

House File 54
Agriculture
Priebe, Chairman
Taylor
Tieden

House File 54
Hullinger, Chairman
Millen
Koogler

1975
Natural Resources - Pass per 3085 2/11
Sen. Ag 2/19, Pass 3/11

HOUSE FILE 54

By PELLETT, MIDDLESWART, HUSAK,
DANKER, DAGGETT, BENNETT
PERKINS and HUTCHINS

Passed House, Date 2-17-75 (p. 329) Passed Senate, Date 4-10-75 (890)
Vote: Ayes 78 Nays 5 Vote: Ayes 42 Nays 2
Approved 4-28-75

A BILL FOR

1 An Act changing the manner of election of soil conservation
2 district commissioners, and relating to the statutory
3 provisions for establishment of soil conservation
4 districts and for filling certain nonpartisan offices
5 at the general election.

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

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Section 1. Section four hundred sixty-seven A point three
2 (467A.3), subsection one (1), Code 1975, is amended to read
3 as follows:

4 1. "District" or "soil conservation district" means a
5 governmental subdivision of this state, and a public body
6 corporate and politic, organized ~~in accordance with the~~
7 ~~provisions of this chapter,~~ for the purposes, with the powers,
8 and subject to the restrictions hereinafter set forth.

9 Sec. 2. Section four hundred sixty-seven A point four
10 (467A.4), subsection four (4), paragraphs a, b, c, e and f,
11 Code 1975, are amended to read as follows:

12 a. To offer such assistance as may be appropriate to the
13 commissioners of soil conservation districts, ~~organized as~~
14 ~~provided hereinafter,~~ and in the carrying out of any of their
15 powers and programs.

16 b. To keep the commissioners of each of the several
17 districts ~~organized under the provisions of this chapter~~
18 informed of the activities and experience of all other
19 districts ~~organized hereunder,~~ and to facilitate an interchange
20 of advice and experience between such districts and co-
21 operation between them.

22 c. To co-ordinate the programs of the several soil
23 conservation districts ~~organized hereunder~~ so far as this
24 may be done by advice and consultation.

25 e. To disseminate information throughout the state
26 concerning the activities and program of the soil conservation
27 districts ~~organized hereunder,~~ ~~and to encourage the formation~~
28 ~~of such districts in areas where their organization is~~
29 desirable.

30 f. To render financial aid and assistance to soil
31 conservation districts ~~organized hereunder~~ for the purpose
32 of carrying out the policy stated in this chapter.

33 Sec. 3. Section four hundred sixty-seven A point five
34 (467A.5), Code 1975, is amended by striking the section and
35 inserting in lieu thereof the following:

1 467A.5 SOIL CONSERVATION DISTRICTS.

2 1. The one hundred soil conservation districts established
3 in the manner which was prescribed by law prior to July 1,
4 1975 shall continue in existence with the boundaries and the
5 names in effect on July 1, 1975. If the existence of any
6 district so established is discontinued pursuant to section
7 four hundred sixty-seven A point ten (467A.10) of the Code,
8 a petition for reestablishment of the district or for
9 annexation of the former district's territory to any other
10 abutting district may be submitted to, and shall be acted
11 upon by, the state soil conservation committee in substantially
12 the manner provided by section four hundred sixty-seven A
13 point five (467A.5) Code 1975.

14 2. The governing body of each district shall consist of
15 five commissioners elected on a nonpartisan basis for staggered
16 six-year terms commencing on the second secular day of January
17 following their election. Any eligible elector residing in
18 the district is eligible to the office of commissioner, except
19 that no more than one commissioner shall at any one time be
20 a resident of any one township. A vacancy is created in the
21 office of any commissioner who changes his residence into
22 a township where another commissioner then resides. A vacancy
23 in the office of commissioner shall be filled by appointment
24 of the state soil conservation committee until the next
25 succeeding general election, at which time the balance of
26 the unexpired term shall be filled as provided by section
27 sixty-nine point twelve (69.12) of the Code.

