

Reprinted

MAR 25 1991

HOUSE FILE 610
BY COMMITTEE ON NATURAL RESOURCES

Place On Calendar

(SUCCESSOR TO HSB 265)

Passed House, Date 4/3/91 (p. 1042) Passed Senate, Date 4/30/91 ^(P.1544)
Vote: Ayes 97 Nays 0 Vote: Ayes 46 Nays 0

Approved June 6, 1991

A BILL FOR

- 1 An Act to create a Missouri river preservation and land use
- 2 authority and fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 610

H-3369

- 1 Amend House File 610 as follows:
- 2 1. Page 3, line 22, by inserting after the word
- 3 "river" the following: "and for annual payment of
- 4 property taxes on any land purchased. The county
- 5 treasurer shall certify the amount of taxes due to the
- 6 authority. The assessed value of the property held by
- 7 the authority shall be that value determined under
- 8 section 427.1, subsection 31, and the authority may
- 9 protest the assessed value in the manner provided by
- 10 law for any property owner to protest an assessment.
- 11 For purposes of chapter 257, the assessed value of any
- 12 property which was acquired by the authority shall be
- 13 included in the valuation base of the school district
- 14 and the payments made by the authority shall be con-
- 15 sidered as property tax revenues and not as
- 16 miscellaneous income".

By ROYER of Page

H-3369 FILED MARCH 27, 1991

Adopted 4/3/91

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1 Section 1. NEW SECTION. 108B.1 LEGISLATIVE FINDINGS.

2 The general assembly finds that the Missouri river is an
3 important natural resource to the state of Iowa and that the
4 creation of comprehensive plans which lead to the purchase,
5 development, and preservation of land adjacent to the Missouri
6 river will provide recreational and economic benefits to the
7 state and to the counties and cities which border on the
8 river. The general assembly further finds that current
9 planning and purchase efforts relating to development of
10 Missouri riverfront property have fallen short of the goal of
11 developing a comprehensive plan for the recreational
12 development of the Missouri river and that the creation of an
13 authority which has the exclusive right and mission of
14 engaging in these efforts will have a greater likelihood of
15 reaching the desired goal.

16 Sec. 2. NEW SECTION. 108B.2 MISSOURI RIVER PRESERVATION
17 AND LAND USE AUTHORITY -- CREATED.

18 1. A Missouri river preservation and land use authority is
19 created to exercise the exclusive power to engage in
20 comprehensive planning for and the development and
21 implementation of strategies designed to preserve and restore
22 the natural beauty of the land adjacent to and the water of
23 the Missouri river through state land acquisition and
24 regulation of activities along the Missouri river. The
25 authority shall be composed of a representative from each of
26 the county conservation boards of the counties which border on
27 the Missouri river, an elected official selected by the county
28 board of supervisors of each of the counties which border on
29 the Missouri river, six at-large public members, and four ex
30 officio members. The board of supervisors of the counties
31 which border on the Missouri river shall each appoint one of
32 the at-large public members, who shall possess a demonstrated
33 interest in or knowledge about natural resource conservation
34 and protection. Interest or knowledge of an at-large member
35 may be demonstrated by membership in an association or other

1 organization which is involved in conservation, environmental
2 protection, or related activities. The ex officio members of
3 the authority shall be composed of a representative from the
4 natural resource commission of the department of natural
5 resources, a representative from the state department of
6 transportation, a representative from the department of
7 cultural affairs, and a representative from the office of
8 attorney general. Members of the authority shall serve two-
9 year terms. Members who are also members of a county
10 conservation board or board of supervisors shall be reimbursed
11 only for actual expenses incurred while performing duties of
12 the authority. At-large members shall be reimbursed for
13 actual expenses and shall receive a per diem as specified in
14 section 7E.6 for their performance of duties for the
15 authority.

16 2. The mission of the authority is to research, develop
17 comprehensive plans, and implement strategies which emphasize
18 the creation of multipurpose recreational areas that foster
19 and accent the natural characteristics of the Missouri river
20 and which provide for environmentally sound land and water use
21 practices for all Iowa land adjacent to the Missouri river; to
22 designate and prioritize for purchase parcels of land which
23 are located in areas critical for the environmental health of
24 the Missouri river waterway; to develop plans for and to
25 acquire parcels of land to establish a public greenbelt along
26 the banks of the Missouri river; to develop plans for public
27 recreational use of lands adjacent to the Missouri river,
28 including but not limited to a public bicycle trail; and to
29 cooperate with county and city authorities, and federal and
30 state authorities in order to fulfill the mission of the
31 authority.

32 3. The authority shall develop plans and proposals and
33 conduct public hearings relating to the conservation,
34 preservation, and acquisition of land adjacent to the Missouri
35 river. In developing plans and proposals the authority shall

1 consult with any person or organization, which has interests
2 that would be affected by the acquisition and development of
3 Missouri river property in accordance with the mission of the
4 authority, including but not limited to utility companies,
5 municipalities, agricultural organizations, the corps of
6 engineers, rural water districts, soil and water conservation
7 districts, private water suppliers, business and industry
8 organizations, drainage and levee district associations,
9 benefited recreational lake districts, and any soil
10 conservation organizations. The authority shall include a
11 copy of any plans and proposals and shall document the results
12 and findings of those hearings in a report or series of
13 reports. The authority shall submit an initial report,
14 including an outline for a proposed ten-year plan and
15 strategies for the attainment of the goals of this section, to
16 the general assembly by the first day of the legislative
17 session which commences in 1993.

