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Reprinted 3/19/86

Amend (5270) + 150 Pass 3/6 (p. 586)
House Log 3/19

SENATE FILE 2119
BY RIORDAN

FILED FEB 5 1986

Passed Senate, Date 2-13-86 (705) Passed House, Date _____
Vote: Ayes 46 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act restricting the ability of a mortgagee of agricultural
2 land to remove soil and water conservation practices and
3 providing penalties.

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

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S.F. 2119

1 Section 1. NEW SECTION. 467A.68 RESTRICTIONS ON MORT-
2 GAGEE.

3 1. This section applies to agricultural land where the
4 mortgagee of a mortgage or deed of trust has acquired title by
5 forced or voluntary foreclosure, or a deed in lieu of
6 foreclosure. A mortgagee of such agricultural land shall not
7 cause the removal of, or require a tenant to remove, or allow
8 a tenant to remove permanent soil and water conservation
9 practices without the permission of the commissioners of the
10 soil conservation district.

11 2. The commissioners and their authorized agents may enter
12 upon the land under the procedures provided in section 467A.51
13 to determine if permanent soil and water conservation prac-
14 tices have been removed.

15 3. If the commissioners determine that permanent soil and
16 water conservation practices have been removed in violation of
17 this section, the commissioners may petition the district court
18 for the imposition of a civil penalty on the mortgagee in an
19 amount not to exceed one hundred dollars for each acre in the
20 farm unit. The civil penalty is payable to the general fund
21 of the county.

22 4. This section does not restrict the power of the commis-
23 sioners to take any action otherwise available to the com-
24 missioners under this chapter if the soil loss on the property
25 exceeds the applicable soil loss limits.

26 EXPLANATION

27 This bill provides that a mortgagee of agricultural land
28 who acquires title by a forced or voluntary foreclosure or a
29 deed in lieu of foreclosure shall not cause the removal of
30 permanent soil and water conservation practices, or require or
31 allow a tenant to do so, without the permission of the
32 commissioners of the soil conservation district. Violation
33 can result in the commissioners petitioning the district court
34 for a civil penalty of up to \$100 for each acre in the farm
35 unit.

FISCAL NOTE TO
SENATE FILE 2119

REC. BY RIORDAN

In compliance with a written request received February 5, 1986, a fiscal note for SENATE FILE 2119 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

SENATE FILE 2119 provides that a mortgagee of agricultural land who acquires title by a forced or voluntary foreclosure or a deed in lieu of foreclosure shall not cause the removal of permanent soil and water conservation practices, or require or allow a tenant to do so, without the permission of the commissioners of the soil conservation district. Violation can result in the commissioners petitioning the district court for a civil penalty of up to \$100 for each acre in the farm unit.

FISCAL EFFECT

This bill would have no fiscal impact on the general fund of the state. Any penalties paid as a result of violations of this bill will be credited to the general fund of the county.

SOURCE: Department of Soil Conservation

(LSB 7420S, RLB)

Filed March 12, 1986 by the Sec. of the Senate

DENNIS C. PROUTY, DIRECTOR,
LEGISLATIVE FISCAL BUREAU

SENATE FILE 2119

S-5270

1 Amend Senate File 2119 as follows:

2 1. Page 1, by striking lines 1 through 10 and
3 inserting the following:

4 "1. A buyer or mortgagee who acquires title to
5 land on which soil conservation cost funds were
6 received for the construction of permanent soil and
7 water conservation practices within ten years prior to
8 the acquisition shall not cause the removal of such
9 practices without the permission of the commissioners
10 of the soil conservation district."

11 2. Page 1, by striking lines 18 through 20 and
12 inserting the following: "for the imposition of a
13 civil penalty on the buyer or mortgagee in an amount
14 not to exceed the current cost of replacing the
15 structure. The civil penalty is payable to the
16 general fund".

S-5270 Filed March 6, 1986

BY COMM. ON AGRICULTURE, PRIEBE, CHAIR

Adopted as amended by S 298 3/13 (p 704)

SENATE FILE 2119

S-5298

1 Amend amendment S-5270 to Senate File 2119 as
2 follows:

3 1. Page 1, line 11, by striking the figure "20"
4 and inserting the figure "21".

5 2. Page 1, line 16, by striking the words
6 "general fund" and inserting the words "conservation
7 practices revolving loan fund."

S-5298 Filed March 11, 1986

BY WALDSTEIN

Adopted 3/13 (p 704)

SENATE FILE 2119
BY RIORDAN

(AS AMENDED AND PASSED BY THE SENATE MARCH 13, 1986)

~~_____~~ - New Language by the Senate

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act restricting the ability of a mortgagee of agricultural
2 land to remove soil and water conservation practices and
3 providing penalties.

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

SENATE FILE 2119

H-5586

1 Amend Senate File 2119 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, by striking line 18 and inserting the
4 words "state agency administering chapter 467A to be
5 used for cost sharing of soil and water conservation
6 practices under that chapter."

H-5586 FILED MARCH 27, 1986 BY COMMITTEE ON AGRICULTURE
Adopted 4/2 (7, 1150)

S.F. 2119

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1 Section 1. NEW SECTION. RESTRICTIONS ON MORTGAGEE.

2 1. A buyer or mortgagee who acquires title to land on
3 which soil conservation cost funds were received for the
4 construction of permanent soil and water conservation
5 practices within ten years prior to the acquisition shall not
6 cause the removal of such practices without the permission of
7 the commissioners of the soil conservation district.

8 2. The commissioners and their authorized agents may enter
9 upon the land under the procedures provided in section 467A.51
10 to determine if permanent soil and water conservation prac-
11 tices have been removed.

12 3. If the commissioners determine that permanent soil and
13 water conservation practices have been removed in violation of
14 this section, the commissioners may petition the district
15 court for the imposition of a civil penalty on the buyer or
16 mortgagee in an amount not to exceed the current cost of
17 replacing the structure. The civil penalty is payable to the
18 conservation practices revolving loan fund.

19 4. This section does not restrict the power of the commis-
20 sioners to take any action otherwise available to the com-
21 missioners under this chapter if the soil loss on the property
22 exceeds the applicable soil loss limits.

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