

Expense 3/16

FEB 24 1982

HOUSE FILE 2378

BY COMMITTEE ON AGRICULTURE

Place On Calendar

(Formerly Study Bill 522)

Passed House, Date 3-16-82 (p. 124) Passed Senate, Date 7-5-82 (P. 1036)

Vote: Ayes 94 Nays 1 Vote: Ayes 39 Nays 0

Approved 4-9-82

A BILL FOR

1 An Act relating to the role of soil conservation district
2 commissioners in the development and implementation of the
3 conservancy district plan.

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

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1 Section 1. Section 467A.7, subsection 15, Code 1981, is
2 amended to read as follows:

3 15. To take notice of the conservancy district plan, and
4 conform to the duly promulgated rules of the conservancy
5 district or conservancy districts in which the soil
6 conservation district is located; provided that this subsection
7 ~~shall~~ does not ~~be construed to~~ grant any authority not
8 otherwise granted by law to the commissioners of soil
9 conservation districts.

10 Sec. 2. Section 467D.16, unnumbered paragraph 1, Code
11 1981, is amended to read as follows:

12 The board shall prepare a plan for accomplishment of the
13 objectives of this chapter within the conservancy district.
14 For this purpose the board may request and shall obtain from
15 any state agency or political subdivision information which
16 the agency or subdivision ~~may have~~ has already collected which
17 is pertinent to preparation of the plan, shall consult with
18 soil conservation district commissioners, and may conduct
19 ~~such~~ hearings as it deems necessary. The plan shall establish
20 an order of priorities for carrying out projects necessary
21 to accomplish the objectives of this chapter, shall conform
22 as nearly as practicable to the comprehensive state-wide water
23 resources plan established by the council pursuant to section
24 455A.17 and shall reflect the following general policies:

25 Sec. 3. Section 467D.17, Code 1981, is amended to read
26 as follows:

27 467D.17 PLAN PRESENTED TO DEPARTMENT-AND COMMITTEE,
28 COUNCIL, AND SOIL CONSERVATION DISTRICTS. The board shall
29 tentatively adopt the plan by resolution and shall present
30 the plan to the ~~department~~ committee and the council for
31 review. The council shall within ninety days review the plan
32 as presented and make ~~such~~ recommendations as, in its
33 discretion, it deems necessary to bring the conservancy
34 district's plan into conformity with the comprehensive state-
35 wide water resources plan established by the council pursuant

1 to section 455A.17. The department committee shall review
2 the plan as presented and, with such amendments as are
3 necessary to bring the plan into conformity with the state-
4 wide water resources plan, give final approval within one
5 hundred twenty days. The plan, as reviewed and approved by
6 the committee, shall be submitted to the soil conservation
7 districts located entirely or partially within the conservancy
8 district. The soil conservation districts shall vote on the
9 final approval of the plan in the same manner provided in
10 section 467D.5 for the approval of ward boundaries. A
11 subsequent major change in the plan, as determined by the
12 conservancy board, is not effective until approved by the
13 soil conservation districts.

14 Sec. 4. Section 467A.52, Code 1981, is repealed.

15 EXPLANATION

16 This bill revises several provisions relating to the role
17 of soil conservation district commissioners in the development
18 of the conservancy district plan.

19 Section 1 revises language in section 467A.7, subsection
20 15.

21 Section 2 requires that the conservancy district board
22 consult with the soil conservation district commissioners
23 in developing the conservancy plan.

24 Section 3 provides that the plan of a soil conservancy
25 district must be approved by the soil conservation districts
26 in the conservancy district before it takes effect. The soil
27 conservation districts will vote in the same area-weighted
28 formula provided for the approval of ward boundaries. The
29 section also requires that the plan be reviewed and approved
30 by the state soil conservation committee.

31 Section 4 removes the authorization for a conservancy
32 district to petition the court for an order directing the
33 soil conservation district commissioners to control soil
34 erosion which the conservancy district board believes is
35 preventing it from constructing an internal improvement.

36 The bill takes effect July 1 following enactment.

HOUSE FILE 2378

H-5307

- 1 Amend House File 2378 as follows:
2 1. Page 2, by striking line 14.

