

REPRINTED

2/9/99 Rereferred To: Local Prod.  
3/2/99 Amend/Do Pass w/ H-1044

FEB 5 1999  
NATURAL RESOURCES

HOUSE FILE 218  
BY BARRY

(p. 607)  
Passed House, Date 3/10/99  
Vote: Ayes 98 Nays 0  
Approved May 12, 1999

(p. 1234)  
Passed Senate, Date 4/21/99  
Vote: Ayes 48 Nays 0

A BILL FOR

1 An Act creating a loess hills preservation and development  
2 alliance, providing for its powers and duties, and providing  
3 for other properly related matters.

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

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HF 218

1 Section 1. Section 161D.2, Code 1999, is amended to read  
2 as follows:

3 161D.2 LOESS HILLS DEVELOPMENT AND CONSERVATION FUND.

4 A loess hills development and conservation fund is created  
5 in the state treasury, ~~to~~. The fund shall include a hungry  
6 canyons account which shall be administered by the loess hills  
7 development and conservation authority and a preservation and  
8 development account which shall be administered by the loess  
9 hills preservation and development alliance, and any other  
10 accounts which may be created and administered by the  
11 authority. The proceeds of the fund respective accounts shall  
12 be used for the purposes specified in section 161D.1 or 161D.6  
13 as applicable. The loess hills development and conservation  
14 authority may accept gifts, bequests, other moneys including,  
15 but not limited to, state or federal moneys, and in-kind  
16 contributions for deposit in the fund. The gifts, grants,  
17 bequests from public and private sources, state and federal  
18 moneys, and other moneys received by the authority shall be  
19 deposited in the fund respective accounts and any interest  
20 earned ~~on the fund~~ shall be credited to the fund respective  
21 accounts to be used for the purposes specified in section  
22 161D.1 or 161D.6 as applicable. Notwithstanding section 8.33,  
23 any unexpended or unencumbered moneys remaining in the fund at  
24 the end of the fiscal year shall not revert to the general  
25 fund of the state, but the moneys shall remain available for  
26 expenditure by the authority or the alliance as applicable in  
27 succeeding fiscal years.

28 Sec. 2. NEW SECTION. 161D.3 DEFINITIONS.

29 As used in this chapter, unless the context otherwise  
30 requires:

- 31 1. "Alliance" means the loess hills preservation and
- 32 development alliance created in section 161D.5.
- 33 2. "Authority" means the loess hills development and
- 34 conservation authority created in section 161D.1.
- 35 3. "Fund" means the loess hills development and

1 conservation fund created in section 161D.2.

2 Sec. 3. NEW SECTION. 161D.4 MISSION STATEMENT.

3 The mission of the loess hills preservation and development  
4 alliance is to create a common vision for Iowa's loess hills,  
5 protecting special natural and cultural resources while  
6 ensuring economic viability and private property rights of the  
7 region.

8 Sec. 4. NEW SECTION. 161D.5 LOESS HILLS PRESERVATION  
9 ALLIANCE CREATED.

10 1. A loess hills preservation and development alliance is  
11 created. The alliance shall carry out its powers and duties  
12 under the general direction of the loess hills development and  
13 conservation authority. The alliance shall encompass the  
14 geographic region including the counties of Plymouth,  
15 Woodbury, Monona, Harrison, Pottawattamie, Mills, and Fremont.  
16 Membership and participation in projects of the alliance is  
17 not required. The alliance shall be governed by a board of  
18 directors including the following voting membership:

19 a. Three members appointed by the board of supervisors of  
20 each county participating in the alliance with at least one of  
21 the appointees being a member of the board of supervisors.

22 b. The chairperson or designee of the board of directors  
23 of the golden hills resource conservation and development  
24 agency.

25 c. The regional president of the western Iowa tourism  
26 region.

27 d. The director of local and environmental affairs of the  
28 Iowa farm bureau federation.

29 e. The state director of the nature conservancy.

30 f. The president of the Iowa natural heritage foundation.

31 g. The chairperson of the professional developers of Iowa.

32 h. The chairperson of the Iowa bankers association.

33 2. The administrator of the soil conservation division of  
34 the department of agriculture and land stewardship, a staff  
35 coordinator or director of the councils of governments serving

1 the counties participating in the alliance, the director of  
2 the department of economic development, the cooperative  
3 extension administrator of the Iowa state university extension  
4 service, the director of the department of natural resources,  
5 the director of transportation, the director of the department  
6 of cultural affairs, and a staff coordinator of the golden  
7 hills resource conservation and development agency or the  
8 Sioux river resource conservation and development agency may  
9 voluntarily serve as nonvoting members of the board of  
10 directors. A director or administrator specifically  
11 identified in this subsection may be represented by a  
12 designee. The voting members of the board of directors shall  
13 select the staff persons to represent the councils of  
14 governments and the resource conservation and development  
15 agencies.

16 3. Each voting member of the board of directors who is  
17 appointed by the board of supervisors of a participating  
18 county shall be appointed to a three-year term and shall hold  
19 office until a successor is appointed. However, of the  
20 initial appointees, each participating board of supervisors  
21 shall appoint one director to a one-year term and one director  
22 to a two-year term. Thereafter, all appointments shall be for  
23 three years. A vacancy shall be filled by the appointing  
24 authority for the unexpired portion of the term. A member  
25 shall serve without compensation, but a member may be  
26 reimbursed for actual expenses incurred while performing the  
27 duties of office by the governmental agency or private  
28 organization which the member represents.

29 Sec. 5. NEW SECTION. 161D.6 POWERS AND DUTIES.

30 1. The board of directors of the alliance shall have the  
31 following powers and duties:

32 a. To meet, organize, and adopt rules of procedure as  
33 necessary to carry out its powers and duties. The board of  
34 directors may appoint an executive committee to provide  
35 supervision and administrative direction to the staff. The

1 executive committee shall be voting members of the board of  
2 directors. At least sixty percent of the members of the  
3 executive committee shall be residents of the seven-county  
4 geographic region specified in section 161D.5. The executive  
5 committee may also appoint working committees that include  
6 individuals who are not members of the executive committee.

