

*in Natural Resources 4/6/87  
Amend (3-64) & Co Pass 4/8/87 (p. 1163)*

MAR 20 1987

Place On Calendar

HOUSE FILE 620

BY COMMITTEE ON NATURAL RESOURCES  
AND OUTDOOR RECREATION

(Formerly House Study Bill 307)

Passed House, Date 4-1-87 (p. 1016) Passed Senate, Date 4/30/87 (p. 1611)

Vote: Ayes 78 Nays 19 Vote: Ayes 44 Nays 2

Approved June 2, 1987

*Motion to Reconsider (p. 1040) 4/13/87*

*Repassed House 5/6/87 (p. 2025)  
65-25* **A BILL FOR**

1 An Act relating to the acquisition and protection of significant  
2 elements of the state's natural open space heritage.

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

HOUSE FILE 620

H-3538

1 Amend House File 620 as follows:  
2 1. Page 4, by inserting after line 20 the  
3 following:  
4 "3. A state agency or political subdivision of  
5 this state which acquires an open space area pursuant  
6 to this chapter, shall provide for the continued  
7 payment of school taxes on the acquired property."

H-3538 FILED APRIL 1, 1987

BY HALVORSON of Clayton  
HARBOR of Mills

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1 Section 1. NEW SECTION. 111E.1 STATEMENT OF PURPOSE --  
2 INTENT.

3 The general assembly finds that:

4 1. Iowa's most significant open space lands are essential  
5 to the well-being and quality of life for Iowans and to the  
6 economic viability of the state's recreation and tourism  
7 industry.

8 2. Many areas of high national significance in the state  
9 have not received adequate public protection to keep them free  
10 of visual blight, resource degradation, and negative impacts  
11 from inappropriate land use and surrounding development. Some  
12 of these areas include national park service and United States  
13 fish and wildlife service properties, national landmarks and  
14 trails, the Des Moines river greenbelt, the great river road,  
15 areas where interstate highways enter the state, cross major  
16 rivers, and pass by other areas of national significance,  
17 major state park and recreation areas, unique and protected  
18 water areas, and significant natural, geological, scenic,  
19 historic, and cultural properties of the state.

20 3. While state and federal funds are generally available  
21 for the acquisition and protection of fish and wildlife areas  
22 and habitats as well as boating access to public waters,  
23 funding programs for public open space acquisition and  
24 protection have not been adequate to meet needs.

25 4. Relative to other midwestern states, Iowa ranks last in  
26 the proportion of land acquired and protected for public open  
27 space.

28 5. A program shall be established to:

29 a. Educate the citizens of the state about the needs and  
30 urgency of protecting the state's open spaces.

31 b. Plan for the protection of the state's significant open  
32 space areas.

33 c. Acquire and protect those properties on a priority  
34 basis through a variety of appropriate means.

35 In addition to other goals for the program, it is intended

1 that a minimum of ten percent of the state's land area be  
2 included under some form of public open space protection by  
3 the year 2000.

4 Sec. 2. NEW SECTION. 111E.2 STATEWIDE OPEN SPACE  
5 ACQUISITION AND PROTECTION PROGRAM -- OBJECTIVES AND AGENCY  
6 DUTIES.

7 1. The department of natural resources has the following  
8 duties in undertaking programs to meet the objectives stated  
9 in section 111E.1.

10 a. Prepare and conduct new education and awareness  
11 programs designed to create greater public understanding of  
12 the needs, issues, and opportunities for protecting the  
13 state's significant open spaces. The department shall  
14 incorporate the recommendations of other state agencies and  
15 private sector organizations which have interests in open  
16 space protection. The department may enter into contracts  
17 with other agencies and the private sector for preparing and  
18 conducting these programs.

