

3-11-97 Do Pass  
4-7-97 Referred to Nat. Res.

MAR 6 1997  
NATURAL RESOURCES

HOUSE FILE 480  
BY GREIG

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the repair and reconstruction of state  
2 property, and establishing oversight councils.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 480

1 Section 1. NEW SECTION. 262.34C REPAIR AND RESTORATION  
2 COUNCIL.

3 1. a. The board shall establish a repair and restoration  
4 council which shall be composed of at least five members  
5 appointed by the board. Members shall be persons with a  
6 demonstrated interest in the facilities and grounds of  
7 existing institutions governed by the board, and the  
8 maintenance of those facilities and grounds. Each member of  
9 the council shall serve a term of five years, and shall be  
10 eligible for reappointment. A vacancy on the panel shall be  
11 filled for the unexpired portion of the regular term in the  
12 same manner as regular appointments are made.

13 b. The board shall reimburse each member for actual  
14 expenses incurred by the member in performance of the duties  
15 of the council from moneys available to the board.

16 c. A majority of voting members constitutes a quorum, and  
17 the affirmative vote of a majority present is necessary for  
18 any action taken by the council, except that a lesser number  
19 may adjourn a meeting. A majority shall not include any  
20 member who has a conflict of interest and a statement by a  
21 member that the member has a conflict of interest is  
22 conclusive for this purpose. A vacancy in the membership of  
23 the council does not impair the rights of a quorum to exercise  
24 all rights and perform all duties of the council.

25 d. The council shall meet as needed, but at least twice a  
26 year. The council shall meet upon call of the chairperson, or  
27 upon written request of a majority of members of the council.

28 2. The council shall advise the board regarding issues and  
29 recommendations relating to the repair and restoration of  
30 facilities and grounds of institutions governed by the board,  
31 and specifically buildings which do not meet federal or state  
32 fire or safety code requirements.

33 3. The council shall develop and update a plan for the  
34 long-term maintenance of existing facilities and grounds of  
35 institutions governed by the board, which shall be submitted

1 to the board and the general assembly. Each year, the council  
2 shall report to the board recommendations for repairing and  
3 restoring existing facilities and grounds that have not been  
4 maintained and need repair or restoration, which may include  
5 reconstruction or replacement. Each fifth year the council  
6 shall submit a list of not more than ten projects for repair  
7 or restoration. The board shall develop a plan for  
8 immediately carrying out the repair or restoration projects.  
9 Each two years, the council must certify that the department  
10 is carrying out the repair or restoration projects. The board  
11 shall suspend the acquisition of land or the new construction  
12 of buildings, until the council certifies that the board is  
13 carrying out the repair or restoration projects.

14 Sec. 2. NEW SECTION. 455A.12 NATURAL RESOURCE REPAIR AND  
15 RESTORATION COUNCIL.

16 1. a. The natural resource repair and restoration council  
17 shall be established within the parks and preserves division  
18 of the department and shall be composed of at least five  
19 members appointed by the director with approval by the natural  
20 resource commission. Members shall be persons with a  
21 demonstrated interest in the maintenance of natural lands, and  
22 existing facilities and improvements located on natural lands,  
23 which are dedicated for public use and under the supervision  
24 of the department. Each member of the council shall serve a  
25 term of five years, and shall be eligible for reappointment.  
26 A vacancy on the panel shall be filled for the unexpired  
27 portion of the regular term in the same manner as regular  
28 appointments are made.

29 b. The department shall reimburse each member for actual  
30 expenses incurred by the member in performance of the duties  
31 of the council.

32 c. A majority of voting members constitutes a quorum, and  
33 the affirmative vote of a majority present is necessary for  
34 any action taken by the council, except that a lesser number  
35 may adjourn a meeting. A majority shall not include any

1 member who has a conflict of interest and a statement by a  
2 member that the member has a conflict of interest is  
3 conclusive for this purpose. A vacancy in the membership of  
4 the council does not impair the rights of a quorum to exercise  
5 all rights and perform all duties of the council.

6 d. The council shall meet as needed, but at least twice a  
7 year. The council shall meet upon call of the chairperson, or  
8 upon written request of a majority of members of the council.

9 2. The council shall advise the department and the natural  
10 resource commission, regarding issues and recommendations  
11 relating to the repair and restoration of existing facilities  
12 and improvements located on lands which are under the direct  
13 supervision of the department, including state parks and state  
14 recreation areas. The council shall consider the condition of  
15 existing facilities and improvements, including but not  
16 limited to structures, shelters, picnic tables, playgrounds,  
17 beaches, trails, campsites, greenbelts, and docks.

18 3. The council shall develop and update a plan for the  
19 long-term maintenance of existing facilities and improvements,  
20 which shall be submitted to the department and the general  
21 assembly. Each year, the council shall report to the director  
22 and the natural resource commission recommendations for  
23 repairing and restoring existing facilities and improvements  
24 that have not been maintained and need repair or restoration,  
25 which may include reconstruction or replacement. Each fifth  
26 year the council shall submit a list to the department,  
27 commission, and general assembly of not more than ten projects  
28 for repair or restoration. The department shall develop a  
29 plan for immediately carrying out the repair or restoration  
30 projects. Each two years, the council must certify that the  
31 department is carrying out the repair or restoration projects.  
32 The department shall suspend the acquisition of open space  
33 land as provided in chapter 465A, until the council certifies  
34 that the department is actively engaged in carrying out the  
35 repair or reconstruction projects.

1     Sec. 3. Section 465A.2, Code 1997, is amended by adding  
2 the following new subsection:

3     NEW SUBSECTION. 4. The department shall not acquire open  
4 space land under this chapter unless the natural resource  
5 repair and restoration council certifies that the department  
6 has complied with section 455A.12 by carrying out projects for  
7 the repair or restoration of facilities or improvements on  
8 lands under the supervision of the department.

9

EXPLANATION

10    This bill requires the state board of regents and the  
11 department of natural resources to each establish a council to  
12 evaluate the maintenance needs of institutions governed by the  
13 board and the department. The bill provides procedures for  
14 the operation of the councils. A council serves an advisory  
15 capacity and is required to establish a long-term maintenance  
16 plan and make annual reports to the board or the department.  
17 Each fifth year a council must submit a list of not more than  
18 10 projects for repair or restoration which the board or  
19 department must immediately carry out. Each two years, a  
20 council must certify that the board or department is carrying  
21 out the repair or restoration projects. The bill restricts  
22 the board or department from acquiring land or beginning new  
23 construction until the board certifies that the repair or  
24 restoration projects are being accomplished.

25

26

27

28

29

30

31

32

33

34

35