

Reprinted 3/88

MAR 3 1988

HOUSE FILE 2381
BY COMMITTEE ON AGRICULTURE

Place On Calendar

(Formerly House Study Bill 571)

Passed House, Date 3/4/88 (p. 670) Passed Senate, Date 3/30/88 (p. 1161)
Vote: Ayes 93 Nays 0 Vote: Ayes 43 Nays 1
Approved May 9, 1988

A BILL FOR

1 An Act relating to carrying out water protection projects and
2 practices within soil and water conservation districts, and
3 providing for a water protection fund.

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

HOUSE FILE 2381

H-5381

1 Amend House File 2381 as follows:
2 1. Page 1, by striking lines 17 through 19.

H-5381 FILED MARCH 8, 1988 BY JOHNSON of Winneshiek
Adopted 3/9 (p. 670)

13
14
15
16
17
18
19
20
21
22
23
24
25

1 Section 1. Section 467A.7, Code Supplement 1987, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 20. To enter into agreements pursuant to
4 chapter 467F with the owner or occupier of land within the
5 district or cooperating districts, or any other private entity
6 or public agency, in carrying out water protection practices,
7 including district and multidistrict projects to protect this
8 state's groundwater and surface water from point and nonpoint
9 sources of contamination, including but not limited to
10 agricultural drainage wells, sinkholes, sedimentation, and
11 chemical pollutants.

12 Sec. 2. NEW SECTION. 467F.1 DEFINITIONS.

13 As used or referred to in this chapter, unless a different
14 meaning clearly appears from the context:

15 1. "District" means a soil and water conservation district
16 established in chapter 467A.

17 2. "Commissioner" means one of the members of the
18 district's governing body appointed pursuant to section
19 467A.6.

20 3. "Department" means the department of agriculture and
21 land stewardship.

22 4. "Division" means the division of soil conservation
23 created within the department.

24 5. "Committee" or "state soil conservation committee"
25 means the committee established by section 467A.4.

26 6. "United States" or "agencies of the United States"
27 includes the United States of America, the soil conservation
28 service of the United States department of agriculture, and
29 any other agency or instrumentality, corporate or otherwise,
30 of the United States.

31 7. "Landowner" includes any person, including a federal
32 agency, this state or any of its political subdivisions, who
33 holds title to land lying within a proposed district.

34 Sec. 3. NEW SECTION. 467F.2. WATER PROTECTION PROJECTS
35 AND PRACTICES.

1 1. Each soil and water conservation district, alone and
2 whenever practical in conjunction with other districts, shall
3 carry out district-wide and multiple-district projects to
4 support water protection practices in the district or
5 districts, including projects to protect this state's
6 groundwater and surface water from point and nonpoint sources
7 of contamination, including but not limited to contamination
8 by agricultural drainage wells, sinkholes, sedimentation, or
9 chemical pollutants.

10 2. An owner of or occupant of land within a district may
11 establish a water protection practice under this chapter by
12 entering into an agreement with the district in which the
13 owner or occupant receives financial assistance to establish
14 water protection practices in consideration for promising to
15 maintain the practices according to rules adopted by the
16 division. The financial assistance may be in the form of
17 grants, loans, or cost-sharing arrangements. An agreement
18 shall not be binding until the assistance is specifically
19 approved for that land and made available to the owner or
20 occupant.

21 3. The division shall approve an award of financial
22 assistance based on an application submitted by the owner or
23 occupant of the land. The division may require a copy of the
24 application with an evaluation of the application by the
25 district. Each application for financial assistance shall be
26 considered under a priority system adopted by the district for
27 disbursement of unallocated funds. The district, under the
28 supervision of a district technician, shall design proposed
29 clean water practices for which financial assistance has been
30 obligated. The district shall determine compliance with
31 applicable design standards and specifications. The landowner
32 shall construct and is liable for the performance of the water
33 protection practices on the land.

34 4. The division shall adopt rules necessary for the
35 administration of this chapter, including rules relating to

1 the approval of programs and projects, designing a project or
2 water protection practices, the estimation of costs of a
3 project or program, and the inspection of projects or
4 practices being placed or maintained on the land.

5 Sec. 4. NEW SECTION. 467F.3 COOPERATION WITH OTHER
6 AGENCIES.

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

19 Sec. 5. NEW SECTION. 467F.4. WATER PROTECTION FUND.

20 A water protection fund is created within the division.
21 The fund is composed of money appropriated by the general
22 assembly for that purpose, and moneys available to and
23 obtained or accepted by the state soil conservation committee
24 from the United States or private sources for placement in the
25 fund. The fund shall be a revolving loan fund from which
26 moneys may be used for loans, grants, administrative costs,
27 and cost-sharing.

