

**House File 103 - Introduced**

HOUSE FILE 103

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, 2021.

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, 2021.

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, 2021. 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, 2021.