28 3. At each general election a successor shall be chosen
29 for each commissioner whose term will expire in the succeeding
30 January. Nomination of candidates for the office of
31 commissioner shall be made by petition in accordance with
32 chapter forty-five (45) of the Code, except that each
33 candidate's nominating petition shall be signed by at least
34 twenty-five eligible electors of the district. The petition
35 form shall be furnished by the county commissioner of elections

1 and shall be drawn up in substantially the manner prescribed
2 by section forty-three point fourteen (43.14) of the Code
3 except that it shall not state the candidate's political
4 affiliation. The affidavit of an eligible elector, other
5 than the candidate, shall be appended to each such nomination
6 paper, or papers, if more than one for any candidate, stating
7 that to the best of his knowledge and belief all the persons
8 who have signed the paper or papers are electors of that
9 district; that they signed the same with full knowledge of
10 the contents thereof; that their respective residences are
11 truly stated therein; and that each signer signed the same
12 on the date stated opposite his name. Every candidate shall
13 file with the nomination papers an affidavit stating his name,
14 his residence, that he is a candidate and is eligible for
15 the office of commissioner, and that if elected he will qualify
16 for the office. An eligible elector shall not in any one
17 year sign the nominating petitions of a number of candidates
18 greater than the number of commissioners to be elected in
19 that year. The signed petitions shall be filed with the
20 county commissioner of elections not later than five o'clock
21 p.m. on the fifty-fifth day prior to the general election.
22 The votes for the office of district commissioner shall be
23 canvassed in the same manner as the votes for county officers,
24 and the returns shall be certified to the commissioners of
25 the district. A plurality shall be sufficient to elect
26 commissioners, and no primary election for the office shall
27 be held. If the canvass shows that the two candidates
28 receiving the highest and the second highest number of votes
29 for the office of district commissioner are both residents
30 of the same township, the board shall certify as elected the
31 candidate who received the highest number of votes for the
32 office and the candidate receiving the next highest number
33 of votes for the office who is not a resident of the same
34 township as the candidate receiving the highest number of
35 votes.

1 4. This subsection shall apply during the period of
2 transition from the former method of electing district
3 commissioners to that prescribed by this Act, which is the
4 period from July 1, 1975 until December 31, 1982, and the
5 subsection shall not appear in any edition of the Code
6 published after July 1, 1982.

7 a. Each commissioner elected to office for a term of six
8 years which commenced after January 1, 1975, or who is serving
9 a term which, except for this Act, would have expired after
10 July 1, 1975 but not later than December 31, 1976 shall hold
11 office until noon on the second secular day of January, 1977,
12 and a successor shall be elected at the general election in
13 1976. However, if a commissioner elected for a term of six
14 years which commenced after January 1, 1975 certifies in
15 writing to the state soil conservation committee that he is
16 willing and anticipates being able to serve until noon on
17 the second secular day in January, 1983, his term shall be
18 extended to that date and a successor shall be elected at
19 the general election in 1982.

20 b. Each commissioner serving a term which, except for
21 this Act, would have expired after January 1, 1977 but not
22 later than December 31, 1978 shall hold office until noon
23 on the second secular day of January, 1979, and a successor
24 shall be elected at the general election in 1978.

25 c. Each commissioner serving a term which, except for
26 this Act, would have expired after January 1, 1979 but not
27 later than December 31, 1980 shall hold office until noon
28 on the second secular day of January, 1981, and a successor
29 shall be elected at the general election in 1980.

30 Sec. 4. Section four hundred sixty-seven A point six
31 (467A.6), unnumbered paragraph one (1), Code 1975, is amended
32 by striking the unnumbered paragraph and inserting in lieu
33 thereof the following:

34 The commissioners of each soil conservation district shall
35 convene on the second secular day of January of each odd-

1 numbered year. Those commissioners whose term of office
2 begins on that day shall take the oath of office prescribed
3 by section sixty-three point ten (63.10) of the Code. The
4 commissioners shall then organize by election of a chair-
5 man and a vice chairman.

6 Sec. 5. Chapter thirty-nine (39), Code 1975, is amended
7 by adding the following new section:

8 NEW SECTION. GENERAL ELECTION--NONPARTISAN OFFICES. There
9 shall be elected at each general election, on a nonpartisan
10 basis, the following officers:

11 1. Regional library trustees as required by section three
12 hundred three B (303B) of the Code.

13 2. County public hospital trustees as required by section
14 three hundred forty-seven point twenty-five (347.25) of the
15 Code.

16 3. Soil conservation district commissioners as required
17 by section four hundred sixty-seven A point five (467A.5)
18 of the Code.

19 EXPLANATION

20 The primary purpose of this bill is to require election
21 of the commissioners of soil conservation districts at the
22 general election, rather than at special elections held at
23 different times by each of the 100 districts. (Each county
24 is a soil conservation district, except that Pottawattamie
25 County is divided into two districts.) This change will bring
26 the choice of these important officers to the attention of
27 more voters.

