

Senate Study Bill 2213

Conference Committee Text

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1 1 Section 1. Section [161A.5](#), subsection 2, Code 1995, is
1 2 amended to read as follows:
1 3 2. The governing body of each district shall consist of
1 4 five commissioners elected on a nonpartisan basis for
1 5 staggered

~~— six-year~~

~~— four-year~~ terms commencing on the first day

1 6 of January that is not a Sunday or holiday following their
1 7 election. Any eligible elector residing in the district is
1 8 eligible to the office of commissioner, except that no more
1 9 than one commissioner shall at any one time be a resident of
1 10 any one township. A vacancy is created in the office of any
1 11 commissioner who changes residence into a township where
1 12 another commissioner then resides. A vacancy in the office of
1 13 commissioner shall be filled by appointment of the state soil
1 14 conservation committee until the next succeeding general
1 15 election, at which time the balance of the unexpired term
1 16 shall be filled as provided by section 69.12.

1 17 Sec. 2. Section [161A.6](#), unnumbered paragraph 3, Code 1995,
1 18 is amended to read as follows:

1 19 A commissioner shall not receive

~~— no~~

~~— compensation for the~~
1 20 commissioner's services

~~— but the commissioner may be paid~~

~~—~~

1 21

~~— expenses, including traveling expenses, necessarily incurred~~

~~—~~

1 22

~~— in the discharge of the commissioner's duties, if~~

~~— However,~~

1 23 to the extent funds are available,

~~— for that purpose~~

~~— a~~

1 24 commissioner is entitled to receive actual expenses
1 25 necessarily incurred in the discharge of the commissioner's
1 26 duties, including reimbursement for mileage at the rate
1 27 provided under section 70A.9 for state business use, and a per
1 28 diem as provided in section 7E.6.

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

1 31 1. An owner or occupant of agricultural land in this state
1 32 is not required to establish any new permanent or temporary
1 33 soil and water conservation practice unless cost-share or
1 34 other public moneys have been specifically approved for that
1 35 land and made available to the owner or occupant pursuant to
2 1 section 161A.74.

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

2 4 2. The commissioners of a district shall, to the extent
2 5 funding is available, contract with

~~the~~

~~- a person who is an~~

2 6 owner or occupant of land within the district applying to
2 7 establish soil and water conservation practices as provided in
2 8 this chapter. Under the agreement, the

~~owner or occupant~~

2 9 person shall receive financial incentives to establish
2 10 permanent soil and water conservation practices and management
2 11 practices, in consideration for promising to maintain the
2 12 practices according to rules adopted by the division. If the
2 13 person violates the agreement, the commissioners may require
2 14 that the person repay an amount to the commissioners which
2 15 shall not exceed fifty percent of the amount of financial
2 16 incentives received by the person under the agreement.

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

2 23 EXPLANATION

2 24 This bill relates to soil and water conservation as
2 25 provided under chapter 161A, including provisions relating to
2 26 soil and water conservation district commissioners. The bill
2 27 provides that commissioners elected or appointed after the
2 28 effective date of this bill are eligible to serve for four-
2 29 year rather than six-year terms. The bill provides that a
2 30 commissioner is entitled to receive actual expenses
2 31 necessarily incurred in the discharge of the commissioner's
2 32 duties, including reimbursement for mileage, and is eligible
2 33 to receive a per diem as provided in section 7E.6, if funds
2 34 are available for the payments.

2 35 The bill provides that only agricultural land is affected
3 1 by a provision which requires the payment of financial
3 2 incentives prior to requiring the establishment of a soil
3 3 conservation practice on the land.

3 4 Finally, the bill provides that if a person violates an
3 5 agreement involving soil and water conservation district
3 6 commissioners, in which the person receives financial
3 7 incentives to establish permanent soil and water conservation
3 8 practices and management practices, the commissioners may
3 9 require the person to repay an amount not to exceed 50 percent
3 10 of the amount of financial incentives received by the person
3 11 under the agreement.

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