

House File 658 - Introduced

HOUSE FILE _____
BY MAY

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

A BILL FOR

1 An Act authorizing the establishment of county trails boards,
2 creating penalties, and providing for appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1366YH 82
5 av/gg/14

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1 1 Section 1. Section 97B.49B, subsection 1, paragraph e,
1 2 subparagraph (1), Code 2007, is amended to read as follows:
1 3 (1) A conservation peace officer employed under section
1 4 456A.13 or as designated by a county conservation board
1 5 pursuant to section 350.5 or by a county trails board pursuant
1 6 to section 350A.5.

1 7 Sec. 2. Section 306.42, subsection 2, Code 2007, is
1 8 amended to read as follows:
1 9 2. The department shall transfer by quitclaim deed to the
1 10 county or to the city having jurisdiction over a road, all of
1 11 the state's legal or equitable title and interest in
1 12 right-of-way for the road or street and may transfer any
1 13 adjacent unused right-of-way or land in excess of that needed
1 14 as right-of-way. The deed shall be executed by the director
1 15 of the department. However, if the department owns any
1 16 adjacent unused right-of-way in excess of that needed as
1 17 right-of-way which is located outside the incorporated limits
1 18 of a city and is suitable for purposes specified in section
1 19 350.4, subsection 2, or section 350A.4, subsection 2, the
1 20 department may, at the request of the county and the county
1 21 conservation board or the county trails board, transfer the
1 22 property by quitclaim deed to the county for the use and
1 23 benefit of the county conservation board or the county trails
1 24 board.

1 25 Sec. 3. Section 306D.2, subsection 1, unnumbered paragraph
1 26 1, Code 2007, is amended to read as follows:

1 27 The state department of transportation shall prepare a
1 28 statewide, long-range plan for the protection, enhancement,
1 29 and identification of highways and secondary roads which pass
1 30 through unusually scenic areas of the state as identified in
1 31 section 306D.1. The department of natural resources,
1 32 department of economic development, and department of cultural
1 33 affairs, private organizations, county conservation boards,
1 34 county trails boards, city park and recreation departments,
1 35 and the federal agencies having jurisdiction over land in the
2 1 state shall be encouraged to assist in preparing the plan.
2 2 The plan shall be coordinated with the state's open space plan
2 3 if a state open space plan has been approved by the general
2 4 assembly. The plan shall include, but is not limited to, the
2 5 following elements:

2 6 Sec. 4. Section 308A.1, unnumbered paragraph 3, Code 2007,
2 7 is amended to read as follows:

2 8 The department of natural resources is hereby authorized to
2 9 ~~co-operate~~ cooperate with county conservation boards, county
2 10 trails boards, boards of supervisors, city councils, or any
2 11 private organizations interested in the establishment of
2 12 bikeways, and may consult with such groups in the planning of
2 13 appropriate bikeway routes and related activities.

2 14 Sec. 5. Section 314.22, subsection 3, paragraph b, Code
2 15 2007, is amended by adding the following new subparagraph:
2 16 NEW SUBPARAGRAPH. (9) One member representing county
2 17 trails boards.

2 18 Sec. 6. Section 314.22, subsection 8, paragraph b, Code
2 19 2007, is amended to read as follows:

2 20 b. The department shall coordinate and compile a

2 21 reconnaissance of lands to develop an inventory of sites
2 22 having the potential of being harvested for native grass,
2 23 forb, and woody plant material seed and growing stock.
2 24 Highway right-of-ways, parks and recreation areas, converted
2 25 railroad right-of-ways, state board of regents' property,
2 26 lands owned by counties, and other types of public property
2 27 shall be surveyed and documented for seed source potential.
2 28 Sites volunteered by private organizations may also be
2 29 included in the inventory. Inventory information shall be
2 30 made available to state agencies' staffs, county engineers,
2 31 county conservation board directors, county trails board
2 32 directors, and others.

2 33 Sec. 7. Section 331.321, subsection 1, Code 2007, is
2 34 amended to read as follows:

2 35 1. The board shall appoint:

3 1 a. A veterans memorial commission in accordance with
3 2 sections 37.9 to 37.15, when a proposition to erect a memorial
3 3 building or monument has been approved by the voters.

3 4 b. A county conservation board in accordance with section
3 5 350.2, when a proposition to establish the board has been
3 6 approved by the voters.