18 4. The authority shall administer the Missouri river
19 preservation and land use fund, under section 108B.3, and
20 shall deposit and expend moneys in the fund for the
21 development of plans for, development of, and purchase of
22 lands adjacent to the Missouri river. The expenditure of
23 funds may include, but is not limited to, use of moneys from
24 the Missouri river preservation and land use fund to match
25 funds from state, federal, and private resources.

26 5. The title to all property purchased by the authority
27 shall be taken in the name of the state. All lands purchased
28 shall be for public use, and not for private commercial
29 purposes, but the authority may permit the expenditure of
30 private funds for the improvement of land or water adjacent to
31 or purchased by the authority. All surveys and plats of lands
32 purchased by the authority shall be filed in the manner
33 provided in section 111.22. Land purchased by the authority
34 shall be managed and policed in the same manner as other
35 state-owned parks, except that, subject to the restrictions

1 contained in chapter 455B, the authority shall not be required
2 to obtain the prior permission of the natural resource
3 commission when using private funds to establish land or water
4 recreational areas, and any property purchased by the
5 authority shall not be sold without the prior notification and
6 consent of the authority.

7 Sec. 3. NEW SECTION. 108B.3 MISSOURI RIVER PRESERVATION
8 AND LAND USE FUND.

9 A Missouri river preservation and land use fund is
10 established in the office of treasurer of state, to be
11 administered by and subject to the use of the Missouri river
12 preservation and land use authority for the purposes
13 established in section 108B.2. The Missouri river
14 preservation and land use authority may accept gifts, grants,
15 bequests, other moneys including but not limited to state or
16 federal moneys, and in-kind contributions for deposit in the
17 fund for the use of the authority to carry out the authority's
18 mission. Gifts, grants, and bequests from public and private
19 sources, state and federal moneys, and other moneys received
20 by the authority shall be deposited in the fund and any
21 interest earned on the fund shall be credited to the fund to
22 be used for the purposes specified in section 108B.2.
23 Notwithstanding section 8.33, any unexpended or unencumbered
24 moneys remaining in the fund at the end of a fiscal year shall
25 not revert to the general fund, but shall remain available for
26 expenditure by the authority in succeeding fiscal years.

27 Sec. 4. Section 111.78, Code 1991, is amended to read as
28 follows:

29 111.78 METHOD NOT EXCLUSIVE.

30 This division shall not be the exclusive method for
31 establishing a water recreational area and shall not be
32 construed to prohibit the establishment of public recreational
33 areas by the Missouri river preservation and land use
34 authority under chapter 108B.

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EXPLANATION

1 This bill establishes a Missouri river preservation and
2 land use authority to engage in the formation of comprehensive
3 plans, and the implementation of those plans, for the
4 development of public recreational areas along the Missouri
5 river. The authority is to consist of a total of 22 members,
6 six members who are representatives of the county conservation
7 boards of the counties which border on the Missouri river, six
8 members who are elected officials from the counties which
9 border on the Missouri river, six at-large public members
10 selected by the boards of supervisors of the counties which
11 border on the Missouri river, and four ex officio members from
12 various state departments. The authority is to administer and
13 expend moneys in the Missouri river preservation and land use
14 fund for purposes of acquiring and developing land adjacent to
15 the Missouri river in order to create public recreational
16 areas. The authority is permitted to receive private
17 donations, in addition to state and federal moneys, for
18 deposit into the fund. Properties purchased by the authority
19 are to be managed and policed in the same manner as other
20 public parks. Title to property purchased by the authority is
21 to be in the name of the state and all surveys and plats of
22 the properties are to be registered and filed in the same
23 manner as property acquired for public parks by the natural
24 resource commission.

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HOUSE FILE 610
FISCAL NOTE REQUESTED BY SENATOR DOYLE

A fiscal note for House File 610 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 610 creates a Missouri River Preservation and Land Use Authority to initiate and coordinate preservation and acquisition of Iowa lands along the Missouri River. Title to lands acquired by the Authority will be held by the State, and property taxes will be paid on such lands.

Fiscal Effect:

House File 610 does not have a significant fiscal impact on State or local finances. Although members of the Authority will receive expenses, and certain members will receive per diem, the bill does not appropriate any funds for those purposes. Land purchased by the Authority will continue to provide property tax revenue for local governments. Any land purchased or expenses paid with State funds would require an appropriation. The only identifiable fiscal impact would result from costs incurred by State agencies in managing the land purchased by the Authority. This cost is projected to be negligible for the foreseeable future.

