

**House File 646 - Introduced**

HOUSE FILE 646

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 2021, 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 2021, 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 2021, 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 reduction strategy.

7 Sec. 4. Section 161A.13, Code 2021, 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 2021, 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 reduction strategy.

29 NEW SUBSECTION. 4A. "*Financing entity*" means a public  
30 agency or private agency, as those terms are defined in  
31 section 28E.2, that provides funding to persons through loans,  
32 forgivable loans, grants, or other financial instruments, and  
33 which may include but is not limited to providing financing  
34 under chapter 28F, 331, or 384.

35 NEW SUBSECTION. 4B. "*Iowa nutrient reduction strategy*"

1 means the same as defined in section 455B.171.

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

4 NEW SUBSECTION. 5B. "*Public purpose entity*" means a  
5 county, city, other political subdivision or local agency, a  
6 rural water district incorporated and organized pursuant to  
7 the provisions of chapter 357A, or a rural water association  
8 organized and incorporated as a cooperative association under  
9 chapter 499 or as a nonprofit corporation under chapter 504.

10 Sec. 6. Section 161C.2, subsection 1, paragraph a, Code  
11 2021, is amended to read as follows:

12 a. ~~Each~~ A soil and water conservation district, alone  
13 and whenever practical in conjunction with other districts,  
14 public purpose entities, or financing entities shall carry  
15 out individual, district-wide, and multiple-district projects  
16 ~~to support water protection practices in the district or~~  
17 ~~districts, including but not limited to authorized~~ projects  
18 to protect this state's groundwater and surface water from  
19 point and nonpoint sources ~~of contamination, including but~~  
20 ~~not limited to contamination by agricultural drainage wells,~~  
21 ~~sinkholes, sedimentation, or chemical pollutants.~~ The projects  
22 and operations include but are not limited to practices or  
23 other efforts to reduce or eliminate pollution caused by access  
24 to agricultural drainage wells or sinkholes, sedimentation,  
25 or chemical pollutants, as described in the Iowa nutrient  
26 reduction strategy.

27 Sec. 7. Section 161C.3, Code 2021, is amended to read as  
28 follows:

29 **161C.3 Cooperation with ~~other agencies~~ public purpose**  
30 **entities and financing entities.**

31 ~~Soil~~ A soil and water conservation ~~districts~~ district may  
32 enter into ~~agreements~~ an agreement with the ~~United States~~  
33 federal government, as provided by state law, ~~or with the~~  
34 ~~state of Iowa or any agency of the state,~~ any other soil and  
35 ~~water conservation district, or other political subdivision~~

1 ~~of this state~~ a public purpose entity, or a financing entity,  
2 for cooperation in preventing, controlling, or attempting to  
3 prevent or control ~~contamination~~ the pollution of groundwater  
4 ~~or~~ surface water or groundwater by point and nonpoint sources  
5 ~~of pollution.~~ Soil and water conservation districts may  
6 accept, as provided by state law, any money disbursed for water  
7 quality preservation purposes by the federal government or any  
8 agency of the federal government, and expend the money for the  
9 purposes for which it was received.

10 Sec. 8. Section 161E.1, Code 2021, is amended to read as  
11 follows:

12 **161E.1 Authority of board.**

13 1. a. If a ~~county,~~ soil and water conservation district,  
14 a subdistrict of a soil and water conservation district,  
15 ~~political subdivision of the state, or other local agency a~~  
16 public purpose entity, or a financing entity engages ~~or~~ in,  
17 participates in a project for flood or erosion control, flood  
18 prevention, or carries out an authorized project, including  
19 but not limited to a water quality project or operation, or  
20 engages in, participates in, or carries out a project for  
21 the conservation, development, utilization, and disposal  
22 of water, in cooperation with the federal government, or a  
23 department or agency of the federal government, the counties  
24 in which the project is carried ~~on~~ out may, act through the  
25 board of supervisors, ~~construct,~~ or under a chapter 28E or 28F  
26 agreement, to do any of the following:

27 (1) Construct, operate, and maintain the project on lands  
28 under the control or jurisdiction of the county dedicated to  
29 county use, or furnish.

