

Natural Resources Bill Passed 3/10/87 (p. 611)

Senate File 38

NATURAL RESOURCES: Priebe, Chair; Scott and Goodwin

FILED JAN 14 1987

See Natural Resources 3/21/87
H. Res 4/10/87 (p. 1265)
Bill Natural Resources 5/16/87
Bill Natural Resources 5/16/87

SENATE FILE 38
BY PRIEBE

Passed Senate, Date 3-26-87 (p. 913) Passed House, Date 4/15/85 (p. 2047)
Vote: Ayes 45 Nays 1 Vote: Ayes 62 Nays 17

Approved May 7, 1988

Approved Senate 4/16/88 (p. 1128)
39-0

A BILL FOR

1 An Act relating to conservation easements.

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

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Conference Committee Appointed 4/6/84
Senator Bruce (Chair), Senate Secretary, Martin, & Hubert (Secretary)
Representative Bruce (Chair), Representative Secretary, Johnson, & George (Secretary)

Passed in joint Conference Committee Report
House 4/17/84 (p. 2556) Senate 4/17/85 (p. 1708)
11-1 39-0

SF 38

1 Section 1. NEW SECTION. 111D.6 EASEMENT ACQUISITION
2 PROGRAM.

3 1. In addition to sections 111D.1 through 111D.5, the
4 state conservation commission may acquire conservation
5 easements on agricultural real property which is owned by, and
6 on the effective date of this Act secures the debt of, a
7 landowner who is unable to repay such indebtedness in a timely
8 manner, or which is held by a lender who has acquired the
9 property in resolution of agricultural debts. Conservation
10 easements may be acquired under this section for any of the
11 following purposes:

- 12 a. Preservation and improvement of soil fertility.
- 13 b. Promotion of the economic use and conservation of land.
- 14 c. Diminution of exploitation and wasteful and
15 unscientific use of state soil resources.
- 16 d. Protection of rivers against the results of soil
17 erosion in aid of maintaining navigability and in aid of flood
18 control.
- 19 e. Prevention and abatement of agricultural-related pol-
20 lution.

21 2. By rule the state conservation commission shall estab-
22 lish the following:

- 23 a. Categories of conservation easements eligible for
24 acquisition under this section and procedures for determining
25 their value.
- 26 b. Standards for determining owner eligibility to sell or
27 exchange conservation easements under this section.
- 28 c. Procedures by which the original grantor of the ease-
29 ment or any successors in interest may repurchase the easement
30 rights acquired by the commission.
- 31 d. The durations of the easements acquired which must be a
32 minimum of twenty years, subject to paragraph c.

33 3. The commission shall permit the owner of property sub-
34 ject to an easement acquired under this section to retain all
35 mineral, water, timber and other rights during the term of the

1 easement so long as those rights are not maintained in a
2 manner that violates the easement. Proceeds from the resale
3 of an easement shall be used by the commission to finance the
4 acquisition of additional conservation easements under this
5 section.

6 4. Any compensation paid to the owners of property under
7 this section shall not be included in taxable income and shall
8 not have any effect on any tax attribution with respect to any
9 taxpayer for purposes of chapter 422.

10 EXPLANATION

11 This bill authorizes the state conservation commission to
12 purchase conservation easements on farms which have been
13 foreclosed upon or upon which the owner is unable to make
14 timely payments. Payments for the easements are tax-free.

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SENATE FILE 38

H-6521

- 1 Amend Senate File 38, as passed by the Senate, as
2 follows:
- 3 1. Page 1, by striking lines 4 through 10 and
4 inserting the following: "department may acquire
5 easements on real property for any of the".
- 6 2. Page 1, by inserting after line 20 the
7 following:
8 "f. Preservation and protection of designated
9 wetlands."
- 10 3. Page 1, by striking line 21 and inserting the
11 following:
12 "2. The department shall estab-".
- 13 4. Page 1, line 30, by striking the word
14 "commission" and inserting the following:
15 "department".
- 16 5. Page 1, by inserting after line 32 the
17 following:
18 "e. Criteria for defining designated wetlands.
19 The criteria shall include wetlands of two or more
20 acres. The criteria shall include marshes and
21 sloughs. The criteria shall include type 3, type 4,
22 type 5, and type 6 wetlands as described in Circular
23 39, Wetlands of the United States, 1971 Edition,
24 published by the United States department of
25 interior."
- 26 6. By striking page 1, line 33 through page 2,
27 line 2 and inserting the following:
28 "3. Proceeds from the resale".
- 29 7. Page 2, line 3, by striking the word
30 "commission" and inserting the following:
31 "department".
- 32 8. Page 2, by striking lines 6 through 9 and
33 inserting the following:
34 "Sec. ____ . NEW SECTION. 111D.7 RIGHT OF FIRST
35 REFUSAL TO PURCHASE DESIGNATED WETLANDS.
36 An owner shall not sell designated wetlands without
37 first notifying the department and the county
38 conservation board, if any, of the county in which the
39 designated wetlands are located, of a bona fide offer
40 of sale and allowing the department and the county
41 conservation board thirty days within which to agree
42 to purchase a conservation easement for appraised
43 value. If the department and the county conservation
44 board refuse the right to purchase the conservation
45 easement or do not agree to purchase of the
46 conservation easement within thirty days of
47 notification, the owner may proceed with the sale.
- 48 NEW SECTION. 111D.8 INVENTORY OF PROTECTED
49 WETLANDS.
50 The department shall inventory the wetlands,