19 b. Prepare a statewide, long-range plan for the  
20 acquisition and protection of significant open space lands  
21 throughout the state as identified in section 111E.1. The  
22 department of transportation, department of economic  
23 development, and department of cultural affairs, private  
24 organizations, county conservation boards, city park and  
25 recreation departments, and the federal agencies with lands in  
26 the state shall be directly involved in preparing the plan.  
27 The plan shall include, but is not limited to, the following  
28 elements:

29 (1) Specific acquisition and protection needs and  
30 priorities for open space areas based on the following  
31 sequence of priorities:

- 32 (a) National.  
33 (b) Regional.  
34 (c) Statewide.  
35 (d) Local.

1 (2) Identification of open space acquisition and  
2 protection techniques available or needed to carry out the  
3 plan.

4 (3) Additional education and awareness programs which are  
5 needed to encourage the acquisition and protection of areas  
6 identified in the plan.

7 (4) Management needs including maintenance,  
8 rehabilitation, and improvements.

9 (5) Funding levels needed to accomplish the statewide open  
10 space programs.

11 (6) Recommendations as to how federal programs can be  
12 modified or developed to assist the state's open space  
13 programs.

14 c. Acquire and protect open space properties as identified  
15 by priority in the plan as funding is made available for this  
16 purpose. In acquiring and protecting open space, the  
17 department shall:

18 (1) Accept applications for funding assistance from  
19 federal agencies, other state agencies, regional  
20 organizations, county conservation boards, city park and  
21 recreation agencies, and private organizations with an  
22 interest in open spaces.

23 (2) Obtain the maximum efficiency of funds appropriated  
24 for this program through the use of acquisition and protection  
25 techniques that provide the degree of protection required at  
26 the lowest cost.

27 (3) Encourage the provision of supporting or matching  
28 funds; however, the absence of these funds shall not prevent  
29 the approval of those projects of clear national importance.

30 2. The department may enter into contracts with private  
31 consultants for preparing all or part of the plan required  
32 under subsection 1, paragraph "b". The plan shall be  
33 submitted to the general assembly by July 1, 1988. Prior to  
34 submission of the plan to the general assembly, the department  
35 shall request comments on the proposed plan from state and

1 federal agencies and private organizations with interests in  
2 open space protection. The comments shall be submitted to the  
3 general assembly.

4 3. The department may initiate pilot acquisition and  
5 protection projects prior to completion of the open space plan  
6 if the pilot projects have high national significance as  
7 identified in section 1, subsection 2.

8 Sec. 3. NEW SECTION. 111E.3 FUNDING SOURCES.

9 1. To achieve the purposes of this chapter, the  
10 department, other state agencies, political subdivisions of  
11 the state, and private organizations may use funds from the  
12 following sources:

- 13 a. Appropriations by the general assembly.
- 14 b. Private grants and gifts.
- 15 c. Federal grants and loans intended for these purposes.

16 2. The department may enter into agreements with other  
17 state agencies, political subdivisions of the state, and  
18 private organizations for the purposes of carrying out this  
19 natural open space program or specific elements of the  
20 program.

21 EXPLANATION

22 This bill establishes a program for planning, acquiring,  
23 and protecting the state's open space areas. Special emphasis  
24 is placed on those areas of the state which have national  
25 significance. The goal of the program is to bring at least  
26 ten percent of the state's land area into some form of open  
27 space protection by the year 2000. The department of natural  
28 resources is responsible for conducting public education,  
29 planning, acquisition, and protection activities. Chapter  
30 111E is created as a new chapter.

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HOUSE FILE 620

64

1 Amend House File 620, as passed by the House, as  
2 follows:

3 1. Page 4, by inserting after line 20 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 111E.4 PAYMENT IN LIEU  
6 OF PROPERTY TAXES.

