

1 SEC. 3. Section three thousand one hundred seventeen (3117),
2 Code, 1935, is hereby amended by striking therefrom the second sen-
3 tence and inserting in lieu thereof the following:

4 "Said affidavit shall comply with the latest uniform registration
5 form approved by the Association of American Feed Control Officials.
6 Upon request a sealed container holding not less than one pound of
7 said feed shall accompany the registration fee and affidavit."

1 SEC. 4. Section three thousand one hundred eighteen (3118), Code,
2 1935, is hereby repealed and there is enacted a substitute therefor as
3 follows:

4 "For the purpose of defraying the expenses connected with the
5 sampling, inspection and analysis of commercial feeds sold or offered
6 for sale within this State and for other items incident to carrying out
7 the provisions of this Act, all corporations, firms or persons engaged
8 in the manufacture of commercial feeds sold in this State shall on
9 or before the fifteenth (15th) day of January and the fifteenth (15th)
10 day of July of each year, make statement under oath, in due form of
11 law, which shall be filed with the department and which shall set forth
12 the number of net tons of such commercial feeds sold or distributed
13 in this State during the six (6) preceding calendar months; and upon
14 such statement shall pay to the department the sum of ten cents (10¢)
15 per net ton of two thousand (2,000) pounds. Each applicant for a
16 certificate of registration shall include in such application a permit
17 granting to the department permission to verify from applicant's
18 records such applicant's statement of tonnage."

1 SEC. 5. Sections three thousand one hundred twenty-two (3122),
2 three thousand one hundred twenty-three (3123) and three thousand
3 one hundred twenty-five (3125), Code, 1935, are hereby repealed.

Approved April 22, 1939.

CHAPTER 92

SOIL CONSERVATION DISTRICTS LAW

S. F. 166

AN ACT to declare the necessity of creating governmental subdivisions of the state to be known as "soil conservation districts," to engage in conserving soil resources and preventing and controlling soil erosion; to establish the state soil conservation committee, and to define its powers and duties; to provide for the creation of soil conservation districts; to define the powers and duties of soil conservation districts, and to provide for the exercise of such powers, including the power to acquire property by purchase, gift, and otherwise; to provide for discontinuance of such soil conservation districts; to provide for financial assistance to such soil conservation districts, and making an appropriation for that purpose, and providing for the administrative costs of such districts, and providing for the reimbursement to the state by the districts of such initial and administrative costs; and for otherwise effectuating the provisions of this act, and for other purposes.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Short Title.** This Act may be known and cited as the
2 soil conservation districts law.

1 SEC. 2. It is hereby declared to be the policy of the legislature to
2 provide for the restoration and conservation of the soil and soil
3 resources of this state and for the control and prevention of soil
4 erosion and thereby to preserve natural resources, control floods,
5 prevent impairment of dams and reservoirs, assist and maintain the
6 navigability of rivers and harbors, preserve wild life, protect the tax
7 base, protect public lands and promote the health, safety and public
8 welfare of the people of this state.

1 SEC. 3. **Definitions.** Wherever used or referred to in this Act,
2 unless a different meaning clearly appears from the context:

3 (1) "District" or "soil conservation district" means a govern-
4 mental subdivision of this State and a public body corporate and pol-
5 itic, organized in accordance with the provisions of this Act, for the
6 purposes, with the powers, and subject to the restrictions hereinafter
7 set forth.

8 (2) "Supervisor" means one of the members of the governing body
9 of a district, elected or appointed in accordance with the provisions
10 of this Act.

11 (3) "Committee" or "State soil conservation committee" means
12 the agency created in Section 4 of this Act.

13 (4) "Petition" means a petition filed under the provisions of sub-
14 section A of Section 5 of this Act for the creation of a district.

15 (5) "Nominating petition" means a petition filed under the provi-
16 sions of Section 6 of this Act to nominate candidates for the office
17 of supervisor of a soil conservation district.

18 (6) "State" means the State of Iowa.

19 (7) "Agency of this State" includes the government of this State
20 and any subdivision, agency, or instrumentality, corporate or other-
21 wise, of the government of this State.

22 (8) "United States" or "agencies of the United States" includes
23 the United States of America, the Soil Conservation Service of the
24 United States Department of Agriculture, and any other agency or
25 instrumentality, corporate or otherwise, of the United States of
26 America.

