

FILED JAN 29 2002

SENATE FILE 2068
BY LAMBERTI

(COMPANION TO LSB 5962HH
BY RAECKER)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the acquisition, enforceability, and purpose
2 of conservation easements.

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

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SF 2068
NAT. RES. & ENVIRONMENT

1 Section 1. Section 457A.1, Code 2001, is amended to read
2 as follows:

3 457A.1 ACQUISITION BY OTHER THAN CONDEMNATION.

4 The department of natural resources, the historical
5 division of the department of cultural affairs, the state
6 archaeologist appointed by the state board of regents pursuant
7 to section 263B.1, any county conservation board, and any city
8 or agency of a city may acquire by purchase, gift, contract,
9 or other voluntary means, but not by eminent domain,
10 conservation easements in land to preserve scenic beauty,
11 wildlife habitat, riparian lands, ~~wet-lands~~ wetlands, or
12 forests, promote outdoor recreation, or otherwise conserve for
13 the benefit of the public the natural beauty, natural
14 resources, and public recreation facilities of the state.

15 Sec. 2. Section 457A.2, Code 2001, is amended to read as
16 follows:

17 457A.2 DEFINITIONS.

18 1. "Conservation easement" means an easement in, servitude
19 upon, restriction upon the use of, or other interest in land
20 owned by another, created for any of the purposes set forth in
21 section 457A.1. A conservation easement shall be transferable
22 to any other public body authorized to acquire conservation
23 easements. A conservation easement shall be perpetual unless
24 expressly limited to a lesser term, or unless released by the
25 holder, or unless a change of circumstances renders the
26 easement no longer beneficial to the public. ~~No~~ A comparative
27 economic test shall not be used to determine whether a
28 conservation easement is beneficial to the public. A
29 conservation easement shall be enforceable during the term of
30 the easement notwithstanding sections 614.24 through 614.38.

31 ~~2.--"Department"--means--the--department--of--natural--resources~~
32 ~~created--under--section--455A.2-~~

33 2. "Natural resources" includes, but is not limited to,
34 archaeological resources.

35 EXPLANATION

1 This bill relates to the acquisition, enforceability, and
2 purpose of conservation easements. Currently, the department
3 of natural resources, any county conservation board, and any
4 city or agency of a city may acquire a conservation easement,
5 other than by means of condemnation, in land to preserve
6 scenic beauty, wildlife habitat, riparian lands, wetlands, or
7 forests, promote outdoor recreation, or otherwise conserve for
8 the benefit of the public the natural beauty, natural
9 resources, and public recreation facilities of the state. The
10 bill adds the historical division of the department of
11 cultural affairs and the state archaeologist to the list of
12 entities which may acquire the conservation easement. The
13 bill also provides that a conservation easement shall be
14 enforceable during the term of the easement notwithstanding
15 sections of the Code relating to reversion or use restrictions
16 on land and marketable record title. The bill provides that
17 the term "natural resources" includes, but is not limited to,
18 archaeological resources.

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