/jw/3