

CHAPTER 1193

COUNTY CONSERVATION BOARDS

H.F. 2016

AN ACT relating to county conservation boards by providing for the creation of a county conservation board in certain counties and by specifying the law enforcement authority of the director and other designated employees of a county conservation board, and by providing effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 111A.5, Code Supplement 1987, is amended to read as follows:
111A.5 REGULATIONS — PENALTY — OFFICERS.

The county conservation board may make, alter, amend or repeal regulations for the protection, regulation and control of all museums, parks, preserves, parkways, playgrounds, recreation centers, and other property under its control. The regulations shall not be contrary to, or inconsistent with, the laws of this state. The regulations shall not take effect until ten days after their adoption by the board and after their publication as provided in section 331.305 and after a copy of the regulations has been posted near each gate or principal entrance to the public ground to which they apply. After the publication and posting, a person violating a provision of the regulations which are then in effect is guilty of a simple misdemeanor. The board may designate the director and those employees as the director may designate as police officers who shall have all the powers conferred by law on police officers, peace officers, or sheriffs in the enforcement of the laws of this state and the apprehension of violators. The director and those employees of the board designated as police officers may enforce the provisions of chapters 106, 109, 110, 111, and 321G on land not under the control of the board within the county.

Sec. 2. **NEW SECTION. 111A.11 COUNTY CONSERVATION BOARDS CREATED.**

Notwithstanding the referendum specified in section 111A.2, the board of supervisors of any county in which a county conservation board has not been established as of January 1, 1989, shall create a county conservation board to become effective July 1, 1989. The membership of a county conservation board created pursuant to this section, shall be appointed during the month of January 1989, for the purposes of organizing, planning, and budgeting for the fiscal year beginning July 1, 1989. A county conservation board created as provided in this section shall become fully operational as of July 1, 1989.

Approved May 9, 1988

CHAPTER 1194

BENEFITED RECREATIONAL LAKE DISTRICTS

H.F. 678

AN ACT authorizing the establishment of a benefited recreational lake district and its dissolution, the election of trustees, the levy of a tax, and the contract of indebtedness.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 357E.1 DEFINITIONS.**

As used in this chapter, unless the context otherwise requires:

1. "District" means a benefited recreational lake district incorporated and organized pursuant to this chapter.

2. "Trustee" means a member of the board of trustees of a district.

3. "Board" means the board of supervisors of a county, or the joint boards of supervisors of two or more counties, in which a district has been incorporated and organized or is proposed to be incorporated and organized.

4. "Recreational facilities" includes, but is not limited to, real and personal property, water, buildings, structures, or improvements including dams or other structures permitted or exempt from regulation under chapter 455B, and equipment useful and suitable for recreation programs, including those programs customarily identified with the term "recreation" such as public sports, games, pastimes, diversions, and amusement, on land or water and including community center houses, recreation grounds, recreation buildings, juvenile playgrounds, swimming pools, recreation centers, parks, lakes, and golf courses, and the acquisition of real estate for them.

Sec. 2. NEW SECTION. 357E.2 INCORPORATION.

If an area of contiguous territory is situated so that the acquisition, construction, reconstruction, enlargement, improvement, equipping, maintenance, and operation of recreation facilities for the residents of the territory will be conducive to the public health, comfort, convenience, or welfare, the area may be incorporated as a benefited recreational lake district as set forth in this chapter. The land to be included in a district must be contiguous to the recreational lake or to other residential, agricultural, or commercial property which is contiguous to the recreational lake.

Sec. 3. NEW SECTION. 357E.3 PETITION FOR PUBLIC HEARING.

1. The supervisors shall, on the petition of twenty-five percent of the resident property owners in a proposed district if the assessed valuation of the property owned by the petitioners represents at least twenty-five percent of the total assessed value of the proposed district, hold a public hearing concerning the establishment of a proposed district. The petition shall include a statement containing the following information:

- a. The need for the district.
- b. A description of the district to be served.
- c. The approximate number of families in the district.

2. The board of supervisors may require a bond of the petitioners conditioned for the payment of all costs and expenses incurred in the proceedings in case the district is not established.

Sec. 4. NEW SECTION. 357E.4 TIME OF PUBLIC HEARING.

The public hearing required in section 357E.3 shall be held within thirty days of the presentation of the petition. Notice of hearing shall be given by publication as provided in section 331.305.

Sec. 5. NEW SECTION. 357E.5 HEARING OF PETITION — ACTION BY BOARD.

