

Revised rec'd 3/21

FILED MAR 15 1982

SENATE FILE 2286

BY COMMITTEE ON NATURAL RESOURCES
approved (p. 148)

Passed Senate, Date 3-30-82 (7953) Passed House, Date 4-7-82 (p1314)
Vote: Ayes 45 Nays 0 Vote: Ayes 96 Nays 0
Approved May 10, 1982

A BILL FOR

1 An Act relating to the maintenance of permanent soil conserva-
2 tion practices established with public cost-sharing funds.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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S. 2286

1 Section 1. Section 467A.7, subsection 16, Code 1981, is
2 amended to read as follows:

3 16. The commissioners shall, as a condition for the receipt
4 of any state cost-sharing funds for permanent soil conservation
5 practices, require the owner of the land on which the practices
6 are to be established to covenant and file, in the office
7 of the soil conservation district of the county in which the
8 land is located, an agreement identifying the particular lands
9 upon which the practices for which state cost-sharing funds
10 are to be received will be established and providing that
11 ~~if~~ the project ~~is~~ will not be removed, altered, or modified
12 so as to lessen its effectiveness without the consent of the
13 commissioners, obtained in advance and based on guidelines
14 drawn up by the state soil conservation committee, for a
15 period of twenty years after the date of receiving payment,
16 ~~the owner of the land on which the practices have been so~~
17 ~~removed, altered or modified shall refund to the department~~
18 ~~of soil conservation the state cost-sharing funds used for~~
19 ~~the project, or for the portion of the project which has been~~
20 ~~removed, altered or modified so as to lessen its effectiveness.~~
21 ~~Such refunds shall be computed on a pro-rata basis in~~
22 ~~accordance with guidelines drawn up by the state soil~~
23 ~~conservation committee in accordance with the age and~~
24 ~~anticipated remaining useful life of the project, and shall~~
25 ~~be reallocated to the district from which they were refunded~~
26 ~~to be used for conservation cost-sharing.~~ The commissioners
27 shall assist the state soil conservation committee in the
28 enforcement of this subsection. The agreement ~~to refund~~ shall
29 not create a lien on the land, but shall be a charge personally
30 against the owner of the land at the time of removal,
31 alteration or modification ~~which gives rise to the need for~~
32 ~~a refund.~~ Each soil conservation district which has entered
33 ~~into agreements under this subsection shall file in the office~~
34 ~~of the county recorder a statement that there are in effect~~
35 ~~in that county certain agreements covenanted under this~~

1 subsection-which-places-upon-owners-of-agricultural-land-the
2 obligation-to-maintain-permanent-soil-conservation-practices
3 established-with-public-cost-sharing-money,-and-that-failure
4 to-do-so-may-result-in-an-obligation-to-refund-a-portion-of
5 the-public-cost-sharing-money-used-to-establish-the-practices.
6 A-seller-of-agricultural-land-with-respect-to-which-an
7 agreement-covenanted-under-this-subsection-is-in-effect,-and
8 who-is-not-currently-in-violation-of-that-agreement,-shall
9 upon-request-to-the-commissioners-be-furnished-with-a-written
10 statement-that,-as-of-the-date-of-the-statement,-the-seller
11 has-incurred-no-obligation-to-refund-to-the-department-of
12 soil-conservation-the-state-cost-sharing-funds-obtained
13 pursuant-to-the-agreement.

14 Sec. 2. Section 467A.61, Code 1981, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. The commissioners may also cause an in-
17 spection of land within the district on which they have rea-
18 sonable grounds to believe that a permanent soil and water
19 conservation practice established with public cost-sharing
20 funds is not being properly maintained or is being altered
21 in violation of section 467A.7, subsection 16. If the
22 commissioners find that the practices are not being maintained
23 or have been altered in violation of section 467A.7, subsection
24 16, the commissioners shall issue an administrative order
25 to the landowner to maintain, repair, or reconstruct the
26 permanent soil and water conservation practices. Public cost-
27 sharing funds are not available for the work under this order.
28 Permanent soil and water conservation practices which are
29 covered by a covenant entered into under section 467A.7,
30 subsection 16, prior to the effective date of this Act continue
31 to be subject to the refund provisions of that covenant and
32 the law in effect at the time it was made in lieu of an
33 administrative order under this subsection.