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1 marshes, and sloughs of each county and make a
2 preliminary designation as to which constitute
3 designated wetlands. The department shall consult
4 with the county conservation board, if any, in making
5 the preliminary designations. Upon completion of the
6 inventory with preliminary designations, the
7 department shall prepare a map and list of the
8 wetlands, marshes, and sloughs which are designated
9 wetlands in each county. The department shall file at
10 least one copy of the list and map with the county
11 conservation board and the county recorder. The
12 department shall notify the landowners affected by the
13 preliminary wetlands designation by certified mail.
14 The notice shall state that any person may challenge
15 the designation of the designated wetlands or may
16 request the designation of additional wetlands,
17 marshes, or sloughs as designated wetlands, by filing
18 a petition for a hearing with the director within
19 sixty days following the date of notice. The petition
20 shall state specifically the reasons for disputing the
21 preliminary designations of the department. The
22 hearing shall be held in the county within sixty days
23 following expiration of the sixty-day period for
24 filing petitions. Within sixty days following
25 completion of the hearing, the director shall issue an
26 order designating the designated wetlands in the
27 county. The order shall be considered a final
28 decision of the department in a contested case for the
29 purposes of judicial review pursuant to chapter 17A.

30 Sec. ____ . NEW SECTION. 111D.9 CIVIL PENALTY.

31 A person who violates the notification requirements
32 of section 111D.7 is subject to a civil penalty of
33 five hundred dollars. Each day during which a
34 violation continues constitutes a separate violation.

35 Sec. ____ . Section 159.1, Code 1987, is amended by
36 adding the following new subsections:

37 NEW SUBSECTION. 4. "Agricultural drainage well"
38 means a vertical opening to an aquifer or permeable
39 substratum, which has been drilled, driven, dug,
40 bored, augered, jetted, washed, cored, or otherwise
41 constructed and which intercepts or receives or is
42 capable of intercepting or receiving surface or
43 subsurface drainage water from agricultural land. An
44 agricultural drainage well includes a structurally
45 altered sinkhole.

46 NEW SUBSECTION. 5. "Sinkhole" means a natural
47 depression into which surface water flows forming a
48 direct conduit to subsurface formations through
49 solution and collapse of the underlying materials such
50 as limestone.

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1 NEW SUBSECTION. 6. "Structurally altered
2 sinkhole" means a sinkhole which has been modified for
3 the purpose of directing surface or subsurface
4 drainage to the sinkhole.

5 Sec. ____ . Section 159.28, Code Supplement 1987, is
6 amended by adding the following new unnumbered
7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. A person who causes
9 artificial drainage into a natural sinkhole, shall
10 register with the department by June 30, 1989, and the
11 department shall remit the registration document to
12 the department of natural resources.

13 Sec. ____ . Section 159.29, subsections 1 and 2,
14 Code Supplement 1987, are amended to read as follows:

15 1. An owner of an agricultural drainage well other
16 than a structurally altered sinkhole, but including
17 wells on publicly owned land or located on public
18 rights-of-way shall register the well with the
19 department of natural resources by January 17, 1988
20 September 30, 1988. If registration is performed by
21 mail through the United States postal service, the
22 mailed registration must be postmarked by September
23 30, 1988. An owner of a structurally altered sinkhole
24 shall register the sinkhole with the department of
25 natural resources by September 30, 1989. Prior
26 registration of a structurally altered sinkhole as an
27 agricultural drainage well pursuant to this section
28 satisfies the registration requirement.

29 2. An owner of an agricultural drainage well and a
30 landholder whose land is drained by the well or wells
31 of another person shall develop, in consultation with
32 the department of agriculture and land stewardship and
33 the department of natural resources, a plan which
34 proposes alternatives to the use of agricultural
35 drainage wells by July 1, ~~1991~~ 1992.

36 a. Financial incentive moneys may be allocated
37 from the financial incentive portion of the
38 agriculture management account of the groundwater
39 protection fund to implement alternatives to
40 agricultural drainage wells.

41 b. An owner of an agricultural drainage well, and
42 a tenant on land drained by the agricultural drainage
43 well, or a landholder whose land is drained by the
44 well or wells of another person shall not be eligible
45 for financial incentive moneys pursuant to paragraph
46 "a" if the owner fails to register the well with the
47 department of natural resources by January 17, 1988 the
48 appropriate date requirement pursuant to subsection 1,
49 or if the owner fails to develop a plan for
50 alternatives in cooperation with the department of

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1 agriculture and land stewardship and the department of
2 natural resources.