28 The present section 467A.5, originally enacted some 40
29 years ago to cover formation of soil conservation districts
30 as well as election of trustees, occupies nearly three pages
31 of the Code. Most of its content is no longer needed since
32 the entire state has long been organized into soil conservation
33 districts. Therefore, this bill repeals that section and
34 replaces it with section 3 of the bill, which is much shorter
35 now and will be further shortened when subsection 4 expires

1 by its own terms.

2 Section 5 of the bill, while not actually required by the
3 objective of the bill, will add a new section to the general
4 election law placing those who work with that law on formal
5 notice that certain nonpartisan offices are to be included
6 on the general election ballot by requirements of statutes
7 elsewhere in the Code.

8
o

1 Amend House File 54 as follows:

- 2 1. Page 2, line 16, by striking the words "second
3 secular day of January" and inserting in lieu thereof
4 the words "first day of January that is not a Sunday
5 or holiday".
- 6 2. Page 2, line 35, by inserting a period at the
7 end of the line.
- 8 3. Page 3, by striking lines 1 through 11, inclu-
9 sive, and that portion of line 12 before the word
10 "Every".
- 11 4. Page 4, line 11, by striking the words "second
12 secular day of January, 1977" and inserting in lieu
13 thereof the words "first day of January, 1977 that
14 is not a Sunday or holiday".
- 15 5. Page 4, line 17, by striking the words "second
16 secular day of January, 1983" and inserting in lieu
17 thereof the words "first day of January, 1983 that
18 is not a Sunday or holiday".
- 19 6. Page 4, line 23, by striking the words "second
20 secular day of January, 1979" and inserting in lieu
21 thereof the words "first day of January, 1979 that
22 is not a Sunday or holiday".
- 23 7. Page 4, line 28, by striking the words "second
24 secular day of January, 1981" and inserting in lieu
25 thereof the words "first day of January, 1981 that
26 is not a Sunday or holiday".
- 27 8. Page 4, line 35, by striking the words "second
28 secular day of January of" and inserting in lieu
29 thereof the words "first day of January that is not
30 a Sunday or holiday in".

H-3003 FILED
JANUARY 28, 1975

BY PELLETT of Cass

34
35

- 1 Amend House File 54 as follows:
2 1. Page 2, line 16, by striking the words "second
3 secular day of January" and inserting in lieu thereof
4 the words "first day of January that is not a Sunday
5 or holiday".
6 2. Page 2, line 35, by inserting a period at the
7 end of the line.
8 3. Page 3, by striking lines 1 through 11, inclu-
9 sive, and that portion of line 12 before the word
10 "Every".
11 4. Page 4, line 11, by striking the words "second
12 secular day of January, 1977" and inserting in lieu
13 thereof the words "first day of January, 1977 that
14 is not a Sunday or holiday".
15 5. Page 4, line 17, by striking the words "second
16 secular day of January, 1983" and inserting in lieu
17 thereof the words "first day of January, 1983 that
18 is not a Sunday or holiday".
19 6. Page 4, line 23, by striking the words "second
20 secular day of January, 1979" and inserting in lieu
21 thereof the words "first day of January, 1979 that
22 is not a Sunday or holiday".
23 7. Page 4, line 28, by striking the words "second
24 secular day of January, 1981" and inserting in lieu
25 thereof the words "first day of January, 1981 that
26 is not a Sunday or holiday".
27 8. Page 4, line 35, by striking the words "second
28 secular day of January of" and inserting in lieu
29 thereof the words "first day of January that is not
30 a Sunday or holiday in".

H-3085 FILED - *Adopted 2/17*
FEBRUARY 11, 1975

BY COMMITTEE ON NATURAL RESOURCES
MIDDLESWART of Warren, Chairman

AN ACT

CHANGING THE MANNER OF ELECTION OF SOIL CONSERVATION DISTRICT COMMISSIONERS, AND RELATING TO THE STATUTORY PROVISIONS FOR ESTABLISHMENT OF SOIL CONSERVATION DISTRICTS AND FOR FILLING CERTAIN NONPARTISAN OFFICES AT THE GENERAL ELECTION.