7 As a part of the budget proposal submitted to the  
8 general assembly under section 455A.4, subsection 1,  
9 paragraph "c", the director of the department of  
10 natural resources shall submit a budget request to pay  
11 the property taxes for the next fiscal year on open  
12 space property acquired by the department which would  
13 otherwise be subject to the levy of property taxes.  
14 The assessed value of open space property acquired by  
15 the department shall be that determined under section  
16 427.1, subsection 31, and the director may protest the  
17 assessed value in the manner provided by law for any  
18 property owner to protest an assessment. For the  
19 purposes of chapter 442, the assessed value of the  
20 open space property acquired by the department shall  
21 be included in the valuation base of the school  
22 district and the payments made pursuant to this  
23 section shall be considered as property tax revenues  
and not as miscellaneous income. The county treasurer  
shall certify taxes due to the department. The taxes  
26 shall be paid annually from the departmental fund or  
27 account from which the open space property acquisition  
28 was funded. If the departmental fund or account has  
29 no moneys or no longer exists, the taxes shall be paid  
30 from funds as otherwise provided by the general  
31 assembly. If the total amount of taxes due certified  
32 to the department exceeds the amount appropriated, the  
33 taxes due shall be reduced proportionately so that the  
34 total amount equals the amount appropriated. This  
35 section applies to open space property acquired by the  
36 department on or after January 1, 1987."

S-3464

Filed April 8, 1987

*Adopted 4/21/87 (p. 1439)*

BY COMMITTEE ON NATURAL RESOURCES  
HURLEY W. HALL, Chairperson

## SENATE AMENDMENT TO HOUSE FILE 620

H-4117

1 Amend House File 620, as passed by the House, as  
2 follows:

3 1. Page 4, by inserting after line 20 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 111E.4 PAYMENT IN LIEU  
6 OF PROPERTY TAXES.

7 As a part of the budget proposal submitted to the  
8 general assembly under section 455A.4, subsection 1,  
9 paragraph "c", the director of the department of  
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30 from funds as otherwise provided by the general  
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32 to the department exceeds the amount appropriated, the  
33 taxes due shall be reduced proportionately so that the  
34 total amount equals the amount appropriated. This  
35 section applies to open space property acquired by the  
36 department on or after January 1, 1987."

H-4117 FILED APRIL 30, 1987 RECEIVED FROM THE SENATE

*Have reviewed 5/6/87 (p. 2025)*

HSB 307

NATURAL RESOURCES AND  
OUTDOOR RECREATION

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON NATURAL  
RESOURCES AND OUTDOOR  
RECREATION BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the acquisition and protection of significant  
2 elements of the state's natural open space heritage.

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

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SUB COMMITTEE ASSIGNMENTS  
 CHAIR: *Larkin*  
 COMMITTEE: *Natural Resources*  
*3/20/87*



1 Section 1. NEW SECTION. 111E.1 STATEMENT OF PURPOSE --  
2 INTENT.

3 The general assembly finds that:

4 1. Iowa's most significant open space lands are essential  
5 to the well-being and quality of life for Iowans and to the  
6 economic viability of the state's recreation and tourism  
7 industry.

8 2. Many areas of high national significance in the state  
9 have not received adequate public protection to keep them free  
10 of visual blight, resource degradation, and negative impacts  
11 from inappropriate land use and surrounding development. Some  
12 of these areas include national park service and United States  
13 fish and wildlife service properties, national landmarks and  
14 trails, the Des Moines river greenbelt, the great river road,  
15 areas where interstate highways enter the state, cross major  
16 rivers, and pass by other areas of national significance,  
17 major state park and recreation areas, unique and protected  
18 water areas, and significant natural, geological, scenic,  
19 historic, and cultural properties of the state.

20 3. While state and federal funds are generally available  
21 for the acquisition and protection of fish and wildlife areas  
22 and habitats as well as boating access to public waters,  
23 funding programs for public open space acquisition and  
24 protection have not been adequate to meet needs.

25 4. Relative to other midwestern states, Iowa ranks last in  
26 the proportion of land acquired and protected for public open  
27 space.

28 5. A program shall be established to:

29 a. Educate the citizens of the state about the needs and  
30 urgency of protecting the state's open spaces.

31 b. Plan for the protection of the state's significant open  
32 space areas.

33 c. Acquire and protect those properties on a priority  
34 basis through a variety of appropriate means.

35 In addition to other goals for the program, it is intended

1 that a minimum of ten percent of the state's land area be  
2 included under some form of public open space protection by  
3 the year 2000.