At the public hearing required in section 357E.3, the board of supervisors may consider the boundaries of a proposed district, whether the boundaries shall be as described in the petition or otherwise, and for that purpose may amend the petition and change the boundaries of the proposed district as stated in the petition. The supervisors may adjust the boundaries of a proposed district as needed to exclude land that has no reasonable likelihood of benefit from inclusion in the proposed district. However, the boundaries of a proposed district shall not be changed to incorporate property which is not included in the original petition.

After, and within ten days of, the hearing, the board of supervisors shall establish the district by resolution or disallow the petition.

Sec. 6. NEW SECTION. 357E.6 ENGINEER.

1. When the board establishes a district, a competent disinterested civil engineer shall be appointed, who shall prepare a preliminary plat showing:

a. The proper design in general outline of the district.

b. The lots and parcels of land within the proposed district as they appear on the county auditor's plat books with the names of the owners.

c. The assessed valuations of the lots and parcels.

2. The compensation of the engineer on the preliminary investigation shall be determined by the board. The engineer shall file a report with the county auditor within thirty days of appointment. The board may extend the time upon good cause shown.

Sec. 7. NEW SECTION. 357E.7 HEARING ON ENGINEER'S REPORT.

After the engineer's report is filed, the board shall give notice as provided in section 357E.4, of a public hearing to be held concerning the engineer's preliminary plat. After, and within ten days of, the hearing, the board shall approve or disapprove the preliminary plat. If the preliminary plat is disapproved, the board may make changes in the boundaries as deemed necessary for the board's approval of the preliminary plat.

Sec. 8. NEW SECTION. 357E.8 ELECTION ON PROPOSED LEVY.

When a preliminary plat has been approved by the board, an election shall be held within the district within sixty days to approve or disapprove the levy of a tax of not more than four dollars per thousand dollars of assessed value on all the taxable property within the district except property assessed as agricultural land, and to choose candidates for the offices of trustees of the district. A tax levy approved for the purposes of this chapter shall not be levied on property assessed as agricultural land. Notice of the election, including the time and place of holding the election, shall be given as provided in section 357E.4. The vote shall be by ballot which shall state clearly the proposition to be voted upon, and any qualified elector residing within the district at the time of the election may vote. It is not mandatory for the county commissioner of elections to conduct elections held pursuant to this chapter, but the elections shall be conducted in accordance with chapter 49 when not in conflict with this chapter. Judges shall be appointed by the board from among the qualified electors of the district to be in charge of the election. The judges are not entitled to receive pay. The proposition is approved if a majority of those voting on the proposition vote in favor of it.

Sec. 9. NEW SECTION. 357E.9 TRUSTEES.

At the election, the names of at least three candidates for trustee shall be written in by the voters on blank ballots without formal nomination and the board of supervisors shall appoint three from among the five receiving the highest number of votes as trustees for the district. One trustee shall be appointed to serve for one year, one for two years, and one for three years. The trustees shall give bond in the amount required by the board, the premium of which shall be paid by the district. Vacancies shall be filled by election, but if there are no candidates for a trustee office, the vacancy may be filled by appointment by the board. The term of the succeeding trustees are for three years.

If the state owns at least four hundred acres of land contiguous to a lake within the district, the natural resources commission shall appoint two members of the board of trustees in addition to the three members provided in this section. The additional two members must be citizens of the state, not less than eighteen years of age, and property owners within the district. The two additional members have voting and other authority equal to the other members of the board and hold office at the pleasure of the natural resources commission.

Sec. 10. NEW SECTION. 357E.10 BOARD OF TRUSTEES — POWER.

The trustees are the corporate authority of the district and shall manage and control the affairs, property, and facilities of the district. The board of trustees shall elect a president,

a clerk, and a treasurer from its membership. The trustees may certify for levy an annual tax as provided in section 357E.8. The trustees may construct, reconstruct, repair, maintain, or operate a dam or other recreational facilities or structures to create or maintain an artificial or natural lake or impoundment and, for this purpose, may purchase material, employ personnel, and perform all other acts necessary to properly maintain and operate the district. The trustees are allowed necessary expenses in the discharge of their duties, but they shall not receive a salary.

Sec. 11. NEW SECTION. 357E.11 BONDS IN ANTICIPATION OF REVENUE.

A district may anticipate the collection of taxes by the levy authorized in this chapter, and to carry out the purposes of this chapter may issue bonds payable in not more than twenty equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357E.8, and the same majority vote is necessary to authorize indebtedness. Both propositions may be submitted to the voters at the same election.

