

Senate File 10 - Introduced

SENATE FILE _____
BY JOHNSON

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

A BILL FOR

1 An Act relating to soil and water conservation, by providing for
2 a fund and the deposit into the fund of civil penalties
3 arising from violations involving storm water discharges.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1313XS 83
6 da/nh/5

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1 1 Section 1. NEW SECTION. 161A.70A GENERAL SOIL AND WATER
1 2 CONSERVATION FUND.
1 3 1. A general soil and water conservation fund is created
1 4 in the state treasury under the control of the division. The
1 5 fund is composed of moneys appropriated by the general
1 6 assembly and moneys available to and obtained or accepted by
1 7 the division from the United States or other public or private
1 8 sources for placement in the fund.
1 9 2. Moneys in the fund are appropriated to the division
1 10 exclusively to carry out financial incentive programs as
1 11 provided in this part in order to carry out the purpose
1 12 provided in section 161A.70.
1 13 3. Section 8.33 shall not apply to moneys in the fund.
1 14 Notwithstanding section 12C.7, moneys earned as income or
1 15 interest from the fund shall remain in the fund until expended
1 16 as provided in this section.
1 17 Sec. 2. Section 161A.72, subsection 1, Code 2009, is
1 18 amended to read as follows:
1 19 1. Financial incentives provided under this chapter shall
1 20 be administered by the division. ~~The incentives shall be~~
1 21 ~~supported with funds appropriated by the general assembly, and~~
1 22 ~~moneys available to or obtained by the division or the~~
1 23 ~~committee from public or private sources, including but not~~
1 24 ~~limited to the United States, other states, or private~~
1 25 ~~organizations.~~ The division shall adopt all rules consistent
1 26 with chapter 17A necessary to carry out the purpose of this
1 27 division as provided in section 161A.70.
1 28 Sec. 3. Section 455B.109, subsection 5, paragraph a, Code
1 29 2009, is amended to read as follows:
1 30 a. Except as otherwise provided in ~~paragraph paragraphs~~
1 31 "b" and "c", civil penalties assessed by the department and
1 32 interest on the penalties shall be deposited in the general
1 33 fund of the state.
1 34 Sec. 4. Section 455B.109, subsection 5, Code 2009, is
1 35 amended by adding the following new paragraph:
2 1 NEW PARAGRAPH. c. (1) This paragraph applies to civil
2 2 penalties assessed by the department arising out of violations
2 3 of this chapter involving the discharge of storm water. A
2 4 violation includes but is not limited to a discharge which
2 5 violates a term or condition of a general permit or storm
2 6 water discharge permit issued by the department pursuant to
2 7 section 455B.103A or a national pollutant discharge
2 8 elimination system (NPDES) permit issued by the department
2 9 pursuant to section 455B.197. The civil penalties and
2 10 interest on the civil penalties shall be deposited into the
2 11 general soil and water conservation fund established in
2 12 section 161A.70A.
2 13 (2) Subparagraph (1) does not apply to civil penalties
2 14 assessed against an animal feeding operation which are
2 15 required to be deposited in the animal agriculture compliance
2 16 fund pursuant to paragraph "b".
2 17

EXPLANATION

2 18 ESTABLISHMENT OF A GENERAL SOIL AND WATER CONSERVATION
2 19 FUND. This bill establishes a general soil and water
2 20 conservation fund to support financial incentive programs
2 21 administered by the division of soil conservation within the
2 22 department of agriculture and land stewardship. The purpose
2 23 of the financial incentives is to protect the long-term
2 24 productivity of the soil and water resources of the state from
2 25 erosion and sediment damage, and to encourage the adoption of
2 26 farm management and agricultural practices which are
2 27 consistent with the capability of the land to sustain
2 28 agriculture and preserve this state's natural resources (Code
2 29 section 161A.70). Moneys in the fund are not subject to
2 30 reversion and moneys earned as income or interest remain in
2 31 the fund.

2 32 CIVIL PENALTIES FOR STORM WATER DISCHARGE VIOLATIONS
2 33 DEPOSITED INTO THE FUND. The bill provides that civil
2 34 penalties assessed by the department of natural resources
2 35 which arise out of violations of Code chapter 455B involving
3 1 the discharge of storm water, are to be deposited into the
3 2 general soil and water conservation fund in lieu of the
3 3 general fund of the state. This includes civil penalties
3 4 assessed because of a violation of a general permit or storm
3 5 water discharge permit or a national pollutant discharge
3 6 elimination system (NPDES) permit. However, the civil
3 7 penalties do not include those assessed against an animal
3 8 feeding operation which are required to be deposited in the
3 9 animal agriculture compliance fund (see Code section 459.401).
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3 11 da/nh/5