

Substituted by SF2260

3-21-96

FEB 28 1996

Place On Calendar

p. 912

HOUSE FILE

2389

BY COMMITTEE ON AGRICULTURE

WITHDRAWN

3-21-96

(SUCCESSOR TO HSB 668)

Passed House, Date _____

(p. 916)

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to soil and water conservation, by providing for
2 the powers and duties of commissioners of soil and water
3 conservation districts, and soil and water conservation
4 practices.

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

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HOUSE FILE 2389

H-5232

1 Amend House File 2389 as follows:

2 1. Page 1, line 12, by inserting after the word
3 "resides." the following: "If a commissioner is
4 absent for sixty or more percent of monthly meetings
5 during any twelve-month period, the other
6 commissioners by their unanimous vote may declare the
7 member's office vacant."

By BOGGESS of Taylor

H-5232 FILED MARCH 6, 1996

adopted 3/21/96 (p. 912)

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WITHDRAWN

TLSB 4315HV 76

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HF 2389

1 Section 1. Section 161A.5, subsection 2, Code 1995, is
2 amended to read as follows:

3 2. The governing body of each district shall consist of
4 five commissioners elected on a nonpartisan basis for
5 staggered ~~six-year~~ four-year terms commencing on the first day
6 of January that is not a Sunday or holiday following their
7 election. Any eligible elector residing in the district is
8 eligible to the office of commissioner, except that no more
9 than one commissioner shall at any one time be a resident of
10 any one township. A vacancy is created in the office of any
11 commissioner who changes residence into a township where
12 another commissioner then resides. A vacancy in the office of
13 commissioner shall be filled by appointment of the state soil
14 conservation committee until the next succeeding general
15 election, at which time the balance of the unexpired term
16 shall be filled as provided by section 69.12.

17 Sec. 2. Section 161A.6, unnumbered paragraph 3, Code 1995,
18 is amended to read as follows:

19 A commissioner shall not receive no compensation for the
20 commissioner's services ~~but-the-commissioner-may-be-paid~~
21 ~~expenses,-including-traveling-expenses,-necessarily-incurred~~
22 ~~in-the-discharge-of-the-commissioner's-duties,-if.~~ However,
23 to the extent funds are available, for-that-purpose a
24 commissioner is entitled to receive actual expenses
25 necessarily incurred in the discharge of the commissioner's
26 duties, including reimbursement for mileage at the rate
27 provided under section 70A.9 for state business use.

28 Sec. 3. Section 161A.48, subsection 1, Code 1995, is
29 amended to read as follows:

30 1. An owner or occupant of agricultural land in this state
31 is not required to establish any new permanent or temporary
32 soil and water conservation practice unless cost-share or
33 other public moneys have been specifically approved for that
34 land and made available to the owner or occupant pursuant to
35 section 161A.74.

1 Sec. 4. Section 161A.72, subsection 2, Code 1995, is
2 amended to read as follows:

3 2. The commissioners of a district shall, to the extent
4 funding is available, contract with the a person who is an
5 owner or occupant of land within the district applying to
6 establish soil and water conservation practices as provided in
7 this chapter. Under the agreement, the ~~owner-or-occupant~~
8 person shall receive financial incentives to establish
9 permanent soil and water conservation practices and management
10 practices, in consideration for promising to maintain the
11 practices according to rules adopted by the division. If the
12 land subject to an agreement is converted to a nonagricultural
13 use that does not require a permanent soil and water
14 conservation practice which has been established with
15 financial incentives, the permanent soil and water
16 conservation practice shall not be removed, until the owner
17 pays an amount to the district, which shall be deposited into
18 a fund established by the district for use in providing
19 financial incentives under this chapter. The amount shall be
20 a prorated share of the amount paid in financial incentives to
21 establish the practice, as provided in rules adopted by the
22 division.

23 Sec. 5. APPLICABILITY. Notwithstanding section 1 of this
24 Act, a person who has been elected or appointed to serve as a
25 soil and water conservation district commissioner prior to the
26 effective date of this Act shall continue to serve for the
27 member's term as provided in section 161A.5, subsection 2,
28 Code 1995.

29

EXPLANATION

30 This bill relates to soil and water conservation as
31 provided under chapter 161A, including provisions relating to
32 soil and water conservation district commissioners. The bill
33 provides that commissioners elected or appointed after the
34 effective date of this bill are eligible to serve for four-
35 year rather than six-year terms. The bill provides that a

1 commissioner is entitled to receive actual expenses
2 necessarily incurred in the discharge of the commissioner's
3 duties, including reimbursement for mileage, if funds are
4 available for the payments.

