

Place On Calendar

MAR 1 1978

HOUSE FILE 2331

By COMMITTEE ON NATURAL RESOURCES

(Formerly Study Bill 397)

Passed House, Date 4-4-78 (p. 1343) Passed Senate, Date 4/25/78 (P. 1013)

Vote: Ayes 76 Nays 9 Vote: Ayes 41 Nays 0

Approved May 8, 1978

### A BILL FOR

1 An Act relating to authority of soil conservation district  
2 commissioners and their authorized agents or employees to  
3 enter upon public or private property.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

HOUSE FILE 2331

H-5871

- 1 Amend House File 2331 as follows:
- 2 1. Page 1, line 12, by striking the word
- 3 "commissions" and inserting in lieu thereof the
- 4 word "commissioners".

H-5871 FILED Adopted BY CLARK of Cerro Gordo  
APRIL 3, 1978 4/4 (p. 1343)

1 Section 1. Section four hundred sixty-seven A point fifty-  
2 one (467A.51), Code 1977, is amended by striking the section  
3 and inserting in lieu thereof the following:

4 467A.51 ENTERING ON LAND. The commissioners and their  
5 authorized agents or employees may enter upon any private  
6 or public property, except private dwellings, at any reasonable  
7 time to classify land by soil sampling or other appropriate  
8 methods or to determine whether soil erosion is occurring  
9 on the property in violation of the district's regulations.

10 1. If the owner or occupant of any property refuses admit-  
11 tance, or if prior to such refusal the commissioners demon-  
12 strate the need for a warrant, the commissions may make an  
13 application under oath or affirmation to the district court  
14 of the county in which the property is located for the issuance  
15 of a search warrant.

16 2. In the application the commissioners shall state that  
17 entry on the premises is mandated by the laws of this state  
18 or that entry is needed to conduct soil sampling necessary  
19 to classify soil in the district as specified in section four  
20 hundred sixty-seven A point forty-four (467A.44), subsection  
21 one (1), of the Code or to determine whether soil erosion  
22 is occurring on the property in violation of the district's  
23 regulations. The application shall describe the area or  
24 premises, give the date of the last known investigation or  
25 sampling, give the date and time of the proposed inspection,  
26 declare the need for such inspection, recite that notice of  
27 desire to make an inspection has been given to affected per-  
28 sons and that admission was refused if that be the fact, and  
29 state that the inspection has no purpose other than to carry  
30 out the purpose of the statute, ordinance or regulation pur-  
31 suant to which the inspection is to be made.

32 3. The court may issue a search warrant, after examination  
33 of the applicant and any witnesses, if the court is satisfied  
34 that there is probable cause to believe the existence of the  
35 allegations in the application.

1 4. In soil sampling and making investigations pursuant  
2 to a warrant, the commissioners must execute the warrant in  
3 a reasonable manner within the time period specified in the  
4 warrant.

5 Sec. 2. This Act is effective January 1, 1979.

6 EXPLANATION

7 This bill authorizes soil conservation district  
8 commissioners to enter upon public or private property for  
9 soil sampling or investigations of soil erosion and to obtain  
10 a search warrant if the owner or occupant refuses admittance.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

*See Natural Resources 4/11 Do Pass 4/21 (p. 998)*

HOUSE FILE 2331

By COMMITTEE ON NATURAL RESOURCES  
(As Amended and Passed by the House)

Passed House, Date 4-11-78 (p. 1243) Passed Senate, Date 4-25-78 (p. 1015)  
Vote: Ayes 76 Nays 9 Vote: Ayes 41 Nays 0  
Approved May 2, 1978

### A BILL FOR

1 An Act relating to authority of soil conservation district  
2 commissioners and their authorized agents or employees to  
3 enter upon public or private property.

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

House Amendments \_\_\_\_\_

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. Section four hundred sixty-seven A point fifty-  
2 one (467A.51), Code 1977, is amended by striking the section  
3 and inserting in lieu thereof the following:

4 467A.51 ENTERING ON LAND. The commissioners and their  
5 authorized agents or employees may enter upon any private  
6 or public property, except private dwellings, at any reasonable  
7 time to classify land by soil sampling or other appropriate  
8 methods or to determine whether soil erosion is occurring  
9 on the property in violation of the district's regulations.

10 1. If the owner or occupant of any property refuses admit-  
11 tance, or if prior to such refusal the commissioners demon-  
12 strate the need for a warrant, the commissioners may make  
13 an application under oath or affirmation to the district court  
14 of the county in which the property is located for the issuance  
15 of a search warrant.

16 2. In the application the commissioners shall state that  
17 entry on the premises is mandated by the laws of this state  
18 or that entry is needed to conduct soil sampling necessary  
19 to classify soil in the district as specified in section four  
20 hundred sixty-seven A point forty-four (467A.44), subsection  
21 one (1), of the Code or to determine whether soil erosion  
22 is occurring on the property in violation of the district's  
23 regulations. The application shall describe the area or  
24 premises, give the date of the last known investigation or  
25 sampling, give the date and time of the proposed inspection,  
26 declare the need for such inspection, recite that notice of  
27 desire to make an inspection has been given to affected per-  
28 sons and that admission was refused if that be the fact, and  
29 state that the inspection has no purpose other than to carry  
30 out the purpose of the statute, ordinance or regulation pur-  
31 suant to which the inspection is to be made.

32 3. The court may issue a search warrant, after examination  
33 of the applicant and any witnesses, if the court is satisfied  
34 that there is probable cause to believe the existence of the  
35 allegations in the application.



HOUSE FILE 2331

AN ACT

RELATING TO AUTHORITY OF SOIL CONSERVATION DISTRICT COMMISSIONERS AND THEIR AUTHORIZED AGENTS OR EMPLOYEES TO ENTER UPON PUBLIC OR PRIVATE PROPERTY.

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

Section 1. Section four hundred sixty-seven A point fifty-one (467A.51), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

467A.51 ENTERING ON LAND. The commissioners and their authorized agents or employees may enter upon any private or public property, except private dwellings, at any reasonable time to classify land by soil sampling or other appropriate methods or to determine whether soil erosion is occurring on the property in violation of the district's regulations.

1. If the owner or occupant of any property refuses admittance, or if prior to such refusal the commissioners demonstrate the need for a warrant, the commissioners may make an application under oath or affirmation to the district court of the county in which the property is located for the issuance of a search warrant.

2. In the application the commissioners shall state that entry on the premises is mandated by the laws of this state or that entry is needed to conduct soil sampling necessary to classify soil in the district as specified in section four hundred sixty-seven A point forty-four (467A.44), subsection one (1), of the Code or to determine whether soil erosion is occurring on the property in violation of the district's regulations. The application shall describe the area or premises, give the date of the last known investigation or sampling, give the date and time of the proposed inspection, declare the need for such inspection, recite that notice of

desire to make an inspection has been given to affected persons and that admission was refused if that be the fact, and state that the inspection has no purpose other than to carry out the purpose of the statute, ordinance or regulation pursuant to which the inspection is to be made.

3. The court may issue a search warrant, after examination of the applicant and any witnesses, if the court is satisfied that there is probable cause to believe the existence of the allegations in the application.

4. In soil sampling and raking investigations pursuant to a warrant, the commissioners must execute the warrant in a reasonable manner within the time period specified in the warrant.

Sec. 2. This Act is effective January 1, 1979.

DALE H. COCHRAN  
Speaker of the House

ARTHUR A. MEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2331, Sixty-seventh General Assembly.

DAVID L. WRAY  
Chief Clerk of the House

Approved *May 8*, 1978

ROBERT D. RAY  
Governor