

ag 12/2/79 Amended per 3074
date 125 to Pass 2/6 (p. 666)

Reprinted 2/79

FILED JAN 15 1979

SENATE FILE 89

By TAYLOR

Passed Senate, Date 3-7-77 (p. 666) Passed House, Date _____
Vote: Ayes 47 Nays 0 Vote: Ayes _____ Nays _____
Approved May 21, 1980

A BILL FOR

1 An Act relating to borrow pits.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 89

S-3074

- 1 Amend Senate File 89 as follows:
- 2 1. Page 1, line 19, by striking the word
- 3 "loess,".

S-3074 FILED - *Adopted 2/7 (p. 666)* BY COMMITTEE ON AGRICULTURE
FEBRUARY 13, 1979 IRVIN L. BERGMAN, CHAIRPERSON

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SENATE FILE 89

S-3137

- 1 Amend Senate File 89 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "replaced" the words "or the borrow pit restored by
- 4 fertilizing, mulching, or reseeding".

S-3137 FILED - *Withdrawn 2/7 (p. 666)* BY RAY TAYLOR
MARCH 2, 1979

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SENATE FILE 89

S-3153

- 1 Amend Senate File 89 as follows:
- 2 1. Page 1, line 8, by inserting before the word
- 3 "easement" the words "title or".
- 4 2. Page 1, by striking lines 14 through 16 and
- 5 inserting in lieu thereof the following: "or prevent
- 6 erosion-, except for sidehill borrows, or".

S-3153 FILED & ADOPTED (*p. 666*) BY RAY TAYLOR
MARCH 7, 1979

1 Section 1. Section three hundred fourteen point twelve
2 (314.12), Code 1979, is amended to read as follows:

3 314.12 BORROW PITS--TOPSOIL PRESERVED. In the award of
4 contracts for the construction, reconstruction, improvement,
5 repair or maintenance of any highway, the agency having charge
6 of awarding such contracts shall require that when fill dirt,
7 soil or other materials are to be removed from borrow pits
8 acquired by easement, whether by agreement or condemnation,
9 for use in the project, adequate provision shall be made by
10 agreement with the landowner for the restoration of the borrow
11 pit area, either by removal and replacement of a minimum of
12 eight inches of topsoil, or by fertilizing, mulching, reseeding
13 or other appropriate measures to provide vegetative cover
14 or prevent erosion. When the awarding agency acquires title
15 to land used for a borrow pit, a minimum of eight inches of
16 top soil shall be replaced except for sidehill borrows, or
17 where a lake or subwater table conditions are designed, or
18 where the area is zoned for commercial, industrial, or
19 residential use, or where the borrow is in locations of loess,
20 white oak, sand, or undrainable clays.

21 Sec. 2. This Act is effective January first following
22 its enactment.

23 EXPLANATION

24 The bill requires the replacement of top soil on borrow
25 pits when the government body awarding the road contract takes
26 title to the borrow pit in a similar manner to that presently
27 followed on borrow pits acquired by easement. The bill would
28 be effective on January first following its enactment.

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4 contracts for the construction, reconstruction, improvement,
5 repair or maintenance of any highway, the agency having charge
6 of awarding such contracts shall require that when fill dirt,
7 soil or other materials are to be removed from borrow pits
8 acquired by title or easement, whether by agreement or
9 condemnation, for use in the project, adequate provision shall
10 be made by agreement with the landowner for the restoration
11 of the borrow pit area, either by removal and replacement
12 of a minimum of eight inches of topsoil, or by fertilizing,
13 mulching, reseeding or other appropriate measures to provide
14 vegetative cover or prevent erosion, except for sidehill
15 borrow, or where a lake or subwater table conditions are
16 designed, or where the area is zoned for commercial,
17 industrial, or residential use, or where the borrow is in
18 locations of white oak, sand, or undrainable clays.

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SENATE FILE 89

H-3668

- 1 Amend Senate File 89, as passed and reprinted by
2 the Senate, as follows:
3 1. Page 1, line 10, by striking the words "by
4 agreement with the landowner" and inserting in lieu
5 thereof the words "~~by-agreement-with-the-landowner~~".
6 2. Page 1, lines 14 and 15, by striking the words
7 "for sidehill borrows, or".
8 3. Page 1, line 18, by inserting after the word
9 "sand," the word "loess".
10 4. Page 1, line 18, by inserting after the word
11 "clays." the following: "When the borrow pit is
12 acquired by easement, the restoration method shall
13 be determined by agreement with the landowner."

H-3668 FILED *Adopted 2/12 (477)* BY COMMITTEE ON NATURAL RESOURCES
APRIL 2, 1979 SMALLEY, Chairperson

HOUSE AMENDMENT TO SENATE FILE 89

S-5643

- 1 Amend Senate File 89, as passed and reprinted by
2 the Senate, as follows:
3 1. Page 1, line 10, by striking the words "by
4 agreement with the landowner" and inserting in lieu
5 thereof the words "~~by-agreement-with-the-landowner~~".
6 2. Page 1, lines 14 and 15, by striking the words
7 "for sidehill borrows, or".
8 3. Page 1, line 18, by inserting after the word
9 "sand," the word "loess".
10 4. Page 1, line 18, by inserting after the word
11 "clays." the following: "When the borrow pit is
12 acquired by easement, the restoration method shall
13 be determined by agreement with the landowner."

S-5643 FILED
APRIL 3, 1980

RECEIVED FROM THE HOUSE

Senate concurred 4/11 (p. 407)

Sec. 2. This Act is effective January first following its enactment.

SENATE FILE 89

AN ACT

RELATING TO BORROW PITS.

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

Section 1. Section three hundred fourteen point twelve (314.12), Code 1979, is amended to read as follows:

314.12 BORROW PITS--TOPSOIL PRESERVED. In the award of contracts for the construction, reconstruction, improvement, repair or maintenance of any highway, the agency having charge of awarding such contracts shall require that when fill dirt, soil or other materials are to be removed from borrow pits acquired by title or easement, whether by agreement or condemnation, for use in the project, adequate provision shall be made ~~by agreement with the landowner~~ for the restoration of the borrow pit area, either by removal and replacement of a minimum of eight inches of topsoil, or by fertilizing, mulching, reseeding or other appropriate measures to provide vegetative cover or prevent erosion, except where a lake or subwater table conditions are designed, or where the area is zoned for commercial, industrial, or residential use, or where the borrow is in locations of white oak, sand, loess or undrainable clays. When the borrow pit is acquired by easement, the restoration method shall be determined by agreement with the landowner.

TERRY E. BRANSTAD
President of the Senate

WILLIAM H. HARBOR
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 89, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved May 21, 1980

ROBERT D. RAY
Governor