HOUSE FILE 735
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 571)

(As Amended and Passed by the House March 20, 2019)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

161A.13 Purpose of subdistricts.

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

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

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

a. Soil erosion control.

b. Watershed protection or improvement.

c. Water resource restoration.

d. Flood prevention or control.

e. Water quality protection practices.

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

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

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

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

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

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

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

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

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

~~Soil~~ A soil and water conservation ~~districts~~ district may enter into ~~agreements~~ an agreement with the ~~United States~~ federal government, as provided by state law, ~~or with the state of Iowa or any agency of the state,~~ any other ~~soil and water conservation~~ district, ~~or other political subdivision of this state~~ a public purpose entity, or a financing entity,

for cooperation in preventing, controlling, or attempting to prevent or control ~~contamination~~ the pollution of ~~groundwater or~~ surface water or groundwater by point and nonpoint sources ~~of pollution~~. Soil and water conservation districts may accept, as provided by state law, any money disbursed for water quality preservation purposes by the federal government or any agency of the federal government, and expend the money for the purposes for which it was received.

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

161E.1 Authority of board.

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

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

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

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

health, sanitation, safety, and general welfare.

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

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

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

a. Soil erosion control project.

b. Watershed protection or improvement project.

c. Water resource restoration project.

d. Flood prevention or control.

e. Water quality protection practices.

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

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

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

4. *"Point source"* means the same as defined in section 455B.171.

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

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

161E.2 Federal ~~aid~~ assistance.

A county may, in accordance with this chapter, accept federal ~~funds for aid~~ moneys to assist in ~~a~~ supporting an authorized project ~~for flood or soil erosion control, flood prevention~~, or the conservation, development, utilization, and disposal of water~~, and~~. A county may cooperate with the federal government or a department or agency of the federal government, a soil and water conservation district, subdistrict of a soil and water conservation district, ~~political subdivision of the state, or other local agency, and the~~ or a public purpose entity. The county may assume a proportion of the cost of the authorized project as deemed appropriate, and

may assume the maintenance cost of the project on lands under the control or jurisdiction of the county which will not be discharged by federal ~~aid~~ assistance or grant.

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

161E.3 Cooperation.

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

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

161E.5 Maintenance cost.

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

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

161E.9 Tax levy.

The county board of supervisors may annually levy a tax not

to exceed six and three-fourths cents per thousand dollars of assessed value of all agricultural lands in the county, to be used for ~~flood and erosion control, including~~ authorized projects, including but not limited to furnishing financial assistance in connection with water quality projects and operations, and for the acquisition of land or interests in land, and repair, alteration, maintenance, and operation of works of improvement on lands under the control or jurisdiction of the county as provided in this chapter.

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

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

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

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

to surface soil so removed ~~after July 4, 1949, and then only~~ if it is essential for the accomplishment of the purpose of soil conservation and flood control within the purview of this chapter.

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

161F.3 Combination of functions.

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

Sec. 16. CODE EDITOR DIRECTIVE.

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

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

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

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