

*Reprinted 3/20*

County Government: Johnson of Howard, Chair; Hullinger and Swearingen.

*To Pass #4 (7. 750)*

HOUSE FILE 2305

JAN 29 1980

By DIEMER, HUSAK, SMALLEY,  
AVENSON, LIND, LAGESCHULTE,  
BRANSTAD and SCHNEKLOTH

COUNTY GOVERNMENT

Passed House, Date 3-18-80 (7. 977) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 92 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act to allow county conservation boards to exchange  
2 property.

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

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2305

H-5530

HOUSE FILE 2305

1 Amend House File 2305 as follows:  
2 1. Page 2, by striking lines 9 and 10.

H-5530 FILED  
MARCH 14, 1980

BY SPEAR of Lee

*Reprinted 3/18 (7. 977)*

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1 Section 1. Section one hundred eleven A point four  
2 (111A.4), subsections two (2) and three (3), Code 1979, as  
3 that section is amended by Acts of the Sixty-eighth General  
4 Assembly, 1979 Session, chapter thirty-nine (39), section  
5 one (1), is amended to read as follows:

6 2. To acquire in the name of the county by gift, purchase,  
7 lease, agreement, exchange or otherwise, in fee or with  
8 conditions, suitable real estate within or without the  
9 territorial limits of the county areas of land and water for  
10 public museums, parks, preserves, parkways, playgrounds,  
11 recreation centers, forests, wildlife and other conservation  
12 purposes and for participation in watershed, drainage and  
13 flood control programs for the purpose of increasing the  
14 recreational resources of the county. The state conservation  
15 commission, the county board of supervisors, or the governing  
16 body of any city or village may, upon request of the county  
17 conservation board, designate, set apart and transfer to the  
18 county conservation board for use as museums, parks, preserves,  
19 parkways, playgrounds, recreation centers, play fields, tennis  
20 courts, skating rinks, swimming pools, gymnasiums, rooms for  
21 arts and crafts, camps and meeting places, community forests,  
22 wildlife areas and other recreational purposes, any land and  
23 buildings owned or controlled by the state conservation  
24 commission or such county or municipality and not devoted  
25 or dedicated to any other inconsistent public use. In  
26 acquiring or accepting land, due consideration shall be given  
27 to its scenic, historic, archaeologic, recreational or other  
28 special features, and no land shall be acquired or accepted  
29 which in the opinion of the board and the state conservation  
30 commission is of low value or lower than the property exchanged  
31 from the standpoint of its proposed use. An exchange of  
32 property approved by the county conservation board and the  
33 board of supervisors is not subject to the provisions of  
34 section three hundred thirty-two point three (332.3),  
35 subsection thirteen (13), of the Code.

1 3. The county conservation board shall file with and  
2 obtain approval of the state conservation commission on all  
3 proposals for acquisition or exchange of land, and all general  
4 development plans before any such program is executed.  
5 Approval of the state conservation commission shall not be  
6 necessary unless the value of the proposed exchange property  
7 or the cost of the proposed acquisition or development program  
8 exceeds twenty-five hundred dollars.

9 Sec. 2. This Act takes effect January first following  
10 its enactment.

11 EXPLANATION

12 This bill allows a county conservation board to exchange  
13 property with the approval of the county board of supervisors.  
14 Present law allows existing property to be disposed of only  
15 by public auction. The exchange of property would require  
16 the approval of the state conservation commission to the same  
17 extent that an acquisition of property would require approval.

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*S. County Bond 3/24 No. Pass 3/25 (p. 1069)*

HOUSE FILE 2305

By DIEMER, HUSAK, SMALLEY,  
AVENSON, LIND, LAGESCHULTE,  
BRANSTAD and SCHNEKLOTH

(As Amended and Passed by the House)

Re. Passed House, Date 4/15/80 (p. 1603) Passed Senate, Date 4/2/80 (p. 1247)

Vote: Ayes 88 Nays 12 Vote: Ayes 48 Nays 2

Approved April 21, 1980

*Repassed*

### A BILL FOR

1 An Act to allow county conservation boards to exchange  
2 property.

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

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\* Language Deleted

#### SENATE AMENDMENT TO HOUSE FILE 2305

H-5899

1 Amend House File 2305, as amended, passed and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 28 through 30 and  
4 inserting in lieu thereof the following: "special  
5 features, and ~~no~~ land shall not be acquired or accepted  
6 which unless, in the opinion of the board and the  
7 state conservation commission, it is of few-value  
8 suitable or, in the case of exchange, is suitable  
9 and of substantially the same value as the property  
10 exchanged".