7 | b. To prepare and adopt a comprehensive plan for the  
8 development of the loess hills area subject to the approval of  
9 the authority. The plan shall provide for the designation of  
10 significant scenic areas, the education of the public on the  
11 need for and methods of preserving the natural resources of  
12 the loess hills area, and the promotion of tourism and related  
13 business and industry in the loess hills area.

14 | c. To employ necessary staff to carry out the mission of  
15 the alliance.

16 | d. To acquire necessary equipment and supplies to support  
17 the membership and staff.

18 | e. To apply for, accept, and expend public and private  
19 funds for planning and implementing projects, programs, and  
20 other components of the mission of the alliance subject to  
21 approval of the authority.

22 | f. To study different options for the protection and  
23 preservation of significant historic, scenic, geologic, and  
24 recreational areas of the loess hills including but not  
25 limited to a federal or state park, preserve, or monument  
26 designation, fee title acquisition, or restrictive easement.

27 | g. To make recommendations to and coordinate the planning  
28 and projects of the alliance with the authority.

29 | h. To develop and implement a pilot project for the  
30 protection of loess hills areas with the use of restrictive  
31 easements from willing sellers and fee title ownership from  
32 willing sellers subject to approval of the authority.

33 | 2. The board of directors and its powers and duties are  
34 not intended to affect the authority of the department of  
35 natural resources in its acquisition, development, and

1 management of public lands within the counties participating  
2 in the alliance.

3 3. A restrictive easement authorized pursuant to this  
4 section shall not exceed thirty years in duration and shall be  
5 recorded as provided in section 457A.3. Any compensation  
6 agreed to for a restrictive easement shall be paid in equal  
7 annual installments during the lifetime of the restrictive  
8 easement. At the expiration of a restrictive easement or upon  
9 termination for nonperformance, the holder of the restrictive  
10 easement shall record an affidavit with the county recorder of  
11 the county in which the servient land is located releasing the  
12 servient land from the restrictive easement. The holder of  
13 the restrictive easement shall send, by certified mail, a copy  
14 of the affidavit verifying the recording of the release of the  
15 restrictive easement to the landowner. If a holder of the  
16 restrictive easement fails to record the release of a  
17 restrictive easement at its expiration or for nonperformance,  
18 the owner of the servient land may petition the district court  
19 for an order removing the restrictive easement. As used in  
20 this subsection, "nonperformance" means the failure to make an  
21 annual payment of any compensation within ninety days of the  
22 annual due date.

23 EXPLANATION

24 This bill creates a loess hills preservation and  
25 development alliance which encompasses the geographic area of  
26 seven counties, including Plymouth, Woodbury, Monona,  
27 Harrison, Pottawattamie, Mills, and Fremont. The purpose of  
28 the alliance is to establish projects and programs to protect  
29 and preserve the unique natural resources of the loess hills  
30 area and provide for responsible economic development under  
31 the general direction of the loess hills development and  
32 conservation authority. The alliance is to study different  
33 options for protecting and preserving the loess hills area,  
34 including designation as federal or state parks, monuments, or  
35 preserves, fee title acquisition, or restrictive easements.

1 The alliance is also directed to develop and implement a pilot  
2 project for the protection of loess hills areas with the use  
3 of restrictive easements from willing sellers and fee title  
4 ownership from willing sellers subject to approval of the  
5 authority.

6 The alliance is governed by a board of directors consisting  
7 of three members, each selected by the boards of supervisors  
8 of the counties participating in the alliance, the chairperson  
9 or designee of the golden hills resource conservation and  
10 development agency, the president of the Iowa natural heritage  
11 foundation, the regional president of the western Iowa tourism  
12 region, the director of local and environmental affairs of the  
13 Iowa farm bureau federation, the state director of the nature  
14 conservancy, the chairperson of the professional developers of  
15 Iowa, and the chairperson of the Iowa bankers association. At  
16 least one of the appointees of the respective boards of  
17 supervisors shall be a member of the board of supervisors.  
18 The administrator of the soil conservation division of the  
19 department of agriculture and land stewardship, a staff  
20 coordinator or director of the councils of governments serving  
21 counties participating in the alliance, the director of the  
22 department of economic development, the cooperative extension  
23 administrator of the Iowa state university extension service,  
24 the director of the department of natural resources, the  
25 director of transportation, and the director of the department  
26 of cultural affairs, and a coordinator of the golden hills  
27 resource conservation and development agency or the Sioux  
28 river resource conservation and development agency may  
29 voluntarily serve as nonvoting members of the board of  
30 directors. The voting members of the board of directors shall  
31 select the persons to represent the councils of governments  
32 and the resource conservation and development agencies.  
33 The bill outlines powers and duties for the board of  
34 directors of the alliance. The board of directors may meet,  
35 organize, and adopt rules of procedure for the conduct of its

1 business. The board may create an executive committee to  
2 supervise its staff and carry out miscellaneous administrative  
3 duties. At least 60 percent of the members of the executive  
4 committee shall reside in the seven-county geographic area of  
5 the alliance. The board shall prepare and adopt a  
6 comprehensive plan for the development of the loess hills  
7 area, the designation of scenic areas, the preservation of  
8 natural and historic resources, public education, and the  
9 promotion of tourism. The board is to study various options  
10 for the protection and preservation of significant historic,  
11 scenic, geologic, and recreational areas of the loess hills.  
12 The board is to solicit grants and other funds to carry out  
13 its projects and make recommendations to and coordinate its  
14 planning and projects with the loess hills development and  
15 conservation authority. The plans and projects of the  
16 alliance are subject to approval of the authority.

17 The bill also creates a loess hills preservation and  
18 development account in the loess hills development and  
19 conservation fund in the state treasury. A hungry canyons  
20 account is also created. The board of directors of the  
21 alliance shall administer the loess hills preservation and  
22 development account and apply for and accept private or public  
23 funds to carry out its mission with approval of the authority.

24 The bill provides that the restrictive easements shall not  
25 exceed 30 years in duration and any compensation must be paid  
26 in equal annual installments during the lifetime of the  
27 restrictive easement. The holder of a restrictive easement is  
28 to record its release at expiration or for nonperformance.  
29 "Nonperformance" means failure to pay any annual compensation  
30 within 90 days of its due date.

