

House File 666

H-1201

1 Amend House File 666 as follows:

2 1. Page 13, after line 20 by inserting:

3 <DIVISION ____

4 MANAGEMENT OF SOIL AND WATER RESOURCES

5 Sec. _____. Section 161A.2, Code 2023, is amended to read as
6 follows:

7 **161A.2 Declaration of policy.**

8 It is hereby declared to be the policy of the legislature
9 to integrate the conservation of soil and water resources
10 into the production of agricultural commodities to insure
11 the long-term protection of the soil and water resources of
12 the state of Iowa, and to encourage the development of farm
13 management and agricultural practices that are consistent with
14 the capability of the land to sustain agriculture, and thereby
15 to preserve natural resources; promote soil health; control
16 floods; prevent the impairment of dams and reservoirs; assist
17 and maintain the navigability of rivers and harbors; preserve
18 wildlife; protect the tax base; protect public lands; and
19 promote the health, safety, and public welfare of the people
20 of this state.

21 Sec. _____. Section 161A.3, Code 2023, is amended by adding
22 the following new subsections:

23 NEW SUBSECTION. 9A. "*Iowa nutrient reduction strategy*"
24 means the same as defined in section 455B.171.

25 NEW SUBSECTION. 12A. "*Point source*" means the same as
26 defined in section 455B.171.

27 NEW SUBSECTION. 12B. "*Soil health*" means the continuing
28 capacity of soil to function as a vital living ecosystem that
29 sustains plants, animals, and humans.

30 Sec. _____. Section 161A.4, subsection 2, paragraph g, Code
31 2023, is amended to read as follows:

32 *g.* To assist each soil and water conservation district in
33 developing a district soil and water resource conservation plan
34 as provided under [section 161A.7](#). The plan shall be developed
35 according to rules adopted by the division to preserve and

1 protect the public interest in the soil and water resources
2 of this state for future generations and for this purpose to
3 encourage, promote, facilitate, and where such public interest
4 requires, to mandate the conservation and proper control of and
5 use of the soil and water resources of this state, by measures
6 including but not limited to the control of floods, the control
7 of erosion by water or by wind, the improvement of soil health,
8 the preservation of the quality of water for its optimum
9 use for agricultural, irrigation, recreational, industrial,
10 and domestic purposes, all of which shall be presumed to be
11 conducive to the public health, convenience, and welfare, both
12 present and future.

13 Sec. _____. Section 161A.7, subsection 1, paragraphs d, f, h,
14 and m, Code 2023, are amended to read as follows:

15 *d.* To cooperate, or enter into agreements with, and within
16 the limits of appropriations duly made available to it by law,
17 to furnish financial or other ~~aid~~ assistance to any agency,
18 governmental or otherwise, or any owner or occupier of lands
19 within the district, ~~in the carrying on of~~ including by doing
20 any of the following:

21 (1) Carrying out erosion-control and watershed protection
22 and flood prevention operations within the district, subject
23 to such conditions as the commissioners may deem necessary to
24 advance the purposes of this chapter.

25 (2) Carrying out projects or operations within the
26 district, as provided in paragraph "p", subject to such
27 conditions as the commissioners may provide to advance the
28 purposes of this chapter.

29 *f.* To make available on such terms as it shall prescribe,
30 to landowners or occupiers within the district; agricultural
31 and engineering machinery and equipment, fertilizer, lime, and
32 such other material or equipment as will assist such landowners
33 or occupiers to carry on operations upon their lands for the
34 conservation of soil resources and the improvement of soil
35 health; and for the prevention and control of soil erosion

1 and for the prevention of erosion, floodwater, and sediment
2 damages.

3 *h.* To develop comprehensive plans for the conservation of
4 soil resources and the improvement of soil health; for the
5 control and prevention of soil erosion; and for the prevention
6 of erosion, floodwater, and sediment damages within the
7 district, ~~which~~. The comprehensive plans shall specify in such
8 detail as may be possible, the acts, procedures, performances,
9 and avoidances which are necessary or desirable for the
10 effectuation of such plans, including the specification of
11 engineering operations, methods of cultivation, the growing of
12 vegetation, cropping programs, tillage practices, and changes
13 in the use of land; ~~and to~~. The district shall publish such
14 plans and information and bring them to the attention of owners
15 and occupiers of lands within the district.

