

House File 571 - Introduced

HOUSE FILE 571

BY MOMMSEN

A BILL FOR

1 An Act relating to the management of soil and water resources,
2 including projects described in the Iowa nutrient reduction
3 strategy, and the use of a county tax levy.

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

1 Section 1. Section 161A.3, Code 2019, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 9A. *"Iowa nutrient reduction strategy"*
4 means the same as defined in section 455B.171.

5 NEW SUBSECTION. 12A. *"Point source"* means the same as
6 defined in section 455B.171.

7 Sec. 2. Section 161A.7, subsection 1, paragraph d, Code
8 2019, is amended to read as follows:

9 *d.* To cooperate, or enter into agreements with, and within
10 the limits of appropriations duly made available to it by law,
11 to furnish financial or other ~~aid~~ assistance to any agency,
12 governmental or otherwise, or any owner or occupier of lands
13 within the district, ~~in the carrying on of~~ including by doing
14 all of the following:

15 (1) Carrying out erosion-control and watershed protection
16 and flood prevention operations within the district, subject
17 to such conditions as the commissioners may deem necessary to
18 advance the purposes of **this chapter**.

19 (2) Carrying out projects or operations within the
20 district, as provided in paragraph "p", subject to such
21 conditions as the commissioners may deem necessary to advance
22 the purposes of this chapter.

23 Sec. 3. Section 161A.7, subsection 1, Code 2019, is amended
24 by adding the following new paragraph:

25 NEW PARAGRAPH. *p.* To carry out soil erosion control,
26 watershed protection or improvement, water resource
27 restoration, flood prevention or control, and water quality
28 protection projects and operations, within the district. The
29 water quality protection projects and operations may include
30 but are not limited to efforts to maintain, protect, and
31 improve the quality of surface water and groundwater from point
32 and nonpoint sources, including by doing all of the following:

33 (1) Reducing or eliminating pollution caused by access to
34 agricultural drainage or sinkholes, sedimentation, or chemical
35 pollutants.

1 (2) Reducing or removing nutrients and other pollutants in
2 or from surface water and groundwater.

3 (3) Reducing or eliminating nutrient loads from surface
4 water or groundwater.

5 (4) Achieving or furthering any of the objectives, goals,
6 and targets described in the Iowa nutrient strategy.

7 Sec. 4. Section 161A.13, Code 2019, is amended to read as
8 follows:

9 **161A.13 Purpose of subdistricts.**

10 Subdistricts of a soil and water conservation district may
11 be formed as ~~provided in this chapter for the purposes of~~
12 ~~carrying out watershed protection and flood prevention programs~~
13 to carry out the same purposes of the district under section
14 161A.7, within the territory of the subdistrict but shall not
15 be formed solely for the purpose of establishing or taking over
16 the operation of an existing drainage district.

17 Sec. 5. Section 161C.1, Code 2019, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 01. "*Authorized project*" means a project
20 that is carried out to support any of the following:

- 21 a. Soil erosion control.
- 22 b. Watershed protection or improvement.
- 23 c. Water resource restoration.
- 24 d. Flood prevention or control.
- 25 e. Water quality protection practices.
- 26 f. Water quality projects and operations, including as
27 required to achieve or further any of the objectives, goals,
28 and targets described in the Iowa nutrient strategy.

29 NEW SUBSECTION. 4A. "*Iowa nutrient reduction strategy*"
30 means the same as defined in section 455B.171.

31 NEW SUBSECTION. 5A. "*Point source*" means the same as
32 defined in section 455B.171.

33 NEW SUBSECTION. 5B. "*Qualified government entity*" means a
34 county, city, or other political subdivision, or other local
35 agency.

1 Sec. 6. Section 161C.2, subsection 1, paragraph a, Code
2 2019, is amended to read as follows:

3 a. ~~Each~~ A soil and water conservation district, alone
4 and whenever practical in conjunction with other districts,
5 ~~shall~~ qualified government entities, or financing entities
6 may carry out district-wide and multiple-district projects
7 ~~to support water protection practices in the district or~~
8 ~~districts, including but not limited to authorized~~ projects
9 to protect this state's groundwater and surface water from
10 point and nonpoint sources ~~of contamination, including but~~
11 ~~not limited to contamination by agricultural drainage wells,~~
12 ~~sinkholes, sedimentation, or chemical pollutants.~~ The projects
13 and operations include but are not limited to practices or
14 other efforts to reduce or eliminate pollution caused by access
15 to agricultural drainage wells or sinkholes, sedimentation,
16 or chemical pollutants, as described in the Iowa nutrient
17 reduction strategy.