(LSB 2006HV, JWR)

FILED APRIL 18, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 610
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HSB 265)

(As Amended and Passed by the House April 3, 1991)

as amended by Senate (H. 3468)
Passed House *by* Date 5/2/91 (p. 2047) Passed Senate, Date 4/30/91 (p. 1544)
Vote: Ayes 97 Nays 0 Vote: Ayes 46 Nays 0
Approved June 6, 1991

A BILL FOR

1 An Act to create a Missouri river preservation and land use
2 authority and fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

House Amendments _____

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3 important natural resource to the state of Iowa and that the
4 creation of comprehensive plans which lead to the purchase,
5 development, and preservation of land adjacent to the Missouri
6 river will provide recreational and economic benefits to the
7 state and to the counties and cities which border on the
8 river. The general assembly further finds that current
9 planning and purchase efforts relating to development of
10 Missouri riverfront property have fallen short of the goal of
11 developing a comprehensive plan for the recreational
12 development of the Missouri river and that the creation of an
3442 13 authority which has the exclusive right and mission of
14 engaging in these efforts will have a greater likelihood of
15 reaching the desired goal.

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17 AND LAND USE AUTHORITY -- CREATED.

3442 18 1. A Missouri river preservation and land use authority is
19 created to exercise the exclusive power to engage in
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22 the natural beauty of the land adjacent to and the water of
23 the Missouri river through state land acquisition and
24 regulation of activities along the Missouri river. The
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26 the county conservation boards of the counties which border on
27 the Missouri river, an elected official selected by the county
28 board of supervisors of each of the counties which border on
29 the Missouri river, six at-large public members, and four ex
30 officio members. The board of supervisors of the counties
31 which border on the Missouri river shall each appoint one of
32 the at-large public members, who shall possess a demonstrated
33 interest in or knowledge about natural resource conservation
34 and protection. Interest or knowledge of an at-large member
35 may be demonstrated by membership in an association or other

1 organization which is involved in conservation, environmental
2 protection, or related activities. The ex officio members of
3 the authority shall be composed of a representative from the
4 natural resource commission of the department of natural
5 resources, a representative from the state department of
6 transportation, a representative from the department of
7 cultural affairs, and a representative from the office of
8 attorney general. Members of the authority shall serve two-
9 year terms. Members who are also members of a county
10 conservation board or board of supervisors shall be reimbursed
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12 the authority. At-large members shall be reimbursed for
13 actual expenses and shall receive a per diem as specified in
14 section 7E.6 for their performance of duties for the
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19 and accent the natural characteristics of the Missouri river
20 and which provide for environmentally sound land and water use
21 practices for all Iowa land adjacent to the Missouri river; to
22 designate and prioritize for purchase parcels of land which
23 are located in areas critical for the environmental health of
24 the Missouri river waterway; to develop plans for and to
25 acquire parcels of land to establish a public greenbelt along
26 the banks of the Missouri river; to develop plans for public
27 recreational use of lands adjacent to the Missouri river,
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30 state authorities in order to fulfill the mission of the
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35 river. In developing plans and proposals the authority shall

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3 Missouri river property in accordance with the mission of the
4 authority, including but not limited to utility companies,
5 municipalities, agricultural organizations, the corps of
6 engineers, rural water districts, soil and water conservation
7 districts, private water suppliers, business and industry
8 organizations, drainage and levee district associations,
9 benefited recreational lake districts, and any soil
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11 copy of any plans and proposals and shall document the results
12 and findings of those hearings in a report or series of
13 reports. The authority shall submit an initial report,
14 including an outline for a proposed ten-year plan and
15 strategies for the attainment of the goals of this section, to
16 the general assembly by the first day of the legislative
17 session which commences in 1993.

18 4. The authority shall administer the Missouri river
19 preservation and land use fund, under section 108B.3, and
20 shall deposit and expend moneys in the fund for the
21 development of plans for, development of, and purchase of
22 lands adjacent to the Missouri river and for annual payment of
23 property taxes on any land purchased. The county treasurer
24 shall certify the amount of taxes due to the authority. The
25 assessed value of the property held by the authority shall be
26 that value determined under section 427.1, subsection 31, and
27 the authority may protest the assessed value in the manner
28 provided by law for any property owner to protest an
29 assessment. For purposes of chapter 257, the assessed value
30 of any property which was acquired by the authority shall be
31 included in the valuation base of the school district and the
32 payments made by the authority shall be considered as property
33 tax revenues and not as miscellaneous income. The expenditure
34 of funds may include, but is not limited to, use of moneys
35 from the Missouri river preservation and land use fund to

1 match funds from state, federal, and private resources.

34422 5. The title to all property purchased by the authority
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4 shall be for public use, and not for private commercial
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6 private funds for the improvement of land or water adjacent to
7 or purchased by the authority. All surveys and plats of lands
8 purchased by the authority shall be filed in the manner
9 provided in section 111.22. Land purchased by the authority
10 shall be managed and policed in the same manner as other
11 state-owned parks, except that, subject to the restrictions
12 contained in chapter 455B, the authority shall not be required
13 to obtain the prior permission of the natural resource
14 commission when using private funds to establish land or water
15 recreational areas, and any property purchased by the
16 authority shall not be sold without the prior notification and
17 consent of the authority.