4 Sec. 2. NEW SECTION. 111E.2 STATEWIDE OPEN SPACE  
5 ACQUISITION AND PROTECTION PROGRAM -- OBJECTIVES AND AGENCY  
6 DUTIES.

7 1. The department of natural resources has the following  
8 duties in undertaking programs to meet the objectives stated  
9 in section 111E.1.

10 a. Prepare and conduct new education and awareness  
11 programs designed to create greater public understanding of  
12 the needs, issues, and opportunities for protecting the  
13 state's significant open spaces. The department shall  
14 incorporate the recommendations of other state agencies and  
15 private sector organizations which have interests in open  
16 space protection. The department may enter into contracts  
17 with other agencies and the private sector for preparing and  
18 conducting these programs.

19 b. Prepare a statewide, long-range plan for the  
20 acquisition and protection of significant open space lands  
21 throughout the state as identified in section 111E.1. The  
22 department of transportation, department of economic  
23 development, and department of cultural affairs, private  
24 organizations, county conservation boards, city park and  
25 recreation departments, and the federal agencies with lands in  
26 the state shall be directly involved in preparing the plan.  
27 The plan shall include, but is not limited to, the following  
28 elements:

29 (1) Specific acquisition and protection needs and  
30 priorities for open space areas based on the following  
31 sequence of priorities:

- 32 (a) National.  
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1 (2) Identification of open space acquisition and  
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4 (3) Additional education and awareness programs which are  
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9 (5) Funding levels needed to accomplish the statewide open  
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17 department shall:

18 (1) Accept applications for funding assistance from  
19 federal agencies, other state agencies, regional  
20 organizations, county conservation boards, city park and  
21 recreation agencies, and private organizations with an  
22 interest in open spaces.

23 (2) Obtain the maximum efficiency of funds appropriated  
24 for this program through the use of acquisition and protection  
25 techniques that provide the degree of protection required at  
26 the lowest cost.

27 (3) Encourage the provision of supporting or matching  
28 funds; however, the absence of these funds shall not prevent  
29 the approval of those projects of clear national importance.

30 2. The department may enter into contracts with private  
31 consultants for preparing all or part of the plan required  
32 under subsection 1, paragraph "b". The plan shall be  
33 submitted to the general assembly by July 1, 1988. Prior to  
34 submission of the plan to the general assembly, the department  
35 shall request comments on the proposed plan from state and

1 federal agencies and private organizations with interests in  
2 open space protection. The comments shall be submitted to the  
3 general assembly.

4 3. The department may initiate pilot acquisition and  
5 protection projects prior to completion of the open space plan  
6 if the pilot projects have high national significance as  
7 identified in section 1, subsection 2.

8 Sec. 3. NEW SECTION. 111E.3 FUNDING SOURCES.

9 1. To achieve the purposes of this chapter, the  
10 department, other state agencies, political subdivisions of  
11 the state, and private organizations may use funds from the  
12 following sources:

- 13 a. Appropriations by the general assembly.
- 14 b. Private grants and gifts.
- 15 c. Federal grants and loans intended for these purposes.

16 2. The department may enter into agreements with other  
17 state agencies, political subdivisions of the state, and  
18 private organizations for the purposes of carrying out this  
19 natural open space program or specific elements of the  
20 program.

21 EXPLANATION

22 This bill establishes a program for planning, acquiring,  
23 and protecting the state's open space areas. Special emphasis  
24 is placed on those areas of the state which have national  
25 significance. The goal of the program is to bring at least  
26 ten percent of the state's land area into some form of open  
27 space protection by the year 2000. The department of natural  
28 resources is responsible for conducting public education,  
29 planning, acquisition, and protection activities. Chapter  
30 111E is created as a new chapter.

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HOUSE FILE 620

AN ACT

RELATING TO THE ACQUISITION AND PROTECTION OF SIGNIFICANT  
ELEMENTS OF THE STATE'S NATURAL OPEN SPACE HERITAGE.