3 c. A tenant on land drained by an agricultural
4 drainage well, or the owner or tenant of property
5 which is drained to a well or property owned by
6 another person may report an agricultural drainage
7 well to the department of natural resources by the
8 appropriate date requirement pursuant to subsection 1,
9 in order to satisfy the requirement for eligibility
10 for any future cost-share program related to
11 agricultural drainage wells, provided that the owner
12 of the property on which the well is located registers
13 the well within thirty days of the report. If the
14 landowner does not register the agricultural drainage
15 well within thirty days of the receipt of the report,
16 the department of natural resources shall notify the
17 landowner regarding the requirement to register and
18 the penalty which may be applied. If a landowner has
19 not registered within sixty days of the notification,
20 the department of natural resources may impose a civil
21 penalty of not more than twenty dollars per day in
22 excess of sixty days.

23 Sec. ____ Section 455E.11, subsection 2, paragraph
24 b, Code Supplement 1987, is amended by adding the
25 following new subparagraph after subparagraph (1) and
26 renumbering the remaining subparagraphs:

27 NEW SUBPARAGRAPH. (2) Two hundred thousand
28 dollars of the moneys deposited in the agriculture
29 management account is appropriated to the department
30 of agriculture and land stewardship for the fiscal
31 year beginning July 1, 1987, and ending June 30, 1988,
32 for the demonstration projects regarding agriculture
33 drainage wells and sinkholes. Any remaining balance
34 of the appropriation made for the purpose of funding
35 such demonstration projects for the fiscal year
36 beginning July 1, 1987, and ending June 30, 1988,
37 shall not revert to the account, notwithstanding
38 section 8.33, but shall remain available for the
39 purpose of funding such demonstration projects during
40 the fiscal period beginning July 1, 1988, and ending
41 June 30, 1990.

42 Sec. ____ Section 455E.11, subsection 2, paragraph
43 b, subparagraph (2), subdivision (d), Code Supplement
44 1987, is amended to read as follows:

45 (d) Thirteen percent of the moneys is appropriated
46 annually to the department of agriculture and land
47 stewardship for financial incentive programs related
48 to agricultural drainage wells and sinkholes, for
49 studies and administrative costs relating to sinkholes
50 and agricultural drainage wells programs, and not more

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1 ~~than two hundred thousand dollars of the moneys is~~
 2 ~~appropriated for the demonstration projects regarding~~
 3 ~~agricultural drainage wells and sinkholes. Of the~~
 4 thirteen percent allocated for financial incentive
 5 programs, not more than fifty thousand dollars is
 6 appropriated for the fiscal year beginning July 1,
 7 1987 and ending June 30, 1988, to the department of
 8 natural resources for grants to county conservation
 9 boards for the development and implementation of
 10 projects regarding alternative practices in the
 11 remediation of noxious weeds or other vegetation
 12 within highway rights-of-way. Any remaining balance
 13 of the appropriation made for the purpose of funding
 14 of projects regarding alternative practices in the
 15 remediation of noxious weeds or other vegetation
 16 within highway rights-of-way for the fiscal year
 17 beginning July 1, 1987, and ending June 30, 1988,
 18 shall not revert to the account, notwithstanding
 19 section 8.33, but shall remain available for the
 20 purpose of funding the projects during the fiscal
 21 period beginning July 1, 1988, and ending June 30,
 22 1990."

23 10. Title page, line 1, by striking the words
 24 "conservation easements" as inserting the following:
 25 "the conservation of agricultural lands".

By ROSENBERG of Story

H-6521 FILED APRIL 15, 1988

ADOPTED (p. 2047)

SENATE FILE 38

H-3708

1 Amend Senate File 38, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 4, by striking the words "state
 4 conservation commission" and inserting the following:
 5 "department of natural resources".
 6 2. Page 1, line 21, by striking the words "state
 7 conservation" and inserting the words "natural
 8 resource".
 9 3. Page 1, line 30, by striking the word
 10 "commission" and inserting the word "department".
 11 4. Page 1, line 33, by striking the word
 12 "commission" and inserting the word "department".
 13 5. Page 2, line 3, by striking the word
 14 "commission" and inserting the word "department".
 15 6. Page 2, by striking lines 6 through 9.

H-3708 FILED APRIL 10, 1987 BY DVORSKY of Johnson

W/O 4/15 (p. 2043)

HOUSE AMENDMENT TO
SENATE FILE 38

6082

1 Amend Senate File 38, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 4 through 10 and
4 inserting the following: "department may acquire
5 easements on real property for any of the".

6 2. Page 1, by inserting after line 20 the
7 following:

8 "f. Preservation and protection of designated
9 wetlands."

10 3. Page 1, by striking line 21 and inserting the
11 following:

12 "2. The department shall estab-".

13 4. Page 1, line 30, by striking the word
14 "commission" and inserting the following:
15 "department".