H-5307 FILED
MARCH 3, 1982
Last 3/11 (p 174)

BY POFFENBERGER of Dallas
SMALLEY of Polk
MULLINS of Kossuth

HOUSE FILE 2378

H-5341

- 1 Amend House File 2378 as follows:
2 1. Page 1, line 27, by striking the words "DEPARTMENT
3 AND COMMITTEE," and inserting in lieu thereof the words
4 "DEPARTMENT AND, COMMITTEE,".
5 2. Page 1, line 30, by striking the word "department"
6 and inserting in lieu thereof the word "department,".
7 3. Page 2, line 1, by striking the word "department"
8 and inserting in lieu thereof the words "department and".
9 4. Page 2, line 6, by inserting before the word
10 "committee" the following: "department and".

H-5341 FILED MARCH 8, 1982
Last 3/11 (p 172)

BY POFFENBERGER of Dallas

HOUSE FILE 2378

H-5383

1 Amend House File 2378 as follows:

2 1. Page 1, by striking line 25 through page 2,
3 line 13 and inserting in lieu thereof the following:
4 "Sec. 3. Section 467D.17, Code 1981, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 467D.17 PLAN PRESENTED TO COMMITTEE, COUNCIL,
8 AND SOIL CONSERVATION DISTRICTS. The board shall
9 tentatively adopt the plan by resolution and shall
10 present the plan to the committee and the council
11 for review. The council shall within ninety days
12 review the plan as presented and make recommendations
13 as, in its discretion, it deems necessary to bring
14 the conservancy district's plan into conformity with
15 the comprehensive state-wide water resources plan
16 established by the council pursuant to section 455A.17.
17 The recommendations of the council shall be submitted
18 to the board for incorporation into the plan. The
19 plan shall then be submitted to the soil conservation
20 districts located entirely or partially within the
21 conservancy district. The soil conservation districts
22 shall review, comment and record a vote within ninety
23 days indicating their support of or opposition to
24 the plan in the same manner provided in section 467D.5,
25 subsection 1. The committee shall inform the soil
26 conservation districts of the votes of the districts
27 within the conservancy district. The committee shall
28 review the plan as presented, give consideration to
29 the comments and vote of the soil conservation
30 districts, give final approval or disapproval of the
31 plan within ninety days, and provide a written
32 statement detailing the basis of their decision.

33 A subsequent major change in the plan, as determined
34 by the conservancy board, is not effective until
35 approved by the process provided in this section for
36 approval of the original plan."

BY ANDERSON of Audubon

COCHRAN of Webster

COREY of Louisa

SULLIVAN of Van Buren

SWARTZ of Marshall

PELLETT of Cass

DAVITT of Warren

MULLINS of Kossuth

COOK of Hardin

HUMMEL of Benton

H-5383 FILED

MARCH 10, 1982

Adopted 3/11 (p 773)

Natural Resources
Schwegela, Chair
Van Gilst
Tieden

HOUSE FILE 2378

BY COMMITTEE ON AGRICULTURE

(As Amended and Passed by the House)

Passed House, Date 3-11-82 (p 774) Passed Senate, Date 4-5-82 (p 1034)

Vote: Ayes 94 Nays 1 Vote: Ayes 39 Nays 0

Approved April 19, 1982

A BILL FOR

1 An Act relating to the role of soil conservation district
2 commissioners in the development and implementation of the
3 conservancy district plan.

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

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House Amendments _____

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1 Section 1. Section 467A.7, subsection 15, Code 1981, is
2 amended to read as follows:

3 15. To take notice of the conservancy district plan, and
4 conform to the duly promulgated rules of the conservancy
5 district or conservancy districts in which the soil
6 conservation district is located; provided that this subsection
7 ~~shall~~ does not be construed to grant any authority not
8 otherwise granted by law to the commissioners of soil
9 conservation districts.

