

House File 801 - Introduced

HOUSE FILE 801

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 646)

A BILL FOR

1 An Act relating to the management of soil and water resources,
2 by providing for certain practices and projects, including
3 projects described in the Iowa nutrient reduction strategy.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 161A.2, Code 2021, is amended to read as
2 follows:

3 **161A.2 Declaration of policy.**

4 It is hereby declared to be the policy of the legislature
5 to integrate the conservation of soil and water resources
6 into the production of agricultural commodities to insure
7 the long-term protection of the soil and water resources of
8 the state of Iowa, and to encourage the development of farm
9 management and agricultural practices that are consistent with
10 the capability of the land to sustain agriculture, and thereby
11 to preserve natural resources; promote soil health; control
12 floods; prevent the impairment of dams and reservoirs; assist
13 and maintain the navigability of rivers and harbors; preserve
14 wildlife; protect the tax base; protect public lands; and
15 promote the health, safety, and public welfare of the people
16 of this state.

17 Sec. 2. Section 161A.3, Code 2021, is amended by adding the
18 following new subsections:

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

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

23 NEW SUBSECTION. 12B. *"Soil health"* means the continuing
24 capacity of soil to function as a vital living ecosystem that
25 sustains plants, animals, and humans.

26 Sec. 3. Section 161A.4, subsection 2, paragraph g, Code
27 2021, is amended to read as follows:

28 *g.* To assist each soil and water conservation district in
29 developing a district soil and water resource conservation plan
30 as provided under [section 161A.7](#). The plan shall be developed
31 according to rules adopted by the division to preserve and
32 protect the public interest in the soil and water resources
33 of this state for future generations and for this purpose to
34 encourage, promote, facilitate, and where such public interest
35 requires, to mandate the conservation and proper control of and

1 use of the soil and water resources of this state, by measures
2 including but not limited to the control of floods, the control
3 of erosion by water or by wind, the improvement of soil health,
4 the preservation of the quality of water for its optimum
5 use for agricultural, irrigation, recreational, industrial,
6 and domestic purposes, all of which shall be presumed to be
7 conducive to the public health, convenience, and welfare, both
8 present and future.

9 Sec. 4. Section 161A.7, subsection 1, paragraphs d, f, h,
10 and m, Code 2021, are amended to read as follows:

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

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

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

25 *f.* To make available on such terms as it shall prescribe,
26 to landowners or occupiers within the district, ~~;~~ agricultural
27 and engineering machinery and equipment, fertilizer, lime, and
28 such other material or equipment as will assist such landowners
29 or occupiers to carry on operations upon their lands for the
30 conservation of soil resources and the improvement of soil
31 health; and for the prevention and control of soil erosion
32 and for the prevention of erosion, floodwater, and sediment
33 damages.

34 *h.* To develop comprehensive plans for the conservation of
35 soil resources and the improvement of soil health; for the

1 control and prevention of soil erosion; and for the prevention
2 of erosion, floodwater, and sediment damages within the
3 district, ~~which~~. The comprehensive plans shall specify in such
4 detail as may be possible, the acts, procedures, performances,
5 and avoidances which are necessary or desirable for the
6 effectuation of such plans, including the specification of
7 engineering operations, methods of cultivation, the growing of
8 vegetation, cropping programs, tillage practices, and changes
9 in the use of land; and to. The district shall publish such
10 plans and information and bring them to the attention of owners
11 and occupiers of lands within the district.

12 *m.* To encourage local school districts to provide
13 instruction in the importance of and in some of the basic
14 methods of soil conservation and healthy soil practices, as a
15 part of course work relating to agriculture, the conservation
16 of natural resources, and environmental awareness as required
17 in rules adopted by the state board of education pursuant
18 to [section 256.11, subsections 3 and 4 through 5](#), and to
19 offer technical assistance to schools in developing such
20 instructional programs.

21 Sec. 5. Section 161A.7, subsection 1, paragraph n,
22 subparagraph (1), subparagraph divisions (a) and (b), Code
23 2021, are amended to read as follows:

24 (a) Assessing the condition of soil and surface water in
25 the district, including an evaluation of the type, amount,
26 and quality of soil and water; the threat of soil erosion
27 and erosion, floodwater, and sediment damages; and necessary
28 preventative, restoration, and control measures.

29 (b) Developing methods to maintain or improve soil health
30 and water ~~condition~~ quality.