27 (9) "Government" or "governmental" includes the government of
28 this State, the Government of the United States, and any subdivision,
29 agency or instrumentality, corporate or otherwise, or either of them.

30 (10) "Land owner" includes any person, firm, or corporation who
31 shall hold title to any lands lying within a district organized under
32 the provisions of this act.

33 (11) "Qualified elector" shall mean any person who is a land
34 owner as defined herein.

35 (12) "Due notice" means notice published at least twice, with an
36 interval of at least six days between the two publication dates, in a
37 newspaper or other publication of general circulation within the
38 appropriate area; or, if no such publication of general circulation be
39 available, by posting at a reasonable number of conspicuous places
40 within the appropriate area, such posting to include, where possible,
41 posting at public places where it may be customary to post notices
42 concerning county or municipal affairs generally. At any hearing
43 held pursuant to such notice, at the time and place designated in such
44 notice, adjournment may be made from time to time without the
45 necessity of renewing such notice for such adjourned dates.

1 **SEC. 4. State Soil Conservation Committee.**

2 A. There is hereby established, to serve as an agency of the State
3 and to perform the functions conferred upon it in this Act (together
4 with such other functions as may be hereafter assigned to it from
5 time to time by act of the legislature), the State Soil Conservation
6 Committee. The committee shall consist of a chairman and four
7 members. The following shall serve as members of the committee:
8 The Director of the State Agricultural Extension Service, the Secre-
9 tary of Agriculture, or a member designated by him. Three members
10 shall be appointed by the Governor and confirmed by the Senate. The
11 three appointed members shall be bona fide farmers living on farms.
12 The committee may invite the Secretary of Agriculture of the United
13 States of America to appoint one person to serve with the above
14 mentioned members, but in an advisory capacity only. The com-
15 mittee shall adopt a seal, which seal shall be judicially noticed, and
16 may perform such acts, hold such public hearings, and promulgate
17 such rules and regulations as may be necessary for the execution of its
18 functions under this Act.

19 B. The State soil conservation committee may employ an admin-
20 istrative officer and such other agents and employees, permanent and
21 temporary, as it may require, and shall determine their qualifications,
22 duties and compensation. The committee may call upon the attorney
23 general of the State for such legal services as it may require. It shall
24 have authority to delegate to its chairman, to one or more of its
25 members, or to one or more agents or employees, such powers and
26 duties as it may deem proper. Upon request of the committee, for
27 the purpose of carrying out any of its functions, the supervising
28 officer of any State agency, or of any state institution of learning
29 shall, insofar as may be possible under available appropriations, and
30 having due regard to the needs of the agency to which the request is
31 directed, assign or detail to the committee members of the staff or
32 personnel of such agency or institution of learning, and make such
33 special reports, surveys, or studies as the committee may request.

34 C. The committee shall designate its chairman, and may, from
35 time to time, change such designation. The Director of the State
36 Agricultural Extension Service shall hold office so long as he shall
37 retain the office by virtue of which he shall be serving on the com-
38 mittee. The members appointed by the Governor shall serve for a
39 period of six years, except that those first appointed shall serve for
40 terms of two, four and six years respectively, one member being ap-
41 pointed every two years thereafter. The member representing the
42 Secretary of Agriculture shall serve until there is a change in the per-
43 sonnel* of the secretary of agriculture. A majority of the committee
44 shall constitute a quorum, and the concurrence of a majority in any
45 matter within their duties shall be required for its determination.
46 The chairman and members of the committee, not otherwise in the
47 employ of the State, shall receive ten dollars (\$10.00) per diem
48 as compensation for their services in the discharge of their duties
49 as members of the committee. Such per diem shall not exceed fifty
50 (50) days per year. They shall also be entitled to expenses, includ-
51 ing traveling expenses, necessarily incurred in the discharge of their

*Note: In accordance with enrolled bill.

52 duties as members of such committee. The committee shall provide
 53 for the execution of surety bonds for all employees and officers who
 54 shall be entrusted with funds or property, shall provide for the keep-
 55 ing of a full and accurate record of all proceedings and of all resolu-
 56 tions, regulations, and orders issued or adopted, and shall provide
 57 for an annual audit of the accounts of receipts and disbursements.

