

House File 22

Natural Resources: Pellett, Chair; Menke and Cochran.

JAN 9 1979 *50 Pa. 4/16 (9.600)*

HOUSE FILE 22

NATURAL RESOURCES

By EVANS

House File 22

3/1 80 Pa. 3/25 (1002)

Natural Resources
Calhoon, Chairperson
Schwengels
Priebe

Passed House, Date 2-26-79 (9.669) Passed Senate, Date 4-6-79 (9.1116)

Vote: Ayes 84 Nays 1 Vote: Ayes 43 Nays 0

Approved April 20, 1979

A BILL FOR

1 An Act relating to cost-sharing funds for mandated soil con-
2 servation projects.

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

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1 Section 1. Section four hundred sixty-seven A point forty-
2 eight (467A.48), Code 1979, is amended to read as follows:
3 467A.48 APPLICATION FOR PUBLIC COST-SHARING FUNDS. No
4 owner or occupant of land in this state shall be required
5 to establish any new permanent or temporary soil and water
6 conservation practice unless public or other cost-sharing
7 funds have been specifically approved for such land and
8 actually made available to the owner or occupant in an amount
9 equal to at least seventy-five percent of the cost of any
10 permanent soil and water conservation practice, or an amount
11 set by the state soil conservation committee for any temporary
12 soil and water conservation practice. The state soil
13 conservation committee shall review these requirements at
14 least once each year, and may authorize soil conservation
15 district commissioners to make the mandatory establishment
16 of any specified soil and water conservation practice in any
17 particular case conditional on a higher proportion of public
18 cost-sharing than is required by this section. When the
19 commissioners have been so authorized, they shall, in
20 determining the amount of cost-sharing for establishment of
21 a specified soil and water conservation practice to comply
22 with an administrative order issued pursuant to section
23 467A.47, consider the extent to which the practice will
24 contribute benefits to the public in relation to the benefits
25 that will accrue to the individual owner or occupant of the
26 land on which the practice is to be established. Evidence
27 that an application for public or other cost-sharing funds,
28 from a source or sources having authority to pay a portion
29 of the cost of work needed to comply with an administrative
30 order issued pursuant to section 467A.47, has been submitted
31 to the proper officer or agency shall constitute commencement
32 of such work within the meaning of sections 467A.43 to 467A.53.
33 Upon receiving evidence of the submission of such application,
34 the commissioners shall forward to the officer or agency to
35 which the application was made a written request to receive

1 notification of the disposition of such application. When
2 notified of the approval of such application, the commissioners
3 shall issue to the same parties who received the original
4 administrative order, or their successors in interest, a
5 supplementary order, to be delivered in the same manner as
6 provided by sections 467A.43 to 467A.53 for delivery of
7 original administrative orders. The supplementary order shall
8 state a time, not more than six months after approval of the
9 application for public cost-sharing funds, by which the work
10 needed to comply with the original administrative order shall
11 actually be commenced, and a time ~~not more than one year~~
12 thereafter when such work is to be satisfactorily completed.
13 If feasible, that time shall be within one year after the
14 date of the supplementary order, but the owner of land on
15 which a soil and water conservation practice is being
16 established under this section shall not be required to incur
17 a cost therefor in any one calendar year which exceeds ten
18 dollars per acre for each acre of land belonging to that owner
19 and located in the county containing the land on which the
20 required practice is being established or in counties
21 contiguous thereto.

22 Sec. 2. This Act is effective on January first following
23 its enactment.

24 EXPLANATION

25 This bill provides that a landowner cannot be required
26 to spend more than \$10 per acre per year to establish mandatory
27 soil and water conservation practices, even if that limitation
28 means that more than one year must be allowed for completion
29 of the work. The Act would be effective on January first
30 following its enactment.

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HOUSE FILE 22

AN ACT

RELATING TO COST-SHARING FUNDS FOR MANDATED SOIL CONSERVATION PROJECTS.

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

Section 1. Section four hundred sixty-seven A point forty-eight (467A.48), Code 1979, is amended to read as follows:

467A.48 APPLICATION FOR PUBLIC COST-SHARING FUNDS. No owner or occupant of land in this state shall be required to establish any new permanent or temporary soil and water conservation practice unless public or other cost-sharing funds have been specifically approved for such land and actually made available to the owner or occupant in an amount equal to at least seventy-five percent of the cost of any permanent soil and water conservation practice, or an amount set by the state soil conservation committee for any temporary soil and water conservation practice. The state soil conservation committee shall review these requirements at least once each year, and may authorize soil conservation district commissioners to make the mandatory establishment of any specified soil and water conservation practice in any particular case conditional on a higher proportion of public cost-sharing than is required by this section. When the commissioners have been so authorized, they shall, in determining the amount of cost-sharing for establishment of a specified soil and water conservation practice to comply

with an administrative order issued pursuant to section 467A.47, consider the extent to which the practice will contribute benefits to the public in relation to the benefits that will accrue to the individual owner or occupant of the land on which the practice is to be established. Evidence that an application for public or other cost-sharing funds, from a source or sources having authority to pay a portion of the cost of work needed to comply with an administrative order issued pursuant to section 467A.47, has been submitted to the proper officer or agency shall constitute commencement of such work within the meaning of sections 467A.43 to 467A.53. Upon receiving evidence of the submission of such application, the commissioners shall forward to the officer or agency to which the application was made a written request to receive notification of the disposition of such application. When notified of the approval of such application, the commissioners shall issue to the same parties who received the original administrative order, or their successors in interest, a supplementary order, to be delivered in the same manner as provided by sections 467A.43 to 467A.53 for delivery of original administrative orders. The supplementary order shall state a time, not more than six months after approval of the application for public cost-sharing funds, by which the work needed to comply with the original administrative order shall actually be commenced, and a time ~~not more than one year~~ thereafter when such work is to be satisfactorily completed. If feasible, that time shall be within one year after the date of the supplementary order, but the owner of land on which a soil and water conservation practice is being established under this section shall not be required to incur a cost therefor in any one calendar year which exceeds ten dollars per acre for each acre of land belonging to that owner and located in the county containing the land on which the required practice is being established or in counties contiguous thereto.

Sec. 2. This Act is effective on January first following its enactment.

FLOYD H. MILLEN
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 22, Sixty-eighth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved April 20, 1979

ROBERT D. RAY
Governor