H-5899 FILED  
APRIL 8, 1980

RECEIVED FROM THE SENATE

*House amended 4/15 (p. 1603)*

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1 Section 1. Section one hundred eleven A point four  
2 (111A.4), subsections two (2) and three (3), Code 1979, as  
3 that section is amended by Acts of the Sixty-eighth General  
4 Assembly, 1979 Session, chapter thirty-nine (39), section  
5 one (1), is amended to read as follows:

6 2. To acquire in the name of the county by gift, purchase,  
7 lease, agreement, exchange or otherwise, in fee or with  
8 conditions, suitable real estate within or without the  
9 territorial limits of the county areas of land and water for  
10 public museums, parks, preserves, parkways, playgrounds,  
11 recreation centers, forests, wildlife and other conservation  
12 purposes and for participation in watershed, drainage and  
13 flood control programs for the purpose of increasing the  
14 recreational resources of the county. The state conservation  
15 commission, the county board of supervisors, or the governing  
16 body of any city or village may, upon request of the county  
17 conservation board, designate, set apart and transfer to the  
18 county conservation board for use as museums, parks, preserves,  
19 parkways, playgrounds, recreation centers, play fields, tennis  
20 courts, skating rinks, swimming pools, gymnasiums, rooms for  
21 arts and crafts, camps and meeting places, community forests,  
22 wildlife areas and other recreational purposes, any land and  
23 buildings owned or controlled by the state conservation  
24 commission or such county or municipality and not devoted  
25 or dedicated to any other inconsistent public use. In  
26 acquiring or accepting land, due consideration shall be given  
27 to its scenic, historic, archaeologic, recreational or other  
28 special features, and no land shall be acquired or accepted  
29 which in the opinion of the board and the state conservation  
30 commission is of low value or lower than the property exchanged  
31 from the standpoint of its proposed use. An exchange of  
32 property approved by the county conservation board and the  
33 board of supervisors is not subject to the provisions of  
34 section three hundred thirty-two point three (332.3),  
35 subsection thirteen (13), of the Code.

1     3. The county conservation board shall file with and  
2 obtain approval of the state conservation commission on all  
3 proposals for acquisition or exchange of land, and all general  
4 development plans before any such program is executed.  
5 Approval of the state conservation commission shall not be  
6 necessary unless the value of the proposed exchange property  
7 or the cost of the proposed acquisition or development program  
8 exceeds twenty-five hundred dollars.

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S-5551

1 Amend House File 2305 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 2, by inserting after line 8 the following:  
4 "Sec. 2. Section one hundred eleven A point six  
5 (111A.6), unnumbered paragraph one (1), Code 1979,  
6 is amended to read as follows:  
7 Upon the adoption ~~of any county of the provisions~~  
8 of this chapter, the ~~county~~ board of supervisors of  
9 ~~such~~ the county may by resolution appropriate an  
10 amount of money from the general fund of the county  
11 for the payment of expenses incurred by the county  
12 conservation board in carrying out its powers and  
13 duties. The board of supervisors may temporarily  
14 transfer by resolution, any unobligated funds from  
15 the general fund of the county to the county  
16 conservation fund in anticipation of or to match  
17 committed receipts of federal ~~funds from the Heritage~~  
18 ~~Conservation and Recreation Service~~ or state aid  
19 funds. The transferred funds shall be returned to  
20 the general fund of the county within ~~such~~ a time  
21 not to exceed five years as specified by the board  
22 of supervisors or upon receipt of the federal or state  
23 funds, whichever date is earlier. The board of  
24 supervisors may levy or cause to be levied an annual  
25 tax, in addition to all other taxes, of not more than  
26 twenty-seven cents per thousand dollars of the assessed  
27 value of all real and personal property subject to  
28 taxation within ~~such~~ the county, upon proper  
29 certification by ~~said~~ the county conservation board  
30 made pursuant to and in compliance with all of the  
31 provisions of chapter 24, which tax shall be collected  
32 by the county treasurer as other taxes are collected,  
33 and shall be paid into a separate ~~and distinct~~ fund  
34 to be known as the county conservation fund, to be  
35 paid out upon the warrants drawn by the county auditor  
36 upon requisition of the county conservation board  
37 for the payment of expenses incurred in carrying out  
38 the powers and duties of ~~said~~ the conservation board.  
39 The county conservation board shall ~~have no power~~  
40 ~~or authority to~~ not contract any debt or obligation  
41 in any year in excess of the moneys in the hands of  
42 the county treasurer immediately available for such  
43 purposes, except the board of supervisors may authorize  
44 deferred payments for land acquisition purchases  
45 not to exceed one-fourth of the annual conservation  
46 fund levy nor to extend over a period of more than  
47 ten years ~~or~~, and except for projects to be financed  
48 from unobligated funds in the county conservation  
49 fund and or committed federal matching or state grants.  
50 Any single expenditure of, or contract to expend,

