

MAR 7 2006
Place On Calendar

HOUSE FILE 2679
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 2551)

Passed House, Date 3-21-06 Passed Senate, Date 4-11-06
Vote: Ayes 98 Nays 0 Vote: Ayes 50 Nays 0
Approved April 12, 2006

A BILL FOR

1 An Act relating to agricultural drainage wells by providing for
2 the implementation of water quality practices as an
3 alternative to constructing alternative drainage systems.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2679

1 Section 1. Section 460.303, Code 2005, is amended to read
2 as follows:

3 460.303 AGRICULTURAL DRAINAGE WELLS----ALTERNATIVE
4 DRAINAGE-SYSTEM WELL WATER QUALITY ASSISTANCE FUND.

5 1. An ~~alternative-drainage-system~~ agricultural drainage
6 well water quality assistance fund is created in the state
7 treasury under the control of the soil conservation division.
8 The fund is composed of moneys appropriated by the general
9 assembly, and moneys available to and obtained or accepted by
10 the division or the state soil conservation committee
11 established pursuant to section 161A.4, from the United States
12 or private sources for placement in the fund.

13 2. Moneys in the fund are subject to an annual audit by
14 the auditor of state. ~~The fund is subject to warrants written~~
15 ~~by the director of the department of administrative services,~~
16 ~~drawn upon the written requisition of the division.~~

17 3. The fund shall be used to support ~~the alternative~~
18 ~~drainage-system~~ an agricultural drainage well water quality
19 assistance program as provided in section 460.304. Moneys
20 shall be used to provide financial incentives under the
21 program, and to defray expenses by the division in
22 administering the program. However, not more than one percent
23 of the money in the fund is available to defray administrative
24 expenses. The division may adopt rules pursuant to chapter
25 17A to administer this section.

26 4. The division shall not in any manner directly or
27 indirectly pledge the credit of the state.

28 5. Section 8.33 shall not apply to moneys in the fund.
29 Notwithstanding section 12C.7, moneys earned as income,
30 including as interest, from the fund shall remain in the fund
31 until expended as provided in this section.

32 Sec. 2. Section 460.304, subsections 1 and 2, Code 2005,
33 are amended to read as follows:

34 1. The soil conservation division shall establish an
35 ~~alternative-drainage-system~~ agricultural drainage well water

1 quality assistance program as provided by rules which shall be
2 adopted by the division pursuant to chapter 17A. The program
3 shall be supported from moneys deposited in the ~~alternative~~
4 ~~drainage-system~~ agricultural drainage well water quality
5 assistance fund created pursuant to section 460.303.

6 2. To the extent that moneys are available to support the
7 program, the division shall ~~provide~~ expend moneys from the
8 fund to do the following:

9 a. Provide cost-share moneys to persons closing
10 agricultural drainage wells located-within-designated
11 agricultural-drainage-well-areas,-and-constructing-alternative
12 drainage-systems-which-are-part-of-a-drainage-district in
13 accordance with the priority system established pursuant to
14 section 460.302. In conjunction with closing agricultural
15 wells, the division shall award cost-share moneys to carry out
16 the following projects:

17 (1) Construct alternative drainage systems.

18 (2) Establish water quality practices other than
19 constructing alternative drainage systems, including but not
20 limited to converting land to wetlands.

21 The amount of moneys allocated in cost-share payments to a
22 person qualifying under the program shall not exceed seventy-
23 five percent of the estimated cost of ~~installing~~ carrying out
24 ~~the alternative-drainage-system project~~ or seventy-five
25 percent of the actual cost of ~~installing~~ carrying out the
26 ~~alternative-drainage-system project~~, whichever is less.

27 b. Contract with persons to obtain technical assessments
28 in agricultural drainage well areas, including but not limited
29 to areas having a predominance of shallow bedrock or karst
30 terrain as the division determines is necessary to carry out a
31 project.

32 EXPLANATION

33 BACKGROUND. An agricultural drainage well is a vertical
34 opening to an aquifer or permeable substratum constructed in
35 order to intercept surface or subsurface drainage water from

1 land directly or by a drainage system.

2 A cost-share program is available to assist landowners in
3 closing agricultural drainage wells located in designated
4 agricultural drainage well areas and establishing alternative
5 drainage systems (Code section 460.304). The program is
6 administered by the soil conservation division of the
7 department of agriculture and land stewardship and supported
8 by a fund administered by the division (Code section 460.303).
9 A person is entitled to receive 75 percent of the amount
10 necessary to carry out the project.

