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MAR 17 1980

HOUSE FILE 2561

Place On Calendar

BY COMMITTEE ON AGRICULTURE

(Formerly Study Bill 546)

Passed House, Date 3-25-80 (p 1149) Passed Senate, Date _____

Vote: Ayes 32 Nays 1 Vote: Ayes _____ Nays _____

Approved May 22, 1980

A BILL FOR

1 An Act relating to the powers and duties of soil conserva-
 2 tion districts and soil conservation district commissioners,
 3 and amending the statutes relating to establishment of
 4 soil and water conservation practices and to duties of
 5 the owners and operators of agricultural land and of
 6 landowners generally with respect to conservation of soil
 7 resources.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 9

HOUSE FILE 2561

H-5668

- 1 Amend the Bennett amendment H-5652 to House File
- 2 2561, as follows:
- 3 1. By inserting after line 14 the following:
- 4 "4. Page 11, line 19, by striking the words "occurs
- 5 in" and inserting in lieu thereof the words "is to occur
- 6 as a part of a project for which a permit is required
- 7 by".
- 8 5. Page 11, line 23, by striking the words "a
- 9 building" and inserting in lieu thereof the words "the
- 10 required".
- 11 6. Page 11, line 26, by inserting after the word
- 12 "plan" the words "which covers the proposed project and
- 13 is".
- 14 7. Page 12, by inserting after line 21 the
- 15 following:
- 16 "j. The construction, relocation, alteration or
- 17 maintenance of public roads."

2561

H-5668 FILED
 MARCH 25, 1980
 ADOPTED (p 1141)

BY COCHRAN of Webster
 BENNETT of Ida
 PELLETT of Cass

1 Section 1. Section four hundred sixty-seven A point four
2 (467A.4), subsection four (4), Code 1979, is amended by adding
3 the following new paragraph:

4 NEW PARAGRAPH. To establish and maintain an interagency
5 coordinating committee for the purpose of preparing and
6 disseminating recommendations for coordinated efforts to deal
7 with water and soil management problems, including but not
8 necessarily limited to the flow of water into, across and
9 from public roads and roadside ditches, that are the common
10 concern of two or more of the agencies or groups represented
11 on the committee. The committee shall meet at the call of
12 the chairperson or upon the written request of any three
13 members, to execute the functions assigned it by this section.
14 The coordinating committee shall consist of:

15 (1) The director of the department of soil conservation
16 or the director's designee, who shall act as chairperson of
17 the coordinating committee.

18 (2) A representative of the state department of
19 agriculture, designated by the secretary of agriculture.

20 (3) A representative of the department of environmental
21 quality, designated by the executive director of that
22 department.

23 (4) A representative of the department of transportation,
24 designated by the director of that department.

25 (5) A representative of the Iowa natural resources council,
26 designated by the council's director.

27 (6) A representative of county boards of supervisors,
28 designated by the county supervisors association affiliated
29 with the Iowa state association of counties.

30 (7) A representative of county engineers, designated by
31 the county engineers association affiliated with the Iowa
32 state association of counties.

33 (8) A representative of soil conservation district
34 commissioners, designated by the Iowa association of soil
35 conservation district commissioners.

1 Sec. 2. Section four hundred sixty-seven A point seven
2 (467A.7), subsection sixteen (16), Code 1979, is amended to
3 read as follows:

4 16. The commissioners shall, as a condition for the receipt
5 of any state cost share sharing funds for permanent soil
6 conservation practices, require the landowner to covenant
7 and record, in the office of the county recorder of the county
8 in which the land is located, an agreement that if the project
9 is removed, altered, or modified so as to lessen its
10 effectiveness without the consent of the commissioners,
11 obtained in advance and based on guidelines drawn up by the
12 state soil conservation committee, for a period of ~~ten~~ twenty
13 years after the date of receiving payment the landowner shall
14 refund to the department of soil conservation the public state
15 cost sharing funds used for the project, or for the portion
16 of the project which has been removed, altered or modified
17 so as to lessen its effectiveness. Such refunds shall be
18 computed on a pro rata basis in accordance with guidelines
19 drawn up by the state soil conservation committee in accordance
20 with the age and anticipated remaining useful life of the
21 project, and shall be reallocated to the district from which
22 they were refunded to be used for conservation cost sharing.
23 ~~It shall be the duty of the~~ The commissioners ~~to~~ shall assist
24 the state soil conservation committee in the enforcement of
25 this subsection. A seller of agricultural land with respect
26 to which an agreement covenanted under this subsection is
27 in effect, and who is not currently in violation of that
28 agreement, shall upon request to the commissioners be furnished
29 with a written statement that, as of the date of the statement,
30 the seller has incurred no obligation to refund to the
31 department of soil conservation the state cost sharing funds
32 obtained pursuant to the agreement.

33 Sec. 3. Section four hundred sixty-seven A point seven
34 (467A.7), Code 1979, is amended by adding the following new
35 subsections:

1 NEW SUBSECTION. To enter into long-term agreements with
2 landowners, for periods of time not exceeding five years,
3 providing special incentives to encourage and facilitate
4 completion of permanent soil and water conservation practices
5 on entire farm units or adjoining groups of farm units.

6 NEW SUBSECTION. To encourage local school districts to
7 provide instruction in the importance of and in some of the
8 basic methods of soil conservation, as a part of the course
9 work relating to conservation of natural resources and
10 environmental awareness required pursuant to section two
11 hundred fifty-seven point twenty-five (257.25), subsections
12 three (3) and four (4), of the Code, and to offer technical
13 assistance to schools in developing such instructional
14 programs.

15 NEW SUBSECTION. To make incentive payments to encourage
16 summer construction of permanent soil and water conservation
17 practices. Incentive payments made under this subsection
18 shall be a pro rata amount, in accordance with rules of the
19 department, to compensate for production loss on the area
20 disturbed for construction of practices.

21 Sec. 4. Section four hundred sixty-seven A point forty-
22 two (467A.42), unnumbered paragraph one (1), Code 1979, is
23 amended to read as follows:

24 In addition to the definitions established by section
25 467A.3, as used in sections 467A.43 to 467A.53 and sections
26 eight (8), nine (9) and ten (10) of this Act, unless the
27 context otherwise requires:

28 Sec. 5. Section four hundred sixty-seven A point forty-
29 two (467A.42), Code 1979, is amended by adding the following
30 new subsections:

31 NEW SUBSECTION. "Agricultural land" has the meaning
32 assigned that term by section one hundred seventy-two C point
33 one (172C.1) of the Code.

34 NEW SUBSECTION. "Farm unit" means a single contiguous
35 tract of agricultural land, or two or more adjacent tracts

1 of agricultural land, located within a single soil conservation
2 district, upon which farming operations are being conducted
3 by a person who owns or is purchasing all of such land, or
4 by a tenant who rents all of such land. This definition does
5 not prohibit land which is within a single soil conservation
6 district and is owned or being purchased by the same person,
7 or is being rented by the same tenant, from being treated
8 as two or more farm units if the commissioners of the soil
9 conservation district deem it preferable to do so.

10 NEW SUBSECTION. "Conservation folder" means compiled
11 information concerning the topography, soil composition,
12 natural or artificial drainage characteristics and other
13 pertinent factors concerning a particular farm unit, which
14 are necessary to the preparation of a sound and equitable
15 conservation agreement for that farm unit. The specific items
16 to be contained in a conservation folder shall be prescribed
17 by administrative rules of the department of soil conservation.
18 The department shall provide by rule that an updated farm
19 plan prepared for a particular farm unit within ten years
20 prior to the effective date of this subsection shall be
21 considered an adequate replacement for the conservation folder
22 for that farm unit.

23 NEW SUBSECTION. "Farm unit soil conservation plan" means
24 a plan jointly developed by the owner or operator of a farm
25 unit and the commissioners of the soil conservation district
26 within which that farm unit is located, based on the
27 conservation folder for that farm unit and identifying those
28 permanent soil and water conservation practices and temporary
29 soil and water conservation practices the use of which may
30 be expected to prevent soil loss by erosion from that farm
31 unit in excess of the applicable soil loss limit or limits.
32 The plan shall if practicable identify alternative practices
33 by which this objective may be attained.

34 NEW SUBSECTION. "Conservation agreement" means a commitment
35 by the owner or operator of a farm unit to prevent erosion

1 in excess of applicable soil loss limits from any of the land
2 within the farm unit, conditioned on the furnishing by the
3 soil conservation district within which the farm unit is
4 located of such technical or planning assistance in the
5 establishment of, and cost-sharing or other financial
6 assistance for establishment and maintenance of the soil and
7 water conservation practices necessary to so limit erosion
8 from such land.

9 Sec. 6. Section four hundred sixty-seven A point forty-
10 three (467A.43), Code 1979, is amended to read as follows:

11 467A.43 DUTY OF PROPERTY OWNERS. To conserve the
12 fertility, general usefulness, and value of the soil and soil
13 resources of this state, and to prevent the injurious effects
14 of soil erosion, it is hereby made the duty of the owners
15 of real property in this state to establish and maintain soil
16 and water conservation practices or erosion control practices,
17 as required by the regulations of the commissioners of the
18 respective soil conservation districts. As used in this
19 section, "owners of real property in this state" includes
20 each state government agency, each political subdivision of
21 the state and each agency of such a political subdivision
22 which has under its control publicly-owned land, including
23 but not limited to agricultural land, forests, parks, the
24 grounds of state educational, penal and human service
25 institutions, public highways, roads and streets, and other
26 public rights-of-way.

27 Sec. 7. Section four hundred sixty-seven A point forty-
28 four (467A.44), unnumbered paragraph one (1), Code 1979, is
29 amended to read as follows:

30 The commissioners of each soil conservation district shall,
31 with approval of and within time limits set by administrative
32 order of the state soil conservation committee, adopt such
33 reasonable regulations as are deemed necessary to establish
34 a soil loss limit or limits for the district and provide for
35 the implementation of the limit or limits, and may subsequently

1 amend or repeal their regulations as they deem necessary.
2 The state soil conservation committee shall review the soil
3 loss limit regulations adopted by the soil conservation
4 districts at least once every five years, and shall recommend
5 any changes in the regulations of any soil conservation
6 district which the state committee deems necessary to assure
7 that the district's soil loss limits are reasonable and
8 attainable. The commissioners may:

9 Sec. 8. Chapter four hundred sixty-seven A (467A), Code
10 1979, is amended by adding the following new section:

11 NEW SECTION. DISCRETIONARY INSPECTION BY COMMISSIONERS-
12 -ACTIONS UPON CERTAIN FINDINGS.

13 1. In addition to the authority granted by section four
14 hundred sixty-seven A point forty-seven (467A.47) of the Code,
15 the commissioners of any soil conservation district may inspect
16 or cause to be inspected any land within the district on which
17 they have reasonable grounds to believe that soil erosion
18 is occurring in excess of the limits established by the
19 district's soil erosion control regulations. If the
20 commissioners find from an inspection conducted under authority
21 of either section four hundred sixty-seven A point forty-seven
22 (467A.47) of the Code or this section that soil erosion is
23 occurring on that land in excess of the applicable soil loss
24 limits established by the district's soil erosion control
25 regulations, they shall send notice of that finding to the
26 landowner or landowners of record, and to the occupant of
27 the land if known to the commissioners. The notice shall
28 describe the land affected and shall state as nearly as
29 possible the extent to which soil erosion from that land
30 exceeds the applicable soil loss limits.

31 a. If the commissioners find that the excessive erosion
32 described in the notice is not causing sediment damage to
33 property owned or occupied by any person other than the owner
34 or occupant of the land on which the excessive soil erosion
35 is occurring, and that the rate of the excessive erosion is

1 less than twice the applicable soil loss limit, the notice
2 required by this subsection shall include or be accompanied
3 by information regarding financial or other assistance which
4 the commissioners are able to make available to the owner
5 or occupant of the land to aid in achieving compliance with
6 the applicable soil loss limits.

7 b. If the commissioners find that the excessive soil ero-
8 sion described in the notice is not causing sediment damage
9 to property owned or occupied by any person other than the
10 owner or occupant of the land on which it is occurring, but
11 that the erosion is occurring at a rate equal to or greater
12 than twice the applicable soil loss limit, the notice shall
13 so state, shall include or be accompanied by the information
14 required by paragraph a of this subsection, and shall be
15 delivered by personal service or by restricted certified mail
16 to each of the persons to whom the notice is directed. A
17 notice given under this paragraph shall also include or be
18 accompanied by information explaining the provisions of
19 subsection two (2) of this section.

20 2. Beginning January 1, 1985, or five years after the
21 completion of the conservation folder for a particular farm
22 unit pursuant to section nine (9) of this Act, whichever date
23 is later, the commissioners of the soil conservation district
24 in which that farm unit is located may petition the district
25 court for an appropriate order with respect to that farm unit
26 if its owner or occupant has been sent a notice by the commis-
27 sioners under subsection one (1), paragraph b of this section
28 for three or more consecutive years. The commissioners'
29 petition shall seek a court order which states a time not
30 more than six months after the date of the order when the
31 owner or occupant must commence, and a time when he or she
32 must complete the steps necessary to comply with the order.
33 The time allowed to complete the establishment of any temporary
34 soil and water conservation practice employed to comply or
35 advance toward compliance with the court's order shall be

1 not more than one year after the date of that order, and the
2 time allowed to complete the establishment of any permanent
3 soil and water conservation practice employed to comply with
4 the court's order shall be not more than five years after
5 the date of that order. The provisions of section four hundred
6 sixty-seven A point forty-eight (467A.48) of the Code shall
7 apply to a court order issued under this subsection. The
8 steps required of the farm unit owner or operator by the court
9 order shall be those which are necessary to:

10 a. Bring the farm unit which is the subject of the order
11 into compliance with its farm unit soil conservation plan,
12 if such a plan had been agreed upon prior to the time the
13 commissioners petitioned for the order.

14 b. Bring the farm unit which is the subject of the order
15 into compliance with a plan developed for that farm unit by
16 the commissioners, in accordance with guidelines established
17 by the department of soil conservation, and presented to the
18 court as a part of the commissioners' petition, if a farm
19 unit soil conservation plan has not previously been agreed
20 upon for that farm unit. A plan presented to the court by
21 the commissioners under this paragraph shall specify as many
22 alternative approved soil and water conservation practices
23 as feasible, among which the owner or occupant of the farm
24 unit may choose in taking the steps necessary to comply with
25 the court's order.

