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SENATE FILE 274

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DVORSKY, SEXTON, HAMMOND, McCOY,
FINK and McLAREN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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

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

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SF 274
NAT. RES. & ENVIRONMENT

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. Seven additional voting members who shall be persons
23 with experience in the fields of environmental affairs,
24 conservation, finance, development, tourism, or related
25 fields. The seven members shall be appointed by the members
26 appointed pursuant to paragraph "a" for a term of three years.
27 However, of the initial appointees, two directors shall be
28 appointed to a one-year term and two directors shall be
29 appointed to a two-year term. Thereafter, all appointments
30 shall be for a three-year term.

31 2. The administrator of the soil conservation division of
32 the department of agriculture and land stewardship, a staff
33 coordinator or director of the councils of governments serving
34 the counties participating in the alliance, the director of
35 the department of economic development, the cooperative

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

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

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

28 1. The board of directors of the alliance shall have the
29 following powers and duties:

30 a. To meet, organize, and adopt rules of procedure as
31 necessary to carry out its powers and duties. The board of
32 directors may appoint an executive committee to provide
33 supervision and administrative direction to the staff. The
34 executive committee shall be voting members of the board of
35 directors. At least sixty percent of the members of the

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

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

12 c. To employ necessary staff to carry out the mission of
13 the alliance.

14 d. To acquire necessary equipment and supplies to support
15 the membership and staff.

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

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

25 g. To make recommendations to and coordinate the planning
26 and projects of the alliance with the authority.

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

31 2. The board of directors and its powers and duties are
32 not intended to affect the authority of the department of
33 natural resources in its acquisition, development, and
34 management of public lands within the counties participating
35 in the alliance.

EXPLANATION

1
2 This bill creates a loess hills preservation and
3 development alliance which encompasses the geographic area of
4 seven counties, including Plymouth, Woodbury, Monona,
5 Harrison, Pottawattamie, Mills, and Fremont. The purpose of
6 the alliance is to establish projects and programs to protect
7 and preserve the unique natural resources of the loess hills
8 area and provide for responsible economic development under
9 the general direction of the loess hills development and
10 conservation authority. The alliance is to study different
11 options for protecting and preserving the loess hills area,
12 including designation as federal or state parks, monuments, or
13 preserves, fee title acquisition, or restrictive easements.
14 The alliance is also directed to develop and implement a pilot
15 project for the protection of loess hills areas with the use
16 of restrictive easements from willing sellers and fee title
17 ownership from willing sellers subject to approval of the
18 authority.

19 The alliance is governed by a board of directors consisting
20 of three members, each selected by the boards of supervisors
21 of the counties participating in the alliance, and seven
22 additional members selected by the members appointed by the
23 participating boards of supervisors. The seven members shall
24 be appointed to three-year staggered terms of office and shall
25 be experienced in the fields of environmental affairs,
26 finance, conservation, tourism, development, or related
27 fields. At least one of the appointees of the respective
28 boards of supervisors shall be a member of the board of
29 supervisors. The administrator of the soil conservation
30 division of the department of agriculture and land
31 stewardship, a staff coordinator or director of the councils
32 of governments serving counties participating in the alliance,
33 the director of the department of economic development, the
34 cooperative extension administrator of the Iowa state
35 university extension service, the director of the department

1 of natural resources, the director of transportation, and the
2 director of the department of cultural affairs, and a
3 coordinator of the golden hills resource conservation and
4 development agency or the Sioux river resource conservation
5 and development agency may voluntarily serve as nonvoting
6 members of the board of directors. The voting members of the
7 board of directors shall select the persons to represent the
8 councils of governments and the resource conservation and
9 development agencies.

10 The bill outlines powers and duties for the board of
11 directors of the alliance. The board of directors may meet,
12 organize, and adopt rules of procedure for the conduct of its
13 business. The board may create an executive committee to
14 supervise its staff and carry out miscellaneous administrative
15 duties. At least 60 percent of the members of the executive
16 committee shall reside in the seven-county geographic area of
17 the alliance. The board shall prepare and adopt a
18 comprehensive plan for the development of the loess hills
19 area, the designation of scenic areas, the preservation of
20 natural and historic resources, public education, and the
21 promotion of tourism. The board is to study various options
22 for the protection and preservation of significant historic,
23 scenic, geologic, and recreational areas of the loess hills.
24 The board is to solicit grants and other funds to carry out
25 its projects and make recommendations to and coordinate its
26 planning and projects with the loess hills development and
27 conservation authority. The plans and projects of the
28 alliance are subject to approval of the authority.

29 The bill also creates a loess hills preservation and
30 development account in the loess hills development and
31 conservation fund in the state treasury. A hungry canyons
32 account is also created. The board of directors of the
33 alliance shall administer the loess hills preservation and
34 development account and apply for and accept private or public
35 funds to carry out its mission with approval of the authority.

SENATE FILE 274

S-3144

1 Amend Senate File 274 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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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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1 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 "membership, powers and duties" and inserting the
36 following: "responsibilities".

By STEVE KING
DERRYL MCLAREN

S-3144 FILED MARCH 24, 1999