

2/21/02 Amend/DO Passed
of H-8078

UNFINISHED BUSINESS CALENDAR
3/21/02

FILED FEB 8 '02

SENATE FILE 144
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 18)

Passed Senate, Date 2/15/01 (P. 353) Passed House, Date 3-25-02 (P. 94)
Vote: Ayes 44 Nays 0 Vote: Ayes 93 Nays 0

Approved April 11, 2002

Re-Passed 4-1-02
Vote 43-0

(P. 870)

A BILL FOR

1 An Act requiring contracts for the construction or maintenance of
2 highways to include certain provisions for the restoration of
3 areas in which fill dirt or other materials are to be removed.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE AMENDMENT TO
SENATE FILE 144

S-5247

- 1 Amend Senate File 144, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, lines 5 and 6, by striking the words
- 4 "agency having charge of awarding such contracts" and
- 5 inserting the following: "state department of
- 6 transportation".
- 7 2. Page 1, line 14, by inserting after the word
- 8 "erosion" the following: "including filling or
- 9 covering the area with compost,".
- 10 3. By renumbering, relettering, or redesignating
- 11 and correcting internal references as necessary.

Senate Concurred 4/1/02
S-5247 FILED MARCH 25, 2002

RECEIVED FROM THE HOUSE

SF 144

AMENDED

1 Section 1. NEW SECTION. 314.12A PRESERVATION OF TOPSOIL
2 IN HIGHWAY CONSTRUCTION.

3 In the award of contracts for the construction,
4 reconstruction, improvement and repair, except for minor
5 maintenance, of a highway, the agency having charge of
6 awarding such contracts shall require that when fill dirt,
7 soil, or other materials are to be removed from an area
8 acquired by title or easement, whether by agreement or
9 condemnation, for use in the project, adequate provision shall
10 be made for the salvage of topsoil from the area for use in
11 the restoration of the specified critical areas of the project
12 by replacement of salvaged topsoil, by fertilizing and
13 mulching if necessary, or by other appropriate measures to
14 provide vegetative cover to prevent erosion, except where a
15 lake or subwater table conditions exist, where deep loess is
16 present, or where outside ditch bottoms and backslopes are
17 present in rock cut areas. This section shall not apply to
18 borrow pits covered by section 314.12.

19 EXPLANATION

20 This bill creates new Code section 314.12A, directing the
21 agency in charge of awarding a contract for the construction,
22 reconstruction, improvement or repair, except for minor
23 maintenance, of a highway to require that, when fill dirt or
24 other materials are to be removed from an area acquired for
25 use in the project, the area is to be restored by certain
26 methods of repair. The requirement does not apply in
27 situations where a lake or subwater table conditions exist,
28 where deep loess is present, or where outside ditch bottoms
29 and backslopes are present in rock cut areas. The new Code
30 section does not apply to borrow pits covered by Code section
31 314.12. Currently, in Code section 314.12, the agency is
32 directed to require restoration only when fill dirt, soil, or
33 other materials are to be removed from borrow pits.

34
35

SENATE FILE 144

H-8078

1 Amend Senate File 144, as passed by the Senate, as
2 follows:
3 1. Page 1, lines 5 and 6, by striking the words
4 "agency having charge of awarding such contracts" and
5 inserting the following: "state department of
6 transportation".

By COMMITTEE ON TRANSPORTATION
BRAUNS of Muscatine, Chairperson

H-8078 FILED FEBRUARY 21, 2002

adopted
3-25-02
(p. 940)

SENATE FILE 144

H-8295

1 Amend Senate File 144, as passed by the Senate, as
2 follows:
3 1. Page 1, line 14, by inserting after the word
4 "erosion" the following: "including filling or
5 covering the area with compost,".

By REKOW of Allamakee

H-8295 FILED MARCH 14, 2002

adopted
3/25/02
(p. 940)

SENATE FILE 144
FISCAL NOTE

A fiscal note for **Senate File 144** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 144 requires the Department of Transportation (DOT), counties, and cities to make adequate provision to restore salvaged topsoil to areas where the topsoil has been removed for the purpose of constructing or improving roads.

FISCAL IMPACT

Senate File 144 will have minimal fiscal impact on the Department of Transportation. The counties project increased cost with the enactment of this Bill, however, the amount cannot be determined.

SOURCES

Department of Transportation
Iowa State Association of Counties

(LSB 1411SV, DLR)

FILED FEBRUARY 15, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

section shall not apply to borrow pits covered by section 314.12.

SENATE FILE 144

AN ACT
REQUIRING CONTRACTS FOR THE CONSTRUCTION OR MAINTENANCE OF
HIGHWAYS TO INCLUDE CERTAIN PROVISIONS FOR THE RESTORATION OF
AREAS IN WHICH FILL DIRT OR OTHER MATERIALS ARE TO BE REMOVED.

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

Section 1. NEW SECTION. 314.12A PRESERVATION OF TOPSOIL
IN HIGHWAY CONSTRUCTION.

In the award of contracts for the construction, reconstruction, improvement and repair, except for minor maintenance, of a highway, the state department of transportation shall require that when fill dirt, soil, or other materials are to be removed from an area acquired by title or easement, whether by agreement or condemnation, for use in the project, adequate provision shall be made for the salvage of topsoil from the area for use in the restoration of the specified critical areas of the project by replacement of salvaged topsoil, by fertilizing and mulching if necessary, or by other appropriate measures to provide vegetative cover to prevent erosion, including filling or covering the area with compost, except where a lake or subwater table conditions exist, where deep loess is present, or where outside ditch bottoms and backslopes are present in rock cut areas. This

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 144, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved *April 11*, 2002

THOMAS J. VILSACK
Governor