16 *m.* To encourage local school districts to provide
17 instruction in the importance of and in some of the basic
18 methods of soil conservation and healthy soil practices, as a
19 part of course work relating to agriculture, the conservation
20 of natural resources, and environmental awareness as required
21 in rules adopted by the state board of education pursuant
22 to section 256.11, subsections 3 ~~and 4~~ through 5, and to
23 offer technical assistance to schools in developing such
24 instructional programs.

25 Sec. _____. Section 161A.7, subsection 1, paragraph n,
26 subparagraph (1), subparagraph divisions (a) and (b), Code
27 2023, are amended to read as follows:

28 (a) Assessing the condition of soil and surface water in
29 the district, including an evaluation of the type, amount,
30 and quality of soil and water; the threat of soil erosion
31 and erosion, floodwater, and sediment damages; and necessary
32 preventative, restoration, and control measures.

33 (b) Developing methods to maintain or improve soil health
34 and water ~~condition~~ quality.

35 Sec. _____. Section 161A.7, subsection 1, Code 2023, is

1 amended by adding the following new paragraph:

2 NEW PARAGRAPH. *p.* To carry out soil erosion prevention and
3 mitigation, watershed protection or improvement, water resource
4 restoration, flood prevention or control, and water quality
5 protection projects and operations, within the district. The
6 water quality protection projects and operations may include
7 but are not limited to efforts to maintain, protect, and
8 improve the quality of surface water and groundwater from point
9 sources and nonpoint sources, including by doing any of the
10 following:

11 (1) Reducing or preventing pollution caused by access to
12 agricultural drainage or sinkholes, sedimentation, or chemical
13 pollutants.

14 (2) Reducing nutrients and other pollutants in or from
15 surface water and groundwater.

16 (3) Reducing or eliminating nutrient loads from surface
17 water or groundwater.

18 (4) Achieving or furthering any of the objectives, goals,
19 and targets described in the Iowa nutrient reduction strategy.

20 Sec. _____. Section 161A.13, Code 2023, is amended to read as
21 follows:

22 **161A.13 Purpose of subdistricts.**

23 Subdistricts of a soil and water conservation district may
24 be formed as provided in ~~this chapter~~ for the purposes of
25 ~~carrying out watershed protection and flood prevention programs~~
26 to carry out the same purposes of the district under section
27 161A.7, within the territory of the subdistrict but shall not
28 be formed solely for the purpose of establishing or taking over
29 the operation of an existing drainage district.

30 Sec. _____. Section 161A.42, subsection 9, paragraph b, Code
31 2023, is amended to read as follows:

32 *b. "Temporary soil and water conservation practices"*
33 means the planting of annual or biennial crops; the use of
34 strip-cropping, cover cropping, or contour planting, ~~or~~; the
35 use of no-tillage, minimum or tillage, or mulch tillage, ~~and~~;

1 the use of an agriculture practice, silviculture practice,
2 aquaculture practice, or permaculture practice; the use of
3 extended crop rotations or rotational grazing; or the use
4 of any other ~~cultural practices~~ practice approved by the
5 committee.

6 Sec. _____. Section 161A.53, Code 2023, is amended to read as
7 follows:

8 **161A.53 Cooperation with other agencies.**

9 Soil and water conservation districts may enter into
10 agreements with the federal government or an agency of the
11 federal government, as provided by state law, or with the state
12 of Iowa or an agency of the state, any other soil and water
13 conservation district, or any other political subdivision of
14 this state, for cooperation in preventing, controlling, or
15 attempting to prevent or control soil erosion, improving or
16 attempting to improve soil health, or performing a soil health
17 assessment. Soil and water conservation districts may accept,
18 as provided by state law, money disbursed for soil erosion
19 control purposes by the federal government or an agency of the
20 federal government, and expend the money for the purposes for
21 which it was received.

22 Sec. _____. Section 161A.73, subsection 1, paragraph b, Code
23 2023, is amended to read as follows:

24 *b.* The allocation of moneys as financial incentives provided
25 for the purpose of establishing management practices to ~~control~~
26 prevent and mitigate soil erosion on land that is row cropped
27 and promote soil health, including but not limited to cover
28 crops, no-till planting, ridge-till planting, contouring, and
29 contour strip-cropping. The division shall by rule establish
30 limits on the amount of incentives which shall be authorized
31 for payment to landowners upon establishment of the practice.