16 5. Page 1, by inserting after line 32 the
17 following:

18 "e. Criteria for defining designated wetlands.
19 The criteria shall include wetlands of two or more
20 acres. The criteria shall include marshes and
21 sloughs. The criteria shall include type 3, type 4,
22 type 5, and type 6 wetlands as described in Circular
23 39, Wetlands of the United States, 1971 Edition,
24 published by the United States department of
25 interior."

26 6. By striking page 1, line 33 through page 2,
27 line 2 and inserting the following:

28 "3. Proceeds from the resale".

29 7. Page 2, line 3, by striking the word
30 "commission" and inserting the following:
31 "department".

32 8. Page 2, by striking lines 6 through 9 and
33 inserting the following:

34 "Sec. ____ . NEW SECTION. 111D.7 RIGHT OF FIRST
35 REFUSAL TO PURCHASE DESIGNATED WETLANDS.

36 An owner shall not sell designated wetlands without
37 first notifying the department and the county
38 conservation board, if any, of the county in which the
39 designated wetlands are located, of a bona fide offer
40 of sale and allowing the department and the county
41 conservation board thirty days within which to agree
42 to purchase a conservation easement for appraised
43 value. If the department and the county conservation
44 board refuse the right to purchase the conservation
45 easement or do not agree to purchase of the
46 conservation easement within thirty days of
47 notification, the owner may proceed with the sale.

48 NEW SECTION. 111D.8 INVENTORY OF PROTECTED
49 WETLANDS.

50 The department shall inventory the wetlands,

1 marshes, and sloughs of each county and make a
2 preliminary designation as to which constitute
3 designated wetlands. The department shall consult
4 with the county conservation board, if any, in making
5 the preliminary designations. Upon completion of the
6 inventory with preliminary designations, the
7 department shall prepare a map and list of the
8 wetlands, marshes, and sloughs which are designated
9 wetlands in each county. The department shall file at
10 least one copy of the list and map with the county
11 conservation board and the county recorder. The
12 department shall notify the landowners affected by the
13 preliminary wetlands designation by certified mail.
14 The notice shall state that any person may challenge
15 the designation of the designated wetlands or may
16 request the designation of additional wetlands,
17 marshes, or sloughs as designated wetlands, by filing
18 a petition for a hearing with the director within
19 sixty days following the date of notice. The petition
20 shall state specifically the reasons for disputing the
21 preliminary designations of the department. The
22 hearing shall be held in the county within sixty days
23 following expiration of the sixty-day period for
24 filing petitions. Within sixty days following
25 completion of the hearing, the director shall issue an
26 order designating the designated wetlands in the
27 county. The order shall be considered a final
28 decision of the department in a contested case for the
29 purposes of judicial review pursuant to chapter 17A.

30 Sec. ____ . NEW SECTION. 111D.9 CIVIL PENALTY.
31 A person who violates the notification requirements
32 of section 111D.7 is subject to a civil penalty of
33 five hundred dollars. Each day during which a
34 violation continues constitutes a separate violation.
35 Sec. ____ . Section 159.1, Code 1987, is amended by
36 adding the following new subsections:

37 NEW SUBSECTION. 4. "Agricultural drainage well"
38 means a vertical opening to an aquifer or permeable
39 substratum, which has been drilled, driven, dug,
40 bored, augered, jetted, washed, cored, or otherwise
41 constructed and which intercepts or receives or is
42 capable of intercepting or receiving surface or
43 subsurface drainage water from agricultural land. An
44 agricultural drainage well includes a structurally
45 altered sinkhole.

46 NEW SUBSECTION. 5. "Sinkhole" means a natural
47 depression into which surface water flows forming a
48 direct conduit to subsurface formations through
49 solution and collapse of the underlying materials such
50 as limestone.

1 NEW SUBSECTION. 6. "Structurally altered
2 sinkhole" means a sinkhole which has been modified for
3 the purpose of directing surface or subsurface
4 drainage to the sinkhole.

5 Sec. ____ . Section 159.28, Code Supplement 1987, is
6 amended by adding the following new unnumbered
7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. A person who causes
9 artificial drainage into a natural sinkhole, shall
10 register with the department by June 30, 1989, and the
11 department shall remit the registration document to
12 the department of natural resources.

13 Sec. ____ . Section 159.29, subsections 1 and 2,
14 Code Supplement 1987, are amended to read as follows:

15 1. An owner of an agricultural drainage well other
16 than a structurally altered sinkhole, but including
17 wells on publicly owned land or located on public
18 rights-of-way shall register the well with the
19 department of natural resources by January 17, 1988
20 September 30, 1988. If registration is performed by
21 mail through the United States postal service, the
22 mailed registration must be postmarked by September
23 30, 1988. An owner of a structurally altered sinkhole
24 shall register the sinkhole with the department of
25 natural resources by September 30, 1989. Prior
26 registration of a structurally altered sinkhole as an
27 agricultural drainage well pursuant to this section
28 satisfies the registration requirement.