58 D. In addition to the duties and powers hereinafter conferred upon
 59 the State Soil Conservation Committee, it shall have the following
 60 duties and powers:

61 (1) To offer such assistance as may be appropriate to the super-
 62 visors of soil conservation districts, organized as provided hereinafter,
 63 in the carrying out of any of their powers and programs.

64 (2) To keep the supervisors of each of the several districts organ-
 65 ized under the provisions of this Act informed of the activities and
 66 experience of all other districts organized hereunder, and to facilitate
 67 an interchange of advice and experience between such districts and
 68 cooperation between them.

69 (3) To coordinate the programs of the several soil conservation
 70 districts organized hereunder so far as this may be done by advice
 71 and consultation.

72 (4) To secure the cooperation and assistance of the United States
 73 and any of its agencies, and of agencies of this State, in the work
 74 of such districts.

75 (5) To disseminate information throughout the State concerning
 76 the activities and program of the soil conservation districts organized
 77 hereunder, and to encourage the formation of such districts in areas
 78 where their organization is desirable.

1 **SEC. 5. Creation of Soil Conservation Districts.**

2 A. Any twenty-five (25) owners, but in no case less than twenty per
 3 cent (20%) of the owners of land lying within the limits of the terri-
 4 tory proposed to be organized into a district may file a petition with
 5 the State soil conservation committee, asking that a soil conservation
 6 district be organized to function in the territory described in the
 7 petition. Such petition shall set forth:

8 (1) The proposed name of said district;

9 (2) That there is need, in the interest of health, safety and public
 10 welfare, for a soil conservation district to function in the territory
 11 described in the petition;

12 (3) A description of the territory proposed to be organized as a
 13 district, which description shall not be required to be given by metes
 14 and bounds or by legal subdivisions, but shall be deemed sufficient if
 15 generally accurate;

16 (4) A request that the State soil conservation committee duly
 17 define the boundaries for such district; that a referendum be held
 18 within the territory so defined on the question of the creation of a
 19 soil conservation district in such territory; and that the committee
 20 determine that such a district be created.

21 Where more than one petition is filed covering parts of the same
 22 territory, the State soil conservation committee may consolidate all
 23 or any such petitions.

24 B. Within ninety (90) days after such petition has been formally
 25 accepted by the State soil conservation committee, it shall cause due

79 and” shall be printed, with a square before each
80 proposition, and a direction to insert an X mark in the square before
81 one or the other of said propositions as the voter may favor or oppose
82 creation of such district. The ballot shall set forth the boundaries
83 of such proposed district as determined by the committee. Only
84 owners of land lying within the boundaries of the territory as deter-
85 mined by the State soil conservation committee shall be eligible to
86 vote in such referendum.

87 D. The committee shall pay all expenses for the issuance of such
88 notices and the conduct of such hearings and referenda, and shall
89 supervise and conduct such hearings and referenda. It shall issue
90 appropriate regulations governing the conduct of such hearings and
91 referenda, and providing for the registration prior to the date of the
92 referendum of all eligible voters, or prescribing some other appro-
93 priate procedure for the determination of those eligible as voters in
94 such referendum. No informalities in the conduct of such referen-
95 dum or in any matters relating thereto shall invalidate said referen-
96 dum or the result thereof if notice thereof shall have been given
97 substantially as herein provided and said referendum shall have been
98 fairly conducted.

99 E. The committee shall publish the result of such referendum and
100 shall thereafter consider and determine whether the operation of the
101 district within the defined boundaries is administratively practicable
102 and feasible. If the committee shall determine that the operation
103 of such district is not administratively practicable and feasible, it
104 shall record such determination and shall deny the petition. If the
105 committee shall determine that the operation of such district is ad-
106 ministratively practicable and feasible, it shall record such deter-
107 mination and shall proceed with the organization of the district in
108 the manner hereinafter provided. In making such determination the
109 committee shall give due regard and weight to the attitudes of the
110 owners of lands lying within the defined boundaries, and the number
111 of land owners eligible to vote in such referendum who shall have
112 voted, the proportion of the votes cast in such referendum in favor
113 of the creation of the district to the total number of votes cast, the
114 income of the land owners of the proposed district, the probable
115 expense of carrying on erosion-control operations within such dis-
116 trict, and such other economic and social factors as may be relevant
117 to such determination, having due regard to the legislative determina-
118 tions set forth in section 2 of this Act; provided, however, that the
119 committee shall not have authority to determine that the operation
120 of the proposed district within the defined boundaries is administra-
121 tively practicable and feasible unless at least sixty-five per cent
122 (65%) of the land owners of the district vote in favor of the creation
123 of such district.

