

March 8, 1965.  
Passed on File.

Senate File 475  
By KIBBIE and BENDA.

conservation + recreation 3/9  
Passed Senate, Date 3/9

Passed House, Date 5/14

Vote: Ayes 5/ Nays 0  
Vote: Ayes 99 Nays 0

Recommended Approved 2/18 May 21 1965

conservation + recreation 7/30  
deferred 5/7

## A BILL FOR

An Act to establish a system of state preserves and to provide for the control and management of same.

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

1 Section 1. As used in this Act:

2 "Preserve" means an area of land or water formally dedicated  
3 under the provisions of this Act for maintenance as nearly as  
4 possible in its natural condition though it need not be completely  
5 primeval in character at the time of dedication or an area which  
6 has unusual flora, fauna, geological, archeological, or historical  
7 features of scientific or educational value.

8 "Dedication" means the allocation of an area as a preserve by  
9 a public administrative agency or by a private owner by written  
10 stipulation in a form approved by the state advisory board for  
11 preserves.

12 "Board" means the state advisory board for preserves established  
13 by this Act.

1 Sec. 2. There is hereby created a state system of preserves  
2 and a state advisory board for preserves.

1 Sec. 3. The board shall be composed of seven (7) members, six  
2 (6) of which shall be appointed by the governor. The state con-  
3 servation commission, the conservation committee of the Iowa acad-  
4 emy of science, and the state historical society shall submit to  
5 the governor a list of possible appointments. Members shall be

6 selected from persons with a demonstrated interest in the preser-  
7 vation of natural lands and waters, and historic sites. The di-  
8 rector of the state conservation commission shall serve as one  
9 (1) member of the board. Any vacancies on the board shall be  
10 filled, for the remainder of the term vacated, by appointment by  
11 the governor provided by this Act.

12 The first members appointed after the effective date of this  
13 Act shall serve as follows: two (2) members to serve until July 1,  
14 1968; two (2) members to serve until July 1, 1969; two (2) members  
15 to serve until July 1, 1970, and the director of the state conser-  
16 vation commission shall serve as long as he is director of the  
17 conservation commission. Members shall serve until their succes-  
18 sors are appointed and qualified. As terms of members so appointed  
19 expire, their successors shall be appointed for terms to expire  
20 three (3) years thereafter. Any member who has served to (2)  
21 consecutive full terms will not be eligible for reappointment for  
22 a period of one (1) year following the expiration of his second  
23 (2nd) term.

1 Sec. 4. The members of the board shall serve without compensa-  
2 tion but may be reimbursed for necessary expenses in connection  
3 with performance of their duties.

1 Sec. 5. The board shall organize annually by the election of  
2 a chairman. The board shall meet annually and at such other times  
3 as it deems necessary. Meetings may be called by the chairman,  
4 and shall be called by the chairman on the request of three (3)  
5 members of the board.

1 Sec. 6. Representatives of such agencies, institutions, and  
2 organizations as the board may determine may serve as advisors to

3 the board. Such advisors shall receive no compensation for this  
4 function but at the discretion of the board may be reimbursed for  
5 necessary expenses in connection with the performance of their  
6 duties.

1 Sec. 7. The conservation commission shall employ, upon recom-  
2 mendation by the board, at salaries fixed by the board, a trained  
3 ecologist and such other personnel as may be necessary to carry  
4 out the duties of the board.

1 Sec. 8. The board shall have the following powers and duties:

2 1. To approve an area as a preserve.

3 2. To make and publish all rules and regulations necessary to  
4 carrying out the purposes of this Act.

5 3. To recommend dedication as preserves of areas owned by the  
6 state under the jurisdiction of the conservation commission.

7 4. To recommend acquisition of land for dedication as preserves  
8 by the state conservation commission.

9 5. To recommend dedication as preserves of land owned by other  
10 public agencies, private groups, and individuals.

11 6. To make surveys and maintain registries and records of pre-  
12 serves and other areas of educational or scientific value and of  
13 habitats for rare and endangered species of plants and animals in  
14 the state.

15 7. To promote research and investigations, carry on interpre-  
16 tive programs and publish and disseminate information pertaining  
17 to preserves and related areas of educational or scientific value.

18 8. To promote the establishment and protection of, and advise  
19 in the management of, wild parks and other areas of educational  
20 or scientific value and otherwise foster and aid in the preserva-

21 tion of natural conditions elsewhere than in preserves.

22 9. To authorize payment of travel and other necessary expenses  
23 of the members of the board and advisers to the board, and sal-  
24 aries, wages, compensations, travel, supplies, and equipment neces-  
25 sary to carry out the duties of the board, and to authorize any  
26 other expenditures as may be necessary to carry into effect the  
27 purposes of this Act.

28 10. To design and control the use of official state preserve  
29 signs and recommend to the state highway commission locations for  
30 state preserve signs.

31 11. To submit to the governor and the legislature a report  
32 before January 15, 1967, and every two (2) years thereafter which  
33 shall account for each nature preserve in the system and make  
34 such other reports and recommendations as it may deem necessary.

35 12. To prepare and recommend a budget, for inclusion as a  
36 line item money request in the state conservation commission budg-  
37 et, for appropriation from the state general fund.

1 Sec. 9. The public administrative agency or private owner  
2 shall complete articles of dedication on forms approved by the  
3 board. When the articles of dedication have been approved by the  
4 governor the board shall record them with the county recorder for  
5 the county or counties in which the area is located.