26 c. Bring the farm unit which is the subject of the order
27 into compliance with a soil conservation plan developed by
28 the owner or occupant of that farm unit as an alternative
29 to the proposed soil conservation plan developed by the
30 commissioners, if the owner or occupant so petitions the court
31 and the court finds that the owner or occupant's plan will
32 bring the farm unit into conformity with the applicable soil
33 loss limits of the district.

34 Sec. 9. Chapter four hundred sixty-seven A (467A), Code
35 1979, is amended by adding the following new section:

1 NEW SECTION. DUTIES OF COMMISSIONERS AND OF OWNERS AND
2 OCCUPANTS OF AGRICULTURAL LAND--RESTRICTIONS ON USE OF COST
3 SHARING FUNDS.

4 1. The commissioners of each soil conservation district
5 shall seek to implement or to assist in implementing the fol-
6 lowing requirements:

7 a. Each farm unit shall be furnished a conservation folder
8 by the department of soil conservation, acting through the
9 soil conservation district in which the farm unit is located,
10 not later than January 1, 1985, or as soon thereafter as
11 adequate funding is available to permit completion of a con-
12 servation folder for every farm unit in the state. The
13 department shall provide by rule that an updated farm plan
14 prepared for a particular farm unit within ten years prior
15 to the effective date of this subsection shall be considered
16 an adequate replacement for the conservation folder for that
17 farm unit. Upon completion of the conservation folder for
18 a particular farm unit, the district shall send the owner
19 of that farm unit, and also the operator of the farm unit
20 if known by the commissioners to be other than the owner,
21 a letter offering that person or those persons a copy of the
22 folder. The district shall keep a record of the date the
23 folder is completed and the letter is sent. The folder shall
24 be updated from time to time by the district as it deems
25 necessary.

26 b. The commissioners of each soil conservation district
27 shall complete preparation of a farm unit soil conservation
28 plan for each farm unit within the district, not later than
29 January 1, 1985 or five years after completion of the con-
30 servation folder for that farm unit, whichever date is later,
31 or as soon thereafter as adequate funding is available to
32 permit compliance with this requirement. The commissioners
33 shall make every reasonable effort to consult with the owner
34 and, if appropriate, with the operator of that farm unit,
35 and to prepare the plan in a form which is acceptable to that

1 person or those persons. The plan shall be drawn up and
2 completed without expense to the owner or operator of the
3 farm unit, except that the owner or operator shall not be
4 reimbursed for the value of his or her own time devoted to
5 participation in the preparation of the plan. If the
6 commissioners' plan is unacceptable to the owner or operator
7 of the farm unit, that person or those persons may prepare
8 an alternative farm unit soil conservation plan identifying
9 permanent or temporary soil and water conservation practices
10 which may be expected to achieve compliance with the soil
11 loss limit or limits applicable to that farm unit, and submit
12 that plan to the soil conservation district commissioners
13 for their review.

14 c. Within one year after completion of a farm unit soil
15 conservation plan for a particular farm unit which is ac-
16 ceptable both to the commissioners of the soil conservation
17 district within which the farm unit is located and to the
18 owner and, if appropriate, to the operator of that farm unit,
19 the commissioners shall offer to enter into a soil conserva-
20 tion agreement with the owner, and also with the operator
21 if appropriate, based on the mutually acceptable farm unit
22 soil conservation plan.

23 2. State cost-sharing funds shall not be made available
24 for use on a farm unit with respect to which no conservation
25 agreement is in effect by January 1, 1986 or one year after
26 the completion of the farm unit soil conservation plan for
27 that farm unit by the soil conservation district, whichever
28 date is later. The restriction imposed by this subsection
29 shall not apply to any farm unit with respect to which an
30 administrative order or a court order to comply with applicable
31 soil loss limits has been issued as provided by this chapter.

32 Sec. 10. Chapter four hundred sixty-seven A (467A), Code
33 1979, is amended by adding the following new section:

34 NEW SECTION. RIGHT OF PURCHASER OF AGRICULTURAL LAND TO
35 OBTAIN INFORMATION. A prospective purchaser of an interest

1 in agricultural land located in this state is entitled to
2 obtain from the seller, or from the office of the soil
3 conservation district in which the land is located, a copy
4 of the most recently updated conservation folder and of any
5 farm unit soil conservation plan, developed pursuant to section
6 nine (9), subsection one (1), paragraph b of this Act, which
7 are applicable to the agricultural land proposed to be
8 purchased. A prospective purchaser of an interest in
9 agricultural land located in this state shall be entitled
10 to obtain additional copies of either or both of the documents
11 referred to in this subsection from the office of the soil
12 conservation district in which the land is located, promptly
13 upon request, at a fee not to exceed the cost of reproducing
14 them.

15 Sec. 11. Chapter four hundred sixty-seven A (467A), Code
16 1979, is amended by adding the following new section:

17 NEW SECTION. EROSION CONTROL PLANS REQUIRED FOR CERTAIN
18 PROJECTS.

19 1. When a land disturbing activity occurs in a political
20 subdivision which has adopted a building code pursuant to
21 chapter one hundred three A (103A) of the Code or zoning
22 ordinances pursuant to chapter three hundred fifty-eight A
23 (358A) or four hundred fourteen (414) of the Code, a building
24 permit for the project causing the land disturbing activity
25 shall not be issued unless there is on file with the permit
26 issuing authority a soil erosion control plan approved by
27 the soil conservation district commissioners.

28 2. For the purposes of this section, "land disturbing
29 activity" means a land change such as the tilling, clearing,
30 grading, excavating, transporting or filling of land which
31 may result in soil erosion from water or wind and the movement
32 of sediment and sediment related pollutants into the waters
33 of the state or onto lands in the state but does not include
34 the following:

- 35 a. Tilling, planting or harvesting of agricultural, horti-

1 cultural or forest crops.

2 b. Preparation for single-family residences separately
3 built unless in conjunction with multiple construction in
4 subdivision development.

5 c. Minor activities such as home gardens, landscaping,
6 repairs and maintenance work.

7 d. Surface or deep mining.

8 e. Installation of public utility lines and connections,
9 fence posts, sign posts, telephone poles, electric poles and
10 other kinds of posts or poles.

11 f. Septic tanks and drainage fields unless they are to
12 serve a building whose construction is a land disturbing ac-
13 tivity.

14 g. Construction and repair of the tracks, right-of-way,
15 bridges, communication facilities and other related structures
16 of a railroad.

17 h. Emergency work to protect life or property.

18 i. Disturbed land areas of less than ten thousand square
19 feet unless a political subdivision by ordinance establishes
20 a smaller exception or establishes conditions for this excep-
21 tion.

22 3. If the permit issuing authority determines that a land
23 disturbing activity is not being conducted in compliance with
24 the soil erosion control plan, the permit issuing authority
25 shall file a written and signed complaint with the soil con-
26 servation district commissioners. The complaint shall have
27 the same effect and validity as a complaint filed by an owner
28 or occupant of land being damaged by sediment pursuant to
29 section four hundred sixty-seven A point forty-seven (467A.47)
30 of the Code. The soil conservation district commissioners
31 may issue an administrative order as provided in that section
32 to the person conducting the land disturbing activity.

33 Sec. 12. The first review of soil loss limit regulations
34 which have been adopted by soil conservation districts in
35 the state, conducted pursuant to section four hundred sixty-

1 seven A point forty-four (467A.44) of the Code as amended
2 by section seven (7) of this Act, shall be completed by the
3 state soil conservation committee not later than December
4 31, 1980.

5 Sec. 13. Sections one (1) through six (6) and eight (8)
6 through eleven (11) of this Act are effective January first
7 following its enactment.

8 EXPLANATION

9 This bill embodies many of the recommendations of the 1979
10 interim Soil Conservation Laws Joint Subcommittee of the
11 standing Committees on Agriculture and Natural Resources.
12 However, the bill has been revised in several respects from
13 the draft recommended by the interim Joint Subcommittee.

14 Section 1 of the bill establishes a state-level interagency
15 coordinating committee to recommend plans for dealing with
16 water management problems that cut across agency jurisdictions,
17 particularly flow of water into and out of roadside ditches.

18 Section 2 extends from ten to twenty years the period for
19 which a landowner must agree to keep in place permanent soil
20 conservation practices established with state cost sharing
21 funds (unless soil conservation district commissioners approve
22 earlier removal or alteration), and requires that this agree-
23 ment be recorded so that it runs with the title to the land.
24 However, a provision is added allowing a seller of land to
25 which such an agreement pertains to obtain a statement from
26 the soil conservation district commissioners that the seller
27 is currently in compliance with the agreement and thus has
28 incurred no liability to repay the state cost sharing funds
29 involved.

30 Section 3 adds to the powers and duties of local soil con-
31 servation district commissioners specific authority to enter
32 into long-term conservation practice agreements covering
33 entire farm units or groups of farms, and to make temporary
34 set aside payments to encourage summer construction of
35 permanent practices. The commissioners are also directed

1 to encourage and assist local school districts to include
2 instruction in the importance and the basic methods of soil
3 conservation, in the course of teaching conservation of natural
4 resources and environmental awareness as is now required by
5 law.

6 Sections 4 and 5 add several new definitions to chapter
7 467A, which governs soil conservation districts and the state
8 department of soil conservation. Section 6 clarifies the
9 applicability to state and local government departments and
10 agencies of chapter 467A's provisions concerning responsibility
11 of landowners to prevent or control excessive soil erosion.

12 Section 7 requires that the State Soil Conservation
13 Committee review the soil loss limit regulations of local
14 soil conservation districts in the state at least once every
15 five years, to make sure those limits are reasonable. Section
16 7 will take effect July 1, 1980, and section 12 requires that
17 the first review be completed by December 31, 1980.

18 Section 8 authorizes soil conservation district commis-
19 sioners to inspect land in their districts on the commis-
20 sioners' own initiative if they have reasonable grounds to
21 believe excessive erosion is occurring. Should an inspection
22 confirm that belief, the commissioners must notify the owner
23 (and the occupant if other than the owner) of that finding.
24 If the inspection reveals erosion at a rate greater than twice
25 the applicable soil loss limit, the notice must so state.
26 When a landowner has received such a notice for three consecu-
27 tive years, the commissioners will in the future have authority
28 to take court action to enforce the soil loss limits. That
29 authority commences January 1, 1985 or five years after a
30 conservation folder is completed for the farm unit in question,
31 whichever date is later.

32 Section 9 requires a series of steps which are part of
33 the "Iowa Soil 2000" goal (i.e., the concept that soil erosion
34 in Iowa should be reduced to the nondepleting level by the
35 year 2000). These steps are (1) preparation of a conservation

1 folder for each farm unit in the state by January 1, 1985,
2 or as soon afterward as available funds permit; (2) coopera-
3 tive development by the soil conservation district commis-
4 sioners and the owner or operator of each farm unit, of a
5 farm unit soil conservation plan that is mutually agreeable
6 to them; and (3) an offer by the commissioners, within one
7 year after a mutually agreeable plan has been developed, to
8 enter into a soil conservation agreement based on the plan.
9 Beginning January 1, 1986, or six years after a conservation
10 folder is completed for a particular farm unit, whichever
11 date is later, state cost sharing for soil conservation
12 practices will be available only on farms for which a soil
13 conservation agreement is in effect, except in cases where
14 an administrative order or a court order has been issued.

15 Section 10 gives a prospective purchaser of farmland in
16 Iowa the right to obtain information about soil loss limits
17 and other conservation agreements currently in effect on,
18 or potentially applicable to, the land proposed to be
19 purchased.

20 Section 11 defines certain kinds of construction and de-
21 velopment projects as "land disturbing activity" and requires
22 that a soil erosion plan approved by the local soil conserva-
23 tion district commissioners be filed with the appropriate
24 authority before that authority may issue a building permit
25 for a land disturbing activity.

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H-5625

HOUSE FILE 2561

1 Amend House File 2561 as follows:

2 1. Page 6, by inserting after line 9 the following
3 new section:

4 "Sec. ____ . Section four hundred sixty-seven A
5 point forty-eight (467A.48), Code 1979, as amended
6 by Acts of the Sixty-eighth General Assembly, 1979
7 Session, chapter one hundred fifteen (115), section
8 one (1), is amended to read as follows:

9 467A.48 APPLICATION FOR PUBLIC COST-SHARING FUNDS.
10 No owner or occupant of land in this state shall be
11 required to establish any new permanent or temporary
12 soil and water conservation practice unless public
13 or other cost-sharing funds have been specifically
14 approved for such land and actually made available
15 to the owner or occupant in an amount equal to at
16 least seventy-five percent of the cost of any permanent
17 soil and water conservation practice, or an amount
18 set by the state soil conservation committee for any
19 temporary soil and water conservation practice, except
20 as otherwise provided by law with respect to land
21 classified as agricultural land under conservation
22 cover. The state soil conservation committee shall
23 review these requirements at least once each year,
24 and may authorize soil conservation district
25 commissioners to make the mandatory establishment
26 of any specified soil and water conservation practice
27 in any particular case conditional on a higher
28 proportion of public cost-sharing than is required
29 by this section. When the commissioners have been
30 so authorized, they shall, in determining the amount
31 of cost-sharing for establishment of a specified soil
32 and water conservation practice to comply with an
33 administrative order issued pursuant to section
34 467A.47, consider the extent to which the practice
35 will contribute benefits to the public in relation
36 to the benefits that will accrue to the individual
37 owner or occupant of the land on which the practice
38 is to be established. Evidence that an application
39 for public or other cost-sharing funds, from a source
40 or sources having authority to pay a portion of the
41 cost of work needed to comply with an administrative
42 order issued pursuant to section 467A.47, has been
43 submitted to the proper officer or agency shall
44 constitute commencement of such work within the meaning
45 of sections 467A.43 to 467A.53. Upon receiving
46 evidence of the submission of such application, the
47 commissioners shall forward to the officer or agency
48 to which the application was made a written request
49 to receive notification of the disposition of such
50 application. When notified of the approval of such

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Page Two

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

23 2. Page 12, by inserting after line 32 the
24 following new section:

25 "Sec. _____. Chapter four hundred sixty-seven A
26 (467A), Code 1979, is amended by adding the following
27 new section:

28 NEW SECTION. COST-SHARING FOR CERTAIN LANDS
29 RESTRICTED. On January 1, 1981, or as soon thereafter
30 as reasonably possible, the commissioners of each
31 soil conservation district in the state shall identify
32 each tract of agricultural land in the district which
33 has not been plowed nor used for growing row crops
34 at any time within fifteen years prior to that date,
35 and shall classify each such tract of land as
36 agricultural land under conservation cover. If any
37 tract of land so classified is thereafter plowed or
38 used for growing row crops, the commissioners shall
39 not approve use of state cost-sharing funds for
40 establishing permanent or temporary soil and water
41 conservation practices on that tract of land in an
42 amount greater than one-half the amount of cost-sharing
43 funds which would be available for that land if it
44 had not previously been classified as agricultural
45 land under conservation cover. The restriction imposed
46 by this section shall apply even if an administrative
47 order or court order has been issued requiring
48 establishment of soil and water conservation practices
49 on that land. The commissioners may waive the
50 restriction imposed by this section if they determine

MARCH 21, 1980
PAGE THIRTEEN

H-5625
Page Three

1 in advance that the purpose of plowing or row cropping
2 land classified as land under conservation cover is
3 to revitalize permanent pasture and that the land
4 will revert to permanent pasture within two years
5 after it is plowed."

