

**House File 394 - Introduced**

HOUSE FILE 394

BY ISENHART

**A BILL FOR**

1 An Act relating to leases between local governments and persons  
2 using land for farming.

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

1 Section 1. NEW SECTION. 161A.90 Definitions.

2 As used in this subchapter, unless the context otherwise  
3 requires:

4 1. "*Farming*" means the same as defined in section 9H.1.

5 2. "*Farming practice*" includes but is not limited to a  
6 decision regarding crop production, including crop types and  
7 varieties to plant, cultivation and harvesting methods, and  
8 the application of materials including manure and commercial  
9 fertilizers, tillage, and crop rotation systems.

10 3. "*Local government*" means a county, city, township, school  
11 district, or any special-purpose district or authority.

12 4. "*Soil and water conservation practices*" means the same as  
13 defined in section 161A.42.

14 5. "*Soil health practice*" means a practice to provide for  
15 the continued capacity of soil to permanently sustain plant and  
16 animal life.

17 6. a. "*Water quality practice*" means a land use change or  
18 the establishment and maintenance of a measure that limits  
19 sediment or nutrients from being conveyed by surface water  
20 runoff or leaching.

21 b. "*Water quality practice*" includes the establishment of  
22 any of the following:

23 (1) A terrace.

24 (2) A cover crop that is used as part of crop rotation  
25 cycle.

26 (3) A bioreactor installed as part of or connected to a  
27 field drainage system.

28 (4) A wetland established as part of or connected to a crop  
29 field.

30 (5) A saturated buffer.

31 (6) Cropland integrated with a prairie grass strip.

32 (7) A riparian buffer strip.

33 (8) A grassed waterway.

34 (9) An area maintained in permanent vegetation cover,  
35 including perennial vegetation cover consisting of grasses or

1 legumes, including but not limited to grasslands or forages.

2 (10) A wetland area if the area is mostly underwater or  
3 waterlogged during the growing season and is characterized by  
4 vegetation of hydric soils.

5 (11) Any other measure recognized by the division that  
6 manages nutrients and reduces contributing contaminant loads to  
7 receiving surface waters, including by detaining sediment-laden  
8 water, reducing the volume or velocity of precipitation-induced  
9 surface water, filtering sediment-laden water, or reducing  
10 nutrient loss through tile drainage systems.

11 **Sec. 2. NEW SECTION. 161A.91 Restrictions on leases by**  
12 **local governments.**

13 1. A local government that holds a legal or equitable  
14 interest in agricultural land shall not enter into a lease  
15 with another person if the person may use the agricultural  
16 land for farming, unless the lease is in writing and a farm  
17 unit agreement is made part of the lease. The parties to  
18 the agreement shall be the lessee and the soil and water  
19 conservation commissioners of the district where the land is  
20 located.

21 2. The farm unit agreement shall apply to the same farm unit  
22 as an applicable farm unit conservation plan or conservation  
23 agreement. The agreement may be made part of a farm unit  
24 conservation plan or soil conservation agreement. A farm unit  
25 agreement may cover one or more farm units as specified in the  
26 agreement so long as all farm units are located as part of the  
27 same district. The agreement shall identify those soil and  
28 water conservation practices, water quality practices, farming  
29 practices, and soil health practices that best prevent soil  
30 loss, manage nutrients, reduce contributing contaminant loads  
31 to receiving surface water, and promote soil health.

32 3. The farm unit agreement shall be completed on forms  
33 prepared by the division in consultation with the Iowa nutrient  
34 research center established pursuant to section 466B.47.

35 4. The commissioners of the district shall assist the

1 parties to the lease in developing a farm unit agreement. The  
2 commissioners shall respond to a request by a local government  
3 to develop a farm unit agreement within sixty days of receiving  
4 the request. The lessee shall file the agreement with the  
5 commissioners subject to their approval. The commissioners  
6 shall deliver a copy of the agreement to the division. Each  
7 year, an updated agreement must be approved and filed in the  
8 same manner as the original agreement.

9 5. If a farm unit agreement is not filed as required in this  
10 section, the lease shall be void in sixty days.

11 6. The commissioners shall inspect or cause to be inspected  
12 land covered by a farm unit agreement if reasonable grounds  
13 exist to believe that a failure to comply with the agreement  
14 is occurring. If the commissioners determine a failure is  
15 occurring, a notice of that finding shall be delivered to the  
16 parties to the lease. The notice shall describe the land  
17 affected and shall describe the failure. The notice shall also  
18 describe the corrective action required and the time limit for  
19 commencing and accomplishing such action.

20 7. If corrective action has not been commenced or  
21 accomplished as described in the notice, the commissioners  
22 shall issue an administrative order to the person who filed  
23 the farm unit agreement. The administrative order shall  
24 address the same subjects provided in the notice. However, the  
25 corrective action must be commenced not more than six months  
26 after the date the order is issued and must be completed not  
27 more than one year after that date.

28 8. a. The commissioners shall petition the district court  
29 to issue an order requiring immediate compliance with an  
30 administrative order if the commissioners have determined any  
31 of the following:

32 (1) The corrective action has not been commenced or  
33 completed by the date specified in the administrative order.

34 (2) The corrective action has been commenced but is not  
35 being performed with due diligence or in a manner that will



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1 the state mandate is not provided or specified. Therefore,  
2 political subdivisions are required to comply with any state  
3 mandate included in the bill.