3 7 c. A county trails board in accordance with section
3 8 350A.2, when a proposition to establish the board has been
3 9 approved by the voters.

3 10 ~~e. d.~~ The members of the county board of health in
3 11 accordance with section 137.4.

3 12 ~~d. e.~~ One member of the convention to elect the state
3 13 fair board as provided in section 173.2, subsection 3.

3 14 ~~e. f.~~ A temporary board of community mental health center
3 15 trustees in accordance with section 230A.4 when the board
3 16 decides to establish a community mental health center, and
3 17 members to fill vacancies in accordance with section 230A.6.

3 18 ~~f. g.~~ The members of the service area advisory board in
3 19 accordance with section 217.43.

3 20 ~~g. h.~~ A county commission of veteran affairs in
3 21 accordance with sections 35B.3 and 35B.4.

3 22 ~~h. i.~~ A general assistance director in accordance with
3 23 section 252.26.

3 24 ~~i. j.~~ One or more county engineers in accordance with
3 25 sections 309.17 to 309.19.

3 26 ~~j. k.~~ A weed commissioner in accordance with section
3 27 317.3.

3 28 ~~k. l.~~ A county medical examiner in accordance with
3 29 section 331.801, and the board may provide facilities, deputy
3 30 examiners, and other employees in accordance with that
3 31 section.

3 32 ~~l. m.~~ Two members of the county compensation board in
3 33 accordance with section 331.905.

3 34 ~~m. n.~~ Members of an airport zoning commission as provided
3 35 in section 329.9, if the board adopts airport zoning under
4 1 chapter 329.

4 2 ~~n. o.~~ Members of an airport commission in accordance with
4 3 section 330.20 if a proposition to establish the commission
4 4 has been approved by the voters.

4 5 ~~o. p.~~ Two members of the civil service commission for
4 6 deputy sheriffs in accordance with section 341A.2 or 341A.3,
4 7 and the board may remove the members in accordance with those
4 8 sections.

4 9 ~~p. q.~~ A temporary board of hospital trustees in
4 10 accordance with sections 347.9 and 347.10 if a proposition to
4 11 establish a county hospital has been approved by the voters.

4 12 ~~q. r.~~ An initial board of hospital trustees in accordance
4 13 with section 347A.1 if a hospital is established under chapter
4 14 347A.

4 15 ~~r. s.~~ A county zoning commission, an administrative
4 16 officer, and a board of adjustment in accordance with sections
4 17 335.8 to 335.11, if the board adopts county zoning under
4 18 chapter 335.

4 19 ~~s. t.~~ A board of library trustees in accordance with
4 20 sections 336.4 and 336.5, if a proposition to establish a
4 21 library district has been approved by the voters, or section
4 22 336.18 if a proposition to provide library service by contract
4 23 has been approved by the voters.

4 24 ~~t. u.~~ Local representatives to serve with the city
4 25 development board as provided in section 368.14.

4 26 ~~u. v.~~ Members of a city planning and zoning commission
4 27 and board of adjustment when a city extends its zoning powers
4 28 outside the city limits, in accordance with section 414.23.

4 29 ~~v. w.~~ A list of residents eligible to serve as a
4 30 compensation commission in accordance with section 6B.4, in
4 31 condemnation proceedings under chapter 6B.