S-5551

1 a sum of five thousand dollars shall-be is subject  
2 to the provisions of chapter 23. Gifts, contributions  
3 and bequests of money and all rent, licenses, fees  
4 and charges and other revenue or money received or  
5 collected by the board shall be deposited in the  
6 county conservation fund to be used for the purchase  
7 of land, property and equipment and the payment of  
8 expenses incurred in carrying out the activities of  
9 the board, except that moneys given, bequeathed, or  
10 contributed upon specified trusts shall be held and  
11 applied in accordance with the trust specified."

S-5551 FILED  
MARCH 27, 1980

BY DALE TIEDEN  
ARTHUR A. SMALL, JR.

*Revised version of order 4/2 (p. 1245)*

HOUSE FILE 2305

S-5521

1 Amend House File 2305, as amended, passed and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 28 through 30 and  
4 inserting in lieu thereof the following: "special  
5 features, and no land shall not be acquired or accepted  
6 which unless, in the opinion of the board and the  
7 state conservation commission, it is of low-value  
8 suitable or, in the case of exchange, is suitable  
9 and of substantially the same value as the property  
10 exchanged".

S-5521 FILED  
MARCH 25, 1980

BY ARNE WALDSTEIN  
A. R. KUDART  
CHARLES P. MILLER

*Adopted 4/2 (p. 1245)*

## HOUSE FILE 2305

## AN ACT

TO ALLOW COUNTY CONSERVATION BOARDS TO EXCHANGE PROPERTY.

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

Section 1. Section one hundred eleven A point four (111A.4), subsections two (2) and three (3), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-nine (39), section one (1), is amended to read as follows:

2. To acquire in the name of the county by gift, purchase, lease, agreement, exchange or otherwise, in fee or with conditions, suitable real estate within or without the territorial limits of the county areas of land and water for public museums, parks, preserves, parkways, playgrounds, recreation centers, forests, wildlife and other conservation purposes and for participation in watershed, drainage and flood control programs for the purpose of increasing the recreational resources of the county. The state conservation commission, the county board of supervisors, or the governing body of any city or village may, upon request of the county conservation board, designate, set apart and transfer to the county conservation board for use as museums, parks, preserves, parkways, playgrounds, recreation centers, play fields, tennis courts, skating rinks, swimming pools, gymnasiums, rooms for arts and crafts, camps and meeting places, community forests, wildlife areas and other recreational purposes, any land and buildings owned or controlled by the state conservation commission or such county or municipality and not devoted or dedicated to any other inconsistent public use. In acquiring or accepting land, due consideration shall be given to its scenic, historic, archaeological, recreational or other special features, and ~~no~~ land shall not be acquired or accepted ~~which unless~~, in the opinion of the board and the state conservation commission, it is of low value suitable or, in the case of exchange, is suitable and of substantially the

same value as the property exchanged from the standpoint of its proposed use. An exchange of property approved by the county conservation board and the board of supervisors is not subject to the provisions of section three hundred thirty-two point three (332.3), subsection thirteen (13), of the Code.

3. The county conservation board shall file with and obtain approval of the state conservation commission on all proposals for acquisition or exchange of land, and all general development plans before any such program is executed. Approval of the state conservation commission shall not be necessary unless the value of the proposed exchange property or the cost of the proposed acquisition or development program exceeds twenty-five hundred dollars.

\_\_\_\_\_  
WILLIAM H. HARBOR  
Speaker of the House

\_\_\_\_\_  
TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2305, Sixty-eighth General Assembly.

\_\_\_\_\_  
BRUCE GRAHAM  
Assistant Chief Clerk of the House

Approved April 21, 1980

\_\_\_\_\_  
ROBERT D. RAY  
Governor

H.F. 2305