BY HUMMEL of Benton
De GROOT of Lyon
COCHRAN of Webster
MULLINS of Kossuth
ANDERSON of Audubon
HUSAK of Tama
HINKHOUSE of Cedar
MILLER of Buchanan

H-5625 FILED
MARCH 20, 1980
Adopted 3/25 (p. 11+4)

HOUSE FILE 2561

H-5608

1 Amend House File 2561, as follows:
2 1. On Page 2, by striking lines 12 and 13 and
3 inserting in lieu thereof the words "state soil
4 conservation committee, for a period of ten years
5 after the date of receiving payment the landowner
6 shall"

H-5608 FILED
MARCH 19, 1980

BY COCHRAN of Webster

*Placed out of order
3/25 (p. 11+2)*

HOUSE FILE 2561

H-5628

1 Amend House File 2561 as follows:

2 1. Page 5, line 28, by striking the words and
3 figure "Code 1979, is" and inserting in lieu thereof
4 the words and figures "and subsection one (1), Code
5 1979, are".

6 2. Page 6, by inserting after line 8 the following:

7 "1. Classify land in the district on the basis
8 of topography, soil characteristics, current use,
9 and other factors affecting propensity to soil erosion.
10 On the basis of those factors, and of guidelines drawn
11 up by the state soil conservation committee, the
12 commissioners may classify as land not suitable for
13 cultivation any agricultural land which has a high
14 propensity for erosion due to either wind or runoff
15 of surface water if existing cover vegetation is
16 removed, regardless of whether soil and water
17 conservation practices are applied. The rules of
18 the district commissioners shall prohibit plowing
19 of land classified not suitable for cultivation, or
20 use of such land for growing row crops."

21 3. Page 10, by striking lines 23 and 24 and
22 inserting in lieu thereof the following:

23 "2. State cost-sharing funds shall not be made
24 available:

25 a. For use on a farm unit with respect to which
26 no conservation".

27 4. Page 10, by inserting after line 31 the
28 following:

29 "b. To pay any part of the cost of establishing
30 temporary or permanent soil and water conservation
31 practices on land which has been designated as land
32 not suitable for cultivation, by the commissioners
33 of the soil conservation district within which that
34 land is located acting under section four hundred
35 sixty-seven A point forty-four (467A.44), subsection
36 one (1), of the Code as amended by section seven (7)
37 of this Act, and has thereafter been plowed or used
38 for growing row crops. The provisions of section
39 four hundred sixty-seven A point forty-eight (467A.48)
40 of the Code shall not apply in any case where an
41 administrative order or court order has been issued
42 under this chapter requiring that temporary or
43 permanent soil and water conservation practices be
44 established on land which has been plowed or used
45 for growing row crops after the land has been
46 designated as land not suitable for cultivation.
47 However, the restriction imposed by this paragraph
48 may be waived by the commissioners of the soil
49 conservation district in which the land is located,
50 with approval of the state soil conservation committee,

Page 2

1 when it is deemed in the public interest to do so."

1 Amend House File 2561 as follows:

2 1. Page 6, by striking lines 9 through 35.

3 2. Page 7, by striking lines 1 through 19 and
4 inserting in lieu thereof the following:

5 "Sec. ____ . Section four hundred sixty-seven A
6 point forty-seven (467A.47), Code 1979, is amended
7 to read as follows:

8 467A.47 INSPECTION OF LAND ON-COMPLAINT --
9 ACTIONS UPON CERTAIN FINDINGS.

10 1. The commissioners of any soil conservation
11 district shall inspect or cause to be inspected
12 any land within the district, either upon receipt
13 of a written and-signed or verbal complaint, from
14 an owner or occupant of land being damaged by
15 sediment, or when the commissioners have reasonable
16 grounds to believe that soil erosion is occurring
17 thereon in excess of the limits established by the
18 district's soil erosion control regulations.

19 2. If they the commissioners find that sediment
20 damages are occurring to property owned or occupied
21 by the a person filing-the-complaint other than the
22 person who owns or occupies the land on which the
23 erosion causing the sedimentation is occurring, and
24 that such excess soil erosion is so occurring on the
25 land inspected, they shall issue an administrative
26 order to the landowner or landowners of record, and
27 to the occupant of the land if known to the
28 commissioners, describing said the land and stating
29 as nearly as possible the extent to which soil
30 erosion thereon exceeds the limits established by
31 the district's regulations. The order shall be
32 delivered either by personal service or by
33 restricted certified mail to each of the persons to
34 whom it is directed, and shall:

35 1 a. In the case of erosion occurring on the
36 site of any construction project or similar under-
37 taking involving the removal of all or a major
38 portion of the vegetation or other natural or man-
39 made cover, exposing bare soil directly to water or
40 wind, state a time not more than five days after
41 service or mailing of the notice of the order when
42 work necessary to establish or maintain erosion
43 control practices must be commenced, and a time not
44 more than thirty days after service or mailing of
45 the notice of the order when the work is to be
46 satisfactorily completed.

47 2 b. In all other cases, state a time not more
48 than six months after service or mailing of the
49 notice of the order, by which work needed to
50 establish or maintain the necessary soil and water

1 conservation practices or erosion control measures
2 must be commenced, and a time not more than one
3 year after the service or mailing of the notice of
4 the order when the work is to be satisfactorily
5 completed, unless the requirements of the order are
6 superseded by the provisions of section 467A.48.

7 3. If the commissioners find that soil erosion
8 is occurring on the inspected land in excess of the
9 applicable soil loss limits established by the
10 district's soil erosion control regulations, and
11 that the excessive erosion is not causing sediment
12 damage to property owned or occupied by any person
13 other than the owner or occupant of the land on
14 which the excessive soil erosion is occurring,
15 they shall send notice of that finding to the
16 landowner or landowners of record, and to the
17 occupant of the land if known to the commissioners.
18 The notice shall describe the land affected and
19 shall state as nearly as possible the extent to
20 which soil erosion from that land exceeds the
21 applicable soil loss limits.

22 a. If the rate of the excessive erosion is
23 less than twice the applicable soil loss limit, the
24 notice required by this subsection shall include
25 or be accompanied by information regarding
26 financial or other assistance which the commissioners
27 are able to make available to the owner or occupant
28 of the land to aid in achieving compliance with the
29 applicable soil loss limits.

30 b. If the rate of the excessive erosion is
31 equal to or greater than twice the applicable soil
32 loss limit, the notice shall include or be
33 accompanied by the information required by paragraph
34 a of this subsection and shall be delivered by
35 personal service or by restricted certified mail
36 to each of the persons to whom service is directed.
37 A notice given under this paragraph shall also
38 include or be accompanied by information explaining
39 the provisions of section eight (8) of this Act."

40 3. Page 7, by striking line 20 and inserting in
41 lieu thereof the following:

42 "Sec. 8. Chapter four hundred sixty-seven A
43 (467A), Code 1979, is amended by adding the following
44 new section:

45 1. Beginning January 1, 1985, or five years
46 after the".

47 4. Page 7, by striking line 27 and inserting in
48 lieu thereof the following:

49 "sioners under section four hundred sixty-seven A
50 point forty-seven (467A.47), subsection three (3),

HOUSE FILE 2561

H-5652

- 1 Amend House File 2561 as follows:
2 1. Page 2, line 6, by striking the word "landowner"
3 and inserting in lieu thereof the words "landowner
4 owner of the land on which the practices are to be
5 established".
6 2. Page 2, line 8, by inserting after the word
7 "agreement" the words "identifying the particular
8 lands upon which the practices for which state cost
9 sharing funds are to be received will be established
10 and providing".
11 3. Page 2, line 13, by striking the words "the
12 landowner" and inserting in lieu thereof the words
13 ", the landowner owner of the land on which the
14 practices have been so removed, altered or modified".

H-5652 FILED
MARCH 24, 1980

BY BENNETT of Ida

*Adopted as amended
by 5663 3/25 (p. 1142)*

HOUSE FILE 2561

H-5661

- 1 Amend House File 2561 as follows:
2 1. Page 4, line 35, by striking the words
3 "prevent erosion" and inserting in lieu thereof the
4 words "implement a farm unit soil conservation plan".
5 2. Page 5, by striking lines 1 and 2 and
6 inserting in lieu thereof the words ", conditioned
7 on the furnishing by the".
8 3. Page 5, by striking lines 7 and 8 and
9 inserting in lieu thereof the words "water
10 conservation practices necessary to implement the
11 plan."

H-5661 FILED
MARCH 24, 1980

BY PERKINS of Greene

Adopted 3/25 (p. 1142)

HOUSE FILE 2561

H-5662

- 1 Amend House File 2561 as follows:
2 1. Page 8, line 9, by inserting after the word
3 "to" the words "do one of the following".
4 2. Page 8, by striking lines 26 through 33. 3

H-5662 FILED
MARCH 24, 1980

BY PERKINS of Greene

*A. Adopted; B. w/d
3/25 (p. 1145)*

H-5683

1 Amend amendment H-5660 to House File 2561 as
2 follows:
3 1. Page 1, by striking line 2 through page 3,
4 line 1, and inserting in lieu thereof the following:
5 "1. Page 6, by inserting after line 8 the
6 following: -
7 "Sec. ____ . Section four hundred sixty-seven A
8 point forty-seven (467A.47), unnumbered paragraph
9 one (1), Code 1979, is amended to read as follows:
10 467A.47 INSPECTION OF LAND ON-COMPLAINT.
11 The commissioners of any soil conservation
12 district shall inspect or cause to be inspected
13 any land within the district, either upon receipt
14 of a written-and-signed complaint; from an owner or
15 occupant of land being damaged by sediment, or when
16 the commissioners have reasonable grounds to believe
17 that soil erosion is occurring thereon in excess of
18 the limits established by the district's soil
19 erosion control regulations. If they the commis-
20 sioners find that sediment damages are occurring
21 to property owned or occupied by the a person filing
22 the-complaint other than the person who owns or
23 occupies the land on which the erosion causing the
24 the sedimentation is occurring, and that such excess
25 soil erosion is so occurring on the land inspected,
26 they shall issue an administrative order to the
27 landowner or landowners of record, and to the
28 occupant of the land if known to the commissioners,
29 describing said land and stating as nearly as
30 possible the extent to which soil erosion thereon
31 exceeds the limits established by the district's
32 regulations. The order shall be delivered either by
33 personal service or by restricted certified mail
34 to each of the persons to whom it is directed, and
35 shall: ". "

H-5683 FILED
MARCH 25, 1980
ADOPTED (p. 1148)

BY PERKINS of Greene

Soil Natural Resources 2/28
Amended for 2561
No Pass 4/3 (p. 1291)

HOUSE FILE 2561

By COMMITTEE ON AGRICULTURE

(As Amended and Passed by the House)

Re Passed House, Date 4/22/80 (p. 1435) Passed Senate, Date 4/17/80 (p. 1520)

Vote: Ayes 92 Nays 0 Vote: Ayes 43 Nays 7

Approved May 22, 1980

A BILL FOR

1 An Act relating to the powers and duties of soil conserva-
2 tion districts and soil conservation district commissioners,
3 and amending the statutes relating to establishment of
4 soil and water conservation practices and to duties of
5 the owners and operators of agricultural land and of
6 landowners generally with respect to conservation of soil
7 resources.

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

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House Amendments _____

5774 1 Section 1. Section four hundred sixty-seven A point four
2 (467A.4), subsection four (4), Code 1979, is amended by adding
3 the following new paragraph:

4 NEW PARAGRAPH. To establish and maintain an interagency
5 coordinating committee for the purpose of preparing and
6 disseminating recommendations for coordinated efforts to deal
7 with water and soil management problems, including but not
8 necessarily limited to the flow of water into, across and
9 from public roads and roadside ditches, that are the common
10 concern of two or more of the agencies or groups represented
11 on the committee. The committee shall meet at the call of
12 the chairperson or upon the written request of any three
13 members, to execute the functions assigned it by this section.
14 The coordinating committee shall consist of:

15 (1) The director of the department of soil conservation
16 or the director's designee, who shall act as chairperson of
17 the coordinating committee.

18 (2) A representative of the state department of
19 agriculture, designated by the secretary of agriculture.

20 (3) A representative of the department of environmental
21 quality, designated by the executive director of that
22 department.

23 (4) A representative of the department of transportation,
24 designated by the director of that department.

25 (5) A representative of the Iowa natural resources council,
26 designated by the council's director.

27 (6) A representative of county boards of supervisors,
28 designated by the county supervisors association affiliated
29 with the Iowa state association of counties.

30 (7) A representative of county engineers, designated by
31 the county engineers association affiliated with the Iowa
32 state association of counties.

33 (8) A representative of soil conservation district
34 commissioners, designated by the Iowa association of soil
35 conservation district commissioners.

