

House File 2498 - Introduced

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BY ISENHART

A BILL FOR

1 An Act creating an agricultural land, soils, water quality, and
2 farm tenure initiative committee to conduct a study and make
3 recommendations to improve the manner in which farm tenants
4 may profitably grow agricultural products using leased
5 agricultural land while providing for the sustainability and
6 quality of this state's natural resources.

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

1 Section 1. NEW SECTION. 466D.1 Sustainable agricultural
2 land, soils, water quality, and farm tenure initiative committee
3 — study and proposed legislation and associated rules.

4 1. The secretary of agriculture shall establish a
5 sustainable agricultural land, soils, water quality, and farm
6 tenure initiative committee in order to study methods and make
7 recommendations to improve the manner in which farm tenants
8 leasing land may profitably grow agricultural products while
9 preserving and enhancing this state's natural resources. The
10 recommendations shall include the imposition of requirements
11 for farm tenants and owners of agricultural land to enter into
12 written agreements prescribing their mutual obligations that
13 provide for soil and water conservation, the restoration of
14 soil health, and water quality associated with the leased land.

15 2. *a.* In carrying out the study and making recommendations
16 as described in subsection 1, the committee shall conduct a
17 comprehensive review of all of the following:

18 (1) Farm tenancy statutes and court decisions in this state
19 and other states that involve the leasing of agricultural land
20 used for farming. The committee shall evaluate the impact
21 of oral leases, the common law of tenancies, the common law
22 doctrine of waste, and the performance of the farm tenant's
23 legal obligations in order to comply with best management
24 practices as provided by a lease agreement or statute, and
25 procedures for the enforcement of those obligations.

26 (2) Federal and state statutes, administrative regulations
27 or rules, and court decisions that provide for soil loss limits
28 and water quality criteria.

29 (3) The establishment and maintenance of land uses and the
30 adoption of farming practices that limit sediment, nutrients,
31 or other crop production inputs from being conveyed by surface
32 water runoff or leaching from point and nonpoint sources.

33 *b.* Academic studies that analyze and evaluate legal and
34 environmental matters arising under paragraph "a".

35 3. *a.* The secretary of agriculture, or a person employed

1 by the department of agriculture and land stewardship and
2 designated by the secretary, shall serve as chairperson of the
3 committee.

4 *b.* The secretary of agriculture shall appoint eight members
5 to the committee having special knowledge of the subjects
6 described in subsection 2 as follows:

7 (1) One official or employee associated with the United
8 States department of agriculture's natural resources
9 conservation service.

10 (2) Six private stakeholders, including all of the
11 following:

12 (a) Two lessors and two farm tenants associated with row
13 crop production.

14 (b) Two persons associated with animal agriculture
15 regulated under chapter 459 or 459A.

16 (3) One private attorney who is a member of the Iowa
17 state bar association who represents lessors and lessees of
18 agricultural land as a significant part of the attorney's
19 practice.

20 *c.* In addition to the appointments made in paragraph "b",
21 the committee shall include all of the following:

22 (1) Three state employees as follows:

23 (a) One person appointed by the secretary of agriculture
24 who is an employee of the division of soil conservation and
25 water quality created within the department pursuant to section
26 159.5.

27 (b) One person appointed by the director of the department
28 of natural resources who is an attorney representing the
29 department in contested case proceedings involving water
30 quality.

31 (c) One person appointed by the president of Iowa state
32 university of science and technology associated with the center
33 for agriculture and rural development.

34 (2) One person appointed by the president of the
35 conservation districts of Iowa, who is associated with a soil

1 and water conservation district.

2 *d.* (1) The committee shall include experts in agricultural
3 issues, including all of the following:

4 (a) Persons appointed by the secretary of agriculture who
5 are interested experts in agricultural law, including the
6 director of the Drake university agricultural law center.