29 2. An owner of an agricultural drainage well and a
30 landholder whose land is drained by the well or wells
31 of another person shall develop, in consultation with
32 the department of agriculture and land stewardship and
33 the department of natural resources, a plan which
34 proposes alternatives to the use of agricultural
35 drainage wells by July 1, 1991 1992.

36 a. Financial incentive moneys may be allocated
37 from the financial incentive portion of the
38 agriculture management account of the groundwater
39 protection fund to implement alternatives to
40 agricultural drainage wells.

41 b. An owner of an agricultural drainage well, and
42 a tenant on land drained by the agricultural drainage
43 well, or a landholder whose land is drained by the
44 well or wells of another person shall not be eligible
45 for financial incentive moneys pursuant to paragraph
46 "a" if the owner fails to register the well with the
47 department of natural resources by January 17, 1988 the
48 appropriate date requirement pursuant to subsection 1,
49 or if the owner fails to develop a plan for
50 alternatives in cooperation with the department of

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1 agriculture and land stewardship and the department of
2 natural resources.

3 c. A tenant on land drained by an agricultural
4 drainage well, or the owner or tenant of property
5 which is drained to a well or property owned by
6 another person may report an agricultural drainage
7 well to the department of natural resources by the
8 appropriate date requirement pursuant to subsection 1,
9 in order to satisfy the requirement for eligibility
10 for any future cost-share program related to
11 agricultural drainage wells, provided that the owner
12 of the property on which the well is located registers
13 the well within thirty days of the report. If the
14 landowner does not register the agricultural drainage
15 well within thirty days of the receipt of the report,
16 the department of natural resources shall notify the
17 landowner regarding the requirement to register and
18 the penalty which may be applied. If a landowner has
19 not registered within sixty days of the notification,
20 the department of natural resources may impose a civil
21 penalty of not more than twenty dollars per day in
22 excess of sixty days.

23 Sec. ____ . Section 455E.11, subsection 2, paragraph
24 b, Code Supplement 1987, is amended by adding the
25 following new subparagraph after subparagraph (1) and
26 renumbering the remaining subparagraphs:

27 NEW SUBPARAGRAPH. (2) Two hundred thousand
28 dollars of the moneys deposited in the agriculture
29 management account is appropriated to the department
30 of agriculture and land stewardship for the fiscal
31 year beginning July 1, 1987, and ending June 30, 1988,
32 for the demonstration projects regarding agriculture
33 drainage wells and sinkholes. Any remaining balance
34 of the appropriation made for the purpose of funding
35 such demonstration projects for the fiscal year
36 beginning July 1, 1987, and ending June 30, 1988,
37 shall not revert to the account, notwithstanding
38 section 8.33, but shall remain available for the
39 purpose of funding such demonstration projects during
40 the fiscal period beginning July 1, 1988, and ending
41 June 30, 1990.

42 Sec. ____ . Section 455E.11, subsection 2, paragraph
43 b, subparagraph (2), subdivision (d), Code Supplement
44 1987, is amended to read as follows:

45 (d) Thirteen percent of the moneys is appropriated
46 annually to the department of agriculture and land
47 stewardship for financial incentive programs related
48 to agricultural drainage wells and sinkholes, for
49 studies and administrative costs relating to sinkholes
50 and agricultural drainage wells programs,--and-not-more

1 ~~than two hundred thousand dollars of the moneys is~~
2 ~~appropriated for the demonstration projects regarding~~
3 ~~agricultural drainage wells and sinkholes. Of the~~
4 ~~thirteen percent allocated for financial incentive~~
5 ~~programs, not more than fifty thousand dollars is~~
6 ~~appropriated for the fiscal year beginning July 1,~~
7 ~~1987 and ending June 30, 1988, to the department of~~
8 ~~natural resources for grants to county conservation~~
9 ~~boards for the development and implementation of~~
10 ~~projects regarding alternative practices in the~~
11 ~~remediation of noxious weeds or other vegetation~~
12 ~~within highway rights-of-way. Any remaining balance~~
13 ~~of the appropriation made for the purpose of funding~~
14 ~~of projects regarding alternative practices in the~~
15 ~~remediation of noxious weeds or other vegetation~~
16 ~~within highway rights-of-way for the fiscal year~~
17 ~~beginning July 1, 1987, and ending June 30, 1988,~~
18 ~~shall not revert to the account, notwithstanding~~
19 ~~section 8.33, but shall remain available for the~~
20 ~~purpose of funding the projects during the fiscal~~
21 ~~period beginning July 1, 1988, and ending June 30,~~
22 ~~1990.~~"

23 10. Title page, line 1, by striking the words
"conservation easements" and inserting the following:
"the conservation of agricultural lands".