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20 A Missouri river preservation and land use fund is
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24 established in section 108B.2. The Missouri river
25 preservation and land use authority may accept gifts, grants,
26 bequests, other moneys including but not limited to state or
27 federal moneys, and in-kind contributions for deposit in the
28 fund for the use of the authority to carry out the authority's
29 mission. Gifts, grants, and bequests from public and private
30 sources, state and federal moneys, and other moneys received
31 by the authority shall be deposited in the fund and any
32 interest earned on the fund shall be credited to the fund to
33 be used for the purposes specified in section 108B.2.

34 Notwithstanding section 8.33, any unexpended or unencumbered
35 moneys remaining in the fund at the end of a fiscal year shall

1 not revert to the general fund, but shall remain available for
2 expenditure by the authority in succeeding fiscal years.

3 Sec. 4. Section 111.78, Code 1991, is amended to read as
4 follows:

5 111.78 METHOD NOT EXCLUSIVE.

6 This division shall not be the exclusive method for
7 establishing a water recreational area and shall not be
8 construed to prohibit the establishment of public recreational
9 areas by the Missouri river preservation and land use
10 authority under chapter 108B.

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HOUSE FILE 610

S-3408

1 Amend House File 610, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 34, by inserting after the word
4 "protection" the following: "and one of whom shall
5 also be actively engaged in the business of farming".
6 2. Page 3, line 17, by inserting after the figure
7 "1993." the following: "As part of the authority's
8 planning and coordinating effort, the authority shall
9 consult, at least annually, with the Iowa boundary
10 commission and shall send copies of the minutes of all
11 meetings of the authority to the commission. Within
12 one year of the effective date of this Act, the
13 authority shall meet with the Iowa boundary
14 commission. Meetings with the Iowa boundary
15 commission shall be held at a time and a place agreed
16 to between the commission and the authority."

By COMMITTEE ON NATURAL RESOURCES
WILLIAM PALMER, Chairperson

S-3408 FILED APRIL 12, 1991

Adopted 4/30/91 (p. 1544)

HOUSE FILE 610

S-3442

1 Amend House File 610, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 13, by striking the words
4 "exclusive right and".
5 2. Page 1, line 19, by striking the words "to
6 exercise the exclusive power".
7 3. Page 1, line 23, by striking the words
8 "acquisition and" and inserting the following:
9 "acquisition."
10 4. Page 1, by striking line 24, and inserting the
11 following: "Planning and implementation activities
12 shall be coordinated with plans and implementation
13 activities of the department of natural resources for
14 lands owned or acquired by the department. The".
15 5. Page 2, line 21, by striking the words "all
16 Iowa".
17 6. Page 4, line 3, by inserting after the word
18 "state." the following: "The authority may transfer
19 jurisdiction over any lands the authority acquires to
20 the department of natural resources, or may enter into
21 agreements with the department or the appropriate
22 county conservation board, for the management of the
23 lands."
24 7. Page 4, lines 10 and 11, by striking the words
25 "same manner as other state-owned parks" and inserting
26 the following: "manner provided under agreements
27 between the authority and the agency responsible for
28 management of the property".

By JOHN P. KIBBIE
AL STURGEON

Adopted 4/30 (p. 1544)

S-3442 FILED APRIL 16, 1991

HOUSE FILE 610

S-3459

1 Amend House File 610 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 4, line 3, by inserting after the word
4 "state" the following: ", but no land shall be
5 acquired through condemnation proceedings and all
6 purchases shall be from willing sellers".

By JACK W. HESTER
BERL E. PRIEBE

S-3459 FILED APRIL 17, 1991

Adopted 4/30/91 (p.1544)

HOUSE FILE 610

S-3622

1 Amend House File 610, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 11 through 15 and
4 inserting the following: "developing a comprehensive
5 plan for preservation and recreational development of
6 the Missouri river and that the establishment of an
7 authority working with the Iowa boundary commission
8 and given the mission of engaging in these efforts has
9 a greater likelihood of achieving the goals of
10 preservation of, and managed and beneficial
11 development of, the Missouri river and the adjoining
12 property. The general assembly further finds that the
13 coordination of this effort by the Iowa boundary
14 commission will provide the continued state
15 involvement necessary to assure success and will
16 result in the avoidance of unnecessary duplication of
17 effort."

18 2. Page 1, by striking lines 17 through 19, and
19 inserting the following: "AND LAND USE AUTHORITY --
20 ESTABLISHED.

21 1. A Missouri river preservation and land use
22 authority is established to make recommendations to
23 the Iowa boundary commission and to engage in such
24 activities as approved by the commission which involve
25 the".

26 3. By striking page 1, line 24, through page 2,
27 line 8 and inserting the following: "regulation of
28 activities along the Missouri river. The authority is
29 composed of the following members:

30 a. One representative from each of the county
31 conservation boards of the counties which border on
32 the Missouri river selected by the board of each
33 county.

34 b. One elected county official from each of the
35 counties which border on the Missouri river selected
36 by the county board of supervisors of each county.

37 c. One at-large public member from each of the
38 counties which border on the Missouri river selected
39 by the county board of supervisors of each county. An
40 at-large public member shall not be an elected
41 official and must possess a demonstrated interest in
42 or knowledge about natural resource conservation and
43 protection. Such interest or knowledge may be
44 demonstrated by the individual's active membership or
45 participation in an association or organization which
46 is involved in conservation, environmental protection,
47 or related activities.

