

Substitutes for HF 2332

FILED FEB 18 2002

SENATE FILE 2207  
BY COMMITTEE ON NATURAL RESOURCES  
AND ENVIRONMENT

(SUCCESSOR TO SF 2068)

Passed Senate, Date <sup>(P.386)</sup> 2/25/02 Passed House, Date <sup>(P.648)</sup> 3-6-02  
Vote: Ayes 48 Nays 0 Vote: Ayes 87 Nays 7  
Approved March 14, 2002

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 2207

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, agriculture, or open  
13 space, or otherwise conserve for the benefit of the public the  
14 natural beauty, natural and cultural resources, and public  
15 recreation facilities of the state.

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

18 457A.2 DEFINITIONS.

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

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

34 2. "Natural resources" includes, but is not limited to,  
35 archaeological and historical resources.

EXPLANATION

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This bill relates to the acquisition, enforceability, and purpose of conservation easements. Currently, the department of natural resources, any county conservation board, and any city or agency of a city may acquire a conservation easement, other than by means of condemnation, in land to preserve scenic beauty, wildlife habitat, riparian lands, wetlands, or forests, promote outdoor recreation, or otherwise conserve for the benefit of the public the natural beauty, natural resources, and public recreation facilities of the state. The bill adds the historical division of the department of cultural affairs and the state archaeologist to the list of entities which may acquire the conservation easement. The bill provides that a conservation easement may be acquired to promote agriculture or open space and to conserve cultural resources. The bill provides that a conservation easement shall be enforceable during the term of the easement notwithstanding sections of the Code relating to reversion or use restrictions on land and marketable record title. The bill provides that the term "natural resources" includes, but is not limited to, archaeological and historical resources.

SENATE FILE 2207

AN ACT  
RELATING TO THE ACQUISITION, ENFORCEABILITY, AND PURPOSE  
OF CONSERVATION EASEMENTS.

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

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

457A.1 ACQUISITION BY OTHER THAN CONDEMNATION.

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

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

457A.2 DEFINITIONS.

1. "Conservation easement" means an easement in, servitude upon, restriction upon the use of, or other interest in land owned by another, created for any of the purposes set forth in section 457A.1. A conservation easement shall be transferable to any other public body authorized to acquire conservation easements. A conservation easement shall be perpetual unless expressly limited to a lesser term, or unless released by the holder, or unless a change of circumstances renders the easement no longer beneficial to the public. No A comparative

economic test shall not be used to determine whether a conservation easement is beneficial to the public. A conservation easement shall be enforceable during the term of the easement notwithstanding sections 614.24 through 614.38.

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

2. "Natural resources" includes, but is not limited to, archaeological and historical resources.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2207, Seventy-ninth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved March 14, 2002

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THOMAS J. VILSACK  
Governor