5774 7

1 Sec. 2. Section four hundred sixty-seven A point seven
2 (467A.7), subsection sixteen (16), Code 1979, is amended to
3 read as follows:

4 16. The commissioners shall, as a condition for the receipt
5 of any state cost share sharing funds for permanent soil
6 conservation practices, require the landowner owner of the
7 land on which the practices are to be established to covenant
8 and record, in the office of the county recorder of the county
9 in which the land is located, an agreement identifying the
10 particular lands upon which the practices for which state
11 cost sharing funds are to be received will be established
12 and providing that if the project is removed, altered, or
13 modified so as to lessen its effectiveness without the consent
14 of the commissioners, obtained in advance and based on
15 guidelines drawn up by the state soil conservation committee,
16 for a period of ten twenty years after the date of receiving
17 payment, the landowner owner of the land on which the practices
18 have been so removed, altered or modified shall refund to
19 the department of soil conservation the public state cost
20 sharing funds used for the project, or for the portion of
21 the project which has been removed, altered or modified so
22 as to lessen its effectiveness. Such refunds shall be computed
23 on a pro rata basis in accordance with guidelines drawn up
24 by the state soil conservation committee in accordance with
25 the age and anticipated remaining useful life of the project,
26 and shall be reallocated to the district from which they were
27 refunded to be used for conservation cost sharing. ~~It shall~~
28 ~~be the duty of the~~ The commissioners ~~to~~ shall assist the state
29 soil conservation committee in the enforcement of this
30 subsection. A seller of agricultural land with respect to
31 which an agreement covenanted under this subsection is in
32 effect, and who is not currently in violation of that
33 agreement, shall upon request to the commissioners be furnished
34 with a written statement that, as of the date of the statement,
35 the seller has incurred no obligation to refund to the

1 department of soil conservation the state cost sharing funds
2 obtained pursuant to the agreement.

3 Sec. 3. Section four hundred sixty-seven A point seven
4 (467A.7), Code 1979, is amended by adding the following new
5 subsections:

6 NEW SUBSECTION. To enter into long-term agreements with
7 landowners, for periods of time not exceeding five years,
8 providing special incentives to encourage and facilitate
9 completion of permanent soil and water conservation practices
10 on entire farm units or adjoining groups of farm units.

11 NEW SUBSECTION. To encourage local school districts to
12 provide instruction in the importance of and in some of the
13 basic methods of soil conservation, as a part of the course
14 work relating to conservation of natural resources and
15 environmental awareness required pursuant to section two
16 hundred fifty-seven point twenty-five (257.25), subsections
17 three (3) and four (4), of the Code, and to offer technical
18 assistance to schools in developing such instructional
19 programs.

20 NEW SUBSECTION. To make incentive payments to encourage
21 summer construction of permanent soil and water conservation
22 practices. Incentive payments made under this subsection
23 shall be a pro rata amount, in accordance with rules of the
24 department, to compensate for production loss on the area
25 disturbed for construction of practices.

26 Sec. 4. Section four hundred sixty-seven A point forty-
27 two (467A.42), unnumbered paragraph one (1), Code 1979, is
28 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 nine (9), ten (10) and eleven (11) of this Act, unless the
32 context otherwise requires:

33 Sec. 5. Section four hundred sixty-seven A point forty-
34 two (467A.42), Code 1979, is amended by adding the following
35 new subsections:

1 NEW SUBSECTION. "Agricultural land" has the meaning
2 assigned that term by section one hundred seventy-two C point
3 one (172C.1) of the Code.

4 NEW SUBSECTION. "Farm unit" means a single contiguous
5 tract of agricultural land, or two or more adjacent tracts
6 of agricultural land, located within a single soil conservation
7 district, upon which farming operations are being conducted
8 by a person who owns or is purchasing all of such land, or
9 by a tenant who rents all of such land. This definition does
10 not prohibit land which is within a single soil conservation
11 district and is owned or being purchased by the same person,
12 or is being rented by the same tenant, from being treated
13 as two or more farm units if the commissioners of the soil
14 conservation district deem it preferable to do so.

15 NEW SUBSECTION. "Conservation folder" means compiled
16 information concerning the topography, soil composition,
17 natural or artificial drainage characteristics and other
18 pertinent factors concerning a particular farm unit, which
19 are necessary to the preparation of a sound and equitable
20 conservation agreement for that farm unit. The specific items
21 to be contained in a conservation folder shall be prescribed
22 by administrative rules of the department of soil conservation.
23 The department shall provide by rule that an updated farm
24 plan prepared for a particular farm unit within ten years
25 prior to the effective date of this subsection shall be
26 considered an adequate replacement for the conservation folder
27 for that farm unit.

28 NEW SUBSECTION. "Farm unit soil conservation plan" means
29 a plan jointly developed by the owner or operator of a farm
30 unit and the commissioners of the soil conservation district
31 within which that farm unit is located, based on the
32 conservation folder for that farm unit and identifying those
33 permanent soil and water conservation practices and temporary
34 soil and water conservation practices the use of which may
35 be expected to prevent soil loss by erosion from that farm

1 unit in excess of the applicable soil loss limit or limits.
2 The plan shall if practicable identify alternative practices
3 by which this objective may be attained.

SM/14 NEW SUBSECTION. "Conservation agreement" means a commitment
5 by the owner or operator of a farm unit to implement a farm
6 unit soil conservation plan, conditioned on the furnishing
7 by the soil conservation district within which the farm unit
8 is located of such technical or planning assistance in the
9 establishment of, and cost-sharing or other financial
10 assistance for establishment and maintenance of the soil and
11 water conservation practices necessary to implement the plan.

12 Sec. 6. Section four hundred sixty-seven A point forty-
13 three (467A.43), Code 1979, is amended to read as follows:

14 467A.43 DUTY OF PROPERTY OWNERS. To conserve the
15 fertility, general usefulness, and value of the soil and soil
16 resources of this state, and to prevent the injurious effects
17 of soil erosion, it is hereby made the duty of the owners
18 of real property in this state to establish and maintain soil
19 and water conservation practices or erosion control practices,
20 as required by the regulations of the commissioners of the
21 respective soil conservation districts. As used in this
22 section, "owners of real property in this state" includes
23 each state government agency, each political subdivision of
24 the state and each agency of such a political subdivision
25 which has under its control publicly-owned land, including
26 but not limited to agricultural land, forests, parks, the
27 grounds of state educational, penal and human service
28 institutions, public highways, roads and streets, and other
29 public rights-of-way.

30 Sec. 7. Section four hundred sixty-seven A point forty-
31 four (467A.44), unnumbered paragraph one (1), Code 1979, is
32 amended to read as follows:

33 The commissioners of each soil conservation district shall,
34 with approval of and within time limits set by administrative
35 order of the state soil conservation committee, adopt such

1 reasonable regulations as are deemed necessary to establish
2 a soil loss limit or limits for the district and provide for
3 the implementation of the limit or limits, and may subsequently
4 amend or repeal their regulations as they deem necessary.
5 The state soil conservation committee shall review the soil
6 loss limit regulations adopted by the soil conservation
7 districts at least once every five years, and shall recommend
8 any changes in the regulations of any soil conservation
9 district which the state committee deems necessary to assure
10 that the district's soil loss limits are reasonable and
11 attainable. The commissioners may:

12 Sec. 8. Section four hundred sixty-seven A point forty-
13 eight (467A.48), Code 1979, as amended by Acts of the Sixty-
14 eighth General Assembly, 1979 Session, chapter one hundred
15 fifteen (115), section one (1), is amended to read as follows:

16 467A.48 APPLICATION FOR PUBLIC COST-SHARING FUNDS. No
17 owner or occupant of land in this state shall be required
18 to establish any new permanent or temporary soil and water
19 conservation practice unless public or other cost-sharing
20 funds have been specifically approved for such land and
21 actually made available to the owner or occupant in an amount
22 equal to at least seventy-five percent of the cost of any
23 permanent soil and water conservation practice, or an amount
24 set by the state soil conservation committee for any temporary
25 soil and water conservation practice, except as otherwise
26 provided by law with respect to land classified as agricultural
27 land under conservation cover. The state soil conservation
28 committee shall review these requirements at least once each
29 year, and may authorize soil conservation district
30 commissioners to make the mandatory establishment of any
31 specified soil and water conservation practice in any
32 particular case conditional on a higher proportion of public
33 cost-sharing than is required by this section. When the
34 commissioners have been so authorized, they shall, in
35 determining the amount of cost-sharing for establishment of

1 a specified soil and water conservation practice to comply
2 with an administrative order issued pursuant to section
3 467A.47, consider the extent to which the practice will
4 contribute benefits to the public in relation to the benefits
5 that will accrue to the individual owner or occupant of the
6 land on which the practice is to be established. Evidence
7 that an application for public or other cost-sharing funds,
8 from a source or sources having authority to pay a portion
9 of the cost of work needed to comply with an administrative
10 order issued pursuant to section 467A.47, has been submitted
11 to the proper officer or agency shall constitute commencement
12 of such work within the meaning of sections 467A.43 to 467A.53.
13 Upon receiving evidence of the submission of such application,
14 the commissioners shall forward to the officer or agency to
15 which the application was made a written request to receive
16 notification of the disposition of such application. When
17 notified of the approval of such application, the commissioners
18 shall issue to the same parties who received the original
19 administrative order, or their successors in interest, a
20 supplementary order, to be delivered in the same manner as
21 provided by sections 467A.43 to 467A.53 for delivery of
22 original administrative orders. The supplementary order shall
23 state a time, not more than six months after approval of the
24 application for public cost-sharing funds, by which the work
25 needed to comply with the original administrative order shall
26 actually be commenced, and a time thereafter when such work
27 is to be satisfactorily completed. If feasible, that time
28 shall be within one year after the date of the supplementary
29 order, but the owner of land on which a soil and water
30 conservation practice is being established under this section
31 shall not be required to incur a cost therefor in any one
32 calendar year which exceeds ten dollars per acre for each
33 acre of land belonging to that owner and located in the county
34 containing the land on which the required practice is being
35 established or in counties contiguous thereto.

1 Sec. 9. Chapter four hundred sixty-seven A (467A), Code
2 1979, is amended by adding the following new section:

3 NEW SECTION. DISCRETIONARY INSPECTION BY COMMISSIONERS-
4 -ACTIONS UPON CERTAIN FINDINGS.

5 1. In addition to the authority granted by section four
6 hundred sixty-seven A point forty-seven (467A.47) of the Code,
7 the commissioners of any soil conservation district may inspect
8 or cause to be inspected any land within the district on which
9 they have reasonable grounds to believe that soil erosion
10 is occurring in excess of the limits established by the
11 district's soil erosion control regulations. If the
12 commissioners find from an inspection conducted under authority
13 of either section four hundred sixty-seven A point forty-seven
14 (467A.47) of the Code or this section that soil erosion is
15 occurring on that land in excess of the applicable soil loss
16 limits established by the district's soil erosion control
17 regulations, they shall send notice of that finding to the
18 landowner or landowners of record, and to the occupant of
19 the land if known to the commissioners. The notice shall
20 describe the land affected and shall state as nearly as
21 possible the extent to which soil erosion from that land
22 exceeds the applicable soil loss limits.

23 a. If the commissioners find that the excessive erosion
24 described in the notice is not causing sediment damage to
25 property owned or occupied by any person other than the owner
26 or occupant of the land on which the excessive soil erosion
27 is occurring, and that the rate of the excessive erosion is
28 less than twice the applicable soil loss limit, the notice
29 required by this subsection shall include or be accompanied
30 by information regarding financial or other assistance which
31 the commissioners are able to make available to the owner
32 or occupant of the land to aid in achieving compliance with
33 the applicable soil loss limits.

34 b. If the commissioners find that the excessive soil ero-
35 sion described in the notice is not causing sediment damage

1 to property owned or occupied by any person other than the
2 owner or occupant of the land on which it is occurring, but
3 that the erosion is occurring at a rate equal to or greater
4 than twice the applicable soil loss limit, the notice shall
5 so state, shall include or be accompanied by the information
6 required by paragraph a of this subsection, and shall be
7 delivered by personal service or by restricted certified mail
8 to each of the persons to whom the notice is directed. A
9 notice given under this paragraph shall also include or be
10 accompanied by information explaining the provisions of
11 subsection two (2) of this section.

12 2. Beginning January 1, 1985, or five years after the
13 completion of the conservation folder for a particular farm
14 unit pursuant to section ten (10) of this Act, whichever date
15 is later, the commissioners of the soil conservation district
16 in which that farm unit is located may petition the district
17 court for an appropriate order with respect to that farm unit
18 if its owner or occupant has been sent a notice by the commis-
19 sioners under subsection one (1), paragraph b of this section
20 for three or more consecutive years. The commissioners'
21 petition shall seek a court order which states a time not
22 more than six months after the date of the order when the
23 owner or occupant must commence, and a time when he or she
24 must complete the steps necessary to comply with the order.
25 The time allowed to complete the establishment of any temporary
26 soil and water conservation practice employed to comply or
27 advance toward compliance with the court's order shall be
28 not more than one year after the date of that order, and the
29 time allowed to complete the establishment of any permanent
30 soil and water conservation practice employed to comply with
31 the court's order shall be not more than five years after
32 the date of that order. The provisions of section four hundred
33 sixty-seven A point forty-eight (467A.48) of the Code shall
34 apply to a court order issued under this subsection. The
35 steps required of the farm unit owner or operator by the court

1 order shall be those which are necessary to do one of the
2 following:

3 a. Bring the farm unit which is the subject of the order
4 into compliance with its farm unit soil conservation plan,
5 if such a plan had been agreed upon prior to the time the
6 commissioners petitioned for the order.

7 b. Bring the farm unit which is the subject of the order
8 into compliance with a plan developed for that farm unit by
9 the commissioners, in accordance with guidelines established
10 by the department of soil conservation, and presented to the
11 court as a part of the commissioners' petition, if a farm
12 unit soil conservation plan has not previously been agreed
13 upon for that farm unit. A plan presented to the court by
14 the commissioners under this paragraph shall specify as many
15 alternative approved soil and water conservation practices
16 as feasible, among which the owner or occupant of the farm
17 unit may choose in taking the steps necessary to comply with
18 the court's order.

19 c. Bring the farm unit which is the subject of the order
20 into compliance with a soil conservation plan developed by
21 the owner or occupant of that farm unit as an alternative
22 to the proposed soil conservation plan developed by the
23 commissioners, if the owner or occupant so petitions the court
24 and the court finds that the owner or occupant's plan will
25 bring the farm unit into conformity with the applicable soil
26 loss limits of the district.

