

3.7-96 Motion to R/C  
by *Boyle*

FILED FEB 21 1996

# REPRINTED

SENATE FILE 2260  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 2213)

Passed Senate, Date <sup>(p.605)</sup> 3/5/96 Passed House, Date <sup>(p.913)</sup> 3-21-96  
Vote: Ayes 48 Nays 0 Vote: Ayes 98 Nays 0  
Approved April 4, 1996

## 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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S.F. 2260

UNFILED

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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**SENATE FILE 2260  
FISCAL NOTE**

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A fiscal note for **Senate File 2260** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2260 provides for the powers and duties of commissions of soil and water conservation districts and provides further stipulations on soil and water conservation practices.

**ASSUMPTIONS**

1. 500 Soil and Water Conservation District Commissioners.
2. One meeting per month with 90% attendance.
3. Two regional meetings per year with 80% attendance.
4. One three day state meeting with 79% attendance.
5. \$50 per diem as provided in the Iowa Code, Chapter 7E.6.

**FISCAL IMPACT**

The estimated fiscal impact of Senate File 2260 to the General Fund would be \$362,500 in FY 1997 and FY 1998. The additional cost is due to providing a per diem to soil and water conservation district commissioners which they do not currently receive. The soil and water conservation district commissioners do receive reimbursement for mileage so there would be no additional cost over current practices for mileage reimbursement.

**SOURCE**

Department of Agriculture and Land Stewardship

(LSB 4315SV, AMF)

FILED FEBRUARY 28, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

S-5139

1 Amend Senate File 2260 as follows:  
 2 1. Page 1, by striking lines 27 and 28 and  
 3 inserting the following: "provided under section  
 4 70A.9 for state business use."  
 5 2. Page 2, by striking lines 13 through 16 and  
 6 inserting the following: "land subject to an  
 7 agreement is converted to a nonagricultural use that  
 8 does not require a permanent soil and water  
 9 conservation practice which has been established with  
 10 financial incentives, the permanent soil and water  
 11 conservation practice shall not be removed, until the  
 12 owner pays an amount to the district, which shall be  
 13 deposited into a fund established by the district for  
 14 use in providing financial incentives under this  
 15 chapter. The amount shall be a prorated share of the  
 16 amount paid in financial incentives to establish the  
 17 practice, as provided in rules adopted by the  
 18 division."

By EUGENE FRAISE

S-5139 FILED FEBRUARY 28, 1996

*adopted 3/5/96**(p. 604)*

## SENATE FILE 2260

S-5172

1 Amend Senate File 2260 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 EUGENE FRAISE

S-5172 FILED MARCH 5, 1996

ADOPTED

*(p. 604)*

Substituted for HF 2389  
3-21-96 (p. 912)

SENATE FILE 2260  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 2213)

(AS AMENDED AND PASSED BY THE SENATE MARCH 5, 1996)

~~\_\_\_\_\_~~ - New Language by the Senate

Re-Passed Senate, Date 4/1/96 (p. 1160) Passed House, Date 3-21-96  
Vote: Ayes 48 Nays 0 Vote: Ayes 98 Nays 0  
Approved April 4, 1996

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  
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SF. 2260

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. If a commissioner is  
13 absent for sixty or more percent of monthly meetings during  
14 any twelve-month period, the other commissioners by their  
15 unanimous vote may declare the member's office vacant. A  
16 vacancy in the office of commissioner shall be filled by  
17 appointment of the state soil conservation committee until the  
18 next succeeding general election, at which time the balance of  
19 the unexpired term shall be filled as provided by section  
20 69.12.

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

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

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

34 1. An owner or occupant of agricultural land in this state  
35 is not required to establish any new permanent or temporary



1 soil and water conservation practice unless cost-share or  
2 other public moneys have been specifically approved for that  
3 land and made available to the owner or occupant pursuant to  
4 section 161A.74.