32 Sec. _____. Section 161C.1, Code 2023, is amended by adding
33 the following new subsections:

34 NEW SUBSECTION. 01. *"Authorized project"* means a project
35 that is carried out to support any of the following:

- 1 a. Soil erosion prevention and mitigation.
- 2 b. Watershed protection or improvement.
- 3 c. Water resource restoration.
- 4 d. Flood prevention or control.
- 5 e. Water quality protection practices.
- 6 f. Water quality projects and operations, including as
- 7 required to achieve or further any of the objectives, goals,
- 8 and targets described in the Iowa nutrient reduction strategy.
- 9 g. Soil health protection and improvement.

10 NEW SUBSECTION. 4A. "*Financial partner*" means a public
11 agency or private agency, as those terms are defined in
12 section 28E.2, that provides funding to persons through loans,
13 forgivable loans, grants, or other financial instruments.

14 NEW SUBSECTION. 4B. "*Iowa nutrient reduction strategy*"
15 means the same as defined in section 455B.171.

16 NEW SUBSECTION. 5A. "*Nonpoint source*" means any source of
17 pollution other than a point source.

18 NEW SUBSECTION. 5B. "*Point source*" means the same as
19 defined in section 455B.171.

20 Sec. _____. Section 161C.2, subsection 1, paragraph a, Code
21 2023, is amended to read as follows:

22 a. ~~Each~~ A soil and water conservation district, alone and
23 whenever practical in conjunction with other districts, or
24 financial partners, shall carry out individual, district-wide,
25 and multiple-district projects ~~to support water protection~~
26 ~~practices in the district or districts, including but not~~
27 limited to authorized projects to protect this state's
28 groundwater and surface water from point sources and nonpoint
29 ~~sources of contamination, including but not limited to~~
30 ~~contamination by agricultural drainage wells, sinkholes,~~
31 ~~sedimentation, or chemical pollutants.~~ The projects and
32 operations include but are not limited to practices or other
33 efforts to reduce pollution caused by access to agricultural
34 drainage wells or sinkholes, sedimentation, or chemical
35 pollutants, as described in the Iowa nutrient reduction

1 strategy.

2 Sec. _____. Section 161C.3, Code 2023, is amended to read as
3 follows:

4 **161C.3 Cooperation with ~~other agencies~~ financial partners.**

5 ~~Soil~~ A soil and water conservation ~~districts~~ district may
6 enter into ~~agreements~~ an agreement with the ~~United States~~
7 federal government, as provided by state law, or with the state
8 of Iowa or any agency of the state, any other soil and water
9 conservation district, or other political subdivision of this
10 state, or a financial partner, for cooperation in preventing,
11 controlling, or attempting to prevent or control ~~contamination~~
12 the pollution of ~~groundwater or surface water~~ or groundwater
13 by point sources and nonpoint sources ~~of pollution~~. Soil
14 and water conservation districts may accept, as provided by
15 state law, any money disbursed for water quality preservation
16 purposes by the federal government or any agency of the federal
17 government, and expend the money for the purposes for which it
18 was received.

19 Sec. _____. Section 161E.1, Code 2023, is amended to read as
20 follows:

21 **161E.1 Authority of board.**

22 1. a. If a ~~county~~, soil and water conservation district,
23 a subdistrict of a soil and water conservation district,
24 political subdivision of the state, ~~or other local agency~~, or
25 a financial partner engages ~~or in~~, participates in a ~~project~~
26 ~~for flood or erosion control, flood prevention~~, or carries out
27 an authorized project, including but not limited to a water
28 quality project or operation, or engages in, participates in,
29 or carries out a project for the conservation, development,
30 utilization, and disposal of water, in cooperation with the
31 federal government, or a department or agency of the federal
32 government, the counties in which the project is carried ~~on~~ out
33 ~~may~~, act through the board of supervisors, ~~construct~~, or under
34 a chapter 28E or 28F agreement, to do any of the following:

35 (1) Construct, operate, and maintain the project on lands

1 under the control or jurisdiction of the county dedicated to
2 county use, ~~or furnish.~~

3 (2) Furnish financial and other assistance in connection
4 with the projects. ~~Flood, soil erosion control, and watershed~~
5 ~~improvement~~

6 b. Authorized projects, including but not limited to water
7 quality projects and operations, are presumed to be for the
8 protection of the tax base of the county, for the protection of
9 public roads and lands, ~~and for the protection of the public~~
10 ~~health, sanitation, safety, and general welfare.~~

11 Sec. _____. NEW SECTION. 161E.1A Definitions.

12 As used in this chapter, unless the context otherwise
13 requires:

14 1. "*Authorized project*" means the same as defined in section
15 161C.1.

16 2. "*Financial partner*" means the same as defined in section
17 161C.1.

18 3. "*Iowa nutrient reduction strategy*" means the same as
19 defined in section 455B.171.

20 Sec. _____. Section 161E.2, Code 2023, is amended to read as
21 follows:

22 **161E.2 Federal aid assistance.**

23 A county may, in accordance with [this chapter](#), accept
24 ~~federal funds for aid~~ moneys to assist in a supporting an
25 authorized project for flood or soil erosion control, flood
26 prevention, or the conservation, development, utilization,
27 and disposal of water, and. A county may cooperate with the
28 federal government or a department or agency of the federal
29 government, a soil and water conservation district, subdistrict
30 of a soil and water conservation district, political
31 subdivision of the state, or other local agency, ~~and the.~~ The
32 county may assume a proportion of the cost of the authorized
33 project as deemed appropriate, and may assume the maintenance
34 cost of the project on lands under the control or jurisdiction
35 of the county which will not be discharged by federal aid

1 assistance or grant.

2 Sec. _____. Section 161E.3, Code 2023, is amended to read as
3 follows:

4 **161E.3 Cooperation.**

5 The ~~counties,~~ soil and water conservation districts,
6 and subdistricts of soil and water conservation districts
7 concerned, shall advise and consult with each other, upon the
8 request of any of them or any affected landowners, and may
9 cooperate with each other or with other state subdivisions or
10 instrumentalities, and affected landowners, as well as with the
11 federal government or a department or agency of the federal
12 government, or with a financial partner, to construct, operate,
13 and maintain suitable authorized projects for flood or soil
14 erosion control, flood prevention, including but not limited
15 to water quality projects and operations, or the conservation,
16 development, utilization, and disposal of water on public roads
17 or other public lands or other land granted county use.

18 Sec. _____. Section 161E.5, Code 2023, is amended to read as
19 follows:

20 **161E.5 Maintenance cost.**

21 If construction of projects has been completed by the soil
22 and water conservation district, ~~subdistricts~~ a subdistrict of
23 the soil and water conservation ~~districts~~ district, a political
24 ~~subdivisions~~ subdivision of the state, ~~or other local agencies~~
25 agency, ~~or~~ the federal government, or a department or agency
26 of the federal government, on private lands under the easement
27 granted to the county, only the cost of maintenance may be
28 assumed by the county.

29 Sec. _____. NEW SECTION. **161F.2A Board of supervisors to**
30 **establish districts — water quality improvement.**

31 The board of supervisors may establish, subject to the
32 provisions of this chapter, a district in the county with the
33 purpose of improving water quality. The district may be part
34 of a district established pursuant to section 161F.2.

35 Sec. _____. Section 161F.3, Code 2023, is amended to read as

1 follows:

2 **161F.3 Combination of functions.**

3 Such districts shall have the power to combine in their
4 functions activities affecting soil conservation, flood
5 control, ~~and~~ drainage, soil health, water quality improvement,
6 or any of these objects, singly or in combination with another.

7 Sec. _____. CODE EDITOR DIRECTIVE.

8 1. The Code editor is directed to make the following
9 transfers:

10 a. Section 161E.1A, as enacted in this division of this Act,
11 to section 161E.1.

12 b. Section 161E.1, as amended in this division of this Act,
13 to section 161E.1A.

14 2. The Code editor shall correct internal references in the
15 Code and in any enacted legislation as necessary due to the
16 enactment of this section.>

17 2. By renumbering as necessary.

ISENHART of Dubuque