27 Sec. 10. Chapter four hundred sixty-seven A (467A), Code
28 1979, is amended by adding the following new section:

29 NEW SECTION. DUTIES OF COMMISSIONERS AND OF OWNERS AND
30 OCCUPANTS OF AGRICULTURAL LAND--RESTRICTIONS ON USE OF COST
31 SHARING FUNDS.

32 1. The commissioners of each soil conservation district
33 shall seek to implement or to assist in implementing the fol-
34 lowing requirements:

35 a. Each farm unit shall be furnished a conservation folder

1 by the department of soil conservation, acting through the
2 soil conservation district in which the farm unit is located,
3 not later than January 1, 1985, or as soon thereafter as
4 adequate funding is available to permit completion of a con-
5 servation folder for every farm unit in the state. The
6 department shall provide by rule that an updated farm plan
7 prepared for a particular farm unit within ten years prior
8 to the effective date of this subsection shall be considered
9 an adequate replacement for the conservation folder for that
10 farm unit. Upon completion of the conservation folder for
11 a particular farm unit, the district shall send the owner
12 of that farm unit, and also the operator of the farm unit
13 if known by the commissioners to be other than the owner,
14 a letter offering that person or those persons a copy of the
15 folder. The district shall keep a record of the date the
16 folder is completed and the letter is sent. The folder shall
17 be updated from time to time by the district as it deems
18 necessary.

19 b. The commissioners of each soil conservation district
20 shall complete preparation of a farm unit soil conservation
21 plan for each farm unit within the district, not later than
22 January 1, 1985 or five years after completion of the con-
23 servation folder for that farm unit, whichever date is later,
24 or as soon thereafter as adequate funding is available to
25 permit compliance with this requirement. The commissioners
26 shall make every reasonable effort to consult with the owner
27 and, if appropriate, with the operator of that farm unit,
28 and to prepare the plan in a form which is acceptable to that
29 person or those persons. The plan shall be drawn up and
30 completed without expense to the owner or operator of the
31 farm unit, except that the owner or operator shall not be
32 reimbursed for the value of his or her own time devoted to
33 participation in the preparation of the plan. If the
34 commissioners' plan is unacceptable to the owner or operator
35 of the farm unit, that person or those persons may prepare

1 an alternative farm unit soil conservation plan identifying
2 permanent or temporary soil and water conservation practices
3 which may be expected to achieve compliance with the soil
4 loss limit or limits applicable to that farm unit, and submit
5 that plan to the soil conservation district commissioners
6 for their review.

7 c. Within one year after completion of a farm unit soil
8 conservation plan for a particular farm unit which is ac-
9 ceptable both to the commissioners of the soil conservation
10 district within which the farm unit is located and to the
11 owner and, if appropriate, to the operator of that farm unit,
12 the commissioners shall offer to enter into a soil conserva-
13 tion agreement with the owner, and also with the operator
14 if appropriate, based on the mutually acceptable farm unit
15 soil conservation plan.

16 2. State cost-sharing funds shall not be made available
17 for use on a farm unit with respect to which no conservation
18 agreement is in effect by January 1, 1986 or one year after
19 the completion of the farm unit soil conservation plan for
20 that farm unit by the soil conservation district, whichever
21 date is later. The restriction imposed by this subsection
22 shall not apply to any farm unit with respect to which an
23 administrative order or a court order to comply with applicable
24 soil loss limits has been issued as provided by this chapter.

25 Sec. 11. Chapter four hundred sixty-seven A (467A), Code
26 1979, is amended by adding the following new section:

27 NEW SECTION. RIGHT OF PURCHASER OF AGRICULTURAL LAND TO
28 OBTAIN INFORMATION. A prospective purchaser of an interest
29 in agricultural land located in this state is entitled to
30 obtain from the seller, or from the office of the soil
31 conservation district in which the land is located, a copy
32 of the most recently updated conservation folder and of any
33 farm unit soil conservation plan, developed pursuant to section
34 ten (10), subsection one (1), paragraph b of this Act, which
35 are applicable to the agricultural land proposed to be

1 purchased. A prospective purchaser of an interest in
2 agricultural land located in this state shall be entitled
3 to obtain additional copies of either or both of the documents
4 referred to in this subsection from the office of the soil
5 conservation district in which the land is located, promptly
6 upon request, at a fee not to exceed the cost of reproducing
7 them.

8 Sec. 12. Chapter four hundred sixty-seven A (467A), Code
9 1979, is amended by adding the following new section:

10 NEW SECTION. EROSION CONTROL PLANS REQUIRED FOR CERTAIN
11 PROJECTS.

12 1. When a land disturbing activity is to occur as a part
13 of a project for which a permit is required by a political
14 subdivision which has adopted a building code pursuant to
15 chapter one hundred three A (103A) of the Code or zoning
16 ordinances pursuant to chapter three hundred fifty-eight A
17 (358A) or four hundred fourteen (414) of the Code, the required
18 permit for the project causing the land disturbing activity
19 shall not be issued unless there is on file with the permit
20 issuing authority a soil erosion control plan which covers
21 the proposed project and is approved by the soil conservation
22 district commissioners.

23 2. For the purposes of this section, "land disturbing
24 activity" means a land change such as the tilling, clearing,
25 grading, excavating, transporting or filling of land which
26 may result in soil erosion from water or wind and the movement
27 of sediment and sediment related pollutants into the waters
28 of the state or onto lands in the state but does not include
29 the following:

30 a. Tilling, planting or harvesting of agricultural, horti-
31 cultural or forest crops.

32 b. Preparation for single-family residences separately
33 built unless in conjunction with multiple construction in
34 subdivision development.

35 c. Minor activities such as home gardens, landscaping,

1 repairs and maintenance work.

2 d. Surface or deep mining.

3 e. Installation of public utility lines and connections,
4 fence posts, sign posts, telephone poles, electric poles and
5 other kinds of posts or poles.

6 f. Septic tanks and drainage fields unless they are to
7 serve a building whose construction is a land disturbing ac-
8 tivity.

9 g. Construction and repair of the tracks, right-of-way,
10 bridges, communication facilities and other related structures
11 of a railroad.

12 h. Emergency work to protect life or property.

13 i. Disturbed land areas of less than ten thousand square
14 feet unless a political subdivision by ordinance establishes
15 a smaller exception or establishes conditions for this excep-
16 tion.

17 j. The construction, relocation, alteration or maintenance
18 of public roads.

19 3. If the permit issuing authority determines that a land
20 disturbing activity is not being conducted in compliance with
21 the soil erosion control plan, the permit issuing authority
22 shall file a written and signed complaint with the soil con-
23 servation district commissioners. The complaint shall have
24 the same effect and validity as a complaint filed by an owner
25 or occupant of land being damaged by sediment pursuant to
26 section four hundred sixty-seven A point forty-seven (467A.47)
27 of the Code. The soil conservation district commissioners
28 may issue an administrative order as provided in that section
29 to the person conducting the land disturbing activity.

30 Sec. 13. Chapter four hundred sixty-seven A (467A), Code
31 1979, is amended by adding the following new section:

32 NEW SECTION. COST SHARING FOR CERTAIN LANDS RESTRICTED.

33 On January 1, 1981, or as soon thereafter as reasonably
34 possible, the commissioners of each soil conservation district
35 in the state shall identify each tract of agricultural land

1 in the district which has not been plowed nor used for growing
2 row crops at any time within fifteen years prior to that date,
3 and shall classify each such tract of land as agricultural
4 land under conservation cover. If any tract of land so
5 classified is thereafter plowed or used for growing row crops,
6 the commissioners shall not approve use of state cost-sharing
7 funds for establishing permanent or temporary soil and water
8 conservation practices on that tract of land in an amount
9 greater than one-half the amount of cost-sharing funds which
10 would be available for that land if it had not previously
11 been classified as agricultural land under conservation cover.
12 The restriction imposed by this section shall apply even if
13 an administrative order or court order has been issued
14 requiring establishment of soil and water conservation
15 practices on that land. The commissioners may waive the
16 restriction imposed by this section if they determine in
17 advance that the purpose of plowing or row cropping land
18 classified as land under conservation cover is to revitalize
19 permanent pasture and that the land will revert to permanent
20 pasture within two years after it is plowed.

21 Sec. 14. The first review of soil loss limit regulations
22 which have been adopted by soil conservation districts in
23 the state, conducted pursuant to section four hundred sixty-
24 seven A point forty-four (467A.44) of the Code as amended
25 by section seven (7) of this Act, shall be completed by the
26 state soil conservation committee not later than December
27 31, 1980.

28 Sec. 15. Sections one (1) through six (6) and nine (9)
29 through twelve (12) of this Act are effective January first
30 following its enactment.

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SENATE 6
APRIL 18, 1980

HOUSE FILE 2561

S-5764

1 Amend House File 2561 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by striking line 8 and inserting
4 in lieu thereof the following: "and file, in the
5 office of the soil conservation district of the county".

S-5764 FILED
APRIL 17, 1980

BY DALE L. TIEDEN
BERL E. PRIEBE

ADOPTED AS AMENDED *by 576.5*
(4/15/80)

HOUSE FILE 2561

S-5765

1 Amend the Tieden amendment S-5764 to House File 2561
2 as amended, passed and reprinted by the House as follows:
3 1. Page 1, by inserting after line 5 the following:
4 "2. Page 2, line 30, by inserting after the word
5 "subsection." the words "Each soil conservation district
6 which has entered into agreements under this subsection
7 shall file in the office of the county recorder a statement
8 that there are in effect in that county certain agreements
9 covenanted under this subsection which place upon owners
10 of agricultural land the obligation to maintain permanent
11 soil conservation practices established with public cost-
12 sharing money, and that failure to do so may result in
13 an obligation to refund a portion of the public cost-
14 sharing money used to establish the practices."

S-5765 FILED
APRIL 17, 1980
ADOPTED *(4/15/80)*

BY DICK RAMSEY
DALE L. TIEDEN

HOUSE FILE 2561

S-5762

1 Amend House File 2561, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 3, line 23, by striking the words "shall
4 be" and inserting in lieu thereof the words "may,
5 notwithstanding subsection four (4) of this section,
6 provide for cost sharing up to sixty percent of the
7 cost of establishing any permanent soil and water
8 conservation practice where the establishment of that
9 practice involves a construction project which begins
10 after June first but before August fifteenth of any
11 calendar year. Incentive payments under this
12 subsection may also include, or may be limited to".

S-5762 FILED
APRIL 17, 1980
ADOPTED (by 15/80)

BY C. W. HUTCHINS
ARTHUR GRATIAS

HOUSE FILE 2561

S-5763

1 Amend House File 2561 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 10, line 35, by striking the word "Each"
4 and inserting in lieu thereof the words "Upon request
5 of the owner or operator of a farm unit located in
6 this state, that".
7 2. Page 11, line 5, by inserting after the word
8 "state" the words "for which one has been requested".
9 3. Page 11, line 9, by inserting after the word
10 "folder" the words ", as the basis for a farm unit
11 soil conservation plan".
12 4. Page 11, by striking line 14 and inserting
13 in lieu thereof the words "a copy of the".
14 5. Page 11, by striking line 19 and inserting
15 in lieu thereof the following:
16 "b. Where the owner or operator of a farm unit
17 has requested and received a conservation folder under
18 paragraph a of this subsection, the commissioners
19 of the soil conservation district in which that farm
20 unit is located".
21 6. Page 11, line 21, by striking the words "each
22 farm unit within the district" and inserting in lieu
23 thereof the words "that farm unit".
24 7. Page 11, line 26, by striking the words "make
25 every reasonable effort to".
26 8. Page 11, line 28, by striking the words "and
27 to" and inserting in lieu thereof the words "and
28 shall".
29 9. By striking page 11, line 33 through page 12,
30 line 6, and inserting in lieu thereof the words
31 "participation in the preparation of the plan."

S-5763 FILED
APRIL 17, 1980
LOST (by 15/80)

BY DALE L. TIEDEN

HOUSE FILE 2561

S-5757

1 Amend House File 2561 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 3, line 22, by inserting after the word
4 "practices" the words ", provided that the
5 commissioners of a soil conservation district shall
6 not use state cost sharing funds to pay such incentives
7 in any fiscal year when requests which seek cost
8 sharing for eligible permanent soil and water
9 conservation practices, but which do not seek incentive
10 payments under this subsection, are sufficient to
11 use all of the state cost sharing funds made available
12 to the district for that year."

S-5757 FILED
APRIL 17, 1980
ADOPTED (4/15/80)

BY DALE TIEDEN

HOUSE FILE 2561

S-5758

1 Amend House File 2561 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 15, by inserting after line 20 the
4 following:
5 "Sec. ____ Chapter four hundred sixty-seven A
6 (467A), Code 1979, is amended by adding the following
7 new section:
8 NEW SECTION. PROCEDURE WHEN COMMISSIONER IS
9 COMPLAINANT. A soil conservation district commissioner
10 who is an owner or occupant of land being damaged
11 by sediment has the same right as any other person
12 in like circumstances to file a complaint under section
13 four hundred sixty-seven A point forty-seven (467A.47)
14 of the Code, however a commissioner who is the
15 complainant shall not vote on the question whether,
16 on the basis of the inspection made pursuant to the
17 complaint, the commissioners shall issue an
18 administrative order under section four hundred sixty-
19 seven A point forty-seven (467A.47) of the Code."

S-5758 FILED
APRIL 17, 1980
ADOPTED (4/15/80)

BY DALE L. TIEDEN

HOUSE FILE 2561

S-5761

1 Amend House File 2561 as amended, passed and re-
2 printed by the House as follows:
3 1. Page 2, line 30, by inserting after the word
4 "subsection." the following new sentence: "The
5 agreement to refund shall not create a lien on the
6 land, but shall be a charge personally against the
7 owner of the land at the time of removal, alteration
8 or modification which gives rise to the need for a
9 refund."