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H-1044

1 Amend House File 218 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 161D.1, subsection 4, Code  
5 1999, is amended to read as follows:

6 4. This ~~section~~ chapter is not intended to affect  
7 the authority of the department of natural resources  
8 in its acquisition, development, and management of  
9 public lands within the counties represented by the  
10 authority.

11 Sec. 2. Section 161D.2, Code 1999, is amended to  
12 read as follows:

13 161D.2 LOESS HILLS DEVELOPMENT AND CONSERVATION  
14 FUND.

15 A loess hills development and conservation fund is  
16 created in the state treasury, ~~to~~. The fund shall  
17 include a hungry canyons account and a loess hills  
18 alliance account which shall be administered by the  
19 loess hills development and conservation authority.  
20 The proceeds of the fund respective accounts shall be  
21 used for the purposes specified in section 161D.1 or  
22 161D.6 as applicable. The loess hills development and  
23 conservation authority may accept gifts, bequests,  
24 other moneys including, but not limited to, state or  
25 federal moneys, and in-kind contributions for deposit  
26 in the fund. The gifts, grants, bequests from public  
27 and private sources, state and federal moneys, and  
28 other moneys received by the authority shall be  
29 deposited in the fund respective accounts and any  
30 interest earned ~~on the fund~~ shall be credited to the  
31 fund respective accounts to be used for the purposes  
32 specified in section 161D.1 or 161D.6 as applicable.  
33 Notwithstanding section 8.33, any unexpended or  
34 unencumbered moneys remaining in the fund at the end  
35 of the fiscal year shall not revert to the general  
36 fund of the state, but the moneys shall remain  
37 available for expenditure by the authority in  
38 succeeding fiscal years.

39 Sec. 3. NEW SECTION. 161D.3 DEFINITIONS.

40 As used in this chapter, unless the context  
41 otherwise requires:

42 1. "Alliance" means the loess hills alliance  
43 created in section 161D.5.

44 2. "Authority" means the loess hills development  
45 and conservation authority created in section 161D.1.

46 3. "Fund" means the loess hills development and  
47 conservation fund created in section 161D.2.

48 Sec. 4. NEW SECTION. 161D.4 MISSION STATEMENT.

49 The mission of the loess hills alliance is to  
50 create a common vision for Iowa's loess hills,

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Page 2

1 protecting special natural and cultural resources  
2 while ensuring economic viability and private property  
3 rights of the region.

4 Sec. 5. NEW SECTION. 161D.5 LOESS HILLS ALLIANCE  
5 CREATED.

6 1. A loess hills alliance is created. The  
7 alliance shall carry out its responsibilities under  
8 the general direction of the loess hills development  
9 and conservation authority. The alliance shall  
10 encompass the geographic region including the counties  
11 of Plymouth, Woodbury, Monona, Harrison,  
12 Pottawattamie, Mills, and Fremont. Membership and  
13 participation in projects of the alliance is not  
14 required. The alliance shall be governed by a board  
15 of directors appointed by the authority.

16 2. Each member of the board of directors shall be  
17 a resident of a county participating in the alliance  
18 and shall be appointed to a term of office as  
19 determined by the authority. The directors of the  
20 alliance shall carry out their responsibilities  
21 pursuant to bylaws approved by the authority.

22 Sec. 6. NEW SECTION. 161D.6 RESPONSIBILITIES.

23 1. The board of directors of the alliance shall  
24 have the following responsibilities:

25 a. To prepare and adopt a comprehensive plan for  
26 the development and conservation of the loess hills  
27 area subject to the approval of the authority. The  
28 plan shall provide for the designation of significant  
29 scenic areas, the protection of native vegetation, the  
30 education of the public on the need for and methods of  
31 preserving the natural resources of the loess hills  
32 area, and the promotion of tourism and related  
33 business and industry in the loess hills area.

34 b. To apply for, accept, and expend public and  
35 private funds for planning and implementing projects,  
36 programs, and other components of the mission of the  
37 alliance subject to approval of the authority.

38 c. To study different options for the protection  
39 and preservation of significant historic, scenic,  
40 geologic, and recreational areas of the loess hills  
41 including but not limited to a federal or state park,  
42 preserve, or monument designation, fee title  
43 acquisition, or restrictive easement.

44 d. To make recommendations to and coordinate the  
45 planning and projects of the alliance with the  
46 authority.

47 e. To develop and implement pilot projects for the  
48 protection of loess hills areas with the use of  
49 restrictive easements from willing sellers and fee  
50 title ownership from willing sellers subject to

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-2-

H-1044

Page 3

approval of the authority.

2 f. To report annually not later than January 15 to  
3 the general assembly the activities of the alliance  
4 during the preceding fiscal year including, but not  
5 limited to, its projects, funding, and expenditures.

6 2. A restrictive easement authorized pursuant to  
7 this section shall not exceed thirty years in duration  
8 and shall be recorded as provided in section 457A.3.  
9 Any compensation agreed to for a restrictive easement  
10 shall be paid in equal annual installments during the  
11 lifetime of the restrictive easement. At the  
12 expiration of a restrictive easement or upon  
13 termination for nonperformance, the holder of the  
14 restrictive easement shall record an affidavit with  
15 the county recorder of the county in which the  
16 servient land is located releasing the servient land  
17 from the restrictive easement. The holder of the  
18 restrictive easement shall send, by certified mail, a  
19 copy of the affidavit verifying the recording of the  
20 release of the restrictive easement to the landowner.  
21 If a holder of the restrictive easement fails to  
22 record the release of a restrictive easement at its  
23 expiration or for nonperformance, the owner of the  
24 servient land may petition the district court for an  
25 order removing the restrictive easement. As used in  
26 this subsection, "nonperformance" means the failure to  
27 make an annual payment of any compensation within  
28 ninety days of the annual due date.

29 Sec. 7. NEW SECTION. 161D.7 PROGRAM  
30 COORDINATION.

31 The department of natural resources shall  
32 coordinate the bluffland protection program with the  
33 program and projects of the loess hills alliance."