48 d. Four ex officio members as follows:

49 (1) A representative of the natural resource
50 commission.

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Page 2

1 (2) A representative of the state department of
2 transportation.

3 (3) A representative of the department of cultural
4 affairs.

5 (4) A representative of the office of attorney
6 general.

7 2. Members of the authority shall serve two-".

8 4. By striking page 2, line 16 through page 3,
9 line 1, and inserting the following:

10 "3. The authority shall do all of the following:

11 a. Research, develop, and recommend to the Iowa
12 boundary commission comprehensive strategies and
13 implementation plans which emphasize the establishment
14 of multipurpose recreation and preservation reserve
15 areas that foster and accent the natural
16 characteristics of the Missouri river and which
17 provide for environmentally sound land and water use
18 practices and the protection of wildlife habitat areas
19 adjacent to the Missouri river.

20 b. Develop and recommend to the Iowa boundary
21 commission a plan concerning acquisition of land
22 adjacent to the Missouri river which designates and
23 prioritizes for purchase or acquisition, parcels of
24 land which are located in areas critical for the
25 protection of the Missouri river and adjacent land.

26 c. Develop and recommend to the Iowa boundary
27 commission plans for public recreational use of the
28 Missouri river and lands adjacent to the Missouri
29 river including, but not limited to, a public bicycle
30 trail extending through all six counties bordering on
31 the Missouri river.

32 d. Cooperate with county and city authorities, and
33 federal and state authorities in order to fulfill the
34 mission of the authority.

35 4. The authority shall conduct public hearings in
36 developing the plans required under subsection 3, and
37 consult with any person or organization, which has
38 interests".

39 5. Page 3, by striking lines 10 through 20 and
40 inserting the following: "conservation organizations.
41 The authority shall deliver to the Iowa boundary
42 commission a copy of any plans or proposals, in
43 addition to the results and findings of the public
44 hearings related to such plans or proposals. The
45 authority shall submit an initial report, including an
46 outline for a proposed ten-year plan including
47 strategies for the attainment of the goals established
48 in this section, to the Iowa boundary commission and
49 the general assembly by January 1, 1993.

50 5. The authority shall deposit and, after

S-3622

Page 3

1 receiving approval from the Iowa boundary commission,
2 expend moneys in the Missouri river preservation and
3 land use fund established in section 108B.3, for the".

4 6. Page 4, line 2, by striking the figure "5" and
5 inserting the following: "6".

6 7. Page 4, line 17, by inserting after the word
7 "of" the following: "the Iowa boundary commission
8 after recommendation by".

9 8. Page 4, line 23, by inserting after the word
10 "authority" the following: "as provided in and".

By COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBIE, Chairperson

S-3622 FILED APRIL 29, 1991

Leg. 4/30/91 (p. 1544)

HOUSE FILE 610

S-3646

1 Amend House File 610, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 13, by striking the words
4 "exclusive right and".

5 2. Page 1, line 19, by striking the words "to
6 exercise the exclusive power".

7 3. Page 1, line 23, by striking the words
8 "acquisition and" and inserting the following:
9 "acquisition."

10 4. Page 1, by striking line 24, and inserting the
11 following: "Planning and implementation activities
12 shall be coordinated with plans and implementation
13 activities of the department of natural resources for
14 lands owned or acquired by the department. The".

15 5. Page 2, line 21, by striking the words "all
16 Iowa".

17 6. Page 4, line 3, by inserting after the word
18 "state." the following: "The authority may transfer
19 jurisdiction over any lands the authority acquires to
20 the department of natural resources, or may enter into
21 agreements with the department or the appropriate
22 county conservation board, for the management of the
23 lands."

24 7. Page 4, lines 10 and 11, by striking the words
25 "same manner as other state-owned parks" and inserting
26 the following: "manner provided under agreements
27 between the authority and the agency responsible for
28 management of the property".

By AL STURGEON

S-3646 FILED APRIL 30, 1991

RULED OUT OF ORDER *(p. 1544)*

SENATE AMENDMENT TO HOUSE FILE 610

H-3980

- 1 Amend House File 610, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, line 13, by striking the words
4 "exclusive right and".
- 5 2. Page 1, line 19, by striking the words "to
6 exercise the exclusive power".
- 7 3. Page 1, line 23, by striking the words
8 "acquisition and" and inserting the following:
9 "acquisition."
- 10 4. Page 1, by striking line 24, and inserting the
11 following: "Planning and implementation activities
12 shall be coordinated with plans and implementation
13 activities of the department of natural resources for
14 lands owned or acquired by the department. The".
- 15 5. Page 1, line 34, by inserting after the word
16 "protection" the following: "and one of whom shall
17 also be actively engaged in the business of farming".
- 18 6. Page 2, line 21, by striking the words "all
19 Iowa".
- 20 7. Page 3, line 17, by inserting after the figure
21 "1993." the following: "As part of the authority's
22 planning and coordinating effort, the authority shall
23 consult, at least annually, with the Iowa boundary
24 commission and shall send copies of the minutes of all
25 meetings of the authority to the commission. Within
26 one year of the effective date of this Act, the
27 authority shall meet with the Iowa boundary
28 commission. Meetings with the Iowa boundary
29 commission shall be held at a time and a place agreed
30 to between the commission and the authority."
- 31 8. Page 4, line 3, by inserting after the word
32 "state" the following: ", but no land shall be
33 acquired through condemnation proceedings and all
34 purchases shall be from willing sellers".
- 35 9. Page 4, line 3, by inserting after the word
36 "state." the following: "The authority may transfer
37 jurisdiction over any lands the authority acquires to
38 the department of natural resources, or may enter into
39 agreements with the department or the appropriate
40 county conservation board, for the management of the
41 lands."
- 42 10. Page 4, lines 10 and 11, by striking the
43 words "same manner as other state-owned parks" and
44 inserting the following: "manner provided under
45 agreements between the authority and the agency
46 responsible for management of the property".
- 47 11. By renumbering, relettering, or redesignating
48 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-3980 FILED APRIL 30, 1991