Sec. 12. NEW SECTION. 357E.12 DISSOLUTION OF DISTRICT.

Upon petition of thirty-five percent of the resident eligible electors, the board may dissolve a district and dispose of any remaining property, the proceeds of which shall first be applied against outstanding obligations and any balance shall be applied to tax credits for property owners of the district. The board shall continue to levy a tax after dissolution of a district, in an amount necessary to pay all outstanding obligations of the district as they become due, until all outstanding obligations of the district are paid.

Sec. 13. NEW SECTION. 357E.13 ADDING PROPERTY TO A DISTRICT.

The owner of any property in an area immediately contiguous to the boundaries of an established district may petition the board to be included in the district. Upon receipt of the petition, the board shall submit the request to a competent disinterested civil engineer to investigate the feasibility of adding the additional territory and to make a report to the board. If the board agrees that the property should be added to the district, the tax levy for the next year shall be applied to the property and on the first day of the next fiscal year the property shall become part of the district. If the district lies in more than one county, the joint action of the boards involved is required to add additional property.

Sec. 14. NEW SECTION. 357E.14 DETERMINATION OF FEE.

1. The owner of any property joining an established district shall pay to the trustees of the district an initial fee to be computed as follows:

a. The trustees shall first determine the fair market value of all property and improvements owned by the district, less any indebtedness.

b. The board shall then determine the assessed value of all property in the district. This shall be divided into the value determined in paragraph "a".

c. The board shall determine the assessed value of the property of each landowner joining the established district.

d. The result obtained in paragraph "b" shall be multiplied by the result obtained in paragraph "c". The result shall be the initial fee to be charged each landowner.

2. The initial fees paid to the trustees shall be used to help defray the cost and maintenance of the recreation district.

Approved May 9, 1988

CHAPTER 1195**ORGANICALLY PRODUCED FOOD***S.F. 2262*

AN ACT relating to organically produced food by providing for the establishment of standards, enforcement measures, penalties and an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 190.1, Code 1987, is amended by adding the following new subsection: **NEW SUBSECTION. 68. SORGHUM SYRUP.** Sorghum syrup is liquid food derived by the concentration and heat treatment of the juice of sorghum cane.

Sec. 2. NEW SECTION. 190B.1 DEFINITIONS.

1. "Advertise" means to present a commercial message in any medium, including but not limited to, print, radio, television, sign, display, label, tag, or articulation.
2. "Department" means the department of agriculture and land stewardship.
3. "Food product" means a product other than beef or pork capable of human consumption, including but not limited to fish, poultry, vegetables, fruit, honey, berries, eggs, seeds, dairy or grain products, and any product composed of one or more of those items.
4. "Label" means a commercial message in a printed medium which is affixed by any method to a receptacle including a container or package.
5. "Organic food" means a food product that satisfies the requirements of section 190B.2.
6. "Processor" means a person who processes or manufactures products containing ingredients that include a food product.
7. "Produce" means grow, raise, collect, or harvest a food product.
8. "Producer" means a person who produces a food product.
9. "Sale" or "sell" means a commercial transfer or offer for sale and distribution in any manner.
10. "Synthetic" includes, but is not limited to, a synthetic pesticide, hormone, antibiotic, growth stimulant, or arsenical.
11. "Vendor" means a person, including but not limited to, a producer or processor, who in the regular course of business, sells food products.

Sec. 3. NEW SECTION. 190B.2 STANDARDS.

1. For a food product to be organic food it must be considered to have been organically grown or produced or composed of ingredients that were all produced according to the following standards:
 - a. Without the use of a synthetic material, as established by the department.
 - b. Without the use of seeds that have been synthetically treated, unless untreated seeds are not generally available.
 - c. With the use of soil that has been free of a synthetic applied within the last year. After July 1, 1990, the soil must have been free of a synthetic applied within the last two years. After July 1, 1991, the soil must have been free of a synthetic applied within the last three years.
 - d. Stored in a regular, cold, or controlled atmosphere. If fumigation is needed, only diatomaceous earth or inert gases may be used.
2. The rules established by the department shall be based on a one-year study which shall be performed by the department in cooperation with producers, processors, and vendors.

Sec. 4. NEW SECTION. 190B.3 RECORDS.

1. A producer who advertises food products for sale as organic, organically produced, or by using a derivative of the term organic, shall maintain accurate records in a manner prescribed