

WITHDRAWN

FILED MAR 04 1992

SENATE FILE 2268

BY COMMITTEE ON NATURAL RESOURCES

Approved (3/20/92)

(SUCCESSOR TO SSB 2160)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to soil and water conservation by providing for
2 financial incentives.

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

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SF 2268

1 Section 1. Section 99E.34, subsection 2, paragraphs a and
2 b, Code Supplement 1991, are amended to read as follows:

3 a. Sixty-two and four-tenths percent to the soil
4 conservation division of the department of agriculture and
5 land stewardship to provide state soil and water conservation
6 ~~cost-sharing-funds~~ cost-share moneys pursuant to ~~sections~~
7 ~~467A:42-through-467A:75~~ division V of chapter 467A.

8 b. Eighteen and eight-tenths percent to the water
9 protection fund created in section 467F.4, to be used for
10 filter strips and waterways projects. The governing body of
11 each soil and water conservation district shall identify those
12 critical areas within the district where permanent grass and
13 buffer zones would mitigate the effects of concentrated runoff
14 on surface water quality. The governing body shall notify the
15 landowners of ~~these~~ the critical areas and provide the
16 landowners with recommendations to establish ~~these~~ permanent
17 grass and buffer zones, including any erosion control
18 structures that may be appropriate, to mitigate the effects of
19 concentrated runoff on surface water quality. In providing
20 ~~this~~ the notification and ~~these~~ recommendations, the governing
21 body shall also inform the landowners that the establishment
22 of these zones along with any erosion control structures may
23 be eligible for financial assistance under the incentive
24 programs within the water protection fund pursuant to section
25 467F.4 and may also qualify for ~~cost-sharing-funds~~ cost-share
26 moneys pursuant to ~~section-467A:48~~ division V of chapter 467A.

27 Sec. 2. Section 467A.42, unnumbered paragraph 1, Code
28 1991, is amended to read as follows:

29 In addition to the definitions established by section
30 467A.3, as used in ~~sections-467A:43-to-467A:53-and-sections~~
31 ~~467A:61-to-467A:66~~ this division, unless the context otherwise
32 requires:

33 Sec. 3. Section 467A.42, Code 1991, is amended by adding
34 the following new subsections:

35 NEW SUBSECTION. 9. "Cost-share" or "cost-sharing" means a

1 contribution of money made by the state in order to pay a
2 percentage of the costs related to the establishment of
3 voluntary or mandatory practices as provided under this
4 chapter, including but not limited to soil and water
5 conservation practices and erosion control practices.

6 NEW SUBSECTION. 10. "Forest" means stands of native or
7 introduced trees containing at least two hundred trees per
8 acre and located on privately owned land. However, a stand of
9 fruit trees is not a forest.

10 NEW SUBSECTION. 11. "Professional forester" means a
11 forestry graduate of an institution of higher learning, who
12 has a minimum of two years of forest management experience.

13 NEW SUBSECTION. 12. "State forester" means a person
14 employed by the department of natural resources as required by
15 section 107.13.

16 Sec. 4. Section 467A.48, subsections 1 and 2, Code
17 Supplement 1991, are amended to read as follows:

18 1. a. An owner or occupant of land in this state is not
19 required to establish any new permanent or temporary soil and
20 water conservation practice unless public-or-other-cost-
21 sharing-funds cost-share or other public moneys have been
22 specifically approved for that land and actually made
23 available to the owner or occupant pursuant to section
24 467A.74.

25 ~~b.--The owner or occupant of land is eligible to receive~~
26 ~~state cost-sharing funds to establish a permanent grass and~~
27 ~~buffer zone, including an erosion control structure or an~~
28 ~~erosion control practice to mitigate the effects of~~
29 ~~concentrated runoff on surface water quality.~~

30 ~~c.--Except as otherwise provided in this chapter, the~~
31 ~~amount of cost-sharing funds made available shall not exceed~~
32 ~~fifty percent of the estimated cost as established by the~~
33 ~~commissioners of a permanent soil and water conservation~~
34 ~~practice, or fifty percent of the actual cost, whichever is~~
35 ~~less, or an amount set by the committee for a temporary soil~~

1 and-water-conservation-practice, except-as-otherwise-provided
2 by-law-with-respect-to-land-classified-as-agricultural-land
3 under-conservation-cover.

4 The-amount-of-cost-sharing-funds-made-available-to
5 establish-a-permanent-grass-and-buffer-zone-may-be-up-to-one
6 hundred-percent-of-the-estimated-cost-as-established-by-the
7 commissioners-or-one-hundred-percent-of-the-actual-cost,
8 whichever-is-less.