House concurred 5/2/91 (p. 2047)

Hatch
Black
Royer

HSB 265

NATURAL RESOURCES AND
OUTDOOR RECREATION

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL
BY CHAIRPERSON BLACK)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to create a Missouri river preservation and land use
2 authority and fund.

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

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1 Section 1. NEW SECTION. 108B.1 LEGISLATIVE FINDINGS.

2 The general assembly finds that the Missouri river is an
3 important natural resource to the state of Iowa and that the
4 creation of comprehensive plans which lead to the purchase,
5 development, and preservation of land adjacent to the Missouri
6 river will provide recreational and economic benefits to the
7 state and to the counties and cities which border on the
8 river. The general assembly further finds that current
9 planning and purchase efforts relating to development of
10 Missouri riverfront property have fallen short of the goal of
11 developing a comprehensive plan for the recreational
12 development of the Missouri river and that the creation of an
13 authority which has the exclusive right and mission of
14 engaging in these efforts will have a greater likelihood of
15 reaching the desired goal.

16 Sec. 2. NEW SECTION. 108B.2 MISSOURI RIVER PRESERVATION
17 AND LAND USE AUTHORITY -- CREATED.

18 1. A Missouri river preservation and land use authority is
19 created to exercise the exclusive power to engage in
20 comprehensive planning for and the development and
21 implementation of strategies designed to preserve and restore
22 the natural beauty of the land adjacent to and the water of
23 the Missouri river through state land acquisition and
24 regulation of activities along the Missouri river. The
25 authority shall be composed of a representative from each of
26 the county conservation boards of the counties which border on
27 the Missouri river, an elected official selected by the county
28 board of supervisors of each of the counties which border on
29 the Missouri river, and six at-large public members. The
30 board of supervisors of the counties which border on the
31 Missouri river shall each appoint one of the at-large public
32 members, who shall possess a demonstrated interest in or
33 knowledge about natural resource conservation and protection.
34 Interest or knowledge of an at-large member may be
35 demonstrated by membership in an association or other

1 organization which is involved in conservation, environmental
2 protection, or related activities. Members of the authority
3 shall serve two-year terms. Members who are also members of a
4 county conservation board or board of supervisors shall be
5 reimbursed only for actual expenses incurred while performing
6 duties of the authority. At-large members shall be reimbursed
7 for actual expenses and shall receive a per diem as specified
8 in section 7E.6 for their performance of duties for the
9 authority.

10 2. The mission of the authority is to research, develop
11 comprehensive plans, and implement strategies which emphasize
12 the creation of multipurpose recreational areas that foster
13 and accent the natural characteristics of the Missouri river
14 and which provide for environmentally sound land and water use
15 practices for all Iowa land adjacent to the Missouri river; to
16 designate and prioritize for purchase parcels of land which
17 are located in areas critical for the environmental health of
18 the Missouri river waterway; to develop plans for and to
19 acquire parcels of land to establish a public greenbelt along
20 the banks of the Missouri river; to develop plans for public
21 recreational use of lands adjacent to the Missouri river,
22 including but not limited to a public bicycle trail; and to
23 cooperate with county and city authorities, and federal and
24 state authorities in order to fulfill the mission of the
25 authority.

26 3. The authority shall develop plans and proposals and
27 conduct public hearings relating to the conservation,
28 preservation, and acquisition of land adjacent to the Missouri
29 river and shall document the results and findings of those
30 hearings in a report or series of reports. The authority
31 shall submit an initial report, including an outline for a
32 proposed ten-year plan and strategies for the attainment of
33 the goals of this section, to the general assembly by the
34 first day of the legislative session which commences in 1993.

35 4. The authority shall administer the Missouri river

1 preservation and land use fund, under section 108B.3, and
2 shall deposit and expend moneys in the fund for the
3 development of plans for, development of, and purchase of
4 lands adjacent to the Missouri river. The expenditure of
5 funds may include, but is not limited to, use of moneys from
6 the Missouri river preservation and land use fund to match
7 funds from state, federal, and private resources.