6 The articles of dedication may contain restrictions on develop-  
7 ment, sale, transfer, method of management, public access, and  
8 commercial or other use, and may contain such other provisions as  
9 may be necessary to further the purposes of this Act. They may  
10 define the respective jurisdictions of the owner or operating  
11 agency and the board. They may provide procedures to be applied

12 in case of violation of the dedication. They may recognize rever-  
13 sionary rights. They may vary in provisions from one (1) preserve  
14 to another in accordance with differences in relative conditions.

1 Sec. 10. An area shall become a preserve when it has been  
2 approved by the board for dedication as a preserve, whether in  
3 public or private ownership, formally dedicated as a preserve  
4 within the system by a public administrative agency or private  
5 owner and designated by the governor as a preserve shall con-  
6 tinue as such so long as it is used in a manner and under limita-  
7 tions consistent with its continued preservation, without impair-  
8 ment for the public purpose of scientific research, education,  
9 aesthetic enjoyment and providing habitat for plant and animal  
10 species and communities and other natural objects except as other-  
11 wise provided in this Act.

1 Sec. 11. An area designated as a preserve within the system  
2 is hereby declared put to its highest, best, and most important  
3 use for public benefit. It shall be held in trust and shall not  
4 be alienated except to another public use upon a finding of the  
5 board of imperative and unavoidable public necessity and with the  
6 approval of the state conservation commission and the governor.  
7 The board's interest or interests in any area designated as a  
8 preserve shall not be taken under the condemnation statutes of  
9 this state without such a finding of imperative and unavoidable  
10 public necessity by the board, and with the consent of the state  
11 conservation commission and the governor.

12 The board, with the approval of the governor, may enter into  
13 amendments to any articles of dedication upon its finding that  
14 such amendment will not permit an impairment, disturbance, or

15 development of the area inconsistent with the purposes of this Act.  
16 Before the board shall make a finding of imperative and un-  
17 avoidable public necessity, or shall enter into any amendment to  
18 articles of dedication, it shall provide notice of such proposal  
19 and opportunity for any person to be heard. Such notice shall be  
20 published at least once in a newspaper with a general circulation  
21 in the county or counties wherein the area directly affected is  
22 situated, and mailed within ten (10) days of such published notice  
23 to all persons who have requested notice of all such proposed  
24 actions. Each notice shall set forth the substance of the pro-  
25 posed action and describe, with or without legal description,  
26 the area affected, and shall set forth a place and time not less  
27 than sixty (60) days thence for all persons desiring to be heard  
28 to have reasonable opportunity to be heard prior to the finding  
29 of the board.

1 Sec. 12. All departments, agencies, and instrumentalities of  
2 the state, including counties, municipalities, public corporations,  
3 boards, commissions, and universities shall be urged to dedicate  
4 as nature preserves within the system under the procedures out-  
5 lined in this Act, suitable areas or portions of areas within  
6 their jurisdiction.

1 Sec. 13. Nothing contained in this Act shall be construed as  
2 interfering with the purposes stated in the establishment of or  
3 pertaining to any state or local park, preserve, wildlife refuge,  
4 or other area or the proper management and development thereof  
5 except that any agency administering any area designated as a  
6 nature preserve under the system shall be responsible for pre-  
7 serving the natural character of the area in accordance with the

8 articles of dedication.

9 Designation of an area as a nature preserve within the system  
10 shall not void or replace any protected status under law which  
11 the area would have were it not so designated.

1 Sec. 14. There is hereby appropriated from any money in the  
2 state treasury not otherwise appropriated the sum of twenty-five  
3 thousand (25,000) dollars to pay the salaries and expenses result-  
4 ing from the carrying out of this Act for the first two (2) years  
5 after it is enacted.

1 Sec. 15. Violation of any rule or regulation adopted and pub-  
2 lished by the preserves board pursuant to the provisions of this  
3 Act shall be punished by a fine of not less than five (5) dollars  
4 nor more than one hundred (100) dollars or by imprisonment for  
5 not more than three (3) months, or by both such fine and imprison-  
6 ment for each day such violation continues.

SENATE FILE 475  
(Committee Amendment)

1 Amend Senate File 475 by striking sections 14 and 15.

Filed *withdrawn 7/14* By COMMITTEE ON CONSERVATION AND RECREATION,  
March 18, 1965. EUGENE M. HILL, *Chairman*.

SENATE FILE 475

- 1 Amend Senate File 475 as follows:
- 2 1. Insert a new line following line one (1) of section one
- 3 (1) as follows:
- 4 "Area" means an area of land or water or both land and water.
- 5 2. Insert in line six (6) of section one (1) after the word
- 6 "archeological," the word "scenic".
- 7 3. Strike from line twenty (20) of section three (3) the
- 8 word "to" and insert "two".
- 9 4. Strike from line five (5) of section eight (8) the word
- 10 "of".
- 11 5. Strike from line seven (7) of section eight (8) the word
- 12 "land" and insert the word "areas".
- 13 6. Strike from line nine (9) of section eight (8) the words
- 14 "of land" and insert in lieu thereof the word " , areas".
- 15 7. Strike from line thirty-three (33) of section eight (8)
- 16 the word "nature".
- 17 8. Insert in line five (5) of section ten (10) after the
- 18 word "preserve" a period and the word "It".
- 19 9. Strike from line nine (9) of section thirteen (13) the
- 20 word "nature".
- 21 10. Strike all of sections fourteen (14) and fifteen (15).

Filed  
March 25, 1965. *adopted 7/14*

By BENDA.

SENATE FILE 475

- 1 Amend Senate File 475, in section 10, by inserting
- 2 a period after the word "preserve" in line 5 and by
- 3 striking the rest of that section.

Filed  
March 29, 1965. *adopted 7/14*

By BENDA.