34 2. Title page, line 2, by striking the words  
35 "powers and duties" and inserting the following:  
36 "responsibilities".

By COMMITTEE ON LOCAL GOVERNMENT  
HUBERT HOUSER, CHAIRPERSON

H-1044 FILED MARCH 2, 1999

*Adopted*

3-10-99 (p. 607)

HOUSE FILE 218

H-1050

1 Amend the Committee amendment, H-1044, to House  
2 File 218 as follows:  
3 1. Page 3, by striking line 33 and inserting the  
4 following: "program and projects of the loess hills  
5 alliance."  
6 Sec. \_\_\_\_ . NEW SECTION. 161D.8 SALE OF LOESS  
7 SOILS FOR FILL PROHIBITED -- PENALTY.  
8 1. It is unlawful for a person to sell dirt, soil,  
9 or other materials containing loess soils within the  
10 geographic area of the loess hills alliance as  
11 described in section 161D.5 for use as fill dirt.  
12 2. A person violating subsection 1 is guilty of a  
13 serious misdemeanor."  
14 2. Page 3, by inserting after line 36 the  
15 following:  
16 "\_\_\_\_. Title page, line 3, by inserting after the  
17 word "matters" the following: "and a penalty"."  
By FALLON of Polk

H-1050 FILED MARCH 4, 1999

*3/10/99 withdrawn  
P. 606*

HOUSE FILE 218

H-1052

1 Amend the Committee amendment, H-1044, to House  
2 File 218 as follows:  
3 1. Page 3, line 7, by striking the word "thirty"  
4 and inserting the following: "ninety-nine".  
5 2. Page 3, line 10, by striking the word "shall"  
6 and inserting the following: "may".  
By FALLON of Polk  
WITT of Black Hawk

H-1052 FILED MARCH 4, 1999

*Reot 3/10/99  
(P. 606)*

HOUSE FILE 218

H-1047

1 Amend the Committee amendment, H-1044, to House  
2 File 218 as follows:  
3 1. Page 2, line 17, by inserting after the word  
4 "of" the following: ", or owner of land in,".  
By HUSER of Polk

H-1047 FILED MARCH 3, 1999

*Withdrawn  
3-10-99 (P. 606)*

HOUSE FILE 218

H-1048

1 Amend the Committee amendment, H-1044, to House  
2 File 218 as follows:  
3 1. Page 2, by striking lines 17 and 18 and  
4 inserting the following: "appointed to a term of  
5 office as".  
By HUSER of Polk

H-1048 FILED MARCH 3, 1999

*Withdrawn  
3-10-99 (P. 606)*

Substituted for SF 215

3/29/99 (p. 825)

HOUSE FILE 218  
BY BARRY

(As Amended and Passed by the House, March 10, 1999)

Passed House, Date 4-26-99 (p. 1649) Passed Senate, Date 4/21/99 (p. 1234)  
Vote: Ayes 94 Nays 0 Vote: Ayes 48 Nays 0  
Approved May 12, 1999

**A BILL FOR**

1 An Act creating a loess hills preservation and development  
2 alliance, providing for its responsibilities, and providing  
3 for other properly related matters.

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

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2 amended to read as follows:

3 4. This section chapter is not intended to affect the  
4 authority of the department of natural resources in its  
5 acquisition, development, and management of public lands  
6 within the counties represented by the authority.

7 Sec. 2. Section 161D.2, Code 1999, is amended to read as  
8 follows:

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10 A loess hills development and conservation fund is created  
11 in the state treasury~~7--to~~. The fund shall include a hungry  
12 canyons account and a loess hills alliance account which shall  
13 be administered by the loess hills development and  
14 conservation authority. The proceeds of the fund respective  
15 accounts shall be used for the purposes specified in section  
16 161D.1 or 161D.6 as applicable. The loess hills development  
17 and conservation authority may accept gifts, bequests, other  
18 moneys including, but not limited to, state or federal moneys,  
19 and in-kind contributions for deposit in the fund. The gifts,  
20 grants, bequests from public and private sources, state and  
21 federal moneys, and other moneys received by the authority  
22 shall be deposited in the fund respective accounts and any  
23 interest earned on-the-fund shall be credited to the fund  
24 respective accounts to be used for the purposes specified in  
25 section 161D.1 or 161D.6 as applicable. Notwithstanding  
26 section 8.33, any unexpended or unencumbered moneys remaining  
27 in the fund at the end of the fiscal year shall not revert to  
28 the general fund of the state, but the moneys shall remain  
29 available for expenditure by the authority in succeeding  
30 fiscal years.

31 Sec. 3. NEW SECTION. 161D.3 DEFINITIONS.

32 As used in this chapter, unless the context otherwise  
33 requires:

34 1. "Alliance" means the loess hills alliance created in  
35 section 161D.5.

1 2. "Authority" means the loess hills development and  
2 conservation authority created in section 161D.1.

3 3. "Fund" means the loess hills development and  
4 conservation fund created in section 161D.2.

5 Sec. 4. NEW SECTION. 161D.4 MISSION STATEMENT.

6 The mission of the loess hills alliance is to create a  
7 common vision for Iowa's loess hills, protecting special  
8 natural and cultural resources while ensuring economic  
9 viability and private property rights of the region.

10 Sec. 5. NEW SECTION. 161D.5 LOESS HILLS ALLIANCE  
11 CREATED.

12 1. A loess hills alliance is created. The alliance shall  
13 carry out its responsibilities under the general direction of  
14 the loess hills development and conservation authority. The  
15 alliance shall encompass the geographic region including the  
16 counties of Plymouth, Woodbury, Monona, Harrison,  
17 Pottawattamie, Mills, and Fremont. Membership and  
18 participation in projects of the alliance is not required.  
19 The alliance shall be governed by a board of directors  
20 appointed by the authority.

21 2. Each member of the board of directors shall be a  
22 resident of a county participating in the alliance and shall  
23 be appointed to a term of office as determined by the  
24 authority. The directors of the alliance shall carry out  
25 their responsibilities pursuant to bylaws approved by the  
26 authority.