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EXPLANATION

35 This bill repeals the provision requiring a refund of the

1 public cost-sharing funds used to build a permanent soil and
2 water conservation practice if the practice is altered with-
3 out the consent of the soil conservation district commissioners
4 and provides that future covenants will be enforced by dis-
5 cretionary inspections and administrative orders to maintain,
6 repair, or reconstruct the conservation practice by the soil
7 conservation district commissioners. The bill takes effect
8 July 1 following enactment.

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S-5299

1 Amend Senate File 2286 as follows:

2 1. Page 2, by inserting after line 33 the
3 following:

4 "Sec. ____ . NEW SECTION. There is imposed a tax
5 on the sale of an interest in agricultural land located
6 in this state which tax is in addition to any real
7 estate transfer tax under chapter 428A. The tax is
8 equal to one-half of one percent of the assessed value
9 as of January 1 of the year of the sale of the interest
10 in agricultural land. The tax is payable by the
11 seller and is due with a return by the end of the
12 second calendar month following the month in which
13 the sale occurs unless extended by the director of
14 revenue because of hardships or other conditions.
15 The tax imposed under this section is a lien upon
16 the interest sold until paid in full. The director
17 of revenue shall provide for the returns which are
18 to be filed with and at the time that the tax is due
19 and shall provide forms to the county recorders of
20 the state without charge.

21 For purposes of this section, "agricultural land"
22 means land as defined in section 426.2. Sections
23 422.24 through 422.30 and division VI of chapter 422,
24 to the extent applicable, apply to the tax imposed
25 under this section.

26 All revenues received by the director of revenue
27 from the taxes, interest, and penalties imposed under
28 this section shall be deposited by the director in
29 a special account in the treasurer of state's office.
30 On July 1 of each year, the state comptroller shall
31 draw warrants on this special account payable to each
32 soil conservation district and the state soil
33 conservation committee. The amount payable to a
34 district or the committee is a percent of the moneys
35 in the special account on July 1. This percent is
36 equal to the ratio that the assessed value of
37 agricultural land in the district or in the case of
38 the committee the assessed value of agricultural land
39 not in a district is to the total assessed value of
40 agricultural land in the state. The assessed value
41 is the assessed value as of January 1 of that year.
42 The moneys received by a district or the committee
43 shall only be used to provide public cost-sharing
44 funds under chapter 467A for implementing soil and
45 water conservation practices on agricultural land
46 located within that district or in the case of the
47 committee on agricultural land located outside a
48 district."

S-5299 FILED

MARCH 18, 1982

RULED OUT OF ORDER (p. 808)

BY GARY L. BAUGHER

S-5275

1 Amend Senate File 2286 as follows:

- 2 1. Page 1, lines 29, 30 and 31, by striking the
3 words "but shall be a charge personally against the
4 owner of the land at the time of removal, alteration or
5 modification" and inserting in lieu thereof the words
6 "~~but shall be a charge personally against the owner~~
7 ~~of the land at the time of removal, alteration or~~
8 ~~modification~~".

S-5275 FILED

BY FORREST V. SCHWENGELS

MARCH 16, 1982

Adopted 3/18 (p. 803)
Motion to reconsider, favored,
Vote 3/20 (p. 952)

SENATE FILE 2286

S-5304

1 Amend Senate File 2286 as follows:

- 2 1. Page 2, line 26, by inserting after the word
3 "practices." the words "The requirement for
4 maintenance and repair is for the length of life as
5 defined in section 467A.7, subsection 16."
6 2. Page 2, by striking lines 28 through 33.

S-5304 FILED & ADOPTED

BY RAY TAYLOR

MARCH 18, 1982 (p. 808)

SENATE FILE 2286

S-5321

1 Amend Senate File 2286 as follows:

- 2 1. Page 1, line 26, by striking the word "sharing"
3 and inserting in lieu thereof the words "sharing.
4 The commissioners shall cause a notice of the agreement
5 signed by the landowner and identifying the particular
6 land to be recorded in the office of the county
7 recorder. The department shall establish a standard
8 notice form."

S-5321 FILED

BY ARTHUR A. SMALL, JR.

