

CHAPTER 1083**SOIL AND WATER CONSERVATION**

S.F. 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.

Approved April 10, 1996

CHAPTER 1084

PROGRAMS FOR PERSONS WITH DISABILITIES

S.F. 2307

AN ACT relating to programs available to persons with disabilities which are administered by the department of human services.

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

Section 1. Section 225C.47, subsection 1, Code 1995, is amended by adding the following new paragraph before paragraph a and relettering the subsequent paragraphs:

NEW PARAGRAPH. a. "Family" means a group of interdependent persons living in the same household. A family consists of an individual with a disability and any of the following:

- (1) The individual's parent.
- (2) The individual's sibling.
- (3) The individual's grandparent, aunt, or uncle.
- (4) The individual's legal custodian.
- (5) A person who is providing short-term foster care to the individual subject to a case permanency plan which provides for reunification between the individual and the individual's parent.

"Family" does not include a person who is employed to provide services to an individual with a disability in an out-of-home setting, including but not limited to a hospital, nursing facility, personal care home, board and care home, group foster care home, or other institutional setting.

Sec. 2. Section 225C.47, subsection 2, Code 1995, is amended to read as follows:

2. A comprehensive family support program is created in the department of human services to provide a statewide system of services and support to eligible families. The program shall be implemented in a manner which enables a family member of an individual with a disability to identify the services and support needed to enable the individual to reside with the individual's family, to function more independently, and to increase the individual's integration into the community.

Sec. 3. Section 225C.47, subsection 5, paragraphs a, b, and f, Code 1995, are amended to read as follows:

a. (1) An application process incorporating the eligibility determination processes of other disability services programs to the extent possible.