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

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

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

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H-5267

1 Amend Senate File 2260, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 26, the  
4 following:

5 "Sec. \_\_\_\_ . Section 161A.73, subsection 1, Code  
6 1995, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. e. The allocation of cost-share  
9 moneys as financial incentives for the same purposes  
10 that are supported from the soil and water enhancement  
11 account of the resources enhancement and protection  
12 fund as provided in section 455A.19, or by the water  
13 protection practices account of the water protection  
14 fund established pursuant to section 161C.4. The  
15 financial incentives shall not exceed fifty percent of  
16 the estimated cost of establishing the practices, or  
17 fifty percent of the actual cost, whichever is less."  
18 2. By renumbering as necessary.

By SCHRADER of Marion  
VAN MAANEN of Marion

H-5267 FILED MARCH 11, 1996

*a dopted 3-21-96 (p.913)*

**HOUSE AMENDMENT TO  
SENATE FILE 2260**

S-5479

1 Amend Senate File 2260, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 26, the  
4 following:

5 "Sec. \_\_\_\_ . Section 161A.73, subsection 1, Code  
6 1995, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. e. The allocation of cost-share  
9 moneys as financial incentives for the same purposes  
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11 account of the resources enhancement and protection  
12 fund as provided in section 455A.19, or by the water  
13 protection practices account of the water protection  
14 fund established pursuant to section 161C.4. The  
15 financial incentives shall not exceed fifty percent of  
16 the estimated cost of establishing the practices, or  
17 fifty percent of the actual cost, whichever is less."  
18 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5479 FILED MARCH 21, 1996 *Senate concurred 4/1/96 (p.1160)*

Fraiser  
Judge  
Douglas

SSB-2213

Agriculture

Succeeded By

SENATE FILE (SF) HF 2260

BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON PRIEBE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

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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  
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28 diem as provided in section 7E.6.

29 Sec. 3. Section 161A.48, subsection 1, Code 1995, is  
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32 is not required to establish any new permanent or temporary  
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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  
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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~~  
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12 practices according to rules adopted by the division. If the  
13 person violates the agreement, the commissioners may require  
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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.

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5 agreement involving soil and water conservation district  
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SENATE FILE 2260

AN ACT

RELATING TO SOIL AND WATER CONSERVATION, BY PROVIDING FOR THE POWERS AND DUTIES OF COMMISSIONERS OF SOIL AND WATER CONSERVATION DISTRICTS, AND SOIL AND WATER CONSERVATION PRACTICES.

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

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

2. The governing body of each district shall consist of five commissioners elected on a nonpartisan basis for staggered ~~six-year~~ four-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 residence into a township where another commissioner then resides. If a commissioner is absent for sixty or more percent of monthly meetings during any twelve-month period, the other commissioners by their unanimous vote may declare the member's office vacant. 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 69.12.

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

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

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

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

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

2. The commissioners of a district shall, to the extent funding is available, contract with the a person who is an owner or occupant of land within the district applying to establish soil and water conservation practices as provided in this chapter. Under the agreement, the owner-or-occupant person shall receive financial incentives to establish permanent soil and water conservation practices and management practices, in consideration for promising to maintain the practices according to rules adopted by the division. If the land subject to an agreement is converted to a nonagricultural use that does not require a permanent soil and water conservation practice which has been established with financial incentives, the permanent soil and water conservation practice shall not be removed, until the owner pays an amount to the district, which shall be deposited into a fund established by the district for use in providing financial incentives under this chapter. The amount shall be a prorated share of the amount paid in financial incentives to establish the practice, as provided in rules adopted by the division.

Sec. 5. Section 161A.73, subsection 1, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The allocation of cost-share moneys as financial incentives for the same purposes that are supported from the soil and water enhancement account of the resources enhancement and protection fund as provided in section 455A.19, or by the water protection practices account of the water protection fund established pursuant to section 161C.4. The financial incentives shall not exceed fifty percent of the estimated cost of establishing the practices, or fifty percent of the actual cost, whichever is less.

Sec. 6. APPLICABILITY. Notwithstanding section 1 of this Act, a person who has been elected or appointed to serve as a

soil and water conservation district commissioner prior to the effective date of this Act shall continue to serve for the member's term as provided in section 161A.5, subsection 2, Code 1995.

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LEONARD L. BOSWELL  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2260, Seventy-sixth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved *April 10*, 1996

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TERRY E. BRANSTAD  
Governor