27 Sec. 6. NEW SECTION. 161D.6 RESPONSIBILITIES.

28 1. The board of directors of the alliance shall have the  
29 following responsibilities:

30 a. To prepare and adopt a comprehensive plan for the  
31 development and conservation of the loess hills area subject  
32 to the approval of the authority. The plan shall provide for  
33 the designation of significant scenic areas, the protection of  
34 native vegetation, the education of the public on the need for  
35 and methods of preserving the natural resources of the loess

1 hills area, and the promotion of tourism and related business  
2 and industry in the loess hills area.

3 b. To apply for, accept, and expend public and private  
4 funds for planning and implementing projects, programs, and  
5 other components of the mission of the alliance subject to  
6 approval of the authority.

7 c. To study different options for the protection and  
8 preservation of significant historic, scenic, geologic, and  
9 recreational areas of the loess hills including but not  
10 limited to a federal or state park, preserve, or monument  
11 designation, fee title acquisition, or restrictive easement.

12 d. To make recommendations to and coordinate the planning  
13 and projects of the alliance with the authority.

14 e. To develop and implement pilot projects for the  
15 protection of loess hills areas with the use of restrictive  
16 easements from willing sellers and fee title ownership from  
17 willing sellers subject to approval of the authority.

18 f. To report annually not later than January 15 to the  
19 general assembly the activities of the alliance during the  
20 preceding fiscal year including, but not limited to, its  
21 projects, funding, and expenditures.

22 2. A restrictive easement authorized pursuant to this  
23 section shall not exceed thirty years in duration and shall be  
24 recorded as provided in section 457A.3. Any compensation  
25 agreed to for a restrictive easement shall be paid in equal  
26 annual installments during the lifetime of the restrictive  
27 easement. At the expiration of a restrictive easement or upon  
28 termination for nonperformance, the holder of the restrictive  
29 easement shall record an affidavit with the county recorder of  
30 the county in which the servient land is located releasing the  
31 servient land from the restrictive easement. The holder of  
32 the restrictive easement shall send, by certified mail, a copy  
33 of the affidavit verifying the recording of the release of the  
34 restrictive easement to the landowner. If a holder of the  
35 restrictive easement fails to record the release of a



1 restrictive easement at its expiration or for nonperformance,  
2 the owner of the servient land may petition the district court  
3 for an order removing the restrictive easement. As used in  
4 this subsection, "nonperformance" means the failure to make an  
5 annual payment of any compensation within ninety days of the  
6 annual due date.

7 Sec. 7. NEW SECTION. 161D.7 PROGRAM COORDINATION.

8 The department of natural resources shall coordinate the  
9 bluffland protection program with the program and projects of  
10 the loess hills alliance.

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S-3143

1 Amend House File 218, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 21, by inserting after the word  
4 "Each" the following: "voting".  
5 2. Page 3, line 23, by striking the words "not  
6 exceed thirty years in duration and shall".  
7 3. Page 4, by inserting after line 6 the  
8 following:  
9 "Sec. 101. Section 161D.6, subsection 2, as  
10 enacted in this Act, is amended by striking the  
11 subsection."  
12 4. Page 4, by inserting after line 10 the  
13 following:  
14 "Sec. \_\_\_\_\_. Section 101 of this Act takes effect  
15 July 1, 2004.  
16 Sec. \_\_\_\_\_. INTERIM STUDY ON RESTRICTIVE EASEMENTS.  
17 The legislative council is requested to establish an  
18 interim study committee to study restrictive easements  
19 and covenants as a tool to carry out projects and  
20 programs to protect, conserve, or develop various  
21 areas of the loess hills. The study committee shall  
22 report its findings and recommendations to the  
23 legislative council."  
24 5. Title page, line 3, by inserting after the  
25 word "matters" the following: ", and providing an  
26 applicability date".

By STEVE KING  
DERRYL McLAREN

S-3143 FILED MARCH 24, 1999

*Adopted**4/21/99**(p. 1233)*

HOUSE FILE 218

S-3435

1 Amend House File 218, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, by striking line 20 and inserting the  
4 following: "appointed as follows:  
5 a. Three members appointed by the board of  
6 supervisors of each county participating in the  
7 alliance and at least one of the appointees shall be a  
8 member of the board of supervisors of a county  
9 participating in the alliance.  
10 b. Seven additional voting members who shall be  
11 persons with experience in the fields of environmental  
12 affairs, conservation, finance, development, tourism,  
13 or related fields, and who shall be appointed by the  
14 authority."  
15 2. Page 2, by striking line 22 and inserting the  
16 following: "resident of a county which is eligible  
17 for membership in the authority pursuant to section  
18 161D.1 and shall".

By STEVE KING  
NANCY BOETTGER  
STEVEN D. HANSEN

MICHAEL E. GRONSTAL  
DERRYL McLAREN

S-3435 FILED APRIL 19, 1999

*Adopted*  
*4/21/99*  
*(P. 1233)*

## HOUSE FILE 218

S-3169

1 Amend House File 218, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, by striking lines 20 through 26 and  
4 inserting the following: "including the following  
5 voting membership:  
6 a. Three members appointed by the board of  
7 supervisors of each county participating in the  
8 alliance with at least one of the appointees being a  
9 member of the board of supervisors.  
10 b. Seven additional voting members who shall be  
11 persons with experience in the fields of environmental  
12 affairs, conservation, finance, development, tourism,  
13 or related fields. The seven members shall be  
14 appointed by the members appointed pursuant to  
15 paragraph "a" for a term of three years. However, of  
16 the initial appointees, two directors shall be  
17 appointed to a one-year term and two directors shall  
18 be appointed to a two-year term. Thereafter, all  
19 appointments shall be for a three-year term.  
20 2. The administrator of the soil conservation  
21 division of the department of agriculture and land  
22 stewardship, a staff coordinator or director of the  
23 councils of governments serving the counties  
24 participating in the alliance, the director of the  
25 department of economic development, the cooperative  
26 extension administrator of the Iowa state university  
27 extension service, the director of the department of  
28 natural resources, the director of transportation, the  
29 director of the department of cultural affairs, and a  
30 staff coordinator of the golden hills resource  
31 conservation and development agency or the Sioux river  
32 resource conservation and development agency may  
33 voluntarily serve as nonvoting members of the board of  
34 directors. A director or administrator specifically  
35 identified in this subsection may be represented by a  
36 designee. The voting members of the board of  
37 directors shall select the staff persons to represent  
38 the councils of governments and the resource  
39 conservation and development agencies.  
40 3. Each voting member of the board of directors  
41 who is appointed by the board of supervisors of a  
42 participating county shall be appointed to a three-  
43 year term and shall hold office until a successor is  
44 appointed. However, of the initial appointees, each  
45 participating board of supervisors shall appoint one  
46 director to a one-year term and one director to a two-  
47 year term. Thereafter, all appointments shall be for  
48 three years. A vacancy shall be filled by the  
49 appointing authority for the unexpired portion of the  
50 term. A member shall serve without compensation, but