5 The bill provides that only agricultural land is affected
6 by a provision which requires the payment of financial
7 incentives prior to requiring the establishment of a soil
8 conservation practice on the land.

9 Finally, the bill provides that if land subject to an
10 agreement is converted to a nonagricultural use, any permanent
11 soil and water conservation practice cannot be removed, until
12 the owner pays an amount to the district based on the
13 financial incentives received to establish the practice.

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Boggs Ch
Salton
Drees

HSB 668

Agriculture

Succeeded By
SF (HF) 2389

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON EDDIE)

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

A BILL FOR

1 An Act relating to soil and water conservation, by providing for
2 the powers and duties of commissions of soil and water
3 conservation districts, and soil and water conservation
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1 Section 1. Section 161A.5, subsection 2, Code 1995, is
2 amended to read as follows:

3 2. The governing body of each district shall consist of
4 five commissioners elected on a nonpartisan basis for
5 staggered ~~six-year~~ four-year terms commencing on the first day
6 of January that is not a Sunday or holiday following their
7 election. Any eligible elector residing in the district is
8 eligible to the office of commissioner, except that no more
9 than one commissioner shall at any one time be a resident of
10 any one township. A vacancy is created in the office of any
11 commissioner who changes residence into a township where
12 another commissioner then resides. A vacancy in the office of
13 commissioner shall be filled by appointment of the state soil
14 conservation committee until the next succeeding general
15 election, at which time the balance of the unexpired term
16 shall be filled as provided by section 69.12.

17 Sec. 2. Section 161A.6, unnumbered paragraph 3, Code 1995,
18 is amended to read as follows:

19 A commissioner shall not receive no compensation for the
20 commissioner's services ~~but-the-commissioner-may-be-paid~~
21 ~~expenses,-including-traveling-expenses,-necessarily-incurred~~
22 ~~in-the-discharge-of-the-commissioner's-duties,-if.~~ However,
23 to the extent funds are available, for-that-purpose a
24 commissioner is entitled to receive actual expenses
25 necessarily incurred in the discharge of the commissioner's
26 duties, including reimbursement for mileage at the rate
27 provided under section 70A.9 for state business use, and a per
28 diem as provided in section 7E.6.

29 Sec. 3. Section 161A.48, subsection 1, Code 1995, is
30 amended to read as follows:

31 1. An owner or occupant of agricultural land in this state
32 is not required to establish any new permanent or temporary
33 soil and water conservation practice unless cost-share or
34 other public moneys have been specifically approved for that
35 land and made available to the owner or occupant pursuant to

1 section 161A.74.

2 Sec. 4. Section 161A.72, subsection 2, Code 1995, is
3 amended to read as follows:

4 2. The commissioners of a district shall, to the extent
5 funding is available, contract with the a person who is an
6 owner or occupant of land within the district applying to
7 establish soil and water conservation practices as provided in
8 this chapter. Under the agreement, the ~~owner-or-occupant~~
9 person shall receive financial incentives to establish
10 permanent soil and water conservation practices and management
11 practices, in consideration for promising to maintain the
12 practices according to rules adopted by the division. If the
13 person violates the agreement, the commissioners may require
14 that the person repay an amount to the commissioners which
15 shall not exceed fifty percent of the amount of financial
16 incentives received by the person under the agreement.

17 Sec. 5. APPLICABILITY. Notwithstanding section 1 of this
18 Act, a person who has been elected or appointed to serve as a
19 soil and water conservation district commissioner prior to the
20 effective date of this Act shall continue to serve for the
21 member's term as provided in section 161A.5, subsection 2,
22 Code 1995.

23 EXPLANATION

24 This bill relates to soil and water conservation as
25 provided under chapter 161A, including provisions relating to
26 soil and water conservation district commissioners. The bill
27 provides that commissioners elected or appointed after the
28 effective date of this bill are eligible to serve for four-
29 year rather than six-year terms. The bill provides that a
30 commissioner is entitled to receive actual expenses
31 necessarily incurred in the discharge of the commissioner's
32 duties, including reimbursement for mileage, and is eligible
33 to receive a per diem as provided in section 7E.6, if funds
34 are available for the payments.

35 The bill provides that only agricultural land is affected

1 by a provision which requires the payment of financial
2 incentives prior to requiring the establishment of a soil
3 conservation practice on the land.

4 Finally, the bill provides that if a person violates an
5 agreement involving soil and water conservation district
6 commissioners, in which the person receives financial
7 incentives to establish permanent soil and water conservation
8 practices and management practices, the commissioners may
9 require the person to repay an amount not to exceed 50 percent
10 of the amount of financial incentives received by the person
11 under the agreement.

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