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

Section 1. Section four hundred sixty-seven A point three (467A.3), subsection one (1), Code 1975, is amended to read as follows:

1. "District" or "soil conservation district" means a governmental subdivision of this state, and a public body corporate and politic, organized ~~in accordance with the provisions of this chapter,~~ for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

Sec. 2. Section four hundred sixty-seven A point four (467A.4), subsection four (4), paragraphs a, b, c, e and f, Code 1975, are amended to read as follows:

a. To offer such assistance as may be appropriate to the commissioners of soil conservation districts ~~organized as provided hereinafter,~~ and in the carrying out of any of their powers and programs.

b. To keep the commissioners of each of the several districts ~~organized under the provisions of this chapter~~ informed of the activities and experience of all other districts ~~organized hereunder,~~ and to facilitate an interchange of advice and experience between such districts and cooperation between them.

c. To co-ordinate the programs of the several soil conservation districts ~~organized hereunder~~ so far as this may be done by advice and consultation.

e. To disseminate information throughout the state concerning the activities and program of the soil conservation districts ~~organized hereunder,~~ and to encourage the formation

~~of such districts in areas where their organization is desirable.~~

f. To render financial aid and assistance to soil conservation districts ~~organized hereunder~~ for the purpose of carrying out the policy stated in this chapter.

Sec. 3. Section four hundred sixty-seven A point five (467A.5), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

467A.5 SOIL CONSERVATION DISTRICTS.

1. The one hundred soil conservation districts established in the manner which was prescribed by law prior to July 1, 1975 shall continue in existence with the boundaries and the names in effect on July 1, 1975. If the existence of any district so established is discontinued pursuant to section four hundred sixty-seven A point ten (467A.10) of the Code, a petition for reestablishment of the district or for annexation of the former district's territory to any other abutting district may be submitted to, and shall be acted upon by, the state soil conservation committee in substantially the manner provided by section four hundred sixty-seven A point five (467A.5) Code 1975.

2. The governing body of each district shall consist of five commissioners elected on a nonpartisan basis for staggered six-year terms commencing on the first day of January that is not a Sunday or holiday following their election. Any eligible elector residing in the district is eligible to the office of commissioner, except that no more than one commissioner shall at any one time be a resident of any one township. A vacancy is created in the office of any commissioner who changes his residence into a township where another commissioner then resides. A vacancy in the office of commissioner shall be filled by appointment of the state soil conservation committee until the next succeeding general election, at which time the balance of the unexpired term shall be filled as provided by section sixty-nine point twelve (69.12) of the Code.

3. At each general election a successor shall be chosen for each commissioner whose term will expire in the succeeding

January. Nomination of candidates for the office of commissioner shall be made by petition in accordance with chapter forty-five (45) of the Code, except that each candidate's nominating petition shall be signed by at least twenty-five eligible electors of the district. The petition form shall be furnished by the county commissioner of elections. Every candidate shall file with the nomination papers an affidavit stating his name, his residence, that he is a candidate and is eligible for the office of commissioner, and that if elected he will qualify for the office. An eligible elector shall not in any one year sign the nominating petitions of a number of candidates greater than the number of commissioners to be elected in that year. The signed petitions shall be filed with the county commissioner of elections not later than five o'clock p.m. on the fifty-fifth day prior to the general election. The votes for the office of district commissioner shall be canvassed in the same manner as the votes for county officers, and the returns shall be certified to the commissioners of the district. A plurality shall be sufficient to elect commissioners, and no primary election for the office shall be held. If the canvass shows that the two candidates receiving the highest and the second highest number of votes for the office of district commissioner are both residents of the same township, the board shall certify as elected the candidate who received the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township as the candidate receiving the highest number of votes.

4. This subsection shall apply during the period of transition from the former method of electing district commissioners to that prescribed by this Act, which is the period from July 1, 1975 until December 31, 1982, and the subsection shall not appear in any edition of the Code published after July 1, 1982.

a. Each commissioner elected to office for a term of six years which commenced after January 1, 1975, or who is serving

a term which, except for this Act, would have expired after July 1, 1975 but not later than December 31, 1976 shall hold office until noon on the first day of January, 1977 that is not a Sunday or holiday, and a successor shall be elected at the general election in 1976. However, if a commissioner elected for a term of six years which commenced after January 1, 1975 certifies in writing to the state soil conservation committee that he is willing and anticipates being able to serve until noon on the first day of January, 1983 that is not a Sunday or holiday, his term shall be extended to that date and a successor shall be elected at the general election in 1982.

b. Each commissioner serving a term which, except for this Act, would have expired after January 1, 1977 but not later than December 31, 1978 shall hold office until noon on the first day of January, 1979 that is not a Sunday or holiday, and a successor shall be elected at the general election in 1978.

c. Each commissioner serving a term which, except for this Act, would have expired after January 1, 1979 but not later than December 31, 1980 shall hold office until noon on the first day of January, 1981 that is not a Sunday or holiday, and a successor shall be elected at the general election in 1980.

