

Substituted for by

2/20/02 Do Pass

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STATE GOVERNMENT

WITHDRAWN

3-6-02

HOUSE FILE 2332

BY RAECKER and BOAL

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

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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HF 2332

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

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