28 In administering the fund the division may:

29 1. Contract, sue and be sued, and adopt rules necessary to
30 carry out the provisions of this section, but the division or
31 committee shall not in any manner directly or indirectly
32 pledge the credit of this state.

33 2. Authorize payment from the water protection fund, from
34 fees and from any income received by investments of money in
35 the fund for costs, commissions, attorney fees, and other

1 reasonable expenses related to and necessary for making and
2 protecting direct loans under this section, and for the
3 recovery of moneys loaned or the management of property
4 acquired in connection with the loans.

5 EXPLANATION

6 This bill provides that soil and water conservation
7 districts in cooperation with the division of soil conserva-
8 tion, may carry out district-wide and multiple district water
9 protection projects and enter into agreements with persons,
10 including landholders, to carry out water protection
11 practices. The bill also creates a water protection fund
12 within the division of soil conservation from which moneys may
13 be used to support the projects and practices.

14 SIMILAR TO HSB 571 (LSB 7191H)

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

HOUSE FILE 2381

FISCAL NOTE

REQUESTED BY REPRESENTATIVE OSTERBERG

In compliance with a written request received March 2, 1988, a fiscal note for HOUSE FILE 2381 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2381 provides that Soil and Water Conservation Districts in cooperation with the Division of Soil Conservation, may carry out district-wide and multiple district water protection projects and enter into agreements with persons, including landholders, to carry out water protection practices. House File 2381 also creates a Water Protection Fund within the Division of Soil Conservation from which moneys may be used to support the projects and practices.

FISCAL EFFECT

The Department of Agriculture and Land Stewardship estimates that House File 2381 would have administrative expenses of \$500,000, including \$138,778 for salaries, \$56,000 for support, and \$305,222 for financial incentives for FY 1989.

ASSUMPTIONS

1. House File 2381 would be implemented through the existing Soil and Water Conservation District framework through the Division of Soil Conservation.
2. Four field office staff and one administrator will be required to implement the programs.
3. Program costs are based upon the current program costs of the Publicly Owned Lakes Program.

(dollars in thousands)

	<u>Fiscal Year 1989</u>		<u>Fiscal Year 1990</u>	
	<u>Proposed Law</u>	<u>Increase (Decrease)</u>	<u>Proposed Law</u>	<u>Increase (Decrease)</u>
<u>REVENUE</u>				
General Fund	\$ 500	\$ 500	\$ 500	\$ 500
Total	\$ 500	\$ 500	\$ 500	\$ 500
<u>EXPENDITURES</u>				
Salaries	\$ 138.8	\$ 138.2	\$ 145.7	\$ 145.7
(FTE's)	(5.0)	(5.0)	(5.0)	(5.0)
Support	56	56	23	23
Financial Incentives	305.2	305.2	331.3	331.3
Total	\$ 500	\$ 500	\$ 500	\$ 500

SOURCE: Department of Agriculture and Land Stewardship (LSB 7191H, JKH)

Sen. Agf/11. D. Banc 6/22 (p. 945)

HOUSE FILE 2381

BY COMMITTEE ON AGRICULTURE

(As Amended and Passed by the House March 9, 1988)

Passed House, Date 3/9/88 (p. 670) Passed Senate, Date 3/30/88 (p. 1161)

Vote: Ayes 92 Nays 0 Vote: Ayes 43 Nays 1

Approved May 9, 1988

A BILL FOR

1 An Act relating to carrying out water protection projects and
2 practices within soil and water conservation districts, and
3 providing for a water protection fund.

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

Deleted Language *

1 Section 1. Section 467A.7, Code Supplement 1987, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 20. To enter into agreements pursuant to
4 chapter 467F with the owner or occupier of land within the
5 district or cooperating districts, or any other private entity
6 or public agency, in carrying out water protection practices,
7 including district and multidistrict projects to protect this
8 state's groundwater and surface water from point and nonpoint
9 sources of contamination, including but not limited to
10 agricultural drainage wells, sinkholes, sedimentation, and
11 chemical pollutants.

12 Sec. 2. NEW SECTION. 467F.1 DEFINITIONS.

13 As used or referred to in this chapter, unless a different
14 meaning clearly appears from the context:

15 1. "District" means a soil and water conservation district
16 established in chapter 467A.

*17 2. "Department" means the department of agriculture and
18 land stewardship.

19 3. "Division" means the division of soil conservation
20 created within the department.

21 4. "Committee" or "state soil conservation committee"
22 means the committee established by section 467A.4.