9 The-commissioners-shall-establish-the-estimated-cost-of
10 permanent-soil-and-water-conservation-practices-in-the
11 district-based-upon-one-and-two-tenths-of-the-average-cost-of
12 the-practices-installed-in-the-district-during-the-previous
13 year.--The-average-costs-shall-be-reviewed-and-approved-by-the
14 commissioners-each-calendar-year.

15 2. The-committee-shall-review-these-requirements-once-each
16 year,-and-may-authorize-soil-and-water-conservation-district
17 commissioners-to-make-the-mandatory-establishment-of-any
18 specified-soil-and-water-conservation-practice-in-any
19 particular-case-conditional-on-a-higher-proportion-of-public
20 cost-sharing-than-is-required-by-this-section.--When-the
21 commissioners-have-been-so-authorized,-they-shall,-in
22 determining-the-amount-of-cost-sharing-for-establishment-of-a
23 specified-soil-and-water-conservation-practice-to-comply-with
24 an-administrative-order-issued-pursuant-to-section-467A.47,
25 consider-the-extent-to-which-the-practice-will-contribute
26 benefits-to-the-public-in-relation-to-the-benefits-that-will
27 accrue-to-the-individual-owner-or-occupant-of-the-land-on
28 which-the-practice-is-to-be-established. Evidence that an
29 application for public-or-other-cost-sharing-funds cost-share
30 or other public moneys, from a source or sources having
31 authority to pay a portion of the cost of work needed to
32 comply with an administrative order issued pursuant to section
33 467A.47, has been submitted to the proper officer or agency
34 constitutes commencement of the work within the meaning of
35 sections 467A.43 through 467A.53.

1 Sec. 5. NEW SECTION. 467A.70 ESTABLISHMENT AND PURPOSE.

2 A financial incentives program is established within the
3 division. The purpose of the program is to protect the long-
4 term productivity of the soil and water resources of the state
5 from erosion and sediment damage, and to encourage the
6 adoption of farm management and agricultural practices which
7 are consistent with the capability of the land to sustain
8 agriculture and preserve this state's natural resources.

9 Sec. 6. NEW SECTION. 467A.72 ADMINISTRATION.

10 1. Financial incentives provided under this chapter shall
11 be administered by the division. The incentives shall be
12 supported with funds appropriated by the general assembly, and
13 moneys available to or obtained by the division or the
14 committee from public or private sources, including but not
15 limited to the United States, other states, or private
16 organizations. The division shall adopt all rules consistent
17 with chapter 17A necessary to carry out the purpose of this
18 division as provided in section 467A.70.

19 2. The commissioners of a district shall, to the extent
20 funding is available, contract with the owner or occupant of
21 land within the district applying to establish soil and water
22 conservation practices as provided in this chapter. Under the
23 agreement, the owner or occupant shall receive financial
24 incentives to establish permanent soil and water conservation
25 practices and management practices, in consideration for
26 promising to maintain the practices according to rules adopted
27 by the division.

28 Sec. 7. NEW SECTION. 467A.73 FINANCIAL INCENTIVE
29 PROGRAMS.

30 1. The division shall establish voluntary financial
31 incentive programs which shall provide for the following:

32 a. The allocation of cost-share moneys as financial
33 incentives provided for the purpose of establishing permanent
34 soil and water conservation practices, including but not
35 limited to terraces, diversions, grade stabilization

1 structures, grassed waterways, and critical area planting.
2 The financial incentives shall not exceed fifty percent of the
3 estimated cost of establishing the practices, or fifty percent
4 of the actual cost, whichever is less.

5 b. The allocation of moneys as financial incentives
6 provided for the purpose of establishing management practices,
7 including but not limited to no-till planting, ridge-till
8 planting, contouring, and contour strip-cropping. The
9 division shall by rule establish limits on the amount of
10 incentives which may be used for establishing the management
11 practices.

12 c. The allocation of cost-share moneys as financial
13 incentives provided to establish practices to protect
14 watersheds above publicly owned lakes of the state from soil
15 erosion and sediment. The financial incentives shall be
16 awarded to watersheds which are of the highest importance
17 based on soil loss as established by the natural resource
18 commission pursuant to section 107.33A. The financial
19 incentives shall not exceed seventy-five percent of the
20 estimated cost of establishing the practices as determined by
21 the commissioners or seventy-five percent of the actual cost
22 of establishing the practices, whichever is less.