124 F. If the committee shall determine that the operation of the pro-
125 posed district within the defined boundaries is administratively prac-
126 ticable and feasible, it shall appoint two temporary supervisors to
127 serve until such time as the three (3) regular supervisors have been
128 elected to act as the governing body of the district, as provided
129 hereinafter. Such district shall be a body corporate upon the taking
130 of the following proceedings:

131 The two temporary supervisors shall present to the Secretary of

132 State an application signed by them, which shall set forth (and such
133 application need contain no detail other than the mere recitals):
134 (1) that a petition for the creation of the district was approved by
135 the State soil conservation committee pursuant to the provisions of
136 this Act, and that the State soil conservation committee has appointed
137 them as supervisors; (2) the name and official residence of each of
138 the supervisors, together with a certified copy of the appointments
139 evidencing their right to office; (3) the name which is proposed for
140 the district; and (4) the location of the proposed office of the super-
141 visors of the district. The application shall be subscribed and sworn
142 to by each of said supervisors before an officer authorized by the laws
143 of this State to take and certify oaths. The application shall be
144 accompanied by a statement by the State soil conservation committee,
145 which shall certify that a petition was filed, notice issued, and hearing
146 held as aforesaid; that the committee did duly determine that there
147 is need, in the interest of health, safety, and public welfare, for a soil
148 conservation district to function in the proposed territory and did
149 define the boundaries thereof; that notice was given and a refer-
150 endum held on the question of the creation of such district, and that
151 the results of such referendum showed sixty-five per cent of the votes
152 cast in such referendum to be in favor of the creation of the district;
153 that thereafter the committee did duly determine that the operation
154 of the proposed district is administratively practicable and feasible.
155 The said statement shall set forth the boundaries of the district as
156 they have been defined by the committee.

157 The Secretary of State shall examine the Application and state-
158 ment and, if he finds that the name proposed for the district is not
159 identical with that of any other soil conservation district of this
160 State or so nearly similar as to lead to confusion or uncertainty, he
161 shall receive and file them and shall record them in an appropriate
162 book of record in his office. If the Secretary of State shall find that
163 the name proposed for the district is identical with that of any other
164 soil conservation district of this State, or so nearly similar as to lead
165 to confusion and uncertainty, he shall certify such fact to the State
166 soil conservation committee, which shall thereupon submit to the
167 Secretary of State a new name for the said district, which shall not
168 be subject to such defects. Upon receipt of such new name, free of
169 such defects, the Secretary of State shall record the application and
170 statement, with the name so modified, in an appropriate book of
171 record in his office. When the application and statement have been
172 made, filed and recorded, as herein provided, the district shall con-
173 stitute a body corporate. The Secretary of State shall make and
174 issue to the said supervisors a certificate, under the seal of the State,
175 of the due organization of the said district, and shall record such
176 certificate with the application and statement. The boundaries of
177 such district shall include the territory as determined by the State
178 soil conservation committee as aforesaid, but in no event shall they
179 include any area included within the boundaries of another soil con-
180 servation district organized under the provisions of this Act.

181 G. After eighteen (18) months shall have expired from the date
182 of entry of a determination by the State soil conservation committee
183 that operation of a proposed district is not administratively practica-
184 ble and feasible, and denial of a petition pursuant to such determina-

185 tion, subsequent petitions may be filed as aforesaid, and action taken
186 thereon in accordance with the provisions of this Act.

