

FILED MAR 17 '03

SENATE FILE 398

BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1164)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the powers of soil and water conservation  
2 districts and county conservation boards.

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

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SF 398

1 Section 1. Section 161A.7, Code 2003, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 6A. The commissioners shall not furnish  
4 labor required to install a soil and water conservation  
5 practice or an erosion control practice, if the installation  
6 is financed by state or federal moneys, including but not  
7 limited to cost-share moneys and other financial incentives as  
8 provided in division V, part 2, of this chapter. The  
9 commissioners may provide a list of private contractors who  
10 are available to perform such labor for landowners or  
11 occupiers within the district. This subsection shall not  
12 limit the commissioners from providing other assistance to  
13 landowners or occupiers as provided in this chapter, including  
14 planning or engineering services, or from making inspections  
15 of a practice being installed or after the practice is  
16 installed.

17 Sec. 2. NEW SECTION. 350.4A PROVISION OF SERVICES  
18 PROHIBITED.

19 A county conservation board shall not furnish labor  
20 required for the installation of any new project, soil and  
21 water conservation practice, or erosion control practice if  
22 the installation is financed by state or federal moneys,  
23 including but not limited to cost-share moneys or other  
24 financial incentives. The county conservation board may  
25 provide a list of private contractors who are available to  
26 perform such labor for landowners or land occupiers within the  
27 county. This section does not limit the county conservation  
28 board from providing other assistance to landowners or land  
29 occupiers authorized under this chapter.

30 EXPLANATION

31 This bill relates to certain powers of soil and water  
32 conservation districts and county conservation boards.

33 The bill provides that soil and water conservation  
34 districts shall not furnish labor to install a soil and water  
35 conservation practice, or an erosion control practice and

1 county conservation boards shall not furnish labor to install  
2 any new project, soil and water conservation practice, or  
3 erosion control practice, if the installation is financed by  
4 state or federal moneys, including but not limited to cost-  
5 share moneys and other financial incentives.

6 The bill also provides that soil and water conservation  
7 districts and county conservation boards are not prohibited  
8 from providing other assistance to landowners or land  
9 occupiers.

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Kibbie  
Houser  
Johnson

Natural Resources  
& Environment

SSB 1164  
Succeeded By  
(SF) HF 398

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT BILL BY  
CHAIRPERSON HOUSER)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to responsibilities of the state soil  
2 conservation committee.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 161A.4, Code 2003, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3A. a. The committee, pursuant to rules  
4 adopted under chapter 17A, and in consultation with the  
5 division of soil conservation, shall assess the availability  
6 of private contractors in each soil and water conservation  
7 district who are willing and able to provide services,  
8 including but not limited to planting services, and sell plant  
9 material to assist landowners or occupiers in carrying on  
10 operations upon their land that further the policy stated in  
11 this chapter.

12 b. After making an assessment of private contractors  
13 available under paragraph "a", the committee shall determine  
14 whether the private contractors available in each district are  
15 sufficient to meet the needs of landowners or occupiers in  
16 each district for such services and plant material. If the  
17 committee determines that the private contractors available in  
18 a district are not sufficient to meet the needs of landowners  
19 or occupiers in that district for services or plant material,  
20 the committee may authorize the district to provide services  
21 for a fee with the district's equipment and to sell plant  
22 material as necessary to meet such needs in that district.

23 c. The committee shall annually reassess the availability  
24 of private contractors in each district, whether the need for  
25 services and plant material in each district can be met by  
26 available private contractors and whether the committee's  
27 authorization allowing a district to provide services for a  
28 fee and to sell plant material should be continued.

29 Sec. 2. Section 161A.7, subsection 6, Code 2003, is  
30 amended to read as follows:

31 6. To make available on such terms as it shall prescribe,  
32 to landowners or occupiers within the district, agricultural  
33 and engineering machinery and equipment, fertilizer, lime, and  
34 such other material or equipment as will assist such  
35 landowners or occupiers to carry on operations upon their

1 lands for the conservation of soil resources and for the  
2 prevention and control of soil erosion and for the prevention  
3 of erosion, floodwater, and sediment damages, except that a  
4 district shall not provide services for a fee with the  
5 district's equipment, including but not limited to planting  
6 services, or sell plant material unless the district is so  
7 authorized by the committee pursuant to section 161A.4,  
8 subsection 3A.

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EXPLANATION

10 This bill provides that the state soil conservation  
11 committee, pursuant to rules adopted under Code chapter 17A,  
12 and in consultation with the division of soil conservation of  
13 the department of agriculture and land stewardship, shall  
14 assess the availability of private contractors in each soil  
15 and water conservation district who are willing and able to  
16 provide services, including but not limited to planting  
17 services, and to sell plant material to assist landowners or  
18 occupiers in carrying on operations upon their land that  
19 further the policy of Code chapter 161A.

20 The bill provides that after making an assessment of  
21 available private contractors in each district, the committee  
22 shall determine whether the private contractors available in  
23 each district are sufficient to meet the needs of landowners  
24 or occupiers in that district for services or plant material.  
25 If the committee determines that the private contractors  
26 available are not sufficient to meet the needs of landowners  
27 or occupiers, the committee may authorize the district to  
28 provide services for a fee with the district's equipment and  
29 to sell plant material as necessary to meet such needs in the  
30 district.

31 The bill provides that the committee shall annually  
32 reassess the availability of private contractors in each  
33 district, whether the demand for services and plant material  
34 in each district can be met by private contractors that are  
35 available, and whether the committee's authorization allowing

1 a district to provide services for a fee and to sell plant  
2 material should be continued.

3 The bill also provides that a district shall not provide  
4 services with the district's equipment for a fee, including  
5 but not limited to planting services, or sell plant material  
6 except as authorized by the committee pursuant to Code section  
7 161A.4, subsection 3A.

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