23 d. The allocation of cost-share moneys as financial
24 incentives to establish permanent grass and buffer zones,
25 including an erosion control structure or an erosion control
26 practice to mitigate the effects of concentrated runoff on
27 surface water quality. The financial incentives shall not
28 exceed one hundred percent of the estimated cost of
29 establishing a zone, as determined by the commissioners, or
30 one hundred percent of the actual cost of establishing the
31 zone, whichever is less.

32 2. The commissioners of a district may establish voluntary
33 financial incentive programs which shall provide for the
34 following:

35 a. The allocation of cost-share moneys under a special

1 agreement with owners of land in the district who promise to
2 adopt a watershed conservation plan as provided by rules which
3 shall be adopted by the division. The watershed conservation
4 plan shall be in conjunction with the district soil and water
5 resource conservation plan provided under section 467A.7. The
6 funding agreement must provide for the funding of a project
7 which shall include at least five hundred acres of
8 agricultural land which constitutes at least seventy-five
9 percent of the agricultural land located within a watershed.
10 The financial incentives shall not exceed sixty percent of the
11 estimated cost of the project as determined by the
12 commissioners or sixty percent of the actual cost, whichever
13 is less.

14 b. The allocation of cost-share moneys as financial
15 incentives to encourage summer construction of permanent soil
16 and water conservation practices. The practices must be
17 constructed on or after June 1 but not later than August 15.
18 The commissioners may also provide for the payment of moneys
19 on a prorated basis to compensate persons for the production
20 loss on an area disturbed by construction, according to rules
21 which shall be adopted by the division. The commissioners
22 shall not allocate cost-share moneys to support summer
23 construction during a fiscal year in which applications for
24 cost-share moneys required to establish permanent soil and
25 water conservation practices, other than established by summer
26 construction, equal the total amount available to support the
27 nonsummer construction practices. The financial incentives
28 shall not exceed sixty percent of the estimated cost of
29 establishing the practice as determined by the commissioners,
30 or sixty percent of the actual cost of establishing the
31 practice, whichever is less.

32 3. a. The division may reimburse private landowners for a
33 portion of the cost of fencing materials and installation for
34 permanent fence used to protect forest land from domestic
35 livestock grazing, if the division determines that the grazing

1 has caused excessive soil loss. For purposes of this
2 subsection, forests shall be considered as agricultural land
3 eligible for cost-share moneys. The total expenditure of
4 reimbursement moneys shall not exceed fifty percent of the
5 total landowner expenditures. Expenditures for boundary and
6 road fence construction and for repair and replacement of
7 existing fences are not eligible for reimbursement unless the
8 complete fence is replaced.

9 b. A landowner shall sign an agreement with the division
10 as a condition for receiving cost-share moneys. The agreement
11 shall provide that the landowner shall maintain the fence for
12 a minimum of ten years and shall follow written professional
13 forester recommendations relating to land protected by
14 fencing. The recommendations must be approved by the state
15 forester or designee.

16 c. A landowner who violates the maintenance agreement
17 shall maintain, repair, or reconstruct damaged fence, or shall
18 pay the division an amount equal to the amount of cost-share
19 moneys reimbursed.

20 d. The division shall adopt rules to administer this
21 subsection, including rules relating to procedures required to
22 receive reimbursement, and eligibility requirements such as
23 the minimum forest acreage required, and the maximum
24 reimbursement amount allowed.

25 Sec. 8. NEW SECTION. 467A.74 MANDATORY ESTABLISHMENT OF
26 SOIL AND WATER CONSERVATION PRACTICES.

27 1. The commissioners shall allocate cost-share moneys to
28 establish mandatory soil and water conservation practices, as
29 provided in sections 467A.43 through 467A.53, according to the
30 following requirements:

31 a. The financial incentives shall not exceed more than
32 fifty percent of the estimated cost of establishing the
33 practices as determined by the commissioners, or fifty percent
34 of the actual cost of establishing the practices, whichever is
35 less. However, the commissioners may allocate an amount

1 determined by the division for a temporary soil and water
2 conservation practice, except as otherwise provided regarding
3 land classified as agricultural land under conservation cover.

4 b. The commissioners shall establish the estimated cost of
5 the permanent soil and water conservation practices in the
6 district based upon one and two-tenths of the average cost of
7 the practices installed in the district during the previous
8 year. The average costs shall be reviewed and approved by the
9 commissioners each year.

10 2. The committee shall review requirements of this section
11 once each year. The division may authorize commissioners in
12 districts to condition the establishment of a mandatory soil
13 and water conservation practice in a specific case on a higher
14 proportion of public cost-sharing than is required by this
15 section. The commissioners shall determine the amount of
16 cost-sharing moneys allocated to establish a specific soil and
17 water conservation practice in accordance with an
18 administrative order issued pursuant to section 467A.47 by
19 considering the extent to which the practice will contribute
20 benefits to the individual owner or occupant of the land on
21 which the practice is to be established.