30 (2) Furnish financial and other assistance in connection  
31 with the projects. Flood, soil erosion control, and watershed  
32 improvement

33 b. Authorized projects, including but not limited to water  
34 quality projects and operations, are presumed to be for the  
35 protection of the tax base of the county, for the protection of

1 public roads and lands, and for the protection of the public  
2 health, sanitation, safety, and general welfare.

3 Sec. 9. NEW SECTION. 161E.1A Definitions.

4 As used in this chapter, unless the context otherwise  
5 requires:

- 6 1. "*Authorized project*" means a project that is carried out  
7 to support any of the following:  
8 a. Soil erosion control project.  
9 b. Watershed protection or improvement project.  
10 c. Water resource restoration project.  
11 d. Flood prevention or control.  
12 e. Water quality protection practices.  
13 f. Water quality projects and operations, including those  
14 projects described in the Iowa nutrient reduction strategy.

15 2. "*Financing entity*" means the same as defined in section  
16 161C.1.

17 3. "*Iowa nutrient reduction strategy*" means the same as  
18 defined in section 455B.171.

19 4. "*Public purpose entity*" means the same as defined in  
20 section 161C.1.

21 Sec. 10. Section 161E.2, Code 2021, is amended to read as  
22 follows:

23 **161E.2 Federal aid assistance.**

24 A county may, in accordance with [this chapter](#), accept  
25 ~~federal funds for aid moneys to assist in a supporting an~~  
26 ~~authorized project for flood or soil erosion control, flood~~  
27 ~~prevention, or the conservation, development, utilization,~~  
28 ~~and disposal of water, and.~~ A county may cooperate with the  
29 federal government or a department or agency of the federal  
30 government, a soil and water conservation district, subdistrict  
31 of a soil and water conservation district, ~~political~~  
32 ~~subdivision of the state, or other local agency, and the or a~~  
33 public purpose entity. The county may assume a proportion of  
34 the cost of the authorized project as deemed appropriate, and  
35 may assume the maintenance cost of the project on lands under

1 the control or jurisdiction of the county which will not be  
2 discharged by federal aid assistance or grant.

3 Sec. 11. Section 161E.3, Code 2021, is amended to read as  
4 follows:

5 **161E.3 Cooperation.**

6 The ~~counties,~~ soil and water conservation districts,  
7 ~~and~~ subdistricts of soil and water conservation districts,  
8 and public purpose entities concerned, shall advise and  
9 consult with each other, upon the request of any of them or  
10 any affected landowners, and may cooperate with each other  
11 or with other state subdivisions or instrumentalities, and  
12 affected landowners, as well as with the federal government or  
13 a department or agency of the federal government, or with a  
14 financing entity, to construct, operate, and maintain suitable  
15 authorized projects for flood or soil erosion control, flood  
16 prevention, including but not limited to water quality projects  
17 and operations, or the conservation, development, utilization,  
18 and disposal of water on public roads or other public lands or  
19 other land granted county use.

20 Sec. 12. Section 161E.5, Code 2021, is amended to read as  
21 follows:

22 **161E.5 Maintenance cost.**

23 If construction of projects has been completed by the soil  
24 and water conservation district, ~~subdistricts~~ a subdistrict of  
25 the soil and water conservation ~~districts~~ district, ~~political~~  
26 ~~subdivisions of the state, or other local agencies~~ a public  
27 purpose entity, or the federal government, or a department or  
28 agency of the federal government, on private lands under the  
29 easement granted to the county, only the cost of maintenance  
30 may be assumed by the county.

31 Sec. 13. Section 161E.9, Code 2021, is amended to read as  
32 follows:

33 **161E.9 Tax levy.**

34 The county board of supervisors may annually levy a tax not  
35 to exceed six and three-fourths cents per thousand dollars of

1 assessed value of all agricultural lands in the county, to  
2 be used for ~~flood and erosion control, including~~ authorized  
3 projects, including but not limited to furnishing financial  
4 assistance in connection with water quality projects and  
5 operations, and for the acquisition of land or interests in  
6 land, and repair, alteration, maintenance, and operation of  
7 works of improvement on lands under the control or jurisdiction  
8 of the county as provided in this chapter.