S-6082

Filed April 16, 1988 ADOPTED

RECEIVED FROM THE HOUSE

SENATE FILE 38

S-6100

- 1 Amend the House amendment, S-6082, to Senate File
- 2 38, as passed by the Senate as follows:
- 3 1. Page 1, by striking lines 3 through 47.
- 4 2. Page 2, line 25, by striking the word "shall"
- 5 and inserting the following: "may".
- 6 3. Page 2, by striking lines 27 through 34, and
- 7 inserting the following: "county."
- 8 4. Page 3, by striking lines 1 through 4.
- 9 5. Page 3, line 9, by inserting after the word
- 10 "sinkhole" the following: "which has been modified
- 11 for the purpose of directing surface or subsurface
- 12 drainage to the sinkhole".
- 13 6. Page 3, line 12, by inserting after the word
- 14 "resources." the following: "A person shall not be
- 15 required to register a natural sinkhole if the natural
- 16 terrain has not been modified."
- 17 7. Page 3, line 16, by striking the words
- 18 "structurally altered" and inserting the following:
- 19 "modified".
- 20 8. Page 3, lines 19 and 20, by striking the words
- 21 and figures "January-17-1988 September 30, 1988" and
- 22 inserting the following: "January 1, 1988 1989".
- 23 9. Page 3, line 23, by striking the words
- 24 "structurally altered" and inserting the following:
- 25 "modified".
- 26 10. Page 3, line 25, by striking the word and
- 27 figure "September 30" and inserting the following:
- 28 "January 1".
- 29 11. Page 3, line 26, by striking the words
- 30 "structurally altered" and inserting the following:
- 31 "modified".
- 32 12. Page 3, line 40, by inserting after the word
- 33 "wells" the following: "pursuant to rules adopted by
- 34 the department of agriculture and land stewardship
- 35 under chapter 17A in cooperation with the department
- 36 of natural resources".
- 37 13. Page 3, line 45, by inserting after the word
- 38 "to" the following: "the rules adopted under".
- 39 14. Page 3, line 48, by striking the figure "1,"
- 40 and inserting the following: "1".
- 41 15. By striking page 3, line 49 through page 4,
- 42 line 2 and inserting the following: "or-if-the-owner
- 43 fails-to-develop-a-plan-for-alternatives-in
- 44 cooperation-with-the-department-of-agriculture-and
- 45 land-stewardship-and-the-department-of-natural
- 46 resources."
- 47 16. Page 4, line 13, by striking the words
- 48 "within thirty days of the report".
- 49 17. Page 4, line 21, by striking the word
- 50 "twenty" and inserting the following: "five".

1 18. Page 4, line 22, by inserting after the word
2 "days." the following: "The department of agriculture
3 and land stewardship, in cooperation with the
4 department of natural resources, shall adopt rules,
5 pursuant to chapter 17A, which provide for an appeals
6 process for violations under this paragraph."

7 19. Page 4, by inserting after line 22 the
8 following:

9 "Sec. ____ . Section 455B.275, Code 1987, is amended
10 by adding the following new subsection:

11 NEW SUBSECTION. 9. The commission or the
12 department shall not initiate any administrative or
13 judicial action to remove or eliminate any structure,
14 dam, obstruction, deposit, or excavation in a
15 floodway, or to remove or eliminate any stream
16 straightening, or to place other restrictions on the
17 use of land or water affected by the structure, dam,
18 obstruction, deposit, excavation, or stream
19 straightening if not initiated within five years of
20 the completion of the erection or making of the
21 structure, dam, obstruction, deposit, excavation, or
22 stream straightening. The prohibition of this
23 subsection applies to, but is not limited to, any
24 judicial abatement or action in condemnation that the
25 commission or department may initiate under this
26 section."

27 20. Page 5, by inserting after line 22 the
28 following:

29 "Sec. ____ . 1988 Iowa Acts, Senate File 2126,
30 sections 2 and 3, are repealed."

31 21. Page 5, by striking line 25 and inserting the
32 following: "the natural resources of the state, by
33 providing for the conservation of agricultural lands;
34 and by restricting the time period for initiating
35 certain administrative or judicial actions by the
36 department of natural resources."

37 22. By renumbering as necessary.

S-6100

Filed April 16, 1988 ADOPTED
As amended by 6105 4/16 (p.1723)

BY LINN FUHRMAN HURLEY W. HALL
BERL E. PRIEBE RICHARD VANDE HOEF
JOHN A. PETERSONALVIN V. MILLER
JACK W. HESTER EUGENE FRAISE
WILMER RENSINK JIM RIORDAN
KENNETH SCOTT LEONARD BOSWELL
JOHN SOORHOLTZ EMIL J. HUSAK

SENATE FILE 38

S-6105

1 Amend the amendment, S-6100, to the House
2 amendment, S-6082, to Senate File 38, as passed by the
3 Senate as follows:

4 1. Page 1, by inserting after line 22 the
5 following:

6 " ____ . Page 3, lines 22 and 23, by striking the
7 words "September 30, 1988" and inserting the
8 following: "January 1, 1989".

9 2. Page 1, by striking lines 26 through 28.

10 3. By renumbering as necessary.