22 Sec. 9. Section 467A.75 is repealed.

23 Sec. 10. CODE EDITOR.

24 1. The Code editor shall codify sections 467A.42 through
25 467A.64 and 467A.66, as amended by this Act, as part 1 of
26 division V, and may title the part as "Duties and
27 Obligations". The Code editor shall codify section 467A.70
28 and subsequent sections of chapter 467A, as enacted in this
29 Act, as part 2 of division V, and may title the part as
30 "Financial Incentives".

31 2. The Code editor shall title section 467A.48 "Mandatory
32 Establishment of Soil and Water Conservation Practices".

33 3. The Code editor is directed to transfer section
34 467A.65, relating to agricultural land under conservation
35 cover, into chapter 467A, division V, part 2 as created in

1 this Act, and change internal references as necessary.

2 EXPLANATION

3 This bill amends provisions relating to soil and water
4 conservation principally contained in chapter 467A. The bill
5 divides Division V of the chapter into two parts. Part 1
6 contains provisions relating to duties and obligations of
7 governmental entities and landowners interested in soil and
8 water conservation. Part 2 contains provisions relating to
9 financial incentives, including cost-share provisions. Under
10 current law, financial provisions are contained throughout
11 chapter 467A and in uncodified provisions enacted annually.

12 The bill describes the purpose of finance programs as
13 required to protect the long-term productivity of the soil and
14 water resources of the state. The bill provides for the
15 administration of financial incentive programs by the division
16 of soil conservation of the department of agriculture and land
17 stewardship, and the commissioners of soil and water
18 conservation districts.

19 The division is required to establish voluntary financial
20 incentive programs, including the allocation of cost-share
21 moneys for the purpose of establishing permanent soil and
22 water conservation practices, establishing practices to
23 protect watersheds above publicly owned lakes, establishing
24 permanent grass and buffer zones, developing watershed
25 conservation plans, encouraging summer construction of
26 permanent soil and water conservation practices, and
27 restricting grazing on forest land. The bill establishes
28 various limits on the amount of moneys which may be allocated
29 under cost-share agreements.

30 The bill also requires the allocation of cost-share moneys
31 to establish mandatory soil and water conservation practices.
32 The bill places limits on the amount of moneys allocated to
33 support those practices.

34 The Code editor is directed to codify and transfer sections
35 into the two new parts of the Code's division.

SENATE FILE 2268

S-5359

1 Amend Senate File 2268 as follows:

2 1. Page 2, by inserting after line 15 the
3 following:

4 "Sec. ____ Section 467A.43, Code 1991, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. A landowner shall not be
7 liable for a claim based upon or arising out of a
8 claim of negligent design or specification, negligent
9 adoption of design or specification, or negligent
10 installation, construction, or reconstruction of a
11 soil and water construction practice or an erosion
12 control practice that was installed, constructed, or
13 reconstructed in accordance with generally recognized
14 engineering or safety standards, criteria, or design
15 theory in existence at the time of the installation,
16 construction, or reconstruction. A soil and water
17 conservation practice or an erosion control practice
18 installed, constructed, or reconstructed in compliance
19 with rules adopted by the division and currently in
20 effect shall be deemed to be installed, constructed,
21 or reconstructed according to generally recognized
22 engineering or safety standards, criteria, or design
23 theory in existence at the time of the installation,
24 construction, or reconstruction. A claim shall not be
25 allowed for failure to upgrade, improve, or alter any
26 aspect of an existing soil and water conservation
27 practice or erosion control practice to a new,
28 changed, or altered design standard. This section
29 does not apply to a claim based on a failure of a
30 landowner to upgrade, improve, or alter a soil and
31 water conservation practice or erosion control
32 practice in violation of law. This section does not
33 apply to claims based upon gross negligence."

34 2. Page 4, by striking lines 2 and 3 and
35 inserting the following: "Financial incentive
36 programs are established within the division in order
37 to protect the long-".

38 3. Page 4, lines 28 and 29, by striking the words
39 "FINANCIAL INCENTIVE PROGRAMS" and inserting the
40 following: "VOLUNTARY ESTABLISHMENT OF SOIL AND WATER
41 CONSERVATION PRACTICES".

42 4. Page 7, line 15, by inserting before the word
43 "designee" the following: "the forester's".

44 5. Page 7, line 17, by inserting after the word
45 "reconstruct" the following: "the".

