

## CHAPTER 1097

## SOIL CONSERVATION DEPARTMENT

H. F. 1176

AN ACT relating to the department of soil conservation.

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

1 SECTION 1. Section four hundred sixty-seven A point four  
2 (467A.4), subsections one (1) and three (3), Code 1971, as amended  
3 by chapter two hundred twenty-seven (227), section twenty-seven  
4 (27), Acts of the Sixty-fourth General Assembly, First Session, are  
5 amended to read as follows:

6 1. There is hereby established, to serve as an agency of the state  
7 and to perform the functions conferred upon it in this chapter, the  
8 department of soil conservation. The department shall be adminis-  
9 tered in accordance with the policies of the state soil conservation  
10 committee, which shall consist of a chairman and ten members. The  
11 following shall serve as ex officio *nonvoting* members of the commit-  
12 tee: The director of the state agricultural extension service or his  
13 designee, the secretary of agriculture, or his designee, the director of  
14 the state conservation commission or his designee, and the director  
15 of the Iowa natural resources council or his designee. Seven voting  
16 members shall be appointed by the governor and confirmed by the  
17 senate. Six of the appointive members shall be persons engaged in  
18 actual farming operations, one of whom shall be a resident of each of  
19 the six conservancy districts established by section three (3) of this  
20 Act, and no more than one of whom shall be a resident of any one  
21 county. The seventh appointive member shall be chosen by the gover-  
22 nor from the state at large and shall be a representative of cities and  
23 towns. The committee may invite the secretary of agriculture of the  
24 United States to appoint one person to serve with the above men-  
25 tioned members, and the president of the Iowa county engineers asso-  
26 ciation may designate a member of the association to serve in the  
27 same manner, but these persons shall have no vote and shall serve  
28 in an advisory capacity only. The committee shall adopt a seal, which  
29 seal shall be judicially noticed, and may perform such acts, hold such  
30 public hearings, and promulgate such rules and regulations as may  
31 be necessary for the execution of its functions under this chapter.

32 3. The committee shall designate its chairman, and may, from time  
33 to time, change such designation. The director of the state agricul-  
34 tural extension service shall hold office so long as he shall retain  
35 the office by virtue of which he shall be serving on the committee.  
36 The members appointed by the governor shall serve for a period of  
37 six years, except that in the year 1971, two members shall be ap-  
38 pointed for terms of six years beginning July 1, 1971, and two mem-  
39 bers shall be appointed for terms of four years beginning July 1, 1971.  
40 Thereafter, members shall be appointed in each odd-numbered year to  
41 succeed members whose terms expire on June 30 of that year. Ap-  
42 pointments may be made at such other times and for such other pe-  
43 riods as are necessary to fill vacancies on the committee, and any  
44 appointment so made while the general assembly is not in session  
45 shall be subject to confirmation by the senate at the next session of

46 the general assembly thereafter. No members shall be appointed  
47 to serve more than two complete six-year terms. Members desig-  
48 nated to represent the secretary of agriculture, director of the state  
49 conservation commission, or the director of the Iowa natural resources  
50 council shall serve at the pleasure of the officer making such designa-  
51 tion. A majority of the *voting members of the committee* shall con-  
52 stitute a quorum, and the concurrence of a majority of the *voting*  
53 *members of the committee* in any matter within their duties shall be  
54 required for its determination. The chairman and members of the  
55 committee, not otherwise in the employ of the state, or any political  
56 subdivision, shall receive thirty dollars per diem as compensation for  
57 their services in the discharge of their duties as members of the  
58 committee. The committee shall determine the number of days for  
59 which any committee member may draw per diem compensation, but  
60 the total number of days for which per diem compensation is allowed  
61 for the entire committee shall not exceed three hundred fifty days per  
62 year. They shall also be entitled to expenses, including traveling  
63 expenses, necessarily incurred in the discharge of their duties as  
64 members of such committee. The committee shall provide for the  
65 execution of surety bonds for all employees and officers who shall be  
66 entrusted with funds or property, shall provide for the keeping of a  
67 full and accurate record of all proceedings and of all resolutions,  
68 regulations, and orders issued or adopted, and shall provide for an  
69 annual audit of the accounts of receipts and disbursements.

1 SEC. 2. Chapter two hundred twenty-seven (227), section thirty-  
2 one (31), unnumbered paragraph one (1), Acts of the Sixty-fourth  
3 General Assembly, First Session, amending chapter four hundred  
4 sixty-seven A (467A) of the Code, is amended to read as follows:

5 The commissioners of each soil conservation district shall, with  
6 approval of *and within time limits set by administrative order* of the  
7 state soil conservation committee, adopt, ~~amend, and repeal~~ such  
8 reasonable regulations as are deemed necessary to establish a soil loss  
9 limit or limits for the district and provide for the implementation of  
10 the limit or limits, and may subsequently amend or repeal their regu-  
11 lations as they deem necessary. The commissioners may:

1 SEC. 3. Chapter two hundred twenty-seven (227), section thirty-  
2 two (32), Acts of the Sixty-fourth General Assembly, First Session,  
3 is amended to read as follows:

4 Sec. 32. Chapter four hundred sixty-seven A (467A), Code 1971,  
5 is amended by adding the following new section:

6 Regulations which the commissioners propose to adopt, amend, or  
7 repeal shall be submitted to the state soil conservation committee, in  
8 such form as the committee shall prescribe, for its approval. The  
9 committee may approve the regulations as submitted, or with such  
10 amendments as it deems necessary. The commissioners shall there-  
11 after publish *notice of hearing on* the proposed regulations, as ap-  
12 proved, in a newspaper of general circulation in the district, ~~together~~  
13 ~~with a notice of setting~~ a date and time not less than ten nor more  
14 than thirty days after such publication when a hearing on the pro-  
15 posed regulations will be held at a specified place. *The notice shall*  
16 *include the full text of the proposed regulations or shall state that the*

17 *proposed regulations are on file and available for review at the office*  
18 *of the affected soil conservation district.*

1 SEC. 4. Chapter two hundred twenty-seven (227), section thirty-  
2 five (35), Acts of the Sixty-fourth General Assembly, First Session,  
3 is amended to read as follows:

4 Sec. 35. Chapter four hundred sixty-seven A (467A), Code 1971,  
5 is amended by adding the following new section:

6 No owner or occupant of land in this state shall be required to  
7 establish any new permanent or temporary soil and water conserva-  
8 tion practice unless public *or other* cost-sharing funds have been spe-  
9 cifically approved for such land and actually made available to the  
10 owner or occupant in an amount equal to at least seventy-five percent  
11 of the cost of any permanent soil and water conservation practice, or  
12 an amount set by the state soil conservation committee for any tem-  
13 porary soil and water conservation practice. The state soil conserva-  
14 tion committee shall review these requirements at least once each year,  
15 and may authorize soil conservation district commissioners to make  
16 the mandatory establishment of any specified soil and water conserva-  
17 tion practice in any particular case conditional on a higher propor-  
18 tion of public cost-sharing than is required by this section. When the  
19 commissioners have been so authorized, they shall, in determining the  
20 amount of cost-sharing for establishment of a specified soil and water  
21 conservation practice to comply with an administrative order issued  
22 pursuant to section thirty-four (34) of this Act, consider the extent  
23 to which the practice will contribute benefits to the public in relation  
24 to the benefits that will accrue to the individual owner or occupant of  
25 the land on which the practice is to be established. Evidence that an  
26 application for public *or other* cost-sharing funds, from a source or  
27 sources having authority to pay a portion of the cost of work needed  
28 to comply with an administrative order issued pursuant to section  
29 thirty-four (34) of this Act, has been submitted to the proper officer  
30 or agency shall constitute commencement of such work within the  
31 meaning of sections thirty (30) through forty (40) of this Act. Upon  
32 receiving evidence of the submission of such application, the commis-  
33 sioners shall forward to the officer or agency to which the application  
34 was made a written request to receive notification of the disposition  
35 of such application. When notified of the approval of such applica-  
36 tion, the commissioners shall issue to the same parties who received  
37 the original administrative order, or their successors in interest, a  
38 supplementary order, to be delivered in the same manner as provided  
39 by sections thirty (30) through forty (40) of this Act for delivery  
40 of original administrative orders. The supplementary order shall  
41 state a time, not more than six months after approval of the applica-  
42 tion for public or other cost-sharing funds, by which the work needed  
43 to comply with the original administrative order shall actually be  
44 commenced, and a time not more than one year thereafter when such  
45 work is to be satisfactorily completed.

1 SEC. 5. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in the Fort  
3 Dodge Messenger and Chronicle, a newspaper published in Fort

4 Dodge, Iowa, and in The Washington Evening Journal, a newspaper  
5 published in Washington, Iowa.

Approved March 17, 1972.

I hereby certify that the foregoing Act, House File 1176, was published in the Fort Dodge Messenger and Chronicle, Fort Dodge, Iowa, March 27, 1972, and in The Washington Evening Journal, Washington, Iowa, March 23, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1098

### JOINT PLANNING COMMISSIONS

H. F. 367

AN ACT relating to joint planning commissions.

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

1 SECTION 1. Section four hundred seventy-three A point two  
2 (473A.2), Code 1971, is amended as follows:

3 473A.2 **Membership.** The commission shall have not less than five  
4 members, appointed by the governing bodies of the area served by the  
5 commission. A majority of the members of the commission *shall may*  
6 be citizens who hold no other public office or position except appoin-  
7 tive membership on a city or town plan commission or other planning  
8 commission, board or agency. Citizen members shall be appointed for  
9 overlapping terms of not less than three nor more than five years or  
10 thereafter until their successors are appointed. The appointing gov-  
11 erning bodies shall determine the amount of compensation, if any, to  
12 be paid to the members of a commission. Any vacancy in the mem-  
13 bership of a commission shall be filled for the unexpired term in the  
14 same manner as the initial appointment. The governing bodies shall  
15 have authority to remove any member for cause stated in writing and  
16 after a public hearing.

1 SEC. 2. Section four hundred seventy-three A point four (473A.4),  
2 Code 1971, is amended by adding the following new paragraph:

3 A planning commission formed under the provisions of this chapter  
4 shall, upon designation as such by the governor, serve as a district,  
5 regional or metropolitan agency for comprehensive planning for its  
6 area for the purpose of carrying out the functions as defined for such  
7 an agency by federal, state and local laws and regulations.

1 SEC. 3. Chapter twenty-eight E (28E), Code 1971, is amended by  
2 adding the following new section:

3 A planning commission, council of governments or similar organiza-  
4 tion formed under the provisions of this chapter shall, upon designa-  
5 tion as such by the governor, serve as a district, regional or metropoli-  
6 tan agency for comprehensive planning for its area for the purpose  
7 of carrying out the functions as defined for such agency by federal,  
8 state and local laws and regulations.