31 Sec. 6. Section 161A.7, subsection 1, Code 2021, is amended
32 by adding the following new paragraph:

33 NEW PARAGRAPH. *p.* To carry out soil erosion control,
34 watershed protection or improvement, water resource
35 restoration, flood prevention or control, and water quality

1 protection projects and operations, within the district. The
2 water quality protection projects and operations may include
3 but are not limited to efforts to maintain, protect, and
4 improve the quality of surface water and groundwater from point
5 sources and nonpoint sources, including by doing all of the
6 following:

7 (1) Reducing or eliminating pollution caused by access to
8 agricultural drainage or sinkholes, sedimentation, or chemical
9 pollutants.

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

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

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

16 Sec. 7. Section 161A.13, Code 2021, is amended to read as
17 follows:

18 **161A.13 Purpose of subdistricts.**

19 Subdistricts of a soil and water conservation district may
20 be formed as provided in ~~this chapter~~ for the purposes of
21 ~~carrying out watershed protection and flood prevention programs~~
22 to carry out the same purposes of the district under section
23 161A.7, within the territory of the subdistrict but shall not
24 be formed solely for the purpose of establishing or taking over
25 the operation of an existing drainage district.

26 Sec. 8. Section 161A.42, subsection 9, paragraph b, Code
27 2021, is amended to read as follows:

28 *b. "Temporary soil and water conservation practices"*
29 means the planting of annual or biennial crops; the use of
30 strip-cropping, cover cropping, or contour planting; ~~or~~; the
31 use of no-tillage, minimum or tillage, or mulch tillage; and
32 the use of an agriculture practice, silviculture practice,
33 aquaculture practice, or permaculture practice; or the use
34 of any other cultural practices practice approved by the
35 committee.

1 Sec. 9. Section 161A.53, Code 2021, is amended to read as
2 follows:

3 **161A.53 Cooperation with other agencies.**

4 Soil and water conservation districts may enter into
5 agreements with the federal government or an agency of the
6 federal government, as provided by state law, or with the state
7 of Iowa or an agency of the state, any other soil and water
8 conservation district, or any other political subdivision of
9 this state, for cooperation in preventing, controlling, or
10 attempting to prevent or control soil erosion, improving or
11 attempting to improve soil health, or performing a soil health
12 assessment. Soil and water conservation districts may accept,
13 as provided by state law, money disbursed for soil erosion
14 control purposes by the federal government or an agency of the
15 federal government, and expend the money for the purposes for
16 which it was received.

17 Sec. 10. Section 161A.73, subsection 1, paragraph b, Code
18 2021, is amended to read as follows:

19 **b.** The allocation of moneys as financial incentives
20 provided for the purpose of establishing management practices
21 to control soil erosion and promote soil health on land that
22 is row cropped, including but not limited to cover crops,
23 no-till planting, ridge-till planting, contouring, and contour
24 strip-cropping. The division shall by rule establish limits on
25 the amount of incentives which shall be authorized for payment
26 to landowners upon establishment of the practice.

27 Sec. 11. Section 161C.1, Code 2021, is amended by adding the
28 following new subsections:

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

- 31 **a.** Soil erosion control.
- 32 **b.** Watershed protection or improvement.
- 33 **c.** Water resource restoration.
- 34 **d.** Flood prevention or control.
- 35 **e.** Water quality protection practices.

1 *f.* Water quality projects and operations, including as
2 required to achieve or further any of the objectives, goals,
3 and targets described in the Iowa nutrient reduction strategy.

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

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

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

14 Sec. 12. Section 161C.2, subsection 1, paragraph a, Code
15 2021, is amended to read as follows:

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

31 Sec. 13. Section 161C.3, Code 2021, is amended to read as
32 follows:

33 **161C.3 Cooperation with ~~other agencies~~ financing entities.**

34 ~~Soil~~ A soil and water conservation ~~districts~~ district may
35 enter into ~~agreements~~ an agreement with the ~~United States~~

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

13 Sec. 14. Section 161E.1, Code 2021, is amended to read as
14 follows:

15 **161E.1 Authority of board.**

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

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

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

35 b. Authorized projects, including but not limited to water

1 quality projects and operations, are presumed to be for the
2 protection of the tax base of the county, for the protection of
3 public roads and lands, and for the protection of the public
4 health, sanitation, safety, and general welfare.

5 Sec. 15. NEW SECTION. 161E.1A Definitions.

6 As used in this chapter, unless the context otherwise
7 requires:

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

10 a. Soil erosion control project.

11 b. Watershed protection or improvement project.