By DERRYL MCLAREN
DONALD DOYLE
BERL PRIEBE
LEONARD L. BOSWELL

JACK W. HESTER
DALE L. TIEDEN
JOHN E. SOORHOLTZ

S-5359 FILED MARCH 24, 1992

S-5374

1 Amend Senate File 2268 as follows:

- 2 1. Page 5, lines 7 and 8, by striking the words
3 "no-till planting, ridge-till planting, contouring,
4 and".
- 5 2. Page 5, lines 10 and 11, by striking the words
6 "may be used for establishing the management
7 practices" and inserting the following: "shall be
8 authorized for payment to landowners upon
9 establishment of the practice".
- 10 3. Page 5, line 28, by striking the words "one
11 hundred" and inserting the following: "seventy-five".
- 12 4. Page 5, line 30, by striking the words "one
13 hundred" and inserting the following: "seventy-five".
- 14 5. Page 7, line 15, by inserting before the word
15 "designee" the following: "the forester's".
- 16 6. Page 7, line 17, by inserting after the word
17 "reconstruct" the following: "the".
- 18 7. Page 8, line 1, by striking the words "a
19 temporary" and inserting the following: "management
20 of".
- 21 8. Page 8, line 2, by striking the word
22 "practice" and inserting the following: "practices".
- 23 9. Page 8, line 25, by striking the word and
24 figure "and 467A.66".

By BERL E. PRIEBE

S-5374 FILED MARCH 25, 1992

PRIEBE, CH.
RENSINK
TIEDEN 8/12/92

SSB 2160
NATURAL RESOURCES NOW

SENATE/HOUSE FILE 2268
BY (PROPOSED DEPARTMENT OF
AGRICULTURE AND LAND
STEWARDSHIP BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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9 protection fund created in section 467F.4, to be used for
10 filter strips and waterways projects. The governing body of
11 each soil and water conservation district shall identify those
12 critical areas within the district where permanent grass and
13 buffer zones would mitigate the effects of concentrated runoff
14 on surface water quality. The governing body shall notify the
15 landowners of ~~those~~ the critical areas and provide the
16 landowners with recommendations to establish ~~these~~ permanent
17 grass and buffer zones, including any erosion control
18 structures that may be appropriate, to mitigate the effects of
19 concentrated runoff on surface water quality. In providing
20 ~~this~~ the notification and ~~these~~ recommendations, the governing
21 body shall also inform the landowners that the establishment
22 of these zones along with any erosion control structures may
23 be eligible for financial assistance under the incentive
24 programs within the water protection fund pursuant to section
25 467F.4 and may also qualify for ~~cost-sharing-funds~~ cost-share
26 moneys pursuant to ~~section-467A:48~~ division V of chapter 467A.

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2 percentage of the costs related to the establishment of
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4 chapter, including but not limited to soil and water
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7 introduced trees containing at least two hundred trees per
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17 Supplement 1991, are amended to read as follows:

18 1. a. An owner or occupant of land in this state is not
19 required to establish any new permanent or temporary soil and
20 water conservation practice unless public-or-other-cost-
21 sharing-funds cost-share or other public moneys have been
22 specifically approved for that land and actually made
23 available to the owner or occupant pursuant to section
24 467A.74.

25 ~~b.--The owner or occupant of land is eligible to receive~~
26 ~~state cost sharing funds to establish a permanent grass and~~
27 ~~buffer zone, including an erosion control structure or an~~
28 ~~erosion control practice to mitigate the effects of~~
29 ~~concentrated runoff on surface water quality.~~

30 ~~c.--Except as otherwise provided in this chapter, the~~
31 ~~amount of cost sharing funds made available shall not exceed~~
32 ~~fifty percent of the estimated cost as established by the~~
33 ~~commissioners of a permanent soil and water conservation~~
34 ~~practice, or fifty percent of the actual cost, whichever is~~
35 ~~less, or an amount set by the committee for a temporary soil~~

1 and-water-conservation-practice, except as otherwise provided
2 by law with respect to land classified as agricultural land
3 under conservation cover.

4 The amount of cost-sharing funds made available to
5 establish a permanent grass and buffer zone may be up to one
6 hundred percent of the estimated cost as established by the
7 commissioners or one hundred percent of the actual cost,
8 whichever is less.

9 The commissioners shall establish the estimated cost of
10 permanent soil and water conservation practices in the
11 district based upon one and two tenths of the average cost of
12 the practices installed in the district during the previous
13 year. The average costs shall be reviewed and approved by the
14 commissioners each calendar year.