9 Sec. 14. Section 161F.2, Code 2021, is amended to read as  
10 follows:

11 **161F.2 Board of supervisors to establish districts — strip**  
12 **coal mining.**

13 1. The board of supervisors of any a county shall have  
14 jurisdiction, power and authority at any regular, special or  
15 adjourned session to establish, subject to the provisions  
16 of this chapter, districts having for their purpose soil  
17 conservation, ~~and~~ the control of flood waters, or the  
18 improvement of water quality, and to cause to be constructed  
19 as hereinafter provided, such improvements and facilities as  
20 shall be deemed essential for the accomplishment of the purpose  
21 of soil conservation, and flood control, or the improvement of  
22 water quality.

23 2. ~~Such~~ The board of supervisors of a county shall also  
24 have jurisdiction, power and authority at any regular, special  
25 or adjourned session to establish, in the same manner that  
26 the districts ~~hereinabove referred to~~ described in subsection  
27 1 are established, districts having for their purpose soil  
28 conservation in mining areas within the county, and provide  
29 that anyone engaged in removing the surface soil over any  
30 bed or strata of coal in such district for the purpose of  
31 obtaining such coal shall replace the surface soil as nearly  
32 as practicable to its original position, and provide that,  
33 upon abandonment of such removal operation, all surface soil  
34 shall be so replaced. ~~This section~~ subsection shall apply only  
35 to surface soil so removed ~~after July 4, 1949, and then only~~



1 if it is essential for the accomplishment of the purpose of  
2 soil conservation and flood control within the purview of this  
3 chapter.

4 Sec. 15. Section 161F.3, Code 2021, is amended to read as  
5 follows:

6 **161F.3 Combination of functions.**

7 Such districts shall have the power to combine in their  
8 functions activities affecting soil conservation, flood  
9 control, and drainage, water quality improvement, or any of  
10 these objects, singly or in combination with another.

11 Sec. 16. CODE EDITOR DIRECTIVE.

12 1. The Code editor is directed to make the following  
13 transfers:

14 a. Section 161E.1A, as enacted in this Act, to section  
15 161E.1.

16 b. Section 161E.1, as amended by this Act, to section  
17 161E.1A.

18 2. The Code editor shall correct internal references in the  
19 Code and in any enacted legislation as necessary due to the  
20 enactment of this section.

21 **EXPLANATION**

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

24 This bill amends various provisions relating to the  
25 management of soil and water resources including Code chapter  
26 161A, the "Soil Conservation Districts Law" (Code section  
27 161A.1) which regulates soil erosion and authorizes the payment  
28 of cost-share incentives for soil and water conservation  
29 practices administered by the department of agriculture and  
30 land stewardship (department) and soil and water conservation  
31 districts (districts) throughout the state; Code chapter  
32 161C authorizing districts and other political subdivisions  
33 to work in conjunction in carrying out districtwide and  
34 multiple district water protection projects; Code chapter 161E,  
35 authorizing counties and districts, political subdivisions,

1 and other local agencies (qualified government entities) to  
2 provide for flood control or soil erosion control, including  
3 by levying a tax of 6.75 cents per \$1,000 of assessed value on  
4 agricultural land in the county; and Code chapter 161F which  
5 authorizes the board of supervisors of a county to establish  
6 soil conservation and flood control districts.

7     The bill provides that along with traditional duties and  
8 powers exercised by these bodies relating to soil erosion and  
9 flood protection, they are also to carry out water quality  
10 protection projects and operations which include efforts to  
11 maintain, protect, and improve the quality of surface water  
12 and groundwater from point and nonpoint sources in a manner  
13 consistent with the Iowa nutrient reduction strategy. The  
14 bill authorizes cooperation between districts, subdistricts,  
15 political subdivisions including through the use of Code  
16 chapter 28E and Code chapter 28F agreements, rural water  
17 districts, and rural water associations. The bill authorizes  
18 joint financing agreements and the involvement of financing  
19 entities which include public or private agencies providing  
20 funding through loans, grants, or other financial instruments.