MARCH 22, 1982

Adopted 3/30 (p. 952)

SENATE FILE 2286

S-5349

1 Amend Senate File 2286 as follows:

- 2 1. Page 1, line 31, by inserting after the word
3 "modification" the words "if an administrative order
4 is made under section 2 of this Act".
5 2. Page 2, line 25, by inserting after the word
6 "landowner" the words "who made the unauthorized
7 removal, alteration or modification".

S-5349 FILED

BY FORREST V. SCHWENGELS
ARNE WALDSTEIN

MARCH 23, 1982

Adopted 3/30 (p. 953)

1 Section 1. Section 467A.7, subsection 16, Code 1981, is
2 amended to read as follows:

3 16. The commissioners shall, as a condition for the receipt
4 of any state cost-sharing funds for permanent soil conservation
5 practices, require the owner of the land on which the practices
6 are to be established to covenant and file, in the office
7 of the soil conservation district of the county in which the
8 land is located, an agreement identifying the particular lands
9 upon which the practices for which state cost-sharing funds
10 are to be received will be established and providing that
11 ~~if~~ the project is will not be removed, altered, or modified
12 so as to lessen its effectiveness without the consent of the
13 commissioners, obtained in advance and based on guidelines
14 drawn up by the state soil conservation committee, for a
15 period of twenty years after the date of receiving payment,
16 ~~the owner of the land on which the practices have been so~~
17 ~~removed, altered or modified shall refund to the department~~
18 ~~of soil conservation the state cost-sharing funds used for~~
19 ~~the project, or for the portion of the project which has been~~
20 ~~removed, altered or modified so as to lessen its effectiveness.~~
21 ~~Such refunds shall be computed on a pro-rata basis in~~
22 ~~accordance with guidelines drawn up by the state soil~~
23 ~~conservation committee in accordance with the age and~~
24 ~~anticipated remaining useful life of the project, and shall~~
25 ~~be reallocated to the district from which they were refunded~~
26 ~~to be used for conservation cost-sharing.~~ The commissioners
27 shall assist the state soil conservation committee in the
28 enforcement of this subsection. The agreement ~~to refund~~ shall
29 not create a lien on the land, but shall be a charge personally
30 against the owner of the land at the time of removal,
31 alteration or modification if an administrative order is made
32 under section 2 of this Act which gives rise to the need for
33 a refund. Each soil conservation district which has entered
34 into agreements under this subsection shall file in the office
35 of the county recorder a statement that there are in effect

1 in-that-county-certain-agreements-covenanted-under-this
2 subsection-which-places-upon-owners-of-agricultural-land-the
3 obligation-to-maintain-permanent-soil-conservation-practices
4 established-with-public-cost-sharing-money,-and-that-failure
5 to-do-so-may-result-in-an-obligation-to-refund-a-portion-of
6 the-public-cost-sharing-money-used-to-establish-the-practices.
7 A-seller-of-agricultural-land-with-respect-to-which-an
8 agreement-covenanted-under-this-subsection-is-in-effect,-and
9 who-is-not-currently-in-violation-of-that-agreement,-shall
10 upon-request-to-the-commissioners-be-furnished-with-a-written
11 statement-that,-as-of-the-date-of-the-statement,-the-seller
12 has-incurred-no-obligation-to-refund-to-the-department-of
13 soil-conservation-the-state-cost-sharing-funds-obtained
14 pursuant-to-the-agreement.

15 Sec. 2. Section 467A.61, Code 1981, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. The commissioners may also cause an in-
18 spection of land within the district on which they have rea-
19 sonable grounds to believe that a permanent soil and water
20 conservation practice established with public cost-sharing
21 funds is not being properly maintained or is being altered
22 in violation of section 467A.7, subsection 16. If the
23 commissioners find that the practices are not being maintained
24 or have been altered in violation of section 467A.7, subsection
25 16, the commissioners shall issue an administrative order
26 to the landowner who made the unauthorized removal, alteration
27 or modification to maintain, repair, or reconstruct the
28 permanent soil and water conservation practices. The
29 requirement for maintenance and repair is for the length of
30 life as defined in section 467A.7, subsection 16. Public
31 cost-sharing funds are not available for the work under this
572* 32 order.

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H-5722

1 Amend Senate File 2286 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, line 32, by inserting after the word
4 "order." the following: "If the landowner fails to
5 comply with the administrative order, the commissioners
6 may petition the district court for an order compelling
7 compliance with the order. Upon receiving satisfactory
8 proof, the court shall issue an order directing
9 compliance with the administrative order and may
10 modify the administrative order. The provisions of
11 section 467A.50 relating to notice, appeals and
12 contempt of court shall apply to proceedings under
13 this subsection."