15 2. The committee shall review these requirements once each
16 year, and may authorize soil and water conservation district
17 commissioners to make the mandatory establishment of any
18 specified soil and water conservation practice in any
19 particular case conditional on a higher proportion of public
20 cost-sharing than is required by this section. When the
21 commissioners have been so authorized, they shall, in
22 determining the amount of cost-sharing for establishment of a
23 specified soil and water conservation practice to comply with
24 an administrative order issued pursuant to section 467A.47,
25 consider the extent to which the practice will contribute
26 benefits to the public in relation to the benefits that will
27 accrue to the individual owner or occupant of the land on
28 which the practice is to be established. Evidence that an
29 application for public or other cost-sharing funds cost share
30 or other public moneys, from a source or sources having
31 authority to pay a portion of the cost of work needed to
32 comply with an administrative order issued pursuant to section
33 467A.47, has been submitted to the proper officer or agency
34 constitutes commencement of the work within the meaning of
35 sections 467A.43 through 467A.53.

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2 A financial incentives program is established within the
3 division. The purpose of the program is to protect the long-
4 term productivity of the soil and water resources of the state
5 from erosion and sediment damage, and to encourage the
6 adoption of farm management and agricultural practices which
7 are consistent with the capability of the land to sustain
8 agriculture and preserve this state's natural resources.

9 Sec. 6. NEW SECTION. 467A.72 ADMINISTRATION.

10 1. Financial incentives provided under this chapter shall
11 be administered by the division. The incentives shall be
12 supported with funds appropriated by the general assembly, and
13 moneys available to or obtained by the division or the
14 committee from public or private sources, including but not
15 limited to the United States, other states, or private
16 organizations. The division shall adopt all rules consistent
17 with chapter 17A necessary to carry out the purpose of this
18 division as provided in section 467A.70.

19 2. The commissioners of a district shall, to the extent
20 funding is available, contract with the owner or occupant of
21 land within the district applying to establish soil and water
22 conservation practices as provided in this chapter. Under the
23 agreement, the owner or occupant shall receive financial
24 incentives to establish permanent soil and water conservation
25 practices and management practices, in consideration for
26 promising to maintain the practices according to rules adopted
27 by the division.

28 Sec. 7. NEW SECTION. 467A.73 FINANCIAL INCENTIVE
29 PROGRAMS.

30 1. The division shall establish voluntary financial
31 incentive programs which shall provide for the following:

32 a. The allocation of cost-share moneys as financial
33 incentives provided for the purpose of establishing permanent
34 soil and water conservation practices, including but not
35 limited to terraces, diversions, grade stabilization

1 structures, grassed waterways, and critical area planting.
2 The financial incentives shall not exceed fifty percent of the
3 estimated cost of establishing the practices, or fifty percent
4 of the actual cost, whichever is less.

5 b. The allocation of moneys as financial incentives
6 provided for the purpose of establishing management practices,
7 including but not limited to no-till planting, ridge-till
8 planting, contouring, and contour strip-cropping. The
9 division shall by rule establish limits on the amount of
10 incentives which may be used for establishing the management
11 practices.

12 c. The allocation of cost-share moneys as financial
13 incentives provided to establish practices to protect
14 watersheds above publicly owned lakes of the state from soil
15 erosion and sediment. The financial incentives shall be
16 awarded to watersheds which are of the highest importance
17 based on soil loss as established by the natural resource
18 commission pursuant to section 107.33A. The financial
19 incentives shall not exceed seventy-five percent of the
20 estimated cost of establishing the practices as determined by
21 the commissioners or seventy-five percent of the actual cost
22 of establishing the practices, whichever is less.

23 d. The allocation of cost-share moneys as financial
24 incentives to establish permanent grass and buffer zones,
25 including an erosion control structure or an erosion control
26 practice to mitigate the effects of concentrated runoff on
27 surface water quality. The financial incentives shall not
28 exceed one hundred percent of the estimated cost of
29 establishing a zone, as determined by the commissioners, or
30 one hundred percent of the actual cost of establishing the
31 zone, whichever is less.

32 2. The commissioners of a district may establish voluntary
33 financial incentive programs which shall provide for the
34 following:

35 a. The allocation of cost-share moneys under a special

1 agreement with owners of land in the district who promise to
2 adopt a watershed conservation plan as provided by rules which
3 shall be adopted by the division. The watershed conservation
4 plan shall be in conjunction with the district soil and water
5 resource conservation plan provided under section 467A.7. The
6 funding agreement must provide for the funding of a project
7 which shall include at least five hundred acres of
8 agricultural land which constitutes at least seventy-five
9 percent of the agricultural land located within a watershed.
10 The financial incentives shall not exceed sixty percent of the
11 estimated cost of the project as determined by the
12 commissioners or sixty percent of the actual cost, whichever
13 is less.