Sec. 4. Section four hundred sixty-seven A point six (467A.6), unnumbered paragraph one (1), Code 1975, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The commissioners of each soil conservation district shall convene on the first day of January that is not a Sunday or holiday in each odd-numbered year. Those commissioners whose term of office begins on that day shall take the oath of office prescribed by section sixty-three point ten (63.10) of the Code. The commissioners shall then organize by election of a chairman and a vice chairman.

Sec. 5. Chapter thirty-nine (39), Code 1975, is amended by adding the following new section:

S-3363

1 Amend House File 54 as amended and passed by
2 the House as follows:

3 1. Page 1, by inserting after line 32 the
4 following section:

5 "Sec. _____. Section four hundred sixty-seven A point
6 four (467A.4), subsection one (1), Code 1975, is
7 amended to read as follows:

8 1. There is hereby established, to serve as an
9 agency of the state and to perform the functions con-
10 ferred upon it in this chapter, the department of soil
11 conservation. The department shall be administered in
12 accordance with the policies of the state soil conserva-
13 tion committee, which shall consist of a chairman and
14 twelve members. The following shall serve as ex
15 officio nonvoting members of the committee: The
16 director of the state agricultural extension service,
17 or his designee, the secretary of agriculture, or his
18 designee, the director of the state conservation com-
19 mission or his designee, and the director of the Iowa
20 natural resources council or his designee. Eight voting
21 members shall be appointed by the governor and confirmed
22 by the senate; however, not more than four voting
23 members shall be members of the same political party.
24 Six of the appointive members shall be persons engaged
25 in actual farming operations, one of whom shall be a
26 resident of each of the six conservancy districts
27 established by section 467D.3, and no more than one of whom
28 shall be a resident of any one county. The seventh and
29 eighth appointive members shall be chosen by the governor
30 from the state at large with one appointed to be a
31 representative of cities and one appointed to be a repre-
32 sentative of the mining industry. The committee may
33 invite the secretary of agriculture of the United States
34 to appoint one person to serve with the above-mentioned
35 members, and the president of the Iowa county engineers
36 association may designate a member of the association
37 to serve in the same manner, but these persons shall have
38 no vote and shall serve in an advisory capacity only.
39 The director of the department of environmental quality
40 shall be an ex officio nonvoting member. The committee
41 shall adopt a seal, which seal shall be judicially
42 noticed, and may perform such acts, hold such public
43 hearings, and promulgate such rules as provided in
44 chapter 17A as may be necessary for the execution of
45 its functions under this chapter."

46 2. Page 5, after line 18, insert the following:

47 "Sec. _____. Notwithstanding the provisions of section
48 four hundred sixty-seven A point four (467A.4) of the
49 Code relating to the term of office of the members of
50

1 the state soil conservation committee, if the five
2 voting members of the committee whose terms do not
3 expire on June 30, 1975 are members of the same
4 political party, the membership of one such member
5 whose term expires on June 30, 1977 shall be
6 terminated and a successor who is not a member of
7 the same political party shall be appointed for the
8 unexpired term. The three successors appointed for
9 the terms expiring on June 30, 1981 shall be
10 qualified as to political party affiliation as pro-
11 vided in this Act.

12 Sec. ____ . This Act, being deemed of immediate
13 importance, shall take effect and be in force from
14 and after its publication in the Carroll Daily Times
15 Herald, a newspaper published in Carroll, Iowa, and
16 in The Southern County News, a newspaper published
17 in Thornton, Iowa."

18 3. Title page, line 4, after the word "districts"
19 insert the words "and the state soil conservation
20 committee".

21 4. Renumber the sections as required by this
22 amendment.

S-3363 FILED - *Kitchawan #10 (946)*
MARCH 25, 1975

BY KARL NOLIN
BERL E. PRIEBE

NEW SECTION. GENERAL ELECTION--NONPARTISAN OFFICES. There shall be elected at each general election, on a nonpartisan basis, the following officers:

1. Regional library trustees as required by section three hundred three B (303B) of the Code.
2. County public hospital trustees as required by section three hundred forty-seven point twenty-five (347.25) of the Code.
3. Soil conservation district commissioners as required by section four hundred sixty-seven A point five (467A.5) of the Code.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 54, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 4/28, 1975

ROBERT D. RAY
Governor