23 5. "United States" or "agencies of the United States"
24 includes the United States of America, the soil conservation
25 service of the United States department of agriculture, and
26 any other agency or instrumentality, corporate or otherwise,
27 of the United States.

28 6. "Landowner" includes any person, including a federal
29 agency, this state or any of its political subdivisions, who
30 holds title to land lying within a proposed district.

31 Sec. 3. NEW SECTION. 467F.2. WATER PROTECTION PROJECTS
32 AND PRACTICES.

33 1. Each soil and water conservation district, alone and
34 whenever practical in conjunction with other districts, shall
35 carry out district-wide and multiple-district projects to

1 support water protection practices in the district or
2 districts, including projects to protect this state's
3 groundwater and surface water from point and nonpoint sources
4 of contamination, including but not limited to contamination
5 by agricultural drainage wells, sinkholes, sedimentation, or
6 chemical pollutants.

7 2. An owner of or occupant of land within a district may
8 establish a water protection practice under this chapter by
9 entering into an agreement with the district in which the
10 owner or occupant receives financial assistance to establish
11 water protection practices in consideration for promising to
12 maintain the practices according to rules adopted by the
13 division. The financial assistance may be in the form of
14 grants, loans, or cost-sharing arrangements. An agreement
15 shall not be binding until the assistance is specifically
16 approved for that land and made available to the owner or
17 occupant.

18 3. The division shall approve an award of financial
19 assistance based on an application submitted by the owner or
20 occupant of the land. The division may require a copy of the
21 application with an evaluation of the application by the
22 district. Each application for financial assistance shall be
23 considered under a priority system adopted by the district for
24 disbursement of unallocated funds. The district, under the
25 supervision of a district technician, shall design proposed
26 clean water practices for which financial assistance has been
27 obligated. The district shall determine compliance with
28 applicable design standards and specifications. The landowner
29 shall construct and is liable for the performance of the water
30 protection practices on the land.

31 4. The division shall adopt rules necessary for the
32 administration of this chapter, including rules relating to
33 the approval of programs and projects, designing a project or
34 water protection practices, the estimation of costs of a
35 project or program, and the inspection of projects or

1 practices being placed or maintained on the land.

2 Sec. 4. NEW SECTION. 467F.3 COOPERATION WITH OTHER
3 AGENCIES.

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

16 Sec. 5. NEW SECTION. 467F.4. WATER PROTECTION FUND.

17 A water protection fund is created within the division.
18 The fund is composed of money appropriated by the general
19 assembly for that purpose, and moneys available to and
20 obtained or accepted by the state soil conservation committee
21 from the United States or private sources for placement in the
22 fund. The fund shall be a revolving loan fund from which
23 moneys may be used for loans, grants, administrative costs,
24 and cost-sharing.

25 In administering the fund the division may:

26 1. Contract, sue and be sued, and adopt rules necessary to
27 carry out the provisions of this section, but the division or
28 committee shall not in any manner directly or indirectly
29 pledge the credit of this state.

30 2. Authorize payment from the water protection fund, from
31 fees and from any income received by investments of money in
32 the fund for costs, commissions, attorney fees, and other
33 reasonable expenses related to and necessary for making and
34 protecting direct loans under this section, and for the
35 recovery of moneys loaned or the management of property

1 acquired in connection with the loans.

2 SIMILAR TO HSB 571 (LSB 7191H)

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 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

NSB 571

House Study Bill 571

Agriculture: Johnson, Chair: Cooper, Kremer, McKinney and Petersen of Muscatine.

Culture *not*
2381

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL)

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

A BILL FOR

1 An Act relating to carrying out sustainable soil and water
2 conservation reserve projects, and providing an appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

1 Section 1. Section 467A.7, Code Supplement 1987, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 20. To use state cost-sharing funds, not-
4 withstanding subsection 16, to purchase equipment required to
5 carry out sustainable soil and water conservation reserve
6 projects.

7 Sec. 2. There is appropriated from the general fund of the
8 state for the fiscal year beginning July 1, 1988, and ending
9 June 30, 1989, to the department of agriculture and land
10 stewardship, one million (1,000,000) dollars, or so much
11 thereof as is necessary, for the purpose of funding certain
12 financial incentive programs administered by the division of
13 soil conservation under state cost-sharing as provided in
14 chapter 467A. Of the funds appropriated, not less than five
15 hundred thousand (500,000) dollars shall be allocated equally
16 among the soil and water conservation districts, and not less
17 than five hundred thousand (500,000) dollars shall be awarded
18 to soil and water conservation districts to establish programs
19 to enhance the state's groundwater quality or to protect from
20 soil filtration and chemical contamination, surface water to
21 which the public has access.