187 H. Petitions for including additional territory within an existing
188 district may be filed with the State soil conservation committee,
189 and the proceedings herein provided for in the case of petitions to
190 organize a district shall be observed in the case of petitions for such
191 inclusion. The committee shall prescribe the form for such petition,
192 which shall be as nearly as may be in the form prescribed in this Act
193 for petitions to organize a district. Where the total number of land
194 owners in the area proposed for inclusion shall be less than 25, the
195 petition may be filed when signed by seventy-five per cent of the
196 owners of such area, and in such case no referendum need be held.
197 In referenda upon petitions for such inclusion, all owners of land
198 within the proposed additional area shall be eligible to vote.

199 I. In any suit, action, or proceeding involving the validity or en-
200 forcement of, or relating to, any contract, proceeding, or action of
201 the district, the district shall be deemed to have been established in
202 accordance with the provisions of this Act upon proof of the issuance
203 of the aforesaid certificate by the Secretary of State. A copy of such
204 certificate duly certified by the Secretary of State shall be admissible
205 in evidence in any such suit, action or proceeding, and shall be proof
206 of the filing and contents thereof.

1 **SEC. 6. Election of Three Supervisors for Each District.** Within
2 thirty (30) days after the date of issuance by the Secretary of State
3 of a certificate of organization of a soil conservation district, nomi-
4 nating petitions may be filed with the State soil conservation com-
5 mittee to nominate candidates for supervisors, who shall be residents
6 of such district. The two supervisors appointed by the State soil
7 conservation committee shall be eligible for such nomination. The
8 committee shall have authority to extend the time within which
9 nominating petitions may be filed. No such nominating petition
10 shall be accepted by the committee unless it shall be subscribed by
11 twenty-five (25) or more qualified electors of such district. Such
12 qualified electors may sign more than one such nominating petition
13 to nominate more than one candidate for supervisors. The committee
14 shall give due notice of an election to be held for the election of three
15 supervisors for the district. The names of all nominees on behalf
16 of whom such nominating petitions have been filed within the time
17 herein designated, shall be printed, arranged in the alphabetical
18 order of the surnames, upon ballots, with a square before each name
19 and a direction to insert an X mark in the square before any three
20 names to indicate the voter's preference. All qualified electors of the
21 district shall be eligible to vote in such election. The three candidates
22 who shall receive the largest number, respectively, of the votes cast
23 in such election, shall be the elected supervisors for such district.
24 The committee shall pay all the expenses of such election, shall super-
25 vise the conduct thereof, shall prescribe regulations governing the
26 conduct of such election and the determination of the eligibility of
27 voters therein, and shall publish the results thereof.

1 **SEC. 7. Appointment, Qualifications and Tenure of Supervisors.**
2 The governing body of the district shall consist of three (3) super-
3 visors who shall be residents of the district.

4 The supervisors shall designate a chairman and may, from time
5 to time, change such designation. The term of office of each super-
6 visor shall be six years, except that the supervisors first elected shall
7 serve for terms of two (2), four (4) and six (6) years respectively.
8 A supervisor shall hold office until his successor has been elected and
9 qualified. Vacancies shall be filled for the unexpired term. The
10 selection of successors to fill an unexpired term or for a full term
11 shall be made in the same manner in which the retiring supervisors
12 shall respectively have been selected; or, at the discretion of the State
13 soil conservation committee, it may appoint a successor to fill the
14 unexpired term of a supervisor. A supervisor shall receive compen-
15 sation for his services at the rate of Five Dollars (\$5.00) per
16 day and expenses necessarily incurred in the discharge of his duties,
17 but not to exceed fifty (50) days to any one supervisor.

18 The supervisors may call upon the attorney general of the State
19 for such legal services as they may require. The supervisors may
20 delegate to their chairman, to one or more supervisors or to one or
21 more agents, or employees, such powers and duties as they may deem
22 proper. The supervisors shall furnish to the State soil conservation
23 committee, upon request, copies of such ordinances, rules, regula-
24 tions, orders, contracts, forms, and other documents as they shall
25 adopt or employ, and such other information concerning their activi-
26 ties as it may require in the performance of its duties under this Act.

27 The supervisors shall provide for the execution of surety bonds for
28 all employees and officers who shall be entrusted with funds or prop-
29 erty; shall provide for the keeping of a full and accurate record of
30 all proceedings and of all resolutions, regulations, and orders issued
31 or adopted; and shall provide for a biennial audit of the accounts of
32 receipts and disbursements.