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-1-

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Page 2

1 a member may be reimbursed for actual expenses  
2 incurred while performing the duties of office by the  
3 governmental agency or private organization which the  
4 member represents."

By STEVEN D. HANSEN

S-3169 FILED MARCH 25, 1999

*w/d  
4/21/99*

## HOUSE FILE 218

3170

1 Amend House File 218, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by striking lines 20 through 26 and  
4 inserting the following: "including the following  
5 voting membership:

6 a. Three members appointed by the board of  
7 supervisors of each county participating in the  
8 alliance with at least one of the appointees being a  
9 member of the board of supervisors.

10 b. Seven additional voting members who shall be  
11 persons with experience in the fields of environmental  
12 affairs, conservation, finance, development, tourism,  
13 or related fields. The seven members shall be  
14 appointed by the members appointed pursuant to  
15 paragraph "a" for a term of three years. However, of  
16 the initial appointees, two directors shall be  
17 appointed to a one-year term and two directors shall  
18 be appointed to a two-year term. Thereafter, all  
19 appointments shall be for a three-year term.

20 2. The administrator of the soil conservation  
21 division of the department of agriculture and land  
22 stewardship, a staff coordinator or director of the  
23 councils of governments serving the counties  
24 participating in the alliance, the director of the  
25 department of economic development, the cooperative  
26 extension administrator of the Iowa state university  
27 extension service, the director of the department of  
28 natural resources, the director of transportation, the  
29 director of the department of cultural affairs, and a  
30 staff coordinator of the golden hills resource  
31 conservation and development agency or the Sioux river  
32 resource conservation and development agency  
33 voluntarily serve as nonvoting members of the board of  
34 directors. A director or administrator specifically  
35 identified in this subsection may be represented by a  
36 designee. The voting members of the board of  
37 directors shall select the staff persons to represent  
38 the councils of governments and the resource  
39 conservation and development agencies.

40 3. Each voting member of the board of directors  
41 who is appointed by the board of supervisors of a  
42 participating county shall be appointed to a three-  
43 year term and shall hold office until a successor is  
44 appointed. However, of the initial appointees, each  
45 participating board of supervisors shall appoint one  
46 director to a one-year term and one director to a two-  
47 year term. Thereafter, all appointments shall be for  
48 three years. A vacancy shall be filled by the  
49 appointing authority for the unexpired portion of the  
50 term. A member shall serve without compensation, but

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1 a member may be reimbursed for actual expenses  
2 incurred while performing the duties of office by the  
3 governmental agency or private organization which the  
4 member represents."

5 2. Page 2, line 28, by striking the figure "1."

6 3. Page 2, line 30, by striking the letter "a"  
7 and inserting the following: "1".

8 4. Page 3, line 3, by striking the letter "b" and  
9 inserting the following: "2".

10 5. Page 3, line 7, by striking the letter "c" and  
11 inserting the following: "3".

12 6. Page 3, line 12, by striking the letter "d"  
13 and inserting the following: "4".

14 7. Page 3, line 14, by striking the letter "e"  
15 and inserting the following: "5".

16 8. Page 3, line 18, by striking the letter "f"  
17 and inserting the following: "6".

18 9. By striking page 3, line 22, through page 4,  
19 line 6.

*W/D 4/21/99*

By STEVEN D. HANSEN

S-3170 FILED MARCH 29, 1999

HOUSE FILE 218

S-3177

1 Amend House File 218 as follows:

2 1. Title page, line 1, by striking the words  
3 "preservation and development".

By STEVE KING

S-3177 FILED MARCH 29, 1999

*W/D  
4/21/99  
(P. 1233)*

## HOUSE FILE 218

3180

1 Amend House File 218, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by striking line 20 and inserting the  
4 following: "including the following voting  
5 membership:

6 a. Three members appointed by the board of  
7 supervisors of each county participating in the  
8 alliance with at least one of the appointees being a  
9 member of the board of supervisors.

10 b. Seven additional voting members who shall be  
11 persons with experience in the fields of environmental  
12 affairs, conservation, finance, development, tourism,  
13 or related fields. The seven members shall be  
14 appointed by the members appointed pursuant to  
15 paragraph "a" for a term of three years. However, of  
16 the initial appointees, two directors shall be  
17 appointed to a one-year term and two directors shall  
18 be appointed to a two-year term. Thereafter, all  
19 appointments shall be for a three-year term.

20 2. The administrator of the soil conservation  
21 division of the department of agriculture and land  
22 stewardship, a staff coordinator or director of the  
23 councils of governments serving the counties  
24 participating in the alliance, the director of the  
25 department of economic development, the cooperative  
26 extension administrator of the Iowa state university  
27 extension service, the director of the department of  
28 natural resources, the director of transportation, the  
29 director of the department of cultural affairs, and a  
30 staff coordinator of the golden hills resource  
31 conservation and development agency or the Sioux river  
32 resource conservation and development agency may  
33 voluntarily serve as nonvoting members of the board of  
34 directors. A director or administrator specifically  
35 identified in this subsection may be represented by a  
36 designee. The voting members of the board of  
37 directors shall select the staff persons to represent  
38 the councils of governments and the resource  
39 conservation and development agencies.