14 b. The allocation of cost-share moneys as financial
15 incentives to encourage summer construction of permanent soil
16 and water conservation practices. The practices must be
17 constructed on or after June 1 but not later than August 15.
18 The commissioners may also provide for the payment of moneys
19 on a prorated basis to compensate persons for the production
20 loss on an area disturbed by construction, according to rules
21 which shall be adopted by the division. The commissioners
22 shall not allocate cost-share moneys to support summer
23 construction during a fiscal year in which applications for
24 cost-share moneys required to establish permanent soil and
25 water conservation practices, other than established by summer
26 construction, equal the total amount available to support the
27 nonsummer construction practices. The financial incentives
28 shall not exceed sixty percent of the estimated cost of
29 establishing the practice as determined by the commissioners,
30 or sixty percent of the actual cost of establishing the
31 practice, whichever is less.

32 3. a. The division may reimburse private landowners for a
33 portion of the cost of fencing materials and installation for
34 permanent fence used to protect forest land from domestic
35 livestock grazing, if the division determines that the grazing

1 has caused excessive soil loss. For purposes of this
2 subsection, forests shall be considered as agricultural land
3 eligible for cost-share moneys. The total expenditure of
4 reimbursement moneys shall not exceed fifty percent of the
5 total landowner expenditures. Expenditures for boundary and
6 road fence construction and for repair and replacement of
7 existing fences are not eligible for reimbursement unless the
8 complete fence is replaced.

9 b. A landowner shall sign an agreement with the division
10 as a condition for receiving cost-share moneys. The agreement
11 shall provide that the landowner shall maintain the fence for
12 a minimum of ten years and shall follow written professional
13 forester recommendations relating to land protected by
14 fencing. The recommendations must be approved by the state
15 forester or designee.

16 c. A landowner who violates the maintenance agreement
17 shall maintain, repair, or reconstruct damaged fence, or shall
18 pay the division an amount equal to the amount of cost-share
19 moneys reimbursed.

20 d. The division shall adopt rules to administer this
21 subsection, including rules relating to procedures required to
22 receive reimbursement, and eligibility requirements such as
23 the minimum forest acreage required, and the maximum
24 reimbursement amount allowed.

25 Sec. 8. NEW SECTION. 467A.74 MANDATORY ESTABLISHMENT OF
26 SOIL AND WATER CONSERVATION PRACTICES.

27 1. The commissioners shall allocate cost-share moneys to
28 establish mandatory soil and water conservation practices, as
29 provided in sections 467A.43 through 467A.53, according to the
30 following requirements:

31 a. The financial incentives shall not exceed more than
32 fifty percent of the estimated cost of establishing the
33 practices as determined by the commissioners, or fifty percent
34 of the actual cost of establishing the practices, whichever is
35 less. However, the commissioners may allocate an amount

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1 determined by the division for a temporary soil and water
2 conservation practice, except as otherwise provided regarding
3 land classified as agricultural land under conservation cover.

4 b. The commissioners shall establish the estimated cost of
5 the permanent soil and water conservation practices in the
6 district based upon one and two-tenths of the average cost of
7 the practices installed in the district during the previous
8 year. The average costs shall be reviewed and approved by the
9 commissioners each year.

10 2. The committee shall review requirements of this section
11 once each year. The division may authorize commissioners in
12 districts to condition the establishment of a mandatory soil
13 and water conservation practice in a specific case on a higher
14 proportion of public cost-sharing than is required by this
15 section. The commissioners shall determine the amount of
16 cost-sharing moneys allocated to establish a specific soil and
17 water conservation practice in accordance with an
18 administrative order issued pursuant to section 467A.47 by
19 considering the extent to which the practice will contribute
20 benefits to the individual owner or occupant of the land on
21 which the practice is to be established.

22 Sec. 9. Section 467A.75 is repealed.

23 Sec. 10. CODE EDITOR.

24 1. The Code editor shall codify sections 467A.42 through
25 467A.64, as amended by this Act, as part 1 of division V, and
26 may title the part as "Duties and Obligations". The Code
27 editor shall codify section 467A.70 and subsequent sections of
28 chapter 467A, as enacted in this Act, as part 2 of division V,
29 and may title the part as "Financial Incentives".

30 2. The Code editor shall title section 467A.48 "Mandatory
31 Establishment of Soil and Water Conservation Practices".