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

Section 1. NEW SECTION. 111E.1 STATEMENT OF PURPOSE --  
INTENT.

The general assembly finds that:

1. Iowa's most significant open space lands are essential to the well-being and quality of life for Iowans and to the economic viability of the state's recreation and tourism industry.

2. Many areas of high national significance in the state have not received adequate public protection to keep them free of visual blight, resource degradation, and negative impacts from inappropriate land use and surrounding development. Some

of these areas include national park service and United States fish and wildlife service properties, national landmarks and trails, the Des Moines river greenbelt, the great river road, areas where interstate highways enter the state, cross major rivers, and pass by other areas of national significance, major state park and recreation areas, unique and protected water areas, and significant natural, geological, scenic, historic, and cultural properties of the state.

3. While state and federal funds are generally available for the acquisition and protection of fish and wildlife areas and habitats as well as boating access to public waters, funding programs for public open space acquisition and protection have not been adequate to meet needs.

4. Relative to other midwestern states, Iowa ranks last in the proportion of land acquired and protected for public open space.

5. A program shall be established to:

- a. Educate the citizens of the state about the needs and urgency of protecting the state's open spaces.
- b. Plan for the protection of the state's significant open space areas.
- c. Acquire and protect those properties on a priority basis through a variety of appropriate means.

In addition to other goals for the program, it is intended that a minimum of ten percent of the state's land area be included under some form of public open space protection by the year 2000.

Sec. 2. NEW SECTION. 111E.2 STATEWIDE OPEN SPACE  
ACQUISITION AND PROTECTION PROGRAM -- OBJECTIVES AND AGENCY  
DUTIES.

1. The department of natural resources has the following duties in undertaking programs to meet the objectives stated in section 111E.1.

- a. Prepare and conduct new education and awareness programs designed to create greater public understanding of

the needs, issues, and opportunities for protecting the state's significant open spaces. The department shall incorporate the recommendations of other state agencies and private sector organizations which have interests in open space protection. The department may enter into contracts with other agencies and the private sector for preparing and conducting these programs.

b. Prepare a statewide, long-range plan for the acquisition and protection of significant open space lands throughout the state as identified in section 111B.1. The department of transportation, department of economic development, and department of cultural affairs, private organizations, county conservation boards, city park and recreation departments, and the federal agencies with lands in the state shall be directly involved in preparing the plan. The plan shall include, but is not limited to, the following elements:

- (1) Specific acquisition and protection needs and priorities for open space areas based on the following sequence of priorities:
  - (a) National.
  - (b) Regional.
  - (c) Statewide.
  - (d) Local.
- (2) Identification of open space acquisition and protection techniques available or needed to carry out the plan.
- (3) Additional education and awareness programs which are needed to encourage the acquisition and protection of areas identified in the plan.
- (4) Management needs including maintenance, rehabilitation, and improvements.
- (5) Funding levels needed to accomplish the statewide open space programs.

(6) Recommendations as to how federal programs can be modified or developed to assist the state's open space programs.

c. Acquire and protect open space properties as identified by priority in the plan as funding is made available for this purpose. In acquiring and protecting open space, the department shall:

- (1) Accept applications for funding assistance from federal agencies, other state agencies, regional organizations, county conservation boards, city park and recreation agencies, and private organizations with an interest in open spaces.
  - (2) Obtain the maximum efficiency of funds appropriated for this program through the use of acquisition and protection techniques that provide the degree of protection required at the lowest cost.
  - (3) Encourage the provision of supporting or matching funds; however, the absence of these funds shall not prevent the approval of those projects of clear national importance.
2. The department may enter into contracts with private consultants for preparing all or part of the plan required under subsection 1, paragraph "b". The plan shall be submitted to the general assembly by July 1, 1988. Prior to submission of the plan to the general assembly, the department shall request comments on the proposed plan from state and federal agencies and private organizations with interests in open space protection. The comments shall be submitted to the general assembly.