S-5761 FILED
APRIL 17, 1980
ADOPTED (4/15/80)

BY LUCAS J. DeKOSTER
DICK RAMSEY

HOUSE FILE 2561

S-5739

1 Amend House File 2561, as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 6 through 10 and
 4 inserting in lieu thereof the following:
 5 "NEW SUBSECTION. To enter into special funding
 6 agreements which, notwithstanding subsection four
 7 (4) of this section, provide for cost sharing up to
 8 sixty percent of the cost of a project including five
 9 or more contiguous farm units which have at least
 10 five hundred or more acres of farmland and which
 11 constitute at least seventy-five percent of the
 12 agricultural land lying within a watershed or
 13 subwatershed, where the owners jointly agree to a
 14 watershed conservation plan in conjunction with their
 15 respective farm unit soil conservation plans."

S=5739 FILED
 APRIL 15, 1980

BY ARNE WALDSTEIN

HOUSE FILE 2561

S-5742

1 Amend House File 2561, as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 4, by striking line 9 and inserting in
 4 lieu thereof the words "by his or her tenant or
 5 tenants. If a landowner has multiple farm tenants,
 6 the land on which farming operations are being
 7 conducted by each tenant shall constitute a separate
 8 farm unit. This definition does".
 9 2. Page 5, lines 6 and 7, by striking the words
 10 ", conditioned on the furnishing by" and inserting
 11 in lieu thereof the words "or, with the approval of
 12 the commissioners of".
 13 3. Page 5, line 8, by inserting after the word
 14 "located" the words ", a portion of a farm unit soil
 15 conservation plan. The commitment shall be conditioned
 16 on the furnishing by the soil conservation district".
 17 4. Page 5, line 11, by inserting after the word
 18 "plan" the words ", or a portion of the plan".

S-5742 FILED
 APRIL 16, 1980

BY ROLF V. CRAFT

Adopted 4/17 (p. 151)

HOUSE FILE 2561

S-5744

1 Amend House File 2561 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 8, by striking the words "county
 4 recorder of the county" and inserting in lieu thereof
 5 the words "soil conservation district".

S-5744 FILED
 APRIL 16, 1980

BY DALE L. TIEDEN
 BERL E. PRIEBE

Out of order 4/17 (p. 152)

S-5714

1 Amend House File 2561 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by striking line 1 and inserting in
4 lieu thereof the following:
5 "Section 1. Section four hundred sixty-seven A
6 point four (467A.4), subsection one (1), Code 1979,
7 as amended by Acts of the Sixty-eighth General
8 Assembly, 1980 Session, Senate File two thousand three
9 hundred one (2301), section seventy-one (71), is
10 amended to read as follows:
11 1. There is hereby established, to serve as an
12 agency of the state and to perform the functions
13 conferred upon it in this chapter, the department
14 of soil conservation. The department shall be
15 administered in accordance with the policies of the
16 state soil conservation committee, which shall approve
17 administrative rules proposed by the department before
18 the rules are promulgated pursuant to chapter seventeen
19 A. (17A) of the Code. The state soil conservation
20 committee shall consist of a chairperson and twelve
21 members. The following shall serve as ex officio
22 nonvoting members of the committee: The director
23 of the state agricultural extension service, or the
24 director's designee, the secretary of agriculture,
25 or the secretary's designee, the director of the state
26 conservation commission or the director's designee,
27 and the director of the Iowa natural resources council
28 or the director's designee. Eight voting members
29 shall be appointed by the governor subject to
30 confirmation by the senate. Six of the appointive
31 members shall be persons engaged in actual farming
32 operations, one of whom shall be a resident of each
33 of the six conservancy districts established by section
34 467D.3, and no more than one of whom shall be a
35 resident of any one county. The seventh and eighth
36 appointive members shall be chosen by the governor
37 from the state at large with one appointed to be a
38 representative of cities and one appointed to be a
39 representative of the mining industry. The committee
40 may invite the secretary of agriculture of the United
41 States to appoint one person to serve with the above-
42 mentioned members, and the president of the Iowa
43 county engineers association may designate a member
44 of the association to serve in the same manner, but
45 these persons shall have no vote and shall serve in
46 an advisory capacity only. The director of the
47 department of environmental quality shall be an ex
48 officio nonvoting member. The committee shall adopt
49 a seal, which seal shall be judicially noticed, and
50 may perform acts, hold public hearings, and promulgate

APRIL 14, 1980

S-5714

Page 2

1 rules as provided in chapter 17A as necessary for
2 the execution of its functions under this chapter.

3 Sec. 2. Section four hundred sixty-seven A point
4 four".

5 2. Page 1, by inserting after line 35 the
6 following:

7 "(9) A member of the state soil conservation
8 committee.

9 (10) The state conservationist of the United
10 States soil conservation service, or that officer's
11 designee".

12 3. Page 2, line 2, by striking the words and
13 figures "sixteen (16), Code 1979, is" and inserting
14 in lieu thereof the words and figures "four (4) and
15 sixteen (16), Code 1979, are".

16 4. Page 2, by inserting after line 3 the following:

17 "4. To co-operate, or enter into agreements with,
18 and within the limits of appropriations duly made
19 available to it by law, to furnish financial or other
20 aid to any agency, governmental or otherwise, or any
21 owner or occupier of lands within the district, in
22 the carrying on of erosion-control and watershed
23 protection and flood prevention operations within
24 the district, subject to such conditions as the
25 commissioners may deem necessary to advance the purposes
26 of this chapter. Except as otherwise required by
27 section four hundred sixty-seven A point forty-eight
28 (467A.48) of the Code, state cost sharing funds shall
29 not be used to pay more than fifty percent of the
30 cost of establishing any permanent soil and water
31 conservation practice, as defined by section four
32 hundred sixty-seven A point forty-two (467A.42),
33 subsection two (2), of the Code."

34 5. Page 4, line 8, by inserting after the word
35 "purchasing" the words "or renting".

36 6. Page 4, line 29, by striking the word "or"
37 and inserting in lieu thereof the words "and, if
38 appropriate, the".

S-5714 FILED

BY ARNE WALDSTEIN

APRIL 11, 1980

A. Adapted 4/11/80 (p. 1515)
B. Lamb (p. 1517)

S-5707

1 Amend House File 2561 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 13, line 7, by inserting after the word
4 "them." the words "Each person who identifies himself
5 or herself to the commissioners or staff of a soil
6 conservation district as a prospective purchaser of
7 agricultural land in the district shall be given
8 information, prepared in accordance with rules of
9 the department of soil conservation, which clearly
10 explains the provisions of section thirteen (13) of
11 this Act."

12 2. By striking page 14, line 33 through page 15,
13 line 3 and inserting in lieu thereof the following:
14 "1. It is the intent of this Act that, effective
15 January 1, 1981, each tract of agricultural land which
16 has not been plowed or used for growing row crops
17 at any time within fifteen years prior to that date,
18 shall for purposes of this section be considered
19 classified as agricultural".

20 3. Page 15, line 6, by inserting after the word
21 "commissioners" the words "of the soil conservation
22 district in which the land is located".

23 4. Page 15, lines 10 and 11, by striking the words
24 "had not previously been" and inserting in lieu thereof
25 the words "were not considered".

26 5. Page 15, by inserting after line 20 the
27 following:

28 "2. When receiving an application for state cost
29 sharing funds to pay a part of the cost of establishing
30 a permanent or temporary soil and water conservation
31 practice, the commissioners of the soil conservation
32 district to which the application is submitted shall
33 require the applicant to state in writing whether,
34 to the best of the applicant's knowledge, the land
35 on which the proposed practice will be established
36 is land considered to be classified as agricultural
37 land under conservation cover, as defined in subsection
38 one (1) of this section. An applicant who knowingly
39 makes a false statement of material facts or who
40 falsely denies knowledge of material facts in
41 completing the written statement required by this
42 subsection commits a simple misdemeanor and, in
43 addition to the penalty prescribed therefor by law,
44 shall be required to repay to the department of soil
45 conservation any cost sharing funds made available
46 to the applicant in reliance on the false statement
47 or false denial."

48 6. Page 15, by inserting after line 27 the
49 following:

50 "Sec. _____. As soon as reasonably possible after

SENATE 15
APRIL 11, 1980

S-5707
Page 2

1 July 1, 1980, the commissioners of each soil
2 conservation district in the state shall publish,
3 in a newspaper of general circulation in the district,
4 a notice advising owners and operators of agricultural
5 land in the district of the provisions of section
6 thirteen (13) of this Act. The notice shall be drawn
7 up in accordance with rules of the department of soil
8 conservation."

9 7. Page 15, line 29, by striking the word and
10 figure "twelve (12)" and inserting in lieu thereof
11 the word and figure "thirteen (13)".

12 8. Title, line 7, by inserting after the word
13 "resources" the words ", and prescribing a penalty
14 for knowingly making a false statement of material
15 facts or falsely denying knowledge of material facts
16 on a cost sharing application".

S-5707 FILED
APRIL 10, 1980

BY FORREST V. SCHWENGELS

Adopted 4/17 (p. 1518)

HOUSE FILE 2561

S-5656

1 Amend House File 2561, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 6, line 28, by striking the words "at
4 least" and inserting in lieu thereof the words "at
5 least".

S-5656 FILED
APRIL 3, 1980

BY COMMITTEE ON NATURAL RESOURCES
ELIZABETH MILLER, CHAIRPERSON

Adopted 4/11 (p. 1518)

HOUSE CLIP SHEET

MONDAY, APRIL 21, 1980

SENATE AMENDMENT TO
HOUSE FILE 2561

H-6209

1 Amend House File 2561 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, by striking line 1 and inserting in
4 lieu thereof the following:
5 "Section 1. Section four hundred sixty-seven A
6 point four (467A.4), subsection one (1), Code 1979,
7 as amended by Acts of the Sixty-eighth General
8 Assembly, 1980 Session, Senate File two thousand three
9 hundred one (2301), section seventy-one (71), is
10 amended to read as follows:
11 1. There is hereby established, to serve as an
12 agency of the state and to perform the functions
13 conferred upon it in this chapter, the department
14 of soil conservation. The department shall be
15 administered in accordance with the policies of the
16 state soil conservation committee, which shall approve
17 administrative rules proposed by the department before
18 the rules are promulgated pursuant to chapter seventeen
19 A (17A) of the Code. The state soil conservation
20 committee shall consist of a chairperson and twelve
21 members. The following shall serve as ex officio
22 nonvoting members of the committee: The director
23 of the state agricultural extension service, or the
24 director's designee, the secretary of agriculture,
25 or the secretary's designee, the director of the state
26 conservation commission or the director's designee,
27 and the director of the Iowa natural resources council
28 or the director's designee. Eight voting members
29 shall be appointed by the governor subject to
30 confirmation by the senate. Six of the appointive
31 members shall be persons engaged in actual farming
32 operations, one of whom shall be a resident of each
33 of the six conservancy districts established by section
34 467D.3, and no more than one of whom shall be a
35 resident of any one county. The seventh and eighth
36 appointive members shall be chosen by the governor
37 from the state at large with one appointed to be a
38 representative of cities and one appointed to be a
39 representative of the mining industry. The committee
40 may invite the secretary of agriculture of the United
41 States to appoint one person to serve with the above-
42 mentioned members, and the president of the Iowa
43 county engineers association may designate a member
44 of the association to serve in the same manner, but
45 these persons shall have no vote and shall serve in
46 an advisory capacity only. The director of the
47 department of environmental quality shall be an ex
48 officio nonvoting member. The committee shall adopt
49 a seal, which seal shall be judicially noticed, and
50 may perform acts, hold public hearings, and promulgate

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1 rules as provided in chapter 17A as necessary for
2 the execution of its functions under this chapter.
3 Sec. 2. Section four hundred sixty-seven A point
4 four".

5 2. Page 1, by inserting after line 35 the
6 following:

7 "(9) A member of the state soil conservation
8 committee.

9 (10) The state conservationist of the United
10 States soil conservation service, or that officer's
11 designee".

12 3. Page 2, line 2, by striking the words and
13 figures "sixteen (16), Code 1979, is" and inserting
14 in lieu thereof the words and figures "four (4) and
15 sixteen (16), Code 1979, are".

16 4. Page 2, by striking line 8 and inserting in
17 lieu thereof the following: "and file, in the office
18 of the soil conservation district of the county".

19 5. Page 2, line 30, by inserting after the word
20 "subsection." the following: "The agreement to refund
21 shall not create a lien on the land, but shall be
22 a charge personally against the owner of the land
23 at the time of removal, alteration or modification
24 which gives rise to the need for a refund."

25 6. Page 2, line 30, by inserting after the word
26 "subsection." the words "Each soil conservation
27 district which has entered into agreements under this
28 subsection shall file in the office of the county
29 recorder a statement that there are in effect in that
30 county certain agreements covenanted under this
31 subsection which place upon owners of agricultural
32 land the obligation to maintain permanent soil
33 conservation practices established with public cost
34 sharing money, and that failure to do so may result
35 in an obligation to refund a portion of the public
36 cost sharing money used to establish the practices."

37 7. Page 3, by striking lines 6 through 10 and
38 inserting in lieu thereof the following:

39 "NEW SUBSECTION. To enter into special funding
40 agreements which, notwithstanding subsection four
41 (4) of this section, provide for cost sharing up to
42 sixty percent of the cost of a project including five
43 or more contiguous farm units which have at least
44 five hundred or more acres of farmland and which
45 constitute at least seventy-five percent of the
46 agricultural land lying within a watershed or
47 subwatershed, where the owners jointly agree to a
48 watershed conservation plan in conjunction with their
49 respective farm unit soil conservation plans."

50 8. Page 3, line 22, by inserting after the word

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1 "practices" the words ", provided that the
2 commissioners of a soil conservation district shall
3 not use state cost sharing funds to pay such incentives
4 in any fiscal year when requests which seek cost
5 sharing for eligible permanent soil and water
6 conservation practices, but which do not seek incentive
7 payments under this subsection, are sufficient to
8 use all of the state cost sharing funds made available
9 to the district for that year."

10 9. Page 3, line 23, by striking the words "shall
11 be" and inserting in lieu thereof the words "may,
12 notwithstanding subsection four (4) of this section,
13 provide for cost sharing up to sixty percent of the
14 cost of establishing any permanent soil and water
15 conservation practice where the establishment of that
16 practice involves a construction project which begins
17 after June first but before August fifteenth of any
18 calendar year. Incentive payments under this
19 subsection may also include, or may be limited to".