33 The supervisors may invite the legislative body of any municipality
34 or county located near the territory comprised within the district to
35 designate a representative to advise and consult with the supervisors
36 of the district on all questions of program and policy which may
37 affect the property, water supply, or other interests of such munic-
38 ipality or county.

1 **SEC. 8. Powers of Districts and Supervisors.** A soil conservation
2 district organized under the provisions of this Act shall have the
3 following powers, in addition to others granted in other sections
4 of this Act:

5 (1) To conduct surveys, investigations, and research relating to
6 the character of soil erosion and the preventive and control measures
7 needed, to publish the results of such surveys, investigations or re-
8 search, and to disseminate information concerning such preventive
9 and control measures; provided, however, that in order to avoid
10 duplication of research activities, no district shall initiate any re-
11 search program except in cooperation with the Iowa Agricultural
12 Experiment Station located at Ames, Iowa, and pursuant to a co-
13 operative agreement entered into between the Iowa Agricultural
14 Experiment Station and such district;

15 (2) To conduct demonstrational projects within the district on
16 lands owned or controlled by this State or any of its agencies, with
17 the consent and cooperation of the agency administering and having

18 jurisdiction thereof, and on any other lands within the district upon
19 obtaining the consent of the owner of such lands or the necessary
20 rights or interests in such lands, in order to demonstrate by example
21 the means, methods, and measures by which soil and soil resources
22 may be conserved, and soil erosion in the form of soil blowing and
23 soil washing may be prevented and controlled; provided, however,
24 that in order to avoid duplication of agricultural extension activities,
25 no district shall initiate any demonstration projects, except in co-
26 operation with the Iowa Agricultural Extension Service whose offices
27 are located at Ames, Iowa, and pursuant to a cooperative agreement
28 entered into between the Iowa Agricultural Extension Service and
29 such district;

30 (3) To carry out preventive and central measures within the dis-
31 trict, including, but not limited to, crop rotations, engineering opera-
32 tions, methods of cultivation, the growing of vegetation, changes in
33 use of land, and the measures listed in subsection C of section 2 of
34 this Act, on lands owned or controlled by this State or any of its
35 agencies, with the consent and cooperation of the agency administer-
36 ing and having jurisdiction thereof, and on any other lands within
37 the district, upon obtaining the consent of the owner of such lands
38 or the necessary rights or interests in such lands;

39 (4) To cooperate, or enter into agreements with, and within the
40 limits of appropriations duly made available to it by law, to furnish
41 financial or other aid to any agency, governmental or otherwise, or
42 any owner of lands within the district, in the carrying on of erosion-
43 control and prevention operations within the district, subject to such
44 conditions as the supervisors may deem necessary to advance the
45 purposes of this Act;

46 (5) To obtain options upon and to acquire, by purchase, exchange,
47 lease, gift, grant, bequest, devise or otherwise, any property, real
48 or personal, or rights or interests therein; to maintain, administer,
49 and improve any properties acquired, to receive income from such
50 properties and to expend such income in carrying out the purposes
51 and provisions of this Act; and to sell, lease or otherwise dispose
52 of any of its property or interests therein in furtherance of the pur-
53 poses and provisions of this Act;

54 (6) To make available on such terms as it shall prescribe, to land
55 owners within the district, agricultural and engineering machinery
56 and equipment, fertilizer, lime, and such other material or equipment
57 as will assist such land owners to carry on operations upon their
58 lands for the conservation of soil resources and for the prevention
59 and control of soil erosion;

60 (7) To construct, improve, and maintain such structures as may
61 be necessary or convenient for the performance of any of the opera-
62 tions authorized in this Act;

63 (8) To develop comprehensive plans for the conservation of soil
64 resources and for the control and prevention of soil erosion within
65 the district, which plans shall specify in such detail as may be pos-
66 sible, the acts, procedures, performances, and avoidances which are
67 necessary or desirable for the effectuation of such plans, including
68 the specification of engineering operations, methods of cultivation,
69 the growing of vegetation, cropping programs, tillage practices, and
70 the changes in use of land; and to publish such plans and information