8 5. The title to all property purchased by the authority
9 shall be taken in the name of the state. All lands purchased
10 shall be for public use, and not for private commercial
11 purposes, but the authority may permit the expenditure of
12 private funds for the improvement of land or water adjacent to
13 or purchased by the authority. All surveys and plats of lands
14 purchased by the authority shall be filed in the manner
15 provided in section 111.22. Land purchased by the authority
16 shall be managed and policed in the same manner as other
17 state-owned parks, except that, subject to the restrictions
18 contained in chapter 455B, the authority shall not be required
19 to obtain the prior permission of the natural resource
20 commission when using private funds to establish land or water
21 recreational areas, and any property purchased by the
22 authority shall not be sold without the prior notification and
23 consent of the authority.

24 Sec. 3. NEW SECTION. 108B.3 MISSOURI RIVER PRESERVATION
25 AND LAND USE FUND.

26 A Missouri river preservation and land use fund is
27 established in the office of treasurer of state, to be
28 administered by and subject to the use of the Missouri river
29 preservation and land use authority for the purposes
30 established in section 108B.2. The Missouri river
31 preservation and land use authority may accept gifts, grants,
32 bequests, other moneys including but not limited to state or
33 federal moneys, and in-kind contributions for deposit in the
34 fund for the use of the authority to carry out the authority's
35 mission. Gifts, grants, and bequests from public and private

1 sources, state and federal moneys, and other moneys received
2 by the authority shall be deposited in the fund and any
3 interest earned on the fund shall be credited to the fund to
4 be used for the purposes specified in section 108B.2.
5 Notwithstanding section 8.33, any unexpended or unencumbered
6 moneys remaining in the fund at the end of a fiscal year shall
7 not revert to the general fund, but shall remain available for
8 expenditure by the authority in succeeding fiscal years.

9 Sec. 4. Section 111.78, Code 1991, is amended to read as
10 follows:

11 111.78 METHOD NOT EXCLUSIVE.

12 This division shall not be the exclusive method for
13 establishing a water recreational area and shall not be
14 construed to prohibit the establishment of public recreational
15 areas by the Missouri river preservation and land use
16 authority under chapter 108B.

17 EXPLANATION

18 This bill establishes a Missouri river preservation and
19 land use authority to engage in the formation of comprehensive
20 plans, and the implementation of those plans, for the
21 development of public recreational areas along the Missouri
22 river. The authority is to consist of a total of 18 members,
23 six members who are representatives of the county conservation
24 boards of the counties which border on the Missouri river, six
25 members who are elected officials from the counties which
26 border on the Missouri river, and six at-large public members
27 selected by the boards of supervisors of the counties which
28 border on the Missouri river. The authority is to administer
29 and expend moneys in the Missouri river preservation and land
30 use fund for purposes of acquiring and developing land
31 adjacent to the Missouri river in order to create public
32 recreational areas. The authority is permitted to receive
33 private donations, in addition to state and federal moneys,
34 for deposit into the fund. Properties purchased by the
35 authority are to be managed and policed in the same manner as

S.F. _____ H.F. _____

1 other public parks. Title to property purchased by the
2 authority is to be in the name of the state and all surveys
3 and plats of the properties are to be registered and filed in
4 the same manner as property acquired for public parks by the
5 natural resource commission.

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HOUSE FILE 610

AN ACT

TO CREATE A MISSOURI RIVER PRESERVATION AND LAND USE AUTHORITY
AND FUND.

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

Section 1. NEW SECTION. 108B.1 LEGISLATIVE FINDINGS.

The general assembly finds that the Missouri river is an important natural resource to the state of Iowa and that the creation of comprehensive plans which lead to the purchase, development, and preservation of land adjacent to the Missouri river will provide recreational and economic benefits to the state and to the counties and cities which border on the river. The general assembly further finds that current planning and purchase efforts relating to development of Missouri riverfront property have fallen short of the goal of developing a comprehensive plan for the recreational development of the Missouri river and that the creation of an authority which has the mission of engaging in these efforts will have a greater likelihood of reaching the desired goal.

Sec. 2. NEW SECTION. 108B.2 MISSOURI RIVER PRESERVATION AND LAND USE AUTHORITY -- CREATED.

1. A Missouri river preservation and land use authority is created to engage in comprehensive planning for and the development and implementation of strategies designed to preserve and restore the natural beauty of the land adjacent to and the water of the Missouri river through state land acquisition. Planning and implementation activities shall be coordinated with plans and implementation activities of the department of natural resources for lands owned or acquired by

the department. The authority shall be composed of a representative from each of the county conservation boards of the counties which border on the Missouri river, an elected official selected by the county board of supervisors of each of the counties which border on the Missouri river, six at-large public members, and four ex officio members. The board of supervisors of the counties which border on the Missouri river shall each appoint one of the at-large public members, who shall possess a demonstrated interest in or knowledge about natural resource conservation and protection and one of whom shall also be actively engaged in the business of farming. Interest or knowledge of an at-large member may be demonstrated by membership in an association or other organization which is involved in conservation, environmental protection, or related activities. The ex officio members of the authority shall be composed of a representative from the natural resource commission of the department of natural resources, a representative from the state department of transportation, a representative from the department of cultural affairs, and a representative from the office of attorney general. Members of the authority shall serve two-year terms. Members who are also members of a county conservation board or board of supervisors shall be reimbursed only for actual expenses incurred while performing duties of the authority. At-large members shall be reimbursed for actual expenses and shall receive a per diem as specified in section 7B.6 for their performance of duties for the authority.