S-6105

Filed April 16, 1988 ADOPTED
(p.1723)

BY LINN FUHRMAN

SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE FILE 38

H-6551

- 1 Amend the House amendment, S-6082, to Senate File
2 38, as passed by the Senate as follows:
- 3 1. Page 1, by striking lines 3 through 47.
4 2. Page 2, line 25, by striking the word "shall"
5 and inserting the following: "may".
6 3. Page 2, by striking lines 27 through 34, and
7 inserting the following: "county."
8 4. Page 3, by striking lines 1 through 4.
9 5. Page 3, line 9, by inserting after the word
10 "sinkhole" the following: "which has been modified
11 for the purpose of directing surface or subsurface
12 drainage to the sinkhole".
13 6. Page 3, line 12, by inserting after the word
14 "resources." the following: "A person shall not be
15 required to register a natural sinkhole if the natural
16 terrain has not been modified."
17 7. Page 3, line 16, by striking the words
18 "structurally altered" and inserting the following:
19 "modified".
20 8. Page 3, lines 19 and 20, by striking the words
21 and figures "January-27-1988 September 30, 1988" and
22 inserting the following: "January 1, 1988 1989".
23 9. Page 3, lines 22 and 23, by striking the words
24 "September 30, 1988" and inserting the following:
25 "January 1, 1989".
26 10. Page 3, line 23, by striking the words
27 "structurally altered" and inserting the following:
28 "modified".
29 11. Page 3, line 26, by striking the words
30 "structurally altered" and inserting the following:
31 "modified".
32 12. Page 3, line 40, by inserting after the word
33 "wells" the following: "pursuant to rules adopted by
34 the department of agriculture and land stewardship
35 under chapter 17A in cooperation with the department
36 of natural resources".
37 13. Page 3, line 45, by inserting after the word
38 "to" the following: "the rules adopted under".
39 14. Page 3, line 48, by striking the figure "1,"
40 and inserting the following: "1".
41 15. By striking page 3, line 49 through page 4,
42 line 2 and inserting the following: "er-if-the-owner
43 fails-to-develop-a-plan-for-alternatives-in
44 cooperation-with-the-department-of-agriculture-and
45 land-stewardship-and-the-department-of-natural
46 resources."
47 16. Page 4, line 13, by striking the words
48 "within thirty days of the report".
49 17. Page 4, line 21, by striking the word
50 "twenty" and inserting the following: "five".

H-6551

Page 2

1 18. Page 4, line 22, by inserting after the word
2 "days." the following: "The department of agriculture
3 and land stewardship, in cooperation with the
4 department of natural resources, shall adopt rules,
5 pursuant to chapter 17A, which provide for an appeals
6 process for violations under this paragraph."

7 19. Page 4, by inserting after line 22 the
8 following:

9 "Sec. ____ . Section 455B.275, Code 1987, is amended
10 by adding the following new subsection:

11 NEW SUBSECTION. 9. The commission or the
12 department shall not initiate any administrative or
13 judicial action to remove or eliminate any structure,
14 dam, obstruction, deposit, or excavation in a
15 floodway, or to remove or eliminate any stream
16 straightening, or to place other restrictions on the
17 use of land or water affected by the structure, dam,
18 obstruction, deposit, excavation, or stream
19 straightening if not initiated within five years of
20 the completion of the erection or making of the
21 structure, dam, obstruction, deposit, excavation, or
22 stream straightening. The prohibition of this
23 subsection applies to, but is not limited to, any
24 judicial abatement or action in condemnation that the
25 commission or department may initiate under this
26 section."

27 20. Page 5, by inserting after line 22 the
28 following:

29 "Sec. ____ . 1988 Iowa Acts, Senate File 2126,
30 sections 2 and 3, are repealed."

31 21. Page 5, by striking line 25 and inserting the
32 following: ""the natural resources of the state, by
33 providing for the conservation of agricultural lands;
34 and by restricting the time period for initiating
35 certain administrative or judicial actions by the
36 department of natural resources"."

37 22. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-6551 FILED APRIL 16, 1988

the REFUSED TO CONCUR *in*

Senate committee 4/16/88

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 38

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 38, a bill for An Act relating to conservation easements, respectfully make the following report:

1. That the Senate recedes from its amendment H-6551.
2. That the House recedes from its amendment S-6082.
3. That Senate File 38 as passed by the Senate be amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 159.29, subsection 1, Code Supplement 1987, is amended to read as follows:

1. An owner of an agricultural drainage well shall register the well with the department of natural resources by ~~January 17, 1988~~ September 30, 1988. The department of agriculture and land stewardship, in cooperation with the department of natural resources, shall adopt rules, pursuant to chapter 17A, which provide for an appeals process for violations of this subsection.