7 (b) One person appointed by the president of Iowa state
8 university of science and technology associated with the Iowa
9 nutrient research center established pursuant to section
10 466B.47.

11 (2) Persons appointed pursuant to subparagraph (1) shall
12 serve on a nonvoting basis.

13 4. A majority of the voting members shall constitute a
14 quorum, and any action taken by the committee must be adopted
15 by a majority of the voting membership.

16 5. The committee shall submit a report to the governor and
17 general assembly not later than January 17, 2020.

18 *a.* The report shall include findings and recommendations
19 which address measures that provide for the proper
20 establishment and maintenance of land uses, and the adoption of
21 best management practices, on leased agricultural land. The
22 recommended measures shall do all of the following:

23 (1) Protect the permanent capacity of this state's soils to
24 sustain plant and animal life, and improve this state's surface
25 water quality.

26 (2) Limit sediment, nutrients, or other crop production
27 inputs from being conveyed by surface water runoff or leaching
28 from point or nonpoint sources.

29 *b.* (1) The report shall include proposed new statutes or
30 changes to existing statutes for consideration by the general
31 assembly necessary or desirable to implement recommendations in
32 the report required by paragraph "a", including the imposition
33 of requirements for farm tenants and owners of agricultural
34 land to enter into written agreements prescribing their mutual
35 obligations that provide for soil and water conservation, the

1 restoration of soil health, and water quality. The report
2 shall also include any related proposed new administrative
3 rules or changes to existing administrative rules that are
4 necessary or desirable to implement such statutes.

5 (2) The report shall include any proposed new
6 administrative rules or changes to existing administrative
7 rules that may be adopted by the department of agriculture and
8 land stewardship without changes to statute. In that case, the
9 department shall commence the adoption of such rules pursuant
10 to chapter 17A.

11 6. a. A member attending a meeting of the committee is not
12 entitled to receive a per diem as specified in section 7E.6.

13 b. A member attending a meeting of the committee, who is not
14 a federal or state government employee, shall be reimbursed for
15 actual expenses incurred in attending the meeting.

16 7. This section is repealed on July 1, 2020.

17

EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 GENERAL. This bill creates an agricultural land, soils,
21 water quality, and farm tenure initiative committee.
22 The committee is required to conduct a study and make
23 recommendations to the governor and general assembly regarding
24 farm tenancy and methods for leasing land to profitably grow
25 agricultural products while providing for the sustainability
26 and quality of this state's natural resources.

27 COMMITTEE'S COMPOSITION. The secretary of agriculture,
28 or a person employed by the department and designated by the
29 secretary, is to serve as chairperson. The secretary is
30 required to appoint a number of committee members, including
31 a person associated with the United States department of
32 agriculture, agricultural producers, and a private attorney
33 familiar with leases of agricultural land. In addition,
34 the committee must include an employee of the department
35 of agriculture and land stewardship's division of soil

1 conservation and water quality, an attorney employed by the
2 department of natural resources, a person associated with the
3 center for agriculture and rural development, and a person
4 appointed by the president of the conservation districts
5 of Iowa. The committee includes interested experts in
6 agricultural issues appointed by the secretary of agriculture
7 who are experts in agricultural law and a person associated
8 with the Iowa nutrient research center appointed by the
9 president of Iowa state university of science and technology.

10 REPORT. The committee must submit a report to the governor
11 and general assembly not later than January 17, 2020. The
12 report must include findings and recommendations that address
13 measures that provide for the proper establishment and
14 maintenance of land uses and the adoption of best management
15 practices. The measures must: (1) protect the permanent
16 capacity of this state's soils to sustain plant and animal
17 life, and improve this state's surface water quality; and (2)
18 limit sediment, nutrients, or other crop production inputs
19 from being conveyed by surface water runoff or leaching from
20 point or nonpoint sources. The report must include proposed
21 legislation and administrative rules.

22 REPEAL. The bill's provisions are repealed on July 1, 2020.