

Agriculture: Halvorson of Webster, Chair; Copenhaver and Pellett.

Pass 3/2 (p. 680)

JAN 28 1984 HOUSE FILE 2167

HOUSE FILE 2167

BY COOPER

Agriculture

Agriculture
Vande Hoef, Chair
Van Cilst
Gallagher

Passed House, Date 3-12-84 (p. 956) Passed Senate, Date 3-28-84 (p. 1132)

Vote: Ayes 98 Nays 1 Vote: Ayes 37 Nays 0

Approved May 4, 1984

A BILL FOR

1 An Act relating to the cost of permanent soil and water
2 conservation practices constructed under administrative
3 order with public cost-sharing funds.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 2167

1 Section 1. Section 467A.48, Code 1983, is amended to read
2 as follows:

3 467A.48 APPLICATION FOR PUBLIC COST-SHARING FUNDS.

4 1. No An owner or occupant of land in this state shall
5 be is not required to establish any new permanent or temporary
6 soil and water conservation practice unless public or other
7 cost-sharing funds have been specifically approved for such
8 that land and actually made available to the owner or occupant
9 in-an-amount-equal-to-at-least. The amount of cost-sharing
10 funds made available shall not exceed seventy-five percent
11 of the estimated cost as established by the commissioners
12 of any a permanent soil and water conservation practice, or
13 seventy-five percent of the actual cost, whichever is less,
14 or an amount set by the state soil conservation committee
15 for any a temporary soil and water conservation practice,
16 except as otherwise provided by law with respect to land
17 classified as agricultural land under conservation cover.
18 The commissioners shall establish the estimated cost of
19 permanent soil and water conservation practices in the district
20 based upon one and two-tenths of the average cost of the
21 practices installed in the district during the previous year.
22 The average costs shall be reviewed and approved by the
23 commissioners each calendar year.

24 2. The state soil conservation committee shall review
25 these requirements once each year, and may authorize soil
26 conservation district commissioners to make the mandatory
27 establishment of any specified soil and water conservation
28 practice in any particular case conditional on a higher
29 proportion of public cost-sharing than is required by this
30 section. When the commissioners have been so authorized,
31 they shall, in determining the amount of cost-sharing for
32 establishment of a specified soil and water conservation
33 practice to comply with an administrative order issued pursuant
34 to section 467A.47, consider the extent to which the practice
35 will contribute benefits to the public in relation to the

1 benefits that will accrue to the individual owner or occupant
2 of the land on which the practice is to be established.
3 Evidence that an application for public or other cost-sharing
4 funds, from a source or sources having authority to pay a
5 portion of the cost of work needed to comply with an
6 administrative order issued pursuant to section 467A.47, has
7 been submitted to the proper officer or agency ~~shall constitute~~
8 constitutes commencement of ~~such~~ the work within the meaning
9 of sections 467A.43 to 467A.53.

10 3. Upon receiving evidence of the submission of ~~such~~ an
11 application, the commissioners shall forward to the officer
12 or agency to which the application was made a written request
13 to receive notification of the disposition of ~~such~~ the
14 application. When notified of the approval of ~~such~~ the
15 application, the commissioners shall issue to the same parties
16 who received the original administrative order, or their
17 successors in interest, a supplementary order, to be delivered
18 in the same manner as provided by sections 467A.43 to 467A.53
19 for delivery of original administrative orders. The
20 supplementary order shall state a time, not more than six
21 months after approval of the application for public cost-
22 sharing funds, by which the work needed to comply with the
23 original administrative order shall actually be commenced,
24 and a time thereafter when ~~such~~ the work is to be
25 satisfactorily completed. If feasible, that time shall be
26 within one year after the date of the supplementary order,
27 but the owner of land on which a soil and water conservation
28 practice is being established under this section ~~shall~~ is
29 not be required to incur a cost ~~therefor~~ for the practice
30 in any one calendar year which exceeds ten dollars per acre
31 for each acre of land belonging to that owner and located
32 in the county containing the land on which the required
33 practice is being established or in counties contiguous ~~thereto~~
34 to that county.

35

EXPLANATION

1 This bill provides that the maximum amount of public cost-
2 sharing funds that must be available for an owner or operator
3 to be required to establish a permanent soil and water
4 conservation practice is seventy-five percent of the average
5 cost of the practice as established by soil conservation
6 district commissioners, or seventy-five percent of the actual
7 cost, whichever is less. The commissioners are required
8 to establish the average cost of soil and water conservation
9 practices in the district.

10 The bill takes effect July 1 following enactment.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 2167

AN ACT

RELATING TO THE COST OF PERMANENT SOIL AND WATER CONSERVATION PRACTICES CONSTRUCTED UNDER ADMINISTRATIVE ORDER WITH PUBLIC COST-SHARING FUNDS.

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

Section 1. Section 467A.48, Code 1983, is amended to read as follows:

467A.48 APPLICATION FOR PUBLIC COST-SHARING FUNDS.

1. No ~~an~~ owner or occupant of land in this state ~~shall~~ be ~~is not~~ 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 that land and actually made available to the owner or occupant ~~in an amount equal to at least~~. The amount of cost-sharing funds made available shall not exceed seventy-five percent of the estimated cost as established by the commissioners of any a permanent soil and water conservation practice, or seventy-five percent of the actual cost, whichever is less, or an amount set by the state soil conservation committee for any a temporary soil and water conservation practice, except as otherwise provided by law with respect to land classified as agricultural land under conservation cover. The commissioners shall establish the estimated cost of permanent soil and water conservation practices in the district based upon one and two-tenths of the average cost of the practices installed in the district during the previous year. The average costs shall be reviewed and approved by the commissioners each calendar year.

2. The state soil conservation committee shall review these requirements 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~~ constitutes commencement of such the work within the meaning of sections 467A.43 to 467A.53.

3. Upon receiving evidence of the submission of ~~such an~~ 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 the~~ application. When notified of the approval of ~~such the~~ 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 the~~ work is to be satisfactorily completed. If feasible, that time shall be within one year after the date of the supplementary order.

H.F. 2167

but the owner of land on which a soil and water conservation practice is being established under this section ~~shall~~ is not ~~be~~ required to incur a cost ~~therefor~~ for the practice 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~~ to that county.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2167, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 4, 1984

TERRY E. BRANSTAD
Governor