

March 11, 1969
Passed on File
Conservation 3-12, Pass 4-10
5-8, Pass 1-27

SENATE FILE 410
By ERSKINE, MESSERLY
and MCGILL

Passed Senate, Date 5-7-69 Passed House, Date 2-9-70
Vote: Ayes 43 Nays 1 Vote: Ayes 24 Nays 9
Approved 2-12-70

A BILL FOR

1 An Act relating to the creation and acquisition of conserva-
2 tion easements by voluntary means.

3 *Be It Enacted by the General Assembly of the State of Iowa:*

4 Section 1. The state conservation commission, the Iowa
5 natural resources council, any county conservation board,
6 and any city or town or agency thereof may acquire by pur-
7 chase, gift, contract, or other voluntary means, but not by
8 eminent domain, conservation easements in land to preserve
9 scenic beauty, wildlife habitat, riparian lands, wet lands,
10 or forests, promote outdoor recreation, or otherwise conserve
11 for the benefit of the public the natural beauty, natural
12 resources, and public recreation facilities of the state.

13 Sec. 2. "Conservation easement" means an easement in,
14 servitude upon, restriction upon the use of, or other in-
15 terest in land owned by another, created for any of the
16 purposes set forth in section one (1) of this Act. A con-
17 servation easement shall be transferable to any other public
18 body authorized to acquire conservation easements. A con-
19 servation easement shall be perpetual unless expressly
20 limited to a lesser term, or unless released by the holder
21 thereof, or unless change of circumstances shall render such
22 easement no longer beneficial to the public. No comparative
23 economic test shall be used to determine whether a conserva-
24 tion easement is beneficial to the public.

25 Sec. 3. Conservation easements shall be recorded as other

1 instruments affecting real estate are recorded, and each
2 public body acquiring one or more conservation easements
3 shall maintain a current inventory thereof. Unrecorded
4 and uninventoried conservation easements shall be deemed
5 abandoned.

6 Sec. 4. A conservation easement shall clearly state its
7 extent and purpose.

8 Sec. 5. The powers accorded by this Act shall be in ad-
9 dition to, and not in derogation of, all powers provided by
10 law with respect to the public bodies named in section one
11 (1) of this Act.

EXPLANATION OF SENATE FILE 410

This bill permits the State Conservation Commission, the Iowa Natural Resources Council, county conservation boards, and cities and towns or their agencies to negotiate for and purchase or accept, but not to condemn, easements on areas of land which are of particular interest or value for conservation purposes.

1 Amend Senate File 410 by inserting in page 1, line 20
2 after the word "term" the words "or unless a change occurs
3 in the ownership of the land upon which the easement is held,".

Filed - *Let 2-9*
February 6, 1970

CHRISTENSEN of Clarke-Union