2. The mission of the authority is to research, develop comprehensive plans, and implement strategies which emphasize the creation of multipurpose recreational areas that foster and accent the natural characteristics of the Missouri river and which provide for environmentally sound land and water use practices for land adjacent to the Missouri river; to designate and prioritize for purchase parcels of land which

are located in areas critical for the environmental health of the Missouri river waterway; to develop plans for and to acquire parcels of land to establish a public greenbelt along the banks of the Missouri river; to develop plans for public recreational use of lands adjacent to the Missouri river, including but not limited to a public bicycle trail; and to cooperate with county and city authorities, and federal and state authorities in order to fulfill the mission of the authority.

3. The authority shall develop plans and proposals and conduct public hearings relating to the conservation, preservation, and acquisition of land adjacent to the Missouri river. In developing plans and proposals the authority shall consult with any person or organization, which has interests that would be affected by the acquisition and development of Missouri river property in accordance with the mission of the authority, including but not limited to utility companies, municipalities, agricultural organizations, the corps of engineers, rural water districts, soil and water conservation districts, private water suppliers, business and industry organizations, drainage and levee district associations, benefited recreational lake districts, and any soil conservation organizations. The authority shall include a copy of any plans and proposals and shall document the results and findings of those hearings in a report or series of reports. The authority shall submit an initial report, including an outline for a proposed ten-year plan and strategies for the attainment of the goals of this section, to the general assembly by the first day of the legislative session which commences in 1993. As part of the authority's planning and coordinating effort, the authority shall consult, at least annually, with the Iowa boundary commission and shall send copies of the minutes of all meetings of the authority to the commission. Within one year of the effective date of this Act, the authority shall meet with the Iowa boundary

commission. Meetings with the Iowa boundary commission shall be held at a time and a place agreed to between the commission and the authority.

4. The authority shall administer the Missouri river preservation and land use fund, under section 308B.3, and shall deposit and expend moneys in the fund for the development of plans for, development of, and purchase of lands adjacent to the Missouri river and for annual payment of property taxes on any land purchased. The county treasurer shall certify the amount of taxes due to the authority. The assessed value of the property held by the authority shall be that value determined under section 425.1, subsection 31, and the authority may protest the assessed value in the manner provided by law for any property owner to protest an assessment. For purposes of chapter 257, the assessed value of any property which was acquired by the authority shall be included in the valuation base of the school district and the payments made by the authority shall be considered as property tax revenues and not as miscellaneous income. The expenditure of funds may include, but is not limited to, use of moneys from the Missouri river preservation and land use fund to match funds from state, federal, and private resources.

5. The title to all property purchased by the authority shall be taken in the name of the state, but no land shall be acquired through condemnation proceedings and all purchases shall be from willing sellers. The authority may transfer jurisdiction over any lands the authority acquires to the department of natural resources, or may enter into agreements with the department or the appropriate county conservation board, for the management of the lands. All lands purchased shall be for public use, and not for private commercial purposes, but the authority may permit the expenditure of private funds for the improvement of land or water adjacent to or purchased by the authority. All surveys and plats of lands purchased by the authority shall be filed in the manner

provided in section 111.22. Land purchased by the authority shall be managed and policed in the manner provided under agreements between the authority and the agency responsible for management of the property, except that, subject to the restrictions contained in chapter 495B, the authority shall not be required to obtain the prior permission of the natural resource commission when using private funds to establish land or water recreational areas, and any property purchased by the authority shall not be sold without the prior notification and consent of the authority.

Sec. 3. NEW SECTION. 108B.3 MISSOURI RIVER PRESERVATION AND LAND USE FUND.

A Missouri river preservation and land use fund is established in the office of treasurer of state, to be administered by and subject to the use of the Missouri river preservation and land use authority for the purposes established in section 108B.2. The Missouri river preservation and land use authority may accept gifts, grants, requests, other moneys including but not limited to state or federal moneys, and in-kind contributions for deposit in the fund for the use of the authority to carry out the authority's mission. Gifts, grants, and bequests from public and private sources, state and federal moneys, and other moneys received by the authority shall be deposited in the fund and any interest earned on the fund shall be credited to the fund to be used for the purposes specified in section 108B.2. Notwithstanding section 8.32, any unexpended or unencumbered moneys remaining in the fund at the end of a fiscal year shall not revert to the general fund, but shall remain available for expenditure by the authority in succeeding fiscal years.

Sec. 4. Section 111.78, Code 1991, is amended to read as follows:

111.78 METHOD NOT EXCLUSIVE.

This division shall not be the exclusive method for establishing a water recreational area and shall not be

construed to prohibit the establishment of public recreational areas by the Missouri river preservation and land use authority under chapter 108B.

ROBERT C. ARNOLD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 610, Seventy-fourth General Assembly.

JOSEPH O'HEERN
Chief Clerk of the House

Approved *June 6*, 1991

TERRY E. BRANSTAD
Governor

HF 610