40 3. Each voting member of the board of directors  
41 who is appointed by the board of supervisors of a  
42 participating county shall be appointed to a three-  
43 year term and shall hold office until a successor is  
44 appointed. However, of the initial appointees, each  
45 participating board of supervisors shall appoint one  
46 director to a one-year term and one director to a two-  
47 year term. Thereafter, all appointments shall be for  
48 three years. A vacancy shall be filled by the  
49 appointing authority for the unexpired portion of the  
50 term. A member shall serve without compensation, but

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Page 2

1 a member may be reimbursed for actual expenses  
2 incurred while performing the duties of office by the  
3 governmental agency or private organization which the  
4 member represents."

5 2. Page 2, line 21, by striking the figure "2"  
6 and inserting the following: "4".

7 3. Page 2, by striking lines 22 through 24 and  
8 inserting the following: "resident of a county  
9 participating in the alliance. The directors of the  
10 alliance shall carry out".

By STEVEN D. HANSEN

S-3180 FILED MARCH 29, 1999

*Lost*

*4/12/99*

*(P. 1043)*

## HOUSE FILE 218

-3212

- 1 Amend House File 218, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 12 through 26 and  
4 inserting the following:
- 5 "1. A loess hills alliance is created. The  
6 alliance shall carry out its powers and duties under  
7 the general direction of the loess hills development  
8 and conservation authority. The alliance shall  
9 encompass the geographic region including the counties  
10 of Plymouth, Woodbury, Monona, Harrison,  
11 Pottawattamie, Mills, and Fremont. Membership and  
12 participation in projects of the alliance is not  
13 required. The alliance shall be governed by a board  
14 of directors including the following voting  
15 membership:
- 16 a. Three members appointed by the board of  
17 supervisors of each county participating in the  
18 alliance with at least one of the appointees being a  
19 member of the board of supervisors.
- 20 b. Seven additional voting members who shall be  
21 persons with experience in the fields of environmental  
22 affairs, conservation, finance, development, tourism,  
23 or related fields. The seven members shall be  
24 appointed by the members appointed pursuant to  
25 paragraph "a" for a term of three years. However, of  
26 the initial appointees, two directors shall be  
27 appointed to a one-year term and two directors shall  
28 be appointed to a two-year term. Thereafter, all  
29 appointments shall be for a three-year term.
- 30 2. The administrator of the soil conservation  
31 division of the department of agriculture and land  
32 stewardship, a staff coordinator or director of the  
33 councils of governments serving the counties  
34 participating in the alliance, the director of the  
35 department of economic development, the cooperative  
36 extension administrator of the Iowa state university  
37 extension service, the director of the department of  
38 natural resources, the director of transportation, the  
39 director of the department of cultural affairs, and a  
40 staff coordinator of the golden hills resource  
41 conservation and development agency or the Sioux river  
42 resource conservation and development agency may  
43 voluntarily serve as nonvoting members of the board of  
44 directors. A director or administrator specifically  
45 identified in this subsection may be represented by a  
46 designee. The voting members of the board of  
47 directors shall select the staff persons to represent  
48 the councils of governments and the resource  
49 conservation and development agencies.
- 50 3. Each voting member of the board of directors

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Page 2

1 who is appointed by the board of supervisors of a  
2 participating county shall be appointed to a three-  
3 year term and shall hold office until a successor is  
4 appointed. However, of the initial appointees, each  
5 participating board of supervisors shall appoint one  
6 director to a one-year term and one director to a two-  
7 year term. Thereafter, all appointments shall be for  
8 three years. A vacancy shall be filled by the  
9 appointing authority for the unexpired portion of the  
10 term. A member shall serve without compensation, but  
11 a member may be reimbursed for actual expenses  
12 incurred while performing the duties of office by the  
13 governmental agency or private organization which the  
14 member represents."

By STEVEN D. HANSEN

*W/D 4/21/99 p. 1232*  
S-3212 FILED MARCH 31, 1999

## HOUSE FILE 218

S-3301

1 Amend the amendment, S-3212, to House File 218, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 30 through 32 and  
5 inserting the following:

6 "2. The secretary of agriculture, a staff  
7 coordinator or director of the".

By MERLIN E. BARTZ

S-3301 FILED APRIL 7, 1999 *O/D 4/21/99*

## SENATE AMENDMENT TO HOUSE FILE 218

H-1727

1 Amend House File 218, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by striking line 20 and inserting the  
4 following: "appointed as follows:

5 a. Three members appointed by the board of  
6 supervisors of each county participating in the  
7 alliance and at least one of the appointees shall be a  
8 member of the board of supervisors of a county  
9 participating in the alliance.

10 b. Seven additional voting members who shall be  
11 persons with experience in the fields of environmental  
12 affairs, conservation, finance, development, tourism,  
13 or related fields, and who shall be appointed by the  
14 authority."

15 2. Page 2, line 21, by inserting after the word  
16 "Each" the following: "voting".

17 3. Page 2, by striking line 22 and inserting the  
18 following: "resident of a county which is eligible  
19 for membership in the authority pursuant to section  
20 161D.1 and shall".

21 4. Page 3, line 23, by striking the words "not  
22 exceed thirty years in duration and shall".

23 5. Page 4, by inserting after line 6 the  
24 following:

25 "Sec. 101. Section 161D.6, subsection 2, as  
26 enacted in this Act, is amended by striking the  
27 subsection."

28 6. Page 4, by inserting after line 10 the  
29 following:

30 "Sec. \_\_\_\_\_. Section 101 of this Act takes effect  
31 July 1, 2004.

32 Sec. \_\_\_\_\_. INTERIM STUDY ON RESTRICTIVE EASEMENTS.  
33 The legislative council is requested to establish an  
34 interim study committee to study restrictive easements  
35 and covenants as a tool to carry out projects and  
36 programs to protect, conserve, or develop various  
37 areas of the loess hills. The study committee shall  
38 report its findings and recommendations to the  
39 legislative council."

40 7. Title page, line 3, by inserting after the  
41 word "matters" the following: ", and providing an  
42 applicability date".