10 Sec. 2. Section 467D.16, unnumbered paragraph 1, Code
11 1981, is amended to read as follows:

12 The board shall prepare a plan for accomplishment of the
13 objectives of this chapter within the conservancy district.
14 For this purpose the board may request and shall obtain from
15 any state agency or political subdivision information which
16 the agency or subdivision ~~may have~~ has already collected which
17 is pertinent to preparation of the plan, shall consult with
18 soil conservation district commissioners, and may conduct
19 ~~such~~ hearings as it deems necessary. The plan shall establish
20 an order of priorities for carrying out projects necessary
21 to accomplish the objectives of this chapter, shall conform
22 as nearly as practicable to the comprehensive state-wide water
23 resources plan established by the council pursuant to section
24 455A.17 and shall reflect the following general policies:

25 Sec. 3. Section 467D.17, Code 1981, is amended by striking
26 the section and inserting in lieu thereof the following:

27 467D.17 PLAN PRESENTED TO COMMITTEE, COUNCIL, AND SOIL
28 CONSERVATION DISTRICTS. The board shall tentatively adopt
29 the plan by resolution and shall present the plan to the
30 committee and the council for review. The council shall
31 within ninety days review the plan as presented and make
32 recommendations as, in its discretion, it deems necessary
33 to bring the conservancy district's plan into conformity with
34 the comprehensive state-wide water resources plan established
35 by the council pursuant to section 455A.17. The

1 recommendations of the council shall be submitted to the board
2 for incorporation into the plan. The plan shall then be
3 submitted to the soil conservation districts located entirely
4 or partially within the conservancy district. The soil
5 conservation districts shall review, comment and record a
6 vote within ninety days indicating their support of or
7 opposition to the plan in the same manner provided in section
8 467D.5, subsection 1. The committee shall inform the soil
9 conservation districts of the votes of the districts within
10 the conservancy district. The committee shall review the
11 plan as presented, give consideration to the comments and
12 vote of the soil conservation districts, give final approval
13 or disapproval of the plan within ninety days, and provide
14 a written statement detailing the basis of their decision.

15 A subsequent major change in the plan, as determined by
16 the conservancy board, is not effective until approved by
17 the process provided in this section for approval of the
18 original plan.

19 Sec. 4. Section 467A.52, Code 1981, is repealed.

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HOUSE FILE 2378

AN ACT
RELATING TO THE ROLE OF SOIL CONSERVATION DISTRICT COMMISSIONERS IN THE DEVELOPMENT AND IMPLEMENTATION OF THE CONSERVANCY DISTRICT PLAN.

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

Section 1. Section 467A.7, subsection 15, Code 1981, is amended to read as follows:

15. To take notice of the conservancy district plan, and conform to the duly promulgated rules of the conservancy district or conservancy districts in which the soil conservation district is located; provided that this subsection ~~shall does~~ not be construed to grant any authority not otherwise granted by law to the commissioners of soil conservation districts.

Sec. 2. Section 467D.16, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The board shall prepare a plan for accomplishment of the objectives of this chapter within the conservancy district. For this purpose the board may request and shall obtain from any state agency or political subdivision information which the agency or subdivision ~~may have~~ has already collected which is pertinent to preparation of the plan. shall consult with

soil conservation district commissioners, and may conduct ~~such~~ hearings as it deems necessary. The plan shall establish an order of priorities for carrying out projects necessary to accomplish the objectives of this chapter, shall conform as nearly as practicable to the comprehensive state-wide water resources plan established by the council pursuant to section 455A.17 and shall reflect the following general policies:

Sec. 3. Section 467D.17, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

467D.17 PLAN PRESENTED TO COMMITTEE, COUNCIL, AND SOIL CONSERVATION DISTRICTS. The board shall tentatively adopt the plan by resolution and shall present the plan to the committee and the council for review. The council shall within ninety days review the plan as presented and make recommendations as, in its discretion, it deems necessary to bring the conservancy district's plan into conformity with the comprehensive state-wide water resources plan established by the council pursuant to section 455A.17. The recommendations of the council shall be submitted to the board for incorporation into the plan. The plan shall then be submitted to the soil conservation districts located entirely or partially within the conservancy district. The soil conservation districts shall review, comment and record a vote within ninety days indicating their support of or opposition to the plan in the same manner provided in section 467D.5, subsection 1. The committee shall inform the soil conservation districts of the votes of the districts within the conservancy district. The committee shall review the plan as presented, give consideration to the comments and vote of the soil conservation districts, give final approval or disapproval of the plan within ninety days, and provide a written statement detailing the basis of their decision.

A subsequent major change in the plan, as determined by

the conservancy board, is not effective until approved by the process provided in this section for approval of the original plan.

Sec. 4. Section 467A.52, Code 1981, is repealed.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2378, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved April 19, 1982

ROBERT D. RAY
Governor