H-5722 FILED
APRIL 6, 1982

BY PELLETT of Cass
COCHRAN of Webster

Adopted 4/7 (J. 1314)

HOUSE AMENDMENT TO SENATE FILE 2286

S-5554

1 Amend Senate File 2286 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, line 32, by inserting after the word
4 "order." the following: "If the landowner fails to
5 comply with the administrative order, the commissioners
6 may petition the district court for an order compelling
7 compliance with the order. Upon receiving satisfactory
8 proof, the court shall issue an order directing
9 compliance with the administrative order and may
10 modify the administrative order. The provisions of
11 section 467A.50 relating to notice, appeals and
12 contempt of court shall apply to proceedings under
13 this subsection."

S-5554 FILED
APRIL 13, 1982

RECEIVED FROM THE HOUSE

Senate concurred 4/19 (J. 1269)

SENATE FILE 2286

AN ACT

RELATING TO THE MAINTENANCE OF PERMANENT SOIL CONSERVATION
PRACTICES ESTABLISHED WITH PUBLIC COST-SHARING FUNDS.

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

Section 1. Section 467A.7, subsection 16, Code 1981, is amended to read as follows:

16. The commissioners shall, as a condition for the receipt of any state cost-sharing funds for permanent soil conservation practices, require the owner of the land on which the practices are to be established to covenant and file, in the office of the soil conservation district of the county in which the land is located, an agreement identifying the particular lands upon which the practices for which state cost-sharing funds are to be received will be established and providing that if the project ~~is~~ will not be removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on guidelines drawn up by the state soil conservation committee, for a period of twenty years after the date of receiving payment, ~~the owner of the land on which the practices have been so removed, altered or modified shall refund to the department of soil conservation the state cost-sharing funds used for the project, or for the portion of the project which has been removed, altered or modified so as to lessen its effectiveness. Such refunds shall be computed on a pro-rata basis in accordance with guidelines drawn up by the state soil conservation committee in accordance with the age and anticipated remaining useful life of the project, and shall be reallocated to the district from which they were refunded to be used for conservation cost-sharing.~~ The commissioners shall assist the state soil conservation committee in the enforcement of this subsection. The agreement ~~to refund~~ shall

not create a lien on the land, but shall be a charge personally against the owner of the land at the time of removal, alteration or modification if an administrative order is made under section 2 of this Act which gives rise to the need for a refund. ~~Each soil conservation district which has entered into agreements under this subsection shall file in the office of the county recorder a statement that there are in effect in that county certain agreements covenanted under this subsection which place upon owners of agricultural land the obligation to maintain permanent soil conservation practices established with public cost-sharing money, and that failure to do so may result in an obligation to refund a portion of the public cost-sharing money used to establish the practices. A seller of agricultural land with respect to which an agreement covenanted under this subsection is in effect, and who is not currently in violation of that agreement, shall upon request to the commissioners be furnished with a written statement that, as of the date of the statement, the seller has incurred no obligation to refund to the department of soil conservation the state cost-sharing funds obtained pursuant to the agreement.~~

Sec. 2. Section 467A.61, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. The commissioners may also cause an inspection of land within the district on which they have reasonable grounds to believe that a permanent soil and water conservation practice established with public cost-sharing funds is not being properly maintained or is being altered in violation of section 467A.7, subsection 16. If the commissioners find that the practices are not being maintained or have been altered in violation of section 467A.7, subsection 16, the commissioners shall issue an administrative order to the landowner who made the unauthorized removal, alteration or modification to maintain, repair, or reconstruct the permanent soil and water conservation practices. The requirement for maintenance and repair is for the length of

life as defined in section 467A.7, subsection 16. Public cost-sharing funds are not available for the work under this order. If the landowner fails to comply with the administrative order, the commissioners may petition the district court for an order compelling compliance with the order. Upon receiving satisfactory proof, the court shall issue an order directing compliance with the administrative order and may modify the administrative order. The provisions of section 467A.50 relating to notice, appeals and contempt of court shall apply to proceedings under this subsection.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2286, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 10, 1982

ROBERT D. RAY
Governor