43 8. By renumbering, relettering, or redesignating  
44 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1727 FILED APRIL 21, 1999

*House Concurred*  
*4.26-99*  
*(p.1649)*

## AN ACT

CREATING A LOESS HILLS PRESERVATION AND DEVELOPMENT ALLIANCE,  
PROVIDING FOR ITS RESPONSIBILITIES, AND PROVIDING FOR OTHER  
PROPERLY RELATED MATTERS, AND PROVIDING AN APPLICABILITY DATE.

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

Section 1. Section 161D.1, subsection 4, Code 1999, is amended to read as follows:

4. This section chapter is not intended to affect the authority of the department of natural resources in its acquisition, development, and management of public lands within the counties represented by the authority.

Sec. 2. Section 161D.2, Code 1999, is amended to read as follows:

161D.2 LOESS HILLS DEVELOPMENT AND CONSERVATION FUND.

A loess hills development and conservation fund is created in the state treasury; ~~to~~. The fund shall include a hungry canyons account and a loess hills alliance account which shall be administered by the loess hills development and conservation authority. The proceeds of the fund respective accounts shall be used for the purposes specified in section 161D.1 or 161D.6 as applicable. The loess hills development and conservation authority may accept gifts, bequests, other moneys including, but not limited to, state or federal moneys, and in-kind contributions for deposit in the fund. The gifts, grants, bequests from public and private sources, state and federal moneys, and other moneys received by the authority shall be deposited in the fund respective accounts and any interest earned ~~on the fund~~ shall be credited to the fund respective accounts to be used for the purposes specified in section 161D.1 or 161D.6 as applicable. Notwithstanding section 8.33, any unexpended or unencumbered moneys remaining

in the fund at the end of the fiscal year shall not revert to the general fund of the state, but the moneys shall remain available for expenditure by the authority in succeeding fiscal years.

Sec. 3. NEW SECTION. 161D.3 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Alliance" means the loess hills alliance created in section 161D.5.
2. "Authority" means the loess hills development and conservation authority created in section 161D.1.
3. "Fund" means the loess hills development and conservation fund created in section 161D.2.

Sec. 4. NEW SECTION. 161D.4 MISSION STATEMENT.

The mission of the loess hills alliance is to create a common vision for Iowa's loess hills, protecting special natural and cultural resources while ensuring economic viability and private property rights of the region.

Sec. 5. NEW SECTION. 161D.5 LOESS HILLS ALLIANCE CREATED.

1. A loess hills alliance is created. The alliance shall carry out its responsibilities under the general direction of the loess hills development and conservation authority. The alliance shall encompass the geographic region including the counties of Plymouth, Woodbury, Monona, Harrison, Pottawattamie, Mills, and Fremont. Membership and participation in projects of the alliance is not required. The alliance shall be governed by a board of directors appointed as follows:

- a. Three members appointed by the board of supervisors of each county participating in the alliance and at least one of the appointees shall be a member of the board of supervisors of a county participating in the alliance.
- b. Seven additional voting members who shall be persons with experience in the fields of environmental affairs,

conservation, finance, development, tourism, or related fields, and who shall be appointed by the authority.

2. Each voting member of the board of directors shall be a resident of a county which is eligible for membership in the authority pursuant to section 161D.1 and shall be appointed to a term of office as determined by the authority. The directors of the alliance shall carry out their responsibilities pursuant to bylaws approved by the authority.

Sec. 6. NEW SECTION. 161D.6 RESPONSIBILITIES.

1. The board of directors of the alliance shall have the following responsibilities:

a. To prepare and adopt a comprehensive plan for the development and conservation of the loess hills area subject to the approval of the authority. The plan shall provide for the designation of significant scenic areas, the protection of native vegetation, the education of the public on the need for and methods of preserving the natural resources of the loess hills area, and the promotion of tourism and related business and industry in the loess hills area.

b. To apply for, accept, and expend public and private funds for planning and implementing projects, programs, and other components of the mission of the alliance subject to approval of the authority.

c. To study different options for the protection and preservation of significant historic, scenic, geologic, and recreational areas of the loess hills including but not limited to a federal or state park, preserve, or monument designation, fee title acquisition, or restrictive easement.

d. To make recommendations to and coordinate the planning and projects of the alliance with the authority.

e. To develop and implement pilot projects for the protection of loess hills areas with the use of restrictive easements from willing sellers and fee title ownership from willing sellers subject to approval of the authority.

f. To report annually not later than January 15 to the general assembly the activities of the alliance during the preceding fiscal year including, but not limited to, its projects, funding, and expenditures.

2. A restrictive easement authorized pursuant to this section shall be recorded as provided in section 457A.3. Any compensation agreed to for a restrictive easement shall be paid in equal annual installments during the lifetime of the restrictive easement. At the expiration of a restrictive easement or upon termination for nonperformance, the holder of the restrictive easement shall record an affidavit with the county recorder of the county in which the servient land is located releasing the servient land from the restrictive easement. The holder of the restrictive easement shall send, by certified mail, a copy of the affidavit verifying the recording of the release of the restrictive easement to the landowner. If a holder of the restrictive easement fails to record the release of a restrictive easement at its expiration or for nonperformance, the owner of the servient land may petition the district court for an order removing the restrictive easement. As used in this subsection, "nonperformance" means the failure to make an annual payment of any compensation within ninety days of the annual due date.

Sec. 7. Section 161D.6, subsection 2, as enacted in this Act, is amended by striking the subsection.

Sec. 8. NEW SECTION. 161D.7 PROGRAM COORDINATION.

The department of natural resources shall coordinate the bluffland protection program with the program and projects of the loess hills alliance.

Sec. 9. Section 7 of this Act takes effect July 1, 2004.

Sec. 10. INTERIM STUDY ON RESTRICTIVE EASEMENTS. The legislative council is requested to establish an interim study committee to study restrictive easements and covenants as a tool to carry out projects and programs to protect, conserve, or develop various areas of the loess hills. The study

committee shall report its findings and recommendations to the legislative council.

---

BRENT SIEGRIST  
Speaker of the House

---

MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 218, Seventy-eighth General Assembly.

---

ELIZABETH ISAACSON  
Chief Clerk of the House

Approved May 12, 1999

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THOMAS J. VILSACK  
Governor