18 Sec. 7. Section 161C.3, Code 2019, is amended to read as
19 follows:

20 **161C.3 Cooperation with ~~other agencies~~ qualified government**
21 **entities and financing entities.**

22 ~~Soil~~ A soil and water conservation ~~districts~~ district may
23 enter into ~~agreements~~ an agreement with the ~~United States~~
24 ~~federal government,~~ as provided by state law, ~~or with the state~~
25 ~~of Iowa or any agency of the state,~~ any other soil and water
26 conservation district, ~~or other political subdivision of this~~
27 ~~state~~ a qualified government entity, or a financing entity,
28 for cooperation in preventing, controlling, or attempting to
29 prevent or control ~~contamination~~ the pollution of groundwater
30 ~~or surface water~~ or groundwater by point and nonpoint sources
31 ~~of pollution.~~ Soil and water conservation districts may
32 accept, as provided by state law, any money disbursed for water
33 quality preservation purposes by the federal government or any
34 agency of the federal government, and expend the money for the
35 purposes for which it was received.

1 Sec. 8. Section 161E.1, Code 2019, is amended to read as
2 follows:

3 **161E.1 Authority of board.**

4 1. a. If a ~~county~~, soil and water conservation district,
5 a subdistrict of a soil and water conservation district,
6 ~~political subdivision of the state, or other local agency a~~
7 qualified government entity, or a financing entity engages or
8 in, participates in a project for flood or erosion control,
9 flood prevention, or carries out an authorized project,
10 including but not limited to a water quality project or
11 operation, or engages in, participates in, or carries out a
12 project for the conservation, development, utilization, and
13 disposal of water, in cooperation with the federal government,
14 or a department or agency of the federal government, the
15 counties in which the project is carried ~~on~~ out may, act
16 through the board of supervisors, ~~construct, or under a chapter~~
17 28E or 28F agreement, to do any of the following:

18 (1) Construct, operate, and maintain the project on lands
19 under the control or jurisdiction of the county dedicated to
20 county use, ~~or furnish.~~

21 (2) Furnish financial and other assistance in connection
22 with the projects. ~~Flood, soil erosion control, and watershed~~
23 ~~improvement~~

24 b. Authorized projects, including but not limited to water
25 quality projects and operations, are presumed to be for the
26 protection of the tax base of the county, for the protection of
27 public roads and lands, and for the protection of the public
28 health, sanitation, safety, and general welfare.

29 Sec. 9. NEW SECTION. 161E.1A **Definitions.**

30 As used in this chapter, unless the context otherwise
31 requires:

32 1. "*Authorized project*" means a project that is carried out
33 to support any of the following:

34 a. Soil erosion control project.

35 b. Watershed protection or improvement project.

1 c. Water resource restoration project.

2 d. Flood prevention or control.

3 e. Water quality protection practices.

4 f. Water quality projects and operations, including those
5 projects described in the Iowa nutrient reduction strategy.

6 2. "Iowa nutrient reduction strategy" means the same as
7 defined in section 455B.171.

8 3. "Point source" means the same as defined in section
9 455B.171.

10 4. "Qualified government entity" means a county, city, or
11 other political subdivision, or a local agency.

12 Sec. 10. Section 161E.2, Code 2019, is amended to read as
13 follows:

14 **161E.2 Federal aid assistance.**

15 A county may, in accordance with [this chapter](#), accept
16 ~~federal funds for aid~~ moneys to assist in a supporting an
17 authorized project for flood or soil erosion control, flood
18 prevention, or the conservation, development, utilization,
19 and disposal of water, ~~and~~. A county may cooperate with
20 the federal government or a department or agency of the
21 federal government, a soil and water conservation district,
22 subdistrict of a soil and water conservation district,
23 ~~political subdivision of the state, or other local agency, and~~
24 ~~the~~ or a qualified government entity. The county may assume
25 a proportion of the cost of the authorized project as deemed
26 appropriate, and may assume the maintenance cost of the project
27 on lands under the control or jurisdiction of the county which
28 will not be discharged by federal ~~aid~~ assistance or grant.

29 Sec. 11. Section 161E.3, Code 2019, is amended to read as
30 follows:

31 **161E.3 Cooperation.**

32 The ~~counties,~~ county, soil and water conservation districts,
33 ~~and~~ subdistricts of soil and water conservation districts,
34 and qualified government entities concerned, shall advise and
35 consult with each other, upon the request of any of them or

1 any affected landowners, and may cooperate with each other
2 or with other state subdivisions or instrumentalities, and
3 affected landowners, as well as with the federal government or
4 a department or agency of the federal government, or with a
5 financing entity, to construct, operate, and maintain suitable
6 authorized projects for flood or soil erosion control, flood
7 prevention, including but not limited to water quality projects
8 and operations, or the conservation, development, utilization,
9 and disposal of water on public roads or other public lands or
10 other land granted county use.