Sec. 2. Section 455E.11, subsection 2, paragraph b, Code Supplement 1987, is amended by adding the following new subparagraph after subparagraph (1) and renumbering the remaining subparagraphs:

NEW SUBPARAGRAPH. (2) Two hundred thousand dollars of the moneys deposited in the agriculture management account is appropriated to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1987, and ending June 30, 1988, for the demonstration projects regarding agriculture drainage wells and sinkholes. Any remaining balance of the appropriation made for the purpose of funding such demonstration projects for the fiscal year beginning July 1, 1987, and ending June 30, 1988, shall not revert to the account, notwithstanding section 8.33, but shall remain available for the purpose of funding such demonstration projects during the fiscal period beginning July 1, 1988, and ending June 30, 1990.

Sec. 3. Section 455E.11, subsection 2, paragraph b, subparagraph (2), subdivision (d), Code Supplement 1987, is amended to read as follows:

(d) Thirteen percent of the moneys is appropriated annually to the department of agriculture and land stewardship for financial incentive programs related to agricultural drainage wells and sinkholes, for studies and administrative costs relating to sinkholes and agricultural drainage wells programs, ~~and not more than two hundred thousand dollars of the moneys is appropriated for the demonstration projects regarding agricultural drainage wells and sinkholes.~~ Of the thirteen percent allocated for financial incentive programs, not more than fifty thousand dollars is appropriated for the fiscal year beginning July 1, 1987 and ending June 30, 1988, to the department of natural resources for grants to county conservation boards for the development and implementation of projects regarding alternative practices in the remediation of noxious weeds or other vegetation within highway rights-of-way. Any remaining balance of the appropriation made for the purpose of funding of projects regarding alternative practices in the remediation of noxious weeds or other vegetation within highway rights-of-way for the fiscal year beginning July 1, 1987, and ending June 30, 1988, shall not revert to the

APRIL 18, 1988

account, notwithstanding section 8.33, but shall remain available for the purpose of funding the projects during the fiscal period beginning July 1, 1988, and ending June 30, 1990."

2. Title page, line 1, by striking the words "conservation easements" and inserting the following: "agricultural drainage wells".

ON THE PART OF THE SENATE:

BERL E. PRIEBE, Chairperson
LINN FUHRMAN
JACK W. HESTER
KENNETH D. SCOTT
JAMES D. WELLS

ON THE PART OF THE HOUSE:

RALPH ROSENBERG, Chairperson
DANIEL P. FOGARTY
PAUL W. JOHNSON
ANDY MCKEAN
DAN PETERSEN

House adopted 4/17/88 (7-2250)

SENATE FILE 38

AN ACT
RELATING TO AGRICULTURAL DRAINAGE WELLS.

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

Section 1. Section 159.29, subsection 1, Code Supplement 1987, is amended to read as follows:

1. An owner of an agricultural drainage well shall register the well with the department of natural resources by January 1, 1988 September 30, 1988. The department of agriculture and land stewardship, in cooperation with the department of natural resources, shall adopt rules, pursuant to chapter 17A, which provide for an appeals process for violations of this subsection.

Sec. 2. Section 455E.11, subsection 2, paragraph b, Code Supplement 1987, is amended by adding the following new subparagraph after subparagraph (i) and renumbering the remaining subparagraphs:

NEW SUBPARAGRAPH. (2) Two hundred thousand dollars of the moneys deposited in the agriculture management account is appropriated to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1987, and ending June 30, 1988, for the demonstration projects regarding agriculture drainage wells and sinkholes. Any remaining balance of the appropriation made for the purpose of funding such demonstration projects for the fiscal year beginning July 1, 1987, and ending June 30, 1988, shall not revert to the account, notwithstanding section 8.33, but shall remain available for the purpose of funding such demonstration projects during the fiscal period beginning July 1, 1988, and ending June 30, 1990.

Sec. 3. Section 455E.11, subsection 2, paragraph b, subparagraph (2), subdivision (d), Code Supplement 1987, is amended to read as follows:

(d) Thirteen percent of the moneys is appropriated annually to the department of agriculture and land stewardship for financial incentive programs related to agricultural drainage wells and sinkholes, for studies and administrative costs relating to sinkholes and agricultural drainage wells programs; ~~and not more than two hundred thousand dollars of the moneys is appropriated for the demonstration projects regarding agricultural drainage wells and sinkholes.~~ Of the thirteen percent allocated for financial incentive programs, not more than fifty thousand dollars is appropriated for the fiscal year beginning July 1, 1987 and ending June 30, 1988, to the department of natural resources for grants to county conservation boards for the development and implementation of projects regarding alternative practices in the remediation of noxious weeds or other vegetation within highway rights-of-way. Any remaining balance of the appropriation made for the purpose of funding of projects regarding alternative practices in the remediation of noxious weeds or other vegetation within highway rights-of-way for the fiscal year beginning July 1,

1987, and ending June 30, 1988, shall not revert to the account, notwithstanding section 8.33, but shall remain available for the purpose of funding the projects during the fiscal period beginning July 1, 1988, and ending June 30, 1990.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 38, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 7, 1988

TERRY E. BRANSTAD
Governor