32 3. The Code editor is directed to transfer section
33 467A.65, relating to agricultural land under conservation
34 cover, into chapter 467A, division V, part 2 as created in
35 this Act, and change internal references as necessary.

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EXPLANATION

This bill amends provisions relating to soil and water conservation principally contained in chapter 467A. The bill divides Division V of the chapter into two parts. Part 1 contains provisions relating to duties and obligations of governmental entities and landowners interested in soil and water conservation. Part 2 contains provisions relating to financial incentives, including cost-share provisions. Under current law, financial provisions are contained throughout chapter 467A and in uncodified provisions enacted annually.

The bill describes the purpose of finance programs as required to protect the long-term productivity of the soil and water resources of the state. The bill provides for the administration of financial incentive programs by the division of soil conservation of the department of agriculture and land stewardship, and the commissioners of soil and water conservation districts.

The division is required to establish voluntary financial incentive programs, including the allocation of cost-share moneys for the purpose of establishing permanent soil and water conservation practices, establishing practices to protect watersheds above publicly owned lakes, establishing permanent grass and buffer zones, developing watershed conservation plans, encouraging summer construction of permanent soil and water conservation practices, and restricting grazing on forest land. The bill establishes various limits on the amount of moneys which may be allocated under cost-share agreements.

The bill also requires the allocation of cost-share moneys to establish mandatory soil and water conservation practices. The bill places limits on the amount of moneys allocated to support those practices.

The Code editor is directed to transfer section 467A.65 relating to agricultural land under conservation cover into part 2 of the new division.

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BACKGROUND STATEMENT
SUBMITTED BY THE AGENCY

The purpose of this bill is to consolidate provisions relating to financial incentive programs for soil and water conservation. Currently, provisions authorizing cost-share funding are contained in the appropriation bill for the department enacted each year.

In addition, in 1990 the General Assembly amended section 467A.48 which is the state's mandatory erosion control law to provide authorization to allocate cost-share funds to support the establishment of filter strips.

This bill attempts to make no substantive changes to the Code. It establishes a cost-share rate of 75 percent for the establishment of practices to protect watersheds above publicly owned lakes. In 1991 the General Assembly reduced this rate from 75 to 50 percent. With this exception, the 75 percent rate is consistent with the allocation made to the department since the program's establishment.



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

April 7, 1992

The Honorable Michael Gronstal
President of the Senate
State Capitol Building
L O C A L

Dear Mr. President:

Senate File 2267, an act relating to prohibited practices by private and public employers and making penalties applicable, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2267 would prohibit an employer from permanently replacing employees who are involved in a labor dispute. Current law prohibits employers from hiring persons who customarily or repeatedly offer themselves as replacements for employees involved in labor disputes, but does not prohibit employers from hiring individuals who are seeking work if the employer provides those individuals with notice that the employment offered is in place of employees engaged in a labor dispute.

Senate File 2267 would prohibit employers from offering permanent employment status to an individual legally hired as a replacement employee. Individuals who are seeking employment in the labor market and who accept employment as replacement employees could lose their jobs at the conclusion of a labor dispute. The State of Iowa should not enact policies which could prevent individuals from obtaining permanent employment, or policies which could jeopardize the economic future of a company by inhibiting its ability to continue operations during a labor dispute.

For the above reasons, I hereby respectfully disapprove Senate File 2267.

Sincerely,

Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House
Secretary of State

to a person for performing the work of an employee involved in a labor dispute.

SENATE FILE 2267

AN ACT

RELATING TO PROHIBITED PRACTICES BY PRIVATE AND PUBLIC EMPLOYERS AND MAKING PENALTIES APPLICABLE.

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

Section 1. Section 20.10, subsection 2, Code 1991, is amended by adding the following new paragraphs:

NEW PARAGRAPH. i. Distribute or circulate a blacklist of individuals exercising a legal right or of members of an employee organization for the purpose of preventing blacklisted individuals from obtaining or retaining employment.

NEW PARAGRAPH. j. Refuse to provide, at the request of an employee organization, all information pertaining to the public employer's budget, both current and proposed, revenues, and other financing information for the purposes of negotiations under section 20.9.

Sec. 2. Section 732.6, subsection 3, Code 1991, is amended to read as follows:

3. To solicit or advertise for employees to replace employees involved in a labor dispute without notice in such solicitation or advertisement that the employment offered is in place of employees engaged in a labor dispute or to grant or offer to grant the status of permanent replacement employee

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2267, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved *W. Branstad 4/7* _____, 1992

TERRY E. BRANSTAD
Governor

SF 2267