71 and bring them to the attention of owners of lands within the district;
 72 (9) To sue and be sued in the name of the district; to have a seal,
 73 which seal shall be judicially noticed; to have perpetual succession
 74 unless terminated as hereinafter provided; to make and execute con-
 75 tracts and other instruments, necessary or convenient to the exercise
 76 of its powers; to make, and from time to time amend and repeal, rules
 77 and regulations not inconsistent with this Act, to carry into effect
 78 its purposes and powers;

79 (10) To accept donations, gifts, and contributions in money, serv-
 80 ices, materials, or otherwise, from the United States or any of its
 81 agencies, or from this state or any of its agencies, and to use or ex-
 82 pend such moneys, services, materials, or other contributions in
 83 carrying on its operations;

84 (11) As a condition to the extending of any benefits under this Act
 85 to, or the performance of work upon, any lands not owned or con-
 86 trolled by this State or any of its agencies, the supervisors may re-
 87 quire contributions in money, services, materials, or otherwise to
 88 any operations conferring such benefits, and may require land owners
 89 to enter into and perform such agreements or covenants as to the
 90 permanent use of such lands as will tend to prevent or control
 91 erosion thereon;

92 (12) No provisions with respect to the acquisition, operation, or
 93 disposition of property by other public bodies shall be applicable
 94 to a district organized hereunder unless the legislature shall specific-
 95 ally so state.

96 (13) After the formation of any district under the provisions of
 97 this act, all participation hereunder shall be purely voluntary, any
 98 provision herein contained on the contrary notwithstanding.

1 **SEC. 9. Cooperation Between Districts.**

2 The supervisors of any two or more districts organized under the
 3 provisions of this Act may cooperate with one another in the exer-
 4 cise of any or all powers conferred in this Act.

1 **SEC. 10. State Agencies to Cooperate.**

2 Agencies of this State which shall have jurisdiction over, or be
 3 charged with the administration of, any State-owned lands, and of
 4 any county, or other governmental subdivision of the State, which
 5 shall have jurisdiction over, or be charged with the administration
 6 of, any county-owned or other publicly-owned lands, lying within
 7 the boundaries of any district organized hereunder, may cooperate
 8 to the fullest extent with the supervisors of such districts in the
 9 effectuation of programs and operations undertaken by the super-
 10 visors under the provisions of this Act.

1 **SEC. 11. Discontinuance of Districts.**

2 At any time after five (5) years after the organization of a dis-
 3 trict under the provisions of this Act, any twenty-five (25) owners of
 4 land lying within the boundaries of such district may file a petition
 5 with the State soil conservation committee praying that the opera-
 6 tions of the district be terminated and the existence of the district dis-
 7 continued. The committee may conduct such public meetings and
 8 public hearings upon such petition as may be necessary to assist in
 9 the consideration thereof. Within sixty (60) days after such a peti-

10 tion has been received by the committee, it shall give due notice of
11 the holding of a referendum, and shall supervise such referendum,
12 and issue appropriate regulations governing the conduct thereof,
13 the question to be submitted by ballots upon which the words "For
14 terminating the existence of the (name of the soil con-
15 servation district to be here inserted)" and "Against terminating
16 the existence of the (name of the soil conservation
17 district to be here inserted)" shall be printed, with a square before
18 each proposition and a direction to insert an X mark in the square
19 before one or the other of said propositions as the voter may favor
20 or oppose discontinuance of such district. All owners of lands lying
21 within the boundaries of the district shall be eligible to vote in such
22 referendum. Only such land owners shall be eligible to vote. No
23 informalities in the conduct of such referendum or in any matters
24 relating thereto shall invalidate said referendum or the result thereof
25 if notice thereof shall have been given substantially as herein pro-
26 vided and said referendum shall have been fairly conducted.

27 When sixty-five per cent (65%) of the land owners vote to termi-
28 nate the existence of such district, the State soil conservation com-
29 mittee shall advise the supervisors to terminate the affairs of the
30 district. The supervisors shall dispose of all property belonging to
31 the district at public auction and shall pay over the proceeds of such
32 sale to be covered into the State treasury. The supervisors shall
33 thereupon file an application, duly verified, with the Secretary of
34 State for the discontinuance of such district, and shall transmit with
35 such application the certificate of the State soil conservation com-
36 mittee setting forth the determination of the committee that the
37 continued operation of such district is not administratively practica-
38 ble and feasible. The application shall recite that the property of
39 the district has been disposed of and the proceeds paid over as in
40 this section provided, and shall set forth a full accounting of such
41 properties and proceeds of the sale. The Secretary of State shall
42 issue to the supervisors a certificate of dissolution and shall record
43 such certificate in an appropriate book of record in his office.