4 32 ~~w.~~ x. Members of the county judicial magistrate
4 33 appointing commission in accordance with section 602.6503.
4 34 ~~x.~~ y. A member of the judicial district department of
4 35 corrections as provided in section 905.3, subsection 1,
5 1 paragraph "a".
5 2 ~~y.~~ z. Members of a county enterprise commission or joint
5 3 county enterprise commission if the commission is approved by
5 4 the voters as provided in section 331.471.
5 5 ~~z.~~ aa. Other officers and agencies as required by state
5 6 law.
5 7 Sec. 8. Section 331.322, Code 2007, is amended by adding
5 8 the following new subsection:
5 9 NEW SUBSECTION. 4A. Provide suitable offices for the
5 10 meetings of the county trails board and the safekeeping of its
5 11 records.
5 12 Sec. 9. Section 331.381, Code 2007, is amended by adding
5 13 the following new subsection:
5 14 NEW SUBSECTION. 3A. Proceed in response to a petition to
5 15 establish a county trails board in accordance with section
5 16 350A.2.
5 17 Sec. 10. Section 331.427, subsection 3, Code 2007, is
5 18 amended to read as follows:
5 19 3. The board may make appropriations from the general fund
5 20 for general county services, including but not limited to the
5 21 following:
5 22 a. Expenses of a joint emergency management commission
5 23 under chapter 29C.
5 24 b. Development, operation, and maintenance of memorial
5 25 buildings or monuments under chapter 37.
5 26 c. Purchase of voting machines under chapter 52.
5 27 d. Expenses incurred by the county conservation board
5 28 established under chapter 350, in carrying out its powers and
5 29 duties.
5 30 e. Expenses incurred by the county trails board
5 31 established under chapter 350A, in carrying out its powers and
5 32 duties.
5 33 ~~e.~~ f. Local health services. The county auditor shall
5 34 keep a complete record of appropriations for local health
5 35 services and shall issue warrants on them only on requisition
6 1 of the local or district health board.
6 2 ~~f.~~ g. Expenses relating to county fairs, as provided in
6 3 chapter 174.
6 4 ~~g.~~ h. Maintenance of a juvenile detention home under
6 5 chapter 232.
6 6 ~~h.~~ i. Relief of veterans under chapter 35B.
6 7 ~~i.~~ j. Care and support of the poor under chapter 252.
6 8 ~~j.~~ k. Operation, maintenance, and management of a health
6 9 center under chapter 346A.
6 10 ~~k.~~ l. For the use of a nonprofit historical society
6 11 organized under chapter 504, Code 1989, or current chapter
6 12 504, a city-owned historical project, or both.
6 13 ~~l.~~ m. Services listed in section 331.424, subsection 1,
6 14 and section 331.554.
6 15 ~~m.~~ n. Closure and postclosure care of a sanitary disposal
6 16 project under section 455B.302.
6 17 Sec. 11. Section 331.441, subsection 2, paragraph c,
6 18 subparagraph (2), Code 2007, is amended to read as follows:
6 19 (2) Acquisition and development of land for a public
6 20 museum, park, parkway, preserve, recreational trails,
6 21 playground, or other recreation or conservation purpose to be
6 22 managed by the county conservation board or county trails
6 23 board. The board may submit a proposition under this
6 24 subparagraph only upon receipt of a petition from the county
6 25 conservation board or county trails board asking that bonds be
6 26 issued for a specified amount.
6 27 Sec. 12. NEW SECTION. 350A.1 PURPOSES.
6 28 The purpose of this chapter is to create a county trails
6 29 board and to authorize counties to acquire, develop, maintain,
6 30 and make available to the inhabitants of the county, public
6 31 recreational trails, and facilities related to such trails.
6 32 Sec. 13. NEW SECTION. 350A.2 PETITION == BOARD
6 33 MEMBERSHIP.
6 34 Upon a petition to the board of supervisors which meets the
6 35 requirements of section 331.306, the board shall submit to the
7 1 voters at the next general election the question of whether a
7 2 county trails board shall be created as provided for in this
7 3 chapter. If at the election the majority of votes favors the
7 4 creation of a county trails board, the board of supervisors
7 5 within sixty days after the election shall create a county
7 6 trails board to consist of not less than five bona fide
7 7 residents of the county. The members first appointed shall

7 8 hold office for the term of one, two, three, four, and five
7 9 years respectively, or as indicated and fixed by the board of
7 10 supervisors. Thereafter, succeeding members shall be
7 11 appointed for a term of five years, except that vacancies
7 12 occurring otherwise than by expiration of term shall be filled
7 13 by appointment for the unexpired term. When a member of the
7 14 board, during the term of office, ceases to be a bona fide
7 15 resident of the county, the member is disqualified as a member
7 16 and the office becomes vacant. Members of the board shall be
7 17 selected and appointed on the basis of their demonstrated
7 18 interest in recreational trails, and shall serve without
7 19 compensation, but may be paid their actual and necessary
7 20 expenses incurred in the performance of their official duties.
7 21 Members of the county trails board may be removed for cause by
7 22 the board of supervisors as provided in section 331.321,
7 23 subsection 3, if the cause is malfeasance, nonfeasance,
7 24 disability, or failure to participate in board activities as
7 25 set forth by the rules of the trails board.

7 26 