3. The department may initiate pilot acquisition and protection projects prior to completion of the open space plan if the pilot projects have high national significance as identified in section 1, subsection 2.

#### Sec. 3. NEW SECTION. 111E.3 FUNDING SOURCES.

1. To achieve the purposes of this chapter, the department, other state agencies, political subdivisions of

the state, and private organizations may use funds from the following sources:

- a. Appropriations by the general assembly.
  - b. Private grants and gifts.
  - c. Federal grants and loans intended for these purposes.
2. The department may enter into agreements with other state agencies, political subdivisions of the state, and private organizations for the purposes of carrying out this natural open space program or specific elements of the program.

Sec. 4. NEW SECTION. 111E.4 PAYMENT IN LIEU OF PROPERTY TAXES.

As a part of the budget proposal submitted to the general assembly under section 455A.4, subsection 1, paragraph "c", the director of the department of natural resources shall submit a budget request to pay the property taxes for the next fiscal year on open space property acquired by the department which would otherwise be subject to the levy of property taxes. The assessed value of open space property acquired by the department shall be that determined under section 427.1, subsection 31, and the director may protest the assessed value in the manner provided by law for any property owner to protest an assessment. For the purposes of chapter 442, the assessed value of the open space property acquired by the department shall be included in the valuation base of the school district and the payments made pursuant to this section shall be considered as property tax revenues and not as miscellaneous income. The county treasurer shall certify taxes due to the department. The taxes shall be paid annually from the departmental fund or account from which the open space property acquisition was funded. If the departmental fund or account has no moneys or no longer exists, the taxes shall be paid from funds as otherwise provided by the general assembly. If the total amount of taxes due certified to the department exceeds the amount appropriated, the taxes due


shall be reduced proportionately so that the total amount equals the amount appropriated. This section applies to open space property acquired by the department on or after January 1, 1987.

.....  
 DONALD D. AVENSON  
 Speaker of the House

.....  
 JO ANN ZIMMERMAN  
 President of the Senate

I hereby certify that this bill originated in the House and is known as House File 620, Seventy-second General Assembly.

.....  
 JOSEPH O'HERN  
 Chief Clerk of the House

Approved  \_\_\_\_\_, 1987

.....  
 TERRY E. BRANSTAD  
 Governor

H. F. 620

HOUSE FILE 621

AN ACT

REQUIRING THE STATE VEHICLE DISPATCHER AND OTHER STATE AGENCIES TO SOLICIT BIDS FOR ETHANOL-BLENDED GASOLINE WHEN ADVERTISING FOR BIDS FOR GASOLINE.

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

Section 1. Section 18.115, subsection 9, Code 1987, is amended to read as follows:

9. All gasoline used in state-owned automobiles shall be purchased at cost from the various installations or garages of the state department of transportation, state board of regents, department of human services, or state car pools throughout the state, unless such purchases are exempted by the vehicle dispatcher. The vehicle dispatcher shall study and determine the reasonable accessibility of these state-owned sources for the purchase of gasoline. If these state-owned sources for the purchase of gasoline are not reasonably accessible, the vehicle dispatcher shall authorize the purchase of gasoline from other sources. The vehicle dispatcher may prescribe a manner, other than the use of the revolving fund, in which the purchase of gasoline from state-owned sources shall be charged to the department or agency responsible for the use of the automobile. The vehicle dispatcher shall prescribe the manner in which oil and other normal automobile maintenance for state-owned automobiles may be purchased from private sources, if they cannot be reasonably obtained from a state car pool. The state vehicle dispatcher may advertise for bids and award contracts for the furnishing of gasoline, oil, grease, and vehicle replacement parts for all state-owned vehicles. The state vehicle dispatcher and other state agencies, when advertising for bids

for gasoline, shall also seek bids for ethanol-blended gasoline.

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

\_\_\_\_\_  
JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 621, Seventy-second General Assembly.

Approved June 2, 1987

\_\_\_\_\_  
JOSEPH O'HERN  
Chief Clerk of the House

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor

HF 621