

# Senate Study Bill 146

## Bill Text

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1 1 Section 1. Section [161A.7](#), Code 1997, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 15. To provide for the restoration of  
1 4 permanent soil and water conservation practices which are  
1 5 damaged or destroyed because of a disaster emergency as  
1 6 provided in section 161A.75.

1 7 Sec. 2. NEW SECTION. 161A.75 USE OF MONEYS FOR EMERGENCY  
1 8 REPAIRS.

1 9 1. The commissioners of a district may allocate moneys  
1 10 otherwise available for voluntary financial incentive programs  
1 11 as provided in section 161A.73 to provide for the restoration  
1 12 of permanent soil and water conservation practices which are  
1 13 damaged or destroyed because of a disaster emergency. In  
1 14 providing for the restoration, the commissioners may allocate  
1 15 moneys under this section for construction, reconstruction,  
1 16 installation, or repair projects. For each project the  
1 17 commissioners must determine that the allocation is necessary  
1 18 in order to restore permanent soil and water conservation  
1 19 practices in order to prevent erosion in excess of the  
1 20 applicable soil loss limits caused by the disaster emergency.

1 21 2. In order to allocate moneys under this section, the  
1 22 disaster emergency must have occurred in an area subject to a  
1 23 state of disaster emergency pursuant to a proclamation made by  
1 24 the governor as provided in section 29C.6. The commissioners  
1 25 shall use the moneys only to the extent that moneys from other  
1 26 sources, including any moneys provided by the state or federal  
1 27 government in response to the disaster emergency, are not  
1 28 adequate. The commissioners are not required to allocate the  
1 29 moneys on a cost-share basis.

1 30 3. Following the disaster emergency, the commissioners  
1 31 shall submit a report to the committee providing information  
1 32 regarding restoration projects and moneys allocated under this  
1 33 section for the projects.

1 34 EXPLANATION

1 35 This bill provides that the commissioners of a soil and  
2 1 water conservation district may allocate moneys otherwise  
2 2 available for voluntary cost-share projects establishing soil  
2 3 and water conservation practices to provide for the  
2 4 restoration of permanent soil and water conservation practices  
2 5 which are damaged or destroyed because of a disaster  
2 6 emergency. The bill requires that for each project the  
2 7 commissioners must determine that allocation is necessary to  
2 8 save a soil and water conservation practice in order to  
2 9 prevent soil erosion in excess of soil loss limits. In order  
2 10 to allocate the moneys, the restoration must be made after the  
2 11 governor declares a disaster emergency affecting the  
2 12 practices. The bill allows the commissioners to use the  
2 13 moneys only to the extent that moneys from other sources are  
2 14 not adequate to provide for the restoration. The  
2 15 commissioners are required to submit a report to the state  
2 16 soil conservation committee providing information regarding  
2 17 restoration projects and moneys allocated for the projects.

2 18 LSB 2173SC 77

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