

**House File 457 - Introduced**

HOUSE FILE 457

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. 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 a. 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 b. Federal and state statutes, administrative regulations or  
27 rules, and court decisions that provide for soil loss limits  
28 and water quality criteria.

29 c. 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 d. Academic studies that analyze and evaluate legal and  
34 environmental matters arising under paragraphs "a", "b", and  
35 "c".

1 3. a. The secretary of agriculture, or a person employed  
2 by the department of agriculture and land stewardship and  
3 designated by the secretary, shall serve as chairperson of the  
4 committee.

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

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

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

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

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

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

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

23 (1) Three state employees as follows:

24 (a) One person appointed by the secretary of agriculture  
25 who is an employee of the division of soil conservation and  
26 water quality created within the department pursuant to section  
27 159.5.

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

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

35 (2) One person appointed by the president of the

1 conservation districts of Iowa, who is associated with a soil  
2 and water conservation district.

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

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

8 (b) One person appointed by the president of Iowa state  
9 university of science and technology associated with the Iowa  
10 nutrient research center established pursuant to section  
11 466B.47.

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

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

17 5. The committee shall submit a report to the governor and  
18 general assembly not later than January 17, 2024.

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

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

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

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

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

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

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

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

17 7. This section is repealed on July 1, 2024.

18 EXPLANATION

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

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

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

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

11 REPORT. The committee must submit a report to the governor  
12 and general assembly not later than January 17, 2024. The  
13 report must include findings and recommendations that address  
14 measures that provide for the proper establishment and  
15 maintenance of land uses and the adoption of best management  
16 practices. The measures must: (1) protect the permanent  
17 capacity of this state's soils to sustain plant and animal  
18 life, and improve this state's surface water quality; and (2)  
19 limit sediment, nutrients, or other crop production inputs  
20 from being conveyed by surface water runoff or leaching from  
21 point or nonpoint sources. The report must include proposed  
22 legislation and administrative rules.

23 REPEAL. The bill's provisions are repealed on July 1, 2024.