22 EXPLANATION

23 This bill provides that soil and water conservation dis-
24 tricts may use state cost-sharing funds to purchase equipment
25 required to carry out certain soil and water conservation
26 projects. It provides an appropriation to the department of
27 agriculture and land stewardship to fund certain programs
28 administered by the division of soil conservation.

29
30
31
32
33
34
35

LSB 7191H 72

da/jw/5

HOUSE FILE 2381

AN ACT
RELATING TO CARRYING OUT WATER PROTECTION PROJECTS AND PRACTICES WITHIN SOIL AND WATER CONSERVATION DISTRICTS, AND PROVIDING FOR A WATER PROTECTION FUND.

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

Section 1. Section 467A.7, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 20. To enter into agreements pursuant to chapter 467F with the owner or occupier of land within the district or cooperating districts, or any other private entity or public agency, in carrying out water protection practices, including district and multidistrict projects to protect this state's groundwater and surface water from point and nonpoint sources of contamination, including but not limited to agricultural drainage wells, sinkholes, sedimentation, and chemical pollutants.

Sec. 2. NEW SECTION. 467F.1 DEFINITIONS.

As used or referred to in this chapter, unless a different meaning clearly appears from the context:

1. "District" means a soil and water conservation district established in chapter 467A.
2. "Department" means the department of agriculture and land stewardship.
3. "Division" means the division of soil conservation created within the department.
4. "Committee" or "state soil conservation committee" means the committee established by section 467A.4.
5. "United States" or "agencies of the United States" includes the United States of America, the soil conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise.

of the United States.

6. "Landowner" includes any person, including a federal agency, this state or any of its political subdivisions, who holds title to land lying within a proposed district.

Sec. 3. NEW SECTION. 467F.2 WATER PROTECTION PROJECTS AND PRACTICES.

1. Each soil and water conservation district, alone and whenever practical in conjunction with other districts, shall carry out district-wide and multiple-district projects to support water protection practices in the district or districts, including projects to protect this state's groundwater and surface water from point and nonpoint sources of contamination, including but not limited to contamination by agricultural drainage wells, sinkholes, sedimentation, or chemical pollutants.

2. An owner of or occupant of land within a district may establish a water protection practice under this chapter by entering into an agreement with the district in which the owner or occupant receives financial assistance to establish water protection practices in consideration for promising to maintain the practices according to rules adopted by the division. The financial assistance may be in the form of grants, loans, or cost-sharing arrangements. An agreement shall not be binding until the assistance is specifically approved for that land and made available to the owner or occupant.

3. The division shall approve an award of financial assistance based on an application submitted by the owner or occupant of the land. The division may require a copy of the application with an evaluation of the application by the district. Each application for financial assistance shall be considered under a priority system adopted by the district for disbursement of unallocated funds. The district, under the supervision of a district technician, shall design proposed clean water practices for which financial assistance has been

obligated. The district shall determine compliance with applicable design standards and specifications. The landowner shall construct and is liable for the performance of the water protection practices on the land.

4. The division shall adopt rules necessary for the administration of this chapter, including rules relating to the approval of programs and projects, designing a project or water protection practices, the estimation of costs of a project or program, and the inspection of projects or practices being placed or maintained on the land.

Sec. 4. NEW SECTION. 467F.3 COOPERATION WITH OTHER AGENCIES.

Soil and water conservation districts may enter into agreements with the United States, as provided by state law, or with the state of Iowa or any agency of the state, any other soil and water conservation district, or other political subdivision of this state, for cooperation in preventing, controlling, or attempting to prevent or control contamination of groundwater or surface water by point and nonpoint sources of pollution. Soil and water conservation districts may accept, as provided by state law, any money disbursed for water quality preservation purposes by the federal government or any agency of the federal government, and expend the money for the purposes for which it was received.

Sec. 5. NEW SECTION. 467F.4 WATER PROTECTION FUND.

A water protection fund is created within the division. The fund is composed of money appropriated by the general assembly for that purpose, and moneys available to and obtained or accepted by the state soil conservation committee from the United States or private sources for placement in the fund. The fund shall be a revolving loan fund from which moneys may be used for loans, grants, administrative costs, and cost-sharing.

In administering the fund the division may:

1. Contract, sue and be sued, and adopt rules necessary to carry out the provisions of this section, but the division or committee shall not in any manner directly or indirectly pledge the credit of this state.

2. Authorize payment from the water protection fund, from fees and from any income received by investments of money in the fund for costs, commissions, attorney fees, and other reasonable expenses related to and necessary for making and protecting direct loans under this section, and for the recovery of moneys loaned or the management of property acquired in connection with the loans.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2381, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 9, 1988

TERRY E. BRANSTAD
Governor