

Sen. Reg. 3/15 Referred to Pass 4/12/91
Reassigned 1/15/92, No Pass 3/25

FILED FEB 19 1991

SENATE FILE **200**
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO LSB 1542SC)

Passed Senate, Date 2/27/91 (p. 453) Passed House, Date 4/21/92 (p. 1065)
Vote: Ayes 38 Nays 7 Vote: Ayes 81 Nays 16
Approved April 14, 1992 (p. 1384)

A BILL FOR

1 An Act relating to soil conservation by providing for protection
2 of land subject to a public interest.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Section 467A.47, unnumbered paragraph 1, Code
2 1991, is amended to read as follows:

3 The commissioners of ~~a soil and water conservation district~~
4 shall inspect or cause to be inspected any land within the
5 district, ~~upon receipt of a written and signed complaint, from~~
6 ~~an owner or occupant of~~ to determine if land is being damaged
7 by sediment, that from soil erosion is occurring on the
8 neighboring land in excess of the limits established by the
9 district's soil erosion control regulations. If the land is
10 privately owned, the commissioners shall make or cause to be
11 made the inspection, upon receiving a written complaint signed
12 by an owner or occupant of land claiming that the owner's or
13 occupant's land is being damaged by sediment. If the land is
14 subject to a public interest, the commissioners shall make or
15 cause to be made the inspection upon a majority vote of
16 commissioners at an open meeting held pursuant to chapter 21.
17 Land is subject to a public interest if the land is publicly
18 held, subject to an easement held by the public, or the
19 subject of an improvement made at public expense.

20 PARAGRAPH DIVIDED. If, they after the inspection, the
21 commissioners find that sediment damages are occurring to
22 property land which is owned or occupied by the person filing
23 the complaint or subject to a public interest, and that excessive
24 soil erosion is occurring on the neighboring land inspected,
25 they the commissioners shall issue an administrative order to
26 the landowner or landowners of record, and to the occupant of
27 the land if known to the commissioners, describing. The order
28 shall describe the land and stating state as nearly as
29 possible the extent to which soil erosion on the land exceeds
30 the limits established by the district's regulations. The
31 order shall be delivered either by personal service or by
32 restricted certified mail to each of the persons to whom it is
33 directed, and shall:

34 EXPLANATION

35 This bill provides that the commissioners of soil and water

1 conservation districts may take action to inspect land subject
2 to a public interest within the district if the land is
3 affected by sediment damage from other land. The inspection
4 may include the land where erosion is occurring. The
5 inspection may occur if a majority of commissioners vote to
6 approve inspection at an open meeting. Land is subject to a
7 public interest if the land is publicly held, subject to a
8 public easement, or the subject of an improvement made at
9 public expense. If after an inspection soil erosion is found,
10 the commissioners must issue an order requiring remedial
11 action.

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SENATE FILE 200

AN ACT
RELATING TO SOIL CONSERVATION BY PROVIDING FOR PROTECTION OF
LAND SUBJECT TO A PUBLIC INTEREST.

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

Section 1. Section 467A.47, unnumbered paragraph 1, Code 1991, is amended to read as follows:

~~The commissioners of a soil and water conservation district shall inspect or cause to be inspected any land within the district, upon receipt of a written and signed complaint, from an owner or occupant of~~ to determine if land is being damaged by sediment, that from soil erosion is occurring on the neighboring land in excess of the limits established by the district's soil erosion control regulations. If the land is privately owned, the commissioners shall make or cause to be made the inspection, upon receiving a written complaint signed by an owner or occupant of land claiming that the owner's or occupant's land is being damaged by sediment. If the land is subject to a public interest, the commissioners shall make or cause to be made the inspection upon a majority vote of commissioners at an open meeting held pursuant to chapter 21. Land is subject to a public interest if the land is publicly held, subject to an easement held by the public, or the subject of an improvement made at public expense.

PARAGRAPH DIVIDED. If, they after the inspection, the commissioners find that sediment damages are occurring to property land which is owned or occupied by the person filing the complaint or subject to a public interest, and that excess soil erosion is occurring on the neighboring land inspected, they the commissioners shall issue an administrative order to the landowner or landowners of record, and to the occupant of the land if known to the commissioners; describing. The order

shall describe the land and stating state as nearly as possible the extent to which soil erosion on the land exceeds the limits established by the district's regulations. The order shall be delivered either by personal service or by restricted certified mail to each of the persons to whom it is directed, and shall:

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 200, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 14, 1992

TERRY E. BRANSTAD
Governor