11 Sec. 12. Section 161E.5, Code 2019, is amended to read as
12 follows:

13 **161E.5 Maintenance cost.**

14 If construction of projects has been completed by the soil
15 and water conservation district, ~~subdistricts~~ a subdistrict of
16 the soil and water conservation districts district, ~~political~~
17 ~~subdivisions of the state, or other local agencies~~ a qualified
18 government entity, or the federal government, or a department
19 or agency of the federal government, on private lands under the
20 easement granted to the county, only the cost of maintenance
21 may be assumed by the county.

22 Sec. 13. Section 161E.9, Code 2019, is amended to read as
23 follows:

24 **161E.9 Tax levy.**

25 The county board of supervisors may annually levy a tax not
26 to exceed six and three-fourths cents per thousand dollars of
27 assessed value of all agricultural lands in the county, to
28 be used for ~~flood and erosion control, including~~ authorized
29 projects, including but not limited to furnishing financial
30 assistance in connection with water quality projects and
31 operations, and for the acquisition of land or interests in
32 land, and repair, alteration, maintenance, and operation of
33 works of improvement on lands under the control or jurisdiction
34 of the county as provided in [this chapter](#).

35 Sec. 14. Section 161F.2, Code 2019, is amended to read as

1 follows:

2 **161F.2 Board of supervisors to establish districts — strip**
3 **coal mining.**

4 1. The board of supervisors of ~~any a~~ county shall have
5 jurisdiction, power and authority at any regular, special or
6 adjourned session to establish, subject to the provisions
7 of **this chapter**, districts having for their purpose soil
8 conservation, ~~and~~ the control of flood waters, or the
9 improvement of water quality, and to cause to be constructed
10 as hereinafter provided, such improvements and facilities as
11 shall be deemed essential for the accomplishment of the purpose
12 of soil conservation, and flood control, or the improvement of
13 water quality.

14 2. ~~Such~~ The board of supervisors of a county shall also
15 have jurisdiction, power and authority at any regular, special
16 or adjourned session to establish, in the same manner that
17 the districts ~~hereinabove referred to~~ described in subsection
18 1 are established, districts having for their purpose soil
19 conservation in mining areas within the county, and provide
20 that anyone engaged in removing the surface soil over any
21 bed or strata of coal in such district for the purpose of
22 obtaining such coal shall replace the surface soil as nearly
23 as practicable to its original position, and provide that,
24 upon abandonment of such removal operation, all surface soil
25 shall be so replaced. **This section subsection** shall apply only
26 to surface soil so removed ~~after July 4, 1949, and then only~~
27 if it is essential for the accomplishment of the purpose of
28 soil conservation and flood control within the purview of this
29 chapter.

30 Sec. 15. Section 161F.3, Code 2019, is amended to read as
31 follows:

32 **161F.3 Combination of functions.**

33 Such districts shall have the power to combine in their
34 functions activities affecting soil conservation, flood
35 control, ~~and~~ drainage, water quality improvement, or any of

1 these objects, singly or in combination with another.

2 Sec. 16. CODE EDITOR DIRECTIVE.

3 1. The Code editor is directed to make the following
4 transfers:

5 a. Section 161E.1A as enacted in this Act to section 161E.1.

6 b. Section 161E.1, as amended by this Act, to section
7 161E.1A.

8 2. The Code editor shall correct internal references in the
9 Code and in any enacted legislation as necessary due to the
10 enactment of this section.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill amends various provisions relating to the
15 management of soil and water resources including Code chapter
16 161A, the "Soil Conservation Districts Law" (Code section
17 161A.1) which regulates soil erosion and authorizes the payment
18 of cost-share incentives for soil and water conservation
19 practices administered by the department of agriculture and
20 land stewardship (department) and soil and water conservation
21 districts (districts) throughout the state; Code chapter
22 161C authorizing districts and other political subdivisions
23 to work in conjunction in carrying out districtwide and
24 multiple district water protection projects; Code chapter 161E,
25 authorizing counties and districts, political subdivisions,
26 and other local agencies (qualified government entities) to
27 provide for flood control or soil erosion control, including
28 by levying a tax of 6.75 cents per \$1,000 of assessed value on
29 agricultural land in the county; and Code chapter 161F which
30 authorizes the board of supervisors of a county to establish
31 soil conservation and flood control districts.

32 The bill provides that along with traditional duties and
33 powers exercised by these bodies relating to soil erosion
34 and flood protection, they may also carry out water quality
35 protection projects and operations which include efforts to

H.F. 571

1 maintain, protect, and improve the quality of surface water
2 and groundwater from point and nonpoint sources in a manner
3 consistent with the Iowa nutrient reduction strategy. The
4 bill authorizes cooperation between districts, subdistricts,
5 and political subdivisions including through the use of
6 Code chapter 28E and Code chapter 28F agreements. The bill
7 authorizes joint financing agreements and the involvement of
8 financing entities which are presumably business organizations
9 engaged in bonding or other financing arrangements.