20 10. Page 4, line 8, by inserting after the word
21 "purchasing" the words "or renting".

22 11. Page 4, by striking line 9 and inserting in
23 lieu thereof the words "by his or her tenant or
24 tenants. If a landowner has multiple farm tenants,
25 the land on which farming operations are being
26 conducted by each tenant shall constitute a separate
27 farm unit. This definition does".

28 12. Page 4, line 29, by striking the word "or"
29 and inserting in lieu thereof the words "and, if
30 appropriate, the".

31 13. Page 5, lines 6 and 7, by striking the words
32 ", conditioned on the furnishing by" and inserting
33 in lieu thereof the words "or, with the approval of
34 the commissioners of".

35 14. Page 5, line 8, by inserting after the word
36 "located" the words ", a portion of a farm unit soil
37 conservation plan. The commitment shall be conditioned
38 on the furnishing by the soil conservation district".

39 15. Page 5, line 11, by inserting after the word
40 "plan" the words ", or a portion of the plan".

41 16. Page 6, line 28, by striking the words "at
42 least" and inserting in lieu thereof the words "at
43 least".

44 17. Page 13, line 7, by inserting after the word
45 "them." the words "Each person who identifies himself
46 or herself to the commissioners or staff of a soil
47 conservation district as a prospective purchaser of
48 agricultural land in the district shall be given
49 information, prepared in accordance with rules of
50 the department of soil conservation, which clearly

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1 explains the provisions of section thirteen (13) of
2 this Act."

3 18. Striking page 14, line 33 through page 15,
4 line 3 and inserting in lieu thereof the following:

5 "1. It is the intent of this Act that, effective
6 January 1, 1981, each tract of agricultural land which
7 has not been plowed or used for growing row crops
8 at any time within fifteen years prior to that date,
9 shall for purposes of this section be considered
10 classified as agricultural".

11 19. Page 15, line 6, by inserting after the word
12 "commissioners" the words "of the soil conservation
13 district in which the land is located".

14 20. Page 15, lines 10 and 11, by striking the
15 words "had not previously been" and inserting in lieu
16 thereof the words "were not considered".

17 21. Page 15, by inserting after line 20 the
18 following:

19 "2. When receiving an application for state cost
20 sharing funds to pay a part of the cost of establishing
21 a permanent or temporary soil and water conservation
22 practice, the commissioners of the soil conservation
23 district to which the application is submitted shall
24 require the applicant to state in writing whether,
25 to the best of the applicant's knowledge, the land
26 on which the proposed practice will be established
27 is land considered to be classified as agricultural
28 land under conservation cover, as defined in subsection
29 one (1) of this section. An applicant who knowingly
30 makes a false statement of material facts or who
31 falsely denies knowledge of material facts in
32 completing the written statement required by this
33 subsection commits a simple misdemeanor and, in
34 addition to the penalty prescribed therefor by law,
35 shall be required to repay to the department of soil
36 conservation any cost sharing funds made available
37 to the applicant in reliance on the false statement
38 or false denial."

39 22. Page 15, by inserting after line 20 the
40 following:

41 "Sec. _____. Chapter four hundred sixty-seven A
42 (467A), Code 1979, is amended by adding the following
43 new section:

44 NEW SECTION. PROCEDURE WHEN COMMISSIONER IS
45 COMPLAINANT. A soil conservation district commissioner
46 who is an owner or occupant of land being damaged
47 by sediment has the same right as any other person
48 in like circumstances to file a complaint under section
49 four hundred sixty-seven A point forty-seven (467A.47)
50 of the Code, however a commissioner who is the

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1 complainant shall not vote on the question whether,
2 on the basis of the inspection made pursuant to the
3 complaint, the commissioners shall issue an
4 administrative order under section four hundred sixty-
5 seven A point forty-seven (467A.47) of the Code."

6 23. Page 15, by inserting after line 27 the
7 following:

8 "Sec. _____. As soon as reasonably possible after
9 July 1, 1980, the commissioners of each soil
10 conservation district in the state shall publish,
11 in a newspaper of general circulation in the district,
12 a notice advising owners and operators of agricultural
13 land in the district of the provisions of section
14 thirteen (13) of this Act. The notice shall be drawn
15 up in accordance with rules of the department of soil
16 conservation."

17 24. Page 15, line 29, by striking the word and
18 figure "twelve (12)" and inserting in lieu thereof
19 the word and figure "thirteen (13)".

20 25. Title, line 7, by inserting after the word
21 "resources" the words ", and prescribing a penalty
22 for knowingly making a false statement of material
23 facts or falsely denying knowledge of material facts
24 on a cost sharing application".

H-6209 FILED APRIL 18, 1980

RECEIVED FROM THE SENATE

Handwritten note: Done 4/22/80

HOUSE FILE 2561

AN ACT

RELATING TO THE POWERS AND DUTIES OF SOIL CONSERVATION DISTRICTS AND SOIL CONSERVATION DISTRICT COMMISSIONERS, AND AMENDING THE STATUTES RELATING TO ESTABLISHMENT OF SOIL AND WATER CONSERVATION PRACTICES AND TO DUTIES OF THE OWNERS AND OPERATORS OF AGRICULTURAL LAND AND OF LAND-OWNERS GENERALLY WITH RESPECT TO CONSERVATION OF SOIL RESOURCES, AND PRESCRIBING A PENALTY FOR KNOWINGLY MAKING A FALSE STATEMENT OF MATERIAL FACTS OR FALSELY DENYING KNOWLEDGE OF MATERIAL FACTS ON A COST SHARING APPLICATION.

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

Section 1. Section four hundred sixty-seven A point four (467A.4), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section seventy-one (71), is amended to read as follows:

1. There is hereby established, to serve as an agency of the state and to perform the functions conferred upon it in this chapter, the department of soil conservation. The department shall be administered in accordance with the policies of the state soil conservation committee, which shall approve administrative rules proposed by the department before the rules are promulgated pursuant to chapter seventeen A (17A) of the Code. The state soil conservation committee shall consist of a chairperson and twelve members. The following shall serve as ex officio nonvoting members of the

committee: The director of the state agricultural extension service, or the director's designee, the secretary of agriculture, or the secretary's designee, the director of the state conservation commission or the director's designee, and the director of the Iowa natural resources council or the director's designee. Eight voting members shall be appointed by the governor subject to confirmation by the senate. Six of the appointive members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of the six conservancy districts established by section 467D.3, and no more than one of whom shall be a resident of any one county. The seventh and eighth appointive members shall be chosen by the governor from the state at large with one appointed to be a representative of cities and one appointed to be a representative of the mining industry. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the above-mentioned members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons shall have no vote and shall serve in an advisory capacity only. The director of the department of environmental quality shall be an ex officio nonvoting member. The committee shall adopt a seal, which seal shall be judicially noticed, and may perform acts, hold public hearings, and promulgate rules as provided in chapter 17A as necessary for the execution of its functions under this chapter.

Sec. 2. Section four hundred sixty-seven A point four (467A.4), subsection four (4), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. To establish and maintain an interagency coordinating committee for the purpose of preparing and disseminating recommendations for coordinated efforts to deal with water and soil management problems, including but not necessarily limited to the flow of water into, across and from public roads and roadside ditches, that are the common concern of two or more of the agencies or groups represented

on the committee. The committee shall meet at the call of the chairperson or upon the written request of any three members, to execute the functions assigned it by this section. The coordinating committee shall consist of:

- (1) The director of the department of soil conservation or the director's designee, who shall act as chairperson of the coordinating committee.
- (2) A representative of the state department of agriculture, designated by the secretary of agriculture.
- (3) A representative of the department of environmental quality, designated by the executive director of that department.
- (4) A representative of the department of transportation, designated by the director of that department.
- (5) A representative of the Iowa natural resources council, designated by the council's director.
- (6) A representative of county boards of supervisors, designated by the county supervisors association affiliated with the Iowa state association of counties.
- (7) A representative of county engineers, designated by the county engineers association affiliated with the Iowa state association of counties.
- (8) A representative of soil conservation district commissioners, designated by the Iowa association of soil conservation district commissioners.
- (9) A member of the state soil conservation committee.
- (10) The state conservationist of the United States soil conservation service, or that officer's designee.

Sec. 3. Section four hundred sixty-seven A point seven (467A.7), subsection sixteen (16), Code 1979, is amended to read as follows:

16. The commissioners shall, as a condition for the receipt of any ~~east-shore~~ state cost-sharing funds for permanent soil conservation practices, require the ~~landowner~~ owner of the land on which the practices are to be established to covenant and file, in the office of the soil conservation district of the county in which the land is located, an agreement

identifying the particular lands upon which the practices for which state cost-sharing funds are to be received will be established and providing that if the project is removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on guidelines drawn up by the state soil conservation committee, for a period of ten ~~ten~~ twenty years after the date of receiving payment, the ~~landowner~~ owner of the land on which the practices have been so removed, altered or modified shall refund to the department of soil conservation the ~~public~~ state cost-sharing funds used for the project, or for the portion of the project which has been removed, altered or modified so as to lessen its effectiveness. Such refunds shall be computed on a pro rata basis in accordance with guidelines drawn up by the state soil conservation committee in accordance with the age and anticipated remaining useful life of the project, and shall be reallocated to the district from which they were refunded to be used for conservation cost sharing. ~~It shall be the duty of the~~ The commissioners to ~~shall~~ assist the state soil conservation committee in the enforcement of this subsection. The agreement to refund shall not create a lien on the land, but shall be a charge personally against the owner of the land at the time of removal, alteration or modification which gives rise to the need for a refund. Each soil conservation district which has entered into agreements under this subsection shall file in the office of the county recorder a statement that there are in effect in that county certain agreements covenanted under this subsection which place upon owners of agricultural land the obligation to maintain permanent soil conservation practices established with public cost-sharing money, and that failure to do so may result in an obligation to refund a portion of the public cost-sharing money used to establish the practices. A seller of agricultural land with respect to which an agreement covenanted under this subsection is in effect, and who is not currently in violation of that agreement, shall upon request to the commissioners be furnished with a written

statement that, as of the date of the statement, the seller has incurred no obligation to refund to the department of soil conservation the state cost-sharing funds obtained pursuant to the agreement.

Sec. 4. Section four hundred sixty-seven A point seven (467A.7), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. To enter into special funding agreements which, notwithstanding subsection four (4) of this section, provide for cost sharing up to sixty percent of the cost of a project including five or more contiguous farm units which have at least five hundred or more acres of farmland and which constitute at least seventy-five percent of the agricultural land lying within a watershed or subwatershed, where the owners jointly agree to a watershed conservation plan in conjunction with their respective farm unit soil conservation plans.

NEW SUBSECTION. To encourage local school districts to provide instruction in the importance of and in some of the basic methods of soil conservation, as a part of the course work relating to conservation of natural resources and environmental awareness required pursuant to section two hundred fifty-seven point twenty-five (257.25), subsections three (3) and four (4), of the Code, and to offer technical assistance to schools in developing such instructional programs.

NEW SUBSECTION. To make incentive payments to encourage summer construction of permanent soil and water conservation practices, provided that the commissioners of a soil conservation district shall not use state cost-sharing funds to pay such incentives in any fiscal year when requests which seek cost sharing for eligible permanent soil and water conservation practices, but which do not seek incentive payments under this subsection, are sufficient to use all of the state cost-sharing funds made available to the district for that year. Incentive payments made under this subsection may, notwithstanding subsection four (4) of this section,

provide for cost sharing up to sixty percent of the cost of establishing any permanent soil and water conservation practice where the establishment of that practice involves a construction project which begins after June first but before August fifteenth of any calendar year. Incentive payments under this subsection may also include, or may be limited to a pro rata amount, in accordance with rules of the department, to compensate for production loss on the area disturbed for construction of practices.

Sec. 5. Section four hundred sixty-seven A point forty-two (467A.42), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

In addition to the definitions established by section 467A.3, as used in sections 467A.43 to 467A.53 and sections ten (10) through fifteen (15) of this Act, unless the context otherwise requires:

Sec. 6. Section four hundred sixty-seven A point forty-two (467A.42), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. "Agricultural land" has the meaning assigned that term by section one hundred seventy-two C point one (172C.1) of the Code.

NEW SUBSECTION. "Farm unit" means a single contiguous tract of agricultural land, or two or more adjacent tracts of agricultural land, located within a single soil conservation district, upon which farming operations are being conducted by a person who owns or is purchasing or renting all of such land, or by his or her tenant or tenants. If a landowner has multiple farm tenants, the land on which farming operations are being conducted by each tenant shall constitute a separate farm unit. This definition does not prohibit land which is within a single soil conservation district and is owned or being purchased by the same person, or is being rented by the same tenant, from being treated as two or more farm units if the commissioners of the soil conservation district deem it preferable to do so.

NEW SUBSECTION. "Conservation folder" means compiled information concerning the topography, soil composition, natural or artificial drainage characteristics and other pertinent factors concerning a particular farm unit, which are necessary to the preparation of a sound and equitable conservation agreement for that farm unit. The specific items to be contained in a conservation folder shall be prescribed by administrative rules of the department of soil conservation. The department shall provide by rule that an updated farm plan prepared for a particular farm unit within ten years prior to the effective date of this subsection shall be considered an adequate replacement for the conservation folder for that farm unit.

NEW SUBSECTION. "Farm unit soil conservation plan" means a plan jointly developed by the owner and, if appropriate, the operator of a farm unit and the commissioners of the soil conservation district within which that farm unit is located, based on the conservation folder for that farm unit and identifying those permanent soil and water conservation practices and temporary soil and water conservation practices the use of which may be expected to prevent soil loss by erosion from that farm unit in excess of the applicable soil loss limit or limits. The plan shall if practicable identify alternative practices by which this objective may be attained.

NEW SUBSECTION. "Conservation agreement" means a commitment by the owner or operator of a farm unit to implement a farm unit soil conservation plan or, with the approval of the commissioners of the soil conservation district within which the farm unit is located, a portion of a farm unit soil conservation plan. The commitment shall be conditioned on the furnishing by the soil conservation district of such technical or planning assistance in the establishment of, and cost-sharing or other financial assistance for establishment and maintenance of the soil and water conservation practices necessary to implement the plan, or a portion of the plan.