12 c. Water resource restoration project.

13 d. Flood prevention or control.

14 e. Water quality protection practices.

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

17 2. "*Financing entity*" means the same as defined in section
18 161C.1.

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

21 Sec. 16. 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.~~ The
33 county may assume a proportion of the cost of the authorized
34 project as deemed appropriate, and may assume the maintenance
35 cost of the project on lands under the control or jurisdiction

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

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

19 Sec. 18. Section 161E.5, Code 2021, is amended to read as
20 follows:

21 **161E.5 Maintenance cost.**

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

30 Sec. 19. Section 161F.2, Code 2021, is amended to read as
31 follows:

32 **161F.2 Board of supervisors to establish districts — strip**
33 **coal mining.**

34 1. The board of supervisors of ~~any~~ a county shall have
35 jurisdiction, power and authority at any regular, special or

1 adjourned session to establish, subject to the provisions
2 of this chapter, districts having for their purpose soil
3 conservation, ~~and~~ the control of flood waters, or the
4 improvement of water quality, and to cause to be constructed
5 as hereinafter provided, such improvements and facilities as
6 shall be deemed essential for the accomplishment of the purpose
7 of soil conservation, and flood control, or the improvement of
8 water quality.

9 2. Such The board of supervisors of a county shall also
10 have jurisdiction, power and authority at any regular, special
11 or adjourned session to establish, in the same manner that
12 the districts ~~hereinabove referred to~~ described in subsection
13 1 are established, districts having for their purpose soil
14 conservation in mining areas within the county, and provide
15 that anyone engaged in removing the surface soil over any
16 bed or strata of coal in such district for the purpose of
17 obtaining such coal shall replace the surface soil as nearly
18 as practicable to its original position, and provide that,
19 upon abandonment of such removal operation, all surface soil
20 shall be so replaced. ~~This section~~ subsection shall apply only
21 to surface soil so removed ~~after July 4, 1949, and then only~~
22 if it is essential for the accomplishment of the purpose of
23 soil conservation and flood control within the purview of this
24 chapter.

25 Sec. 20. Section 161F.3, Code 2021, is amended to read as
26 follows:

27 **161F.3 Combination of functions.**

28 Such districts shall have the power to combine in their
29 functions activities affecting soil conservation, flood
30 control, ~~and~~ drainage, water quality improvement, or any of
31 these objects, singly or in combination with another.

32 Sec. 21. CODE EDITOR DIRECTIVE.

33 1. The Code editor is directed to make the following
34 transfers:

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

1 161E.1.

2 b. Section 161E.1, as amended by this Act, to section
3 161E.1A.

4 2. The Code editor shall correct internal references in the
5 Code and in any enacted legislation as necessary due to the
6 enactment of this section.

7 EXPLANATION

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

10 This bill amends various provisions relating to the
11 management of soil and water resources including Code
12 chapter 161A, the "Soil Conservation Districts Law" (Code
13 section 161A.1), which regulates soil erosion and authorizes
14 the payment of cost-share incentives for soil and water
15 conservation practices administered by the department of
16 agriculture and land stewardship (department) and soil and
17 water conservation districts (districts) throughout the
18 state; Code chapter 161C, authorizing districts and other
19 political subdivisions to work in conjunction in carrying out
20 districtwide and multiple district water protection projects;
21 Code chapter 161E, authorizing counties and districts,
22 political subdivisions, and other local agencies to provide for
23 flood control or soil erosion control; and Code chapter 161F,
24 authorizing the board of supervisors of a county to establish
25 soil conservation and flood control districts.

26 The bill amends Code chapter 161A by providing for efforts
27 that promote and improve soil health. The division of soil
28 conservation and water quality is required to carry out
29 projects relating to soil erosion control, watershed protection
30 or improvement, water resource restoration, flood prevention
31 or control, and water quality protection. The bill amends
32 Code chapters 161C, 161E, and 161F to provide that along with
33 traditional duties and powers exercised by districts and
34 political subdivisions to prevent soil erosion and flooding,
35 they may also carry out projects to maintain, protect, and

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1 improve water quality. The bill amends Code chapters 161C and
2 161E to allow financing entities to participate in funding
3 authorized projects related to soil erosion control, watershed
4 protection or improvement, water resource restoration, flood
5 prevention or control, and water quality in furtherance of
6 the objectives of the Iowa nutrient reduction strategy. A
7 financing entity includes a public or private agency that
8 extends funding through different financial instruments to
9 support public works.