

Substituted for by HF 318  
3/29/99 (P. 825)

FILED MAR 8 1999

SENATE FILE 315

BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

**WITHDRAWN**  
4/21/99

(SUCCESSOR TO SF 274)

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 315

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.

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1 Amend Senate File 315 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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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 not exceed thirty years in duration and 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. 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."

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

By STEVE KING

S-3172 FILED MARCH 29, 1999

ADOPTED

(p. 825)