11 BILL'S PROVISIONS. This bill amends provisions of the Code
12 chapter which establish the fund and cost-share program, in
13 part to conform with current practice, and also to expand the
14 program. Code section 460.304 provides that the division may
15 award moneys for the closing of agricultural drainage wells in
16 a "designated agricultural drainage well area", which is an
17 area where an anaerobic lagoon or earthen manure storage basin
18 is located. The division currently awards moneys to close
19 agricultural drainage wells in other areas and this bill
20 provides the division with express authority to award moneys
21 to close agricultural drainage wells generally. The bill
22 eliminates a requirement that cost-share moneys must be used
23 to construct an alternative drainage system as part of a
24 drainage district. It also provides that cost-share moneys
25 may be used to establish alternative water quality practices
26 other than constructing alternative drainage systems,
27 including but not limited to converting land to wetlands. The
28 bill provides that moneys may also be used to obtain technical
29 assessments in agricultural drainage well areas including
30 those areas having a predominance of shallow bedrock or karst
31 terrain.

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HOUSE FILE 2679

AN ACT

RELATING TO AGRICULTURAL DRAINAGE WELLS BY PROVIDING FOR THE IMPLEMENTATION OF WATER QUALITY PRACTICES AS AN ALTERNATIVE TO CONSTRUCTING ALTERNATIVE DRAINAGE SYSTEMS.

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

Section 1. Section 460.303, Code 2005, is amended to read as follows:

460.303 AGRICULTURAL DRAINAGE WELLS----ALTERNATIVE DRAINAGE-SYSTEM WELL WATER QUALITY ASSISTANCE FUND.

1. An alternative-drainage-system agricultural drainage well water quality assistance fund is created in the state treasury under the control of the soil conservation division. The fund is composed of moneys appropriated by the general assembly, and moneys available to and obtained or accepted by the division or the state soil conservation committee established pursuant to section 161A.4, from the United States or private sources for placement in the fund.

2. Moneys in the fund are subject to an annual audit by the auditor of state. ~~The fund is subject to warrants written by the director of the department of administrative services, drawn upon the written requisition of the division.~~

3. The fund shall be used to support ~~the alternative drainage-system~~ an agricultural drainage well water quality assistance program as provided in section 460.304. Moneys shall be used to provide financial incentives under the program, and to defray expenses by the division in administering the program. However, not more than one percent of the money in the fund is available to defray administrative expenses. The division may adopt rules pursuant to chapter 17A to administer this section.

4. The division shall not in any manner directly or indirectly pledge the credit of the state.

5. Section 8.33 shall not apply to moneys in the fund. Notwithstanding section 12C.7, moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in this section.

Sec. 2. Section 460.304, subsections 1 and 2, Code 2005, are amended to read as follows:

1. The soil conservation division shall establish an alternative-drainage-system agricultural drainage well water quality assistance program as provided by rules which shall be adopted by the division pursuant to chapter 17A. The program shall be supported from moneys deposited in the alternative drainage-system agricultural drainage well water quality assistance fund created pursuant to section 460.303.

2. To the extent that moneys are available to support the program, the division shall provide expend moneys from the fund to do the following:

a. Provide cost-share moneys to persons closing agricultural drainage wells located within designated agricultural-drainage-well-areas, and constructing alternative drainage-systems which are part of a drainage-district in accordance with the priority system established pursuant to section 460.302. In conjunction with closing agricultural wells, the division shall award cost-share moneys to carry out the following projects:

(1) Construct alternative drainage systems.

(2) Establish water quality practices other than constructing alternative drainage systems, including but not limited to converting land to wetlands.

The amount of moneys allocated in cost-share payments to a person qualifying under the program shall not exceed seventy-five percent of the estimated cost of installing carrying out the alternative-drainage-system project or seventy-five percent of the actual cost of installing carrying out the alternative-drainage-system project, whichever is less.

b. Contract with persons to obtain technical assessments in agricultural drainage well areas, including but not limited to areas having a predominance of shallow bedrock or karst terrain as the division determines is necessary to carry out a project.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2679, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved April 12, 2006

THOMAS J. VILSACK
Governor