Sec. 7. Section four hundred sixty-seven A point forty-three (467A.43), Code 1979, is amended to read as follows:

467A.43 DUTY OF PROPERTY OWNERS. To conserve the fertility, general usefulness, and value of the soil and soil resources of this state, and to prevent the injurious effects of soil erosion, it is hereby made the duty of the owners of real property in this state to establish and maintain soil and water conservation practices or erosion control practices, as required by the regulations of the commissioners of the respective soil conservation districts. As used in this section, "owners of real property in this state" includes each state government agency, each political subdivision of the state and each agency of such a political subdivision which has under its control publicly-owned land, including but not limited to agricultural land, forests, parks, the grounds of state educational, penal and human service institutions, public highways, roads and streets, and other public rights-of-way.

Sec. 8. Section four hundred sixty-seven A point forty-four (467A.44), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The commissioners of each soil conservation district shall, with approval of and within time limits set by administrative order of the state soil conservation committee, adopt such reasonable regulations as are deemed necessary to establish a soil loss limit or limits for the district and provide for the implementation of the limit or limits, and may subsequently amend or repeal their regulations as they deem necessary. The state soil conservation committee shall review the soil loss limit regulations adopted by the soil conservation districts at least once every five years, and shall recommend any changes in the regulations of any soil conservation district which the state committee deems necessary to assure that the district's soil loss limits are reasonable and attainable. The commissioners may:

Sec. 9. Section four hundred sixty-seven A point forty-eight (467A.48), Code 1979, as amended by Acts of the Sixty-

eighth General Assembly, 1979 Session, chapter one hundred fifteen (115), section one (1), 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, except as otherwise provided by law with respect to land classified as agricultural land under conservation cover. 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 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. 10. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. DISCRETIONARY INSPECTION BY COMMISSIONERS-
-ACTIONS UPON CERTAIN FINDINGS.

1. In addition to the authority granted by section four hundred sixty-seven A point forty-seven (467A.47) of the Code, the commissioners of any soil conservation district may inspect or cause to be inspected any land within the district on which they have reasonable grounds to believe that soil erosion is occurring in excess of the limits established by the district's soil erosion control regulations. If the commissioners find from an inspection conducted under authority of either section four hundred sixty-seven A point forty-seven (467A.47) of the Code or this section that soil erosion is occurring on that land in excess of the applicable soil loss limits established by the district's soil erosion control regulations, they shall send notice of that finding to the

landowner or landowners of record, and to the occupant of the land if known to the commissioners. The notice shall describe the land affected and shall state as nearly as possible the extent to which soil erosion from that land exceeds the applicable soil loss limits.

a. If the commissioners find that the excessive erosion described in the notice is not causing sediment damage to property owned or occupied by any person other than the owner or occupant of the land on which the excessive soil erosion is occurring, and that the rate of the excessive erosion is less than twice the applicable soil loss limit, the notice required by this subsection shall include or be accompanied by information regarding financial or other assistance which the commissioners are able to make available to the owner or occupant of the land to aid in achieving compliance with the applicable soil loss limits.

b. If the commissioners find that the excessive soil erosion described in the notice is not causing sediment damage to property owned or occupied by any person other than the owner or occupant of the land on which it is occurring, but that the erosion is occurring at a rate equal to or greater than twice the applicable soil loss limit, the notice shall so state, shall include or be accompanied by the information required by paragraph a of this subsection, and shall be delivered by personal service or by restricted certified mail to each of the persons to whom the notice is directed. A notice given under this paragraph shall also include or be accompanied by information explaining the provisions of subsection two (2) of this section.

2. Beginning January 1, 1985, or five years after the completion of the conservation folder for a particular farm unit pursuant to section ten (10) of this Act, whichever date is later, the commissioners of the soil conservation district in which that farm unit is located may petition the district court for an appropriate order with respect to that farm unit if its owner or occupant has been sent a notice by the commissioners under subsection one (1), paragraph b of this section

for three or more consecutive years. The commissioners' petition shall seek a court order which states a time not more than six months after the date of the order when the owner or occupant must commence, and a time when he or she must complete the steps necessary to comply with the order. The time allowed to complete the establishment of any temporary soil and water conservation practice employed to comply or advance toward compliance with the court's order shall be not more than one year after the date of that order, and the time allowed to complete the establishment of any permanent soil and water conservation practice employed to comply with the court's order shall be not more than five years after the date of that order. The provisions of section four hundred sixty-seven A point forty-eight (467A.48) of the Code shall apply to a court order issued under this subsection. The steps required of the farm unit owner or operator by the court order shall be those which are necessary to do one of the following:

a. Bring the farm unit which is the subject of the order into compliance with its farm unit soil conservation plan, if such a plan had been agreed upon prior to the time the commissioners petitioned for the order.

b. Bring the farm unit which is the subject of the order into compliance with a plan developed for that farm unit by the commissioners, in accordance with guidelines established by the department of soil conservation, and presented to the court as a part of the commissioners' petition, if a farm unit soil conservation plan has not previously been agreed upon for that farm unit. A plan presented to the court by the commissioners under this paragraph shall specify as many alternative approved soil and water conservation practices as feasible, among which the owner or occupant of the farm unit may choose in taking the steps necessary to comply with the court's order.

c. Bring the farm unit which is the subject of the order into compliance with a soil conservation plan developed by the owner or occupant of that farm unit as an alternative

to the proposed soil conservation plan developed by the commissioners, if the owner or occupant so petitions the court and the court finds that the owner or occupant's plan will bring the farm unit into conformity with the applicable soil loss limits of the district.

Sec. 11. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. DUTIES OF COMMISSIONERS AND OF OWNERS AND OCCUPANTS OF AGRICULTURAL LAND--RESTRICTIONS ON USE OF COST-SHARING FUNDS.

1. The commissioners of each soil conservation district shall seek to implement or to assist in implementing the following requirements:

a. Each farm unit shall be furnished a conservation folder by the department of soil conservation, acting through the soil conservation district in which the farm unit is located, not later than January 1, 1985, or as soon thereafter as adequate funding is available to permit completion of a conservation folder for every farm unit in the state. The department shall provide by rule that an updated farm plan prepared for a particular farm unit within ten years prior to the effective date of this subsection shall be considered an adequate replacement for the conservation folder for that farm unit. Upon completion of the conservation folder for a particular farm unit, the district shall send the owner of that farm unit, and also the operator of the farm unit if known by the commissioners to be other than the owner, a letter offering that person or those persons a copy of the folder. The district shall keep a record of the date the folder is completed and the letter is sent. The folder shall be updated from time to time by the district as it deems necessary.

b. The commissioners of each soil conservation district shall complete preparation of a farm unit soil conservation plan for each farm unit within the district, not later than January 1, 1985 or five years after completion of the conservation folder for that farm unit, whichever date is later,

or as soon thereafter as adequate funding is available to permit compliance with this requirement. The commissioners shall make every reasonable effort to consult with the owner and, if appropriate, with the operator of that farm unit, and to prepare the plan in a form which is acceptable to that person or those persons. The plan shall be drawn up and completed without expense to the owner or operator of the farm unit, except that the owner or operator shall not be reimbursed for the value of his or her own time devoted to participation in the preparation of the plan. If the commissioners' plan is unacceptable to the owner or operator of the farm unit, that person or those persons may prepare an alternative farm unit soil conservation plan identifying permanent or temporary soil and water conservation practices which may be expected to achieve compliance with the soil loss limit or limits applicable to that farm unit, and submit that plan to the soil conservation district commissioners for their review.

c. Within one year after completion of a farm unit soil conservation plan for a particular farm unit which is acceptable both to the commissioners of the soil conservation district within which the farm unit is located and to the owner and, if appropriate, to the operator of that farm unit, the commissioners shall offer to enter into a soil conservation agreement with the owner, and also with the operator if appropriate, based on the mutually acceptable farm unit soil conservation plan.

2. State cost-sharing funds shall not be made available for use on a farm unit with respect to which no conservation agreement is in effect by January 1, 1986 or one year after the completion of the farm unit soil conservation plan for that farm unit by the soil conservation district, whichever date is later. The restriction imposed by this subsection shall not apply to any farm unit with respect to which an administrative order or a court order to comply with applicable soil loss limits has been issued as provided by this chapter.

Sec. 12. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. RIGHT OF PURCHASER OF AGRICULTURAL LAND TO OBTAIN INFORMATION. A prospective purchaser of an interest in agricultural land located in this state is entitled to obtain from the seller, or from the office of the soil conservation district in which the land is located, a copy of the most recently updated conservation folder and of any farm unit soil conservation plan, developed pursuant to section eleven (11), subsection one (1), paragraph b of this Act, which are applicable to the agricultural land proposed to be purchased. A prospective purchaser of an interest in agricultural land located in this state shall be entitled to obtain additional copies of either or both of the documents referred to in this subsection from the office of the soil conservation district in which the land is located, promptly upon request, at a fee not to exceed the cost of reproducing them. Each person who identifies himself or herself to the commissioners or staff of a soil conservation district as a prospective purchaser of agricultural land in the district shall be given information, prepared in accordance with rules of the department of soil conservation, which clearly explains the provisions of section fourteen (14) of this Act.

Sec. 13. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. EROSION CONTROL PLANS REQUIRED FOR CERTAIN PROJECTS.

1. When a land disturbing activity is to occur as a part of a project for which a permit is required by a political subdivision which has adopted a building code pursuant to chapter one hundred three A (103A) of the Code or zoning ordinances pursuant to chapter three hundred fifty-eight A (358A) or four hundred fourteen (414) of the Code, the required permit for the project causing the land disturbing activity shall not be issued unless there is on file with the permit issuing authority a soil erosion control plan which covers the proposed project and is approved by the soil conservation district commissioners.

2. For the purposes of this section, "land disturbing activity" means a land change such as the tilling, clearing, grading, excavating, transporting or filling of land which may result in soil erosion from water or wind and the movement of sediment and sediment related pollutants into the waters of the state or onto lands in the state but does not include the following:

- a. Tilling, planting or harvesting of agricultural, horticultural or forest crops.
 - b. Preparation for single-family residences separately built unless in conjunction with multiple construction in subdivision development.
 - c. Minor activities such as home gardens, landscaping, repairs and maintenance work.
 - d. Surface or deep mining.
 - e. Installation of public utility lines and connections, fence posts, sign posts, telephone poles, electric poles and other kinds of posts or poles.
 - f. Septic tanks and drainage fields unless they are to serve a building whose construction is a land disturbing activity.
 - g. Construction and repair of the tracks, right-of-way, bridges, communication facilities and other related structures of a railroad.
 - h. Emergency work to protect life or property.
 - i. Disturbed land areas of less than ten thousand square feet unless a political subdivision by ordinance establishes a smaller exception or establishes conditions for this exception.
 - j. The construction, relocation, alteration or maintenance of public roads.
3. If the permit issuing authority determines that a land disturbing activity is not being conducted in compliance with the soil erosion control plan, the permit issuing authority shall file a written and signed complaint with the soil conservation district commissioners. The complaint shall have the same effect and validity as a complaint filed by an owner

or occupant of land being damaged by sediment pursuant to section four hundred sixty-seven A point forty-seven (467A.47) of the Code. The soil conservation district commissioners may issue an administrative order as provided in that section to the person conducting the land disturbing activity.

Sec. 14. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. COST SHARING FOR CERTAIN LANDS RESTRICTED.

1. It is the intent of this Act that, effective January 1, 1981, each tract of agricultural land which has not been plowed or used for growing row crops at any time within fifteen years prior to that date, shall for purposes of this section be considered classified as agricultural land under conservation cover. If any tract of land so classified is thereafter plowed or used for growing row crops, the commissioners of the soil conservation district in which the land is located shall not approve use of state cost-sharing funds for establishing permanent or temporary soil and water conservation practices on that tract of land in an amount greater than one-half the amount of cost-sharing funds which would be available for that land if it were not considered classified as agricultural land under conservation cover. The restriction imposed by this section shall apply even if an administrative order or court order has been issued requiring establishment of soil and water conservation practices on that land. The commissioners may waive the restriction imposed by this section if they determine in advance that the purpose of plowing or row cropping land classified as land under conservation cover is to revitalize permanent pasture and that the land will revert to permanent pasture within two years after it is plowed.

2. When receiving an application for state cost-sharing funds to pay a part of the cost of establishing a permanent or temporary soil and water conservation practice, the commissioners of the soil conservation district to which the application is submitted shall require the applicant to state in writing whether, to the best of the applicant's knowledge,

the land on which the proposed practice will be established is land considered to be classified as agricultural land under conservation cover, as defined in subsection one (1) of this section. An applicant who knowingly makes a false statement of material facts or who falsely denies knowledge of material facts in completing the written statement required by this subsection commits a simple misdemeanor and, in addition to the penalty prescribed therefor by law, shall be required to repay to the department of soil conservation any cost-sharing funds made available to the applicant in reliance on the false statement or false denial.

Sec. 15. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. PROCEDURE WHEN COMMISSIONER IS COMPLAINANT.

A soil conservation district commissioner who is an owner or occupant of land being damaged by sediment has the same right as any other person in like circumstances to file a complaint under section four hundred sixty-seven A point forty-seven (467A.47) of the Code, however a commissioner who is the complainant shall not vote on the question whether, on the basis of the inspection made pursuant to the complaint, the commissioners shall issue an administrative order under section four hundred sixty-seven A point forty-seven (467A.47) of the Code.

Sec. 16. The first review of soil loss limit regulations which have been adopted by soil conservation districts in the state, conducted pursuant to section four hundred sixty-seven A point forty-four (467A.44) of the Code as amended by section eight (8) of this Act, shall be completed by the state soil conservation committee not later than December 31, 1980.

Sec. 17. As soon as reasonably possible after July 1, 1980, the commissioners of each soil conservation district in the state shall publish, in a newspaper of general circulation in the district, a notice advising owners and operators of agricultural land in the district of the provisions of section fourteen (14) of this Act. The notice

shall be drawn up in accordance with rules of the department of soil conservation.

Sec. 18. Sections one (1) through seven (7) and nine (9) through fifteen (15) of this Act are effective January first following its enactment.

WILLIAM H. HARBOR
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 2561, Sixty-eighth General Assembly.

BRUCE GRAHAM
Assistant Chief Clerk of the House

Approved May 22, 1980

ROBERT D. RAY
Governor