44 Upon issuance of a certificate of dissolution under the provisions
45 of this section, all ordinances and regulations theretofore adopted
46 and in force within such districts shall be of no further force and
47 effect. All contracts theretofore entered into, to which the district
48 or supervisors are parties, shall remain in force and effect for the
49 period provided in such contracts. The State soil conservation com-
50 mittee shall be substituted for the district or supervisors as party
51 to such contracts. The committee shall be entitled to all benefits
52 and subject to all liabilities under such contracts and shall have the
53 same right and liability to perform, to require performance, and
54 sue and be sued thereon, and to modify or terminate such contracts
55 by mutual consent or otherwise, as the supervisors of the district
56 would have had. Such dissolution shall not affect the lien of any
57 judgment entered under the provisions of section 11 of this Act, nor
58 the pendency of any action instituted under the provisions of such
59 section, and the committee shall succeed to all the rights and obliga-
60 tions of the district or supervisors as to such liens and actions.

61 The State soil conservation committee shall not entertain petitions
62 for the discontinuance of any district nor conduct referenda upon

63 such petitions nor make determinations pursuant to such petitions
 64 in accordance with the provisions of this Act, more often than once
 65 in five (5) years.

1 **SEC. 12. Appropriations.**

2 A. There is hereby appropriated to the State soil conservation com-
 3 mittee the sum of Five Thousand Dollars (\$5,000.00), two thousand
 4 five hundred dollars (\$2,500.00) in each year of the next biennium
 5 beginning July 1, 1939, or so much thereof as may be necessary for
 6 the purpose of administering the provisions of this Act, provided that
 7 the administrative costs of each soil conservation district hereunder
 8 shall be borne by said district and in addition thereto the adminis-
 9 trative costs of the state soil conservation committee, including the
 10 reimbursement to the state for the initial costs thereof, shall be borne
 11 proportionately by all of the districts established under this act, the
 12 proportionate share of each thereof to be based upon the assessed
 13 value of the real estate in said districts.

14 B. The committee shall submit to the Governor, no later than Janu-
 15 ary 1st, 1941, a report which shall state the following: The num-
 16 ber and acreage of districts in existence or in process of organization,
 17 together with an estimate of the number and probable acreage of
 18 the districts which may be organized during the ensuing biennial
 19 fiscal period; a statement of the balances of funds, if any, available to
 20 the committee as to the sums needed for its administrative and other
 21 expenses, and for allocation among the several districts during the
 22 ensuing biennial fiscal period.

1 **SEC. 13. Separability Clause.**

2 If any provision of this Act, or the application of any provision
 3 to any person or circumstance, is held invalid, the remainder of the
 4 Act, and the application of such provision to other persons or circum-
 5 stances, shall not be affected thereby.

1 **SEC. 14. Inconsistency With Other Acts.**

2 Insofar as any of the provisions of this Act are inconsistent with
 3 the provisions of any other law, the provisions of this Act shall be
 4 controlling.

Approved May 25, 1939.

CHAPTER 93

BOARD OF CONTROL INSTITUTIONS

S. F. 400

AN ACT to amend chapter one hundred seventy (170), and sections thirty-two hundred eighty-seven (3287), thirty-two hundred ninety-two (3292), thirty-two hundred ninety-three (3293), as amended by chapter one hundred sixteen (116), acts of the Forty-seventh General Assembly, thirty-three hundred (3300), thirty-three hundred thirty (3330), thirty-three hundred thirty-one (3331), thirty-three hundred thirty-two (3332), thirty-three hundred fifty-two (3352), thirty-three hundred fifty-six (3356), thirty-three hundred ninety-five (3395), thirty-three hundred ninety-six (3396), thirty-four hundred two (3402), thirty-four hundred six (3406), thirty-four hundred sixty-seven (3467), thirty-four hundred seventy-five (3475), thirty-four hundred seventy-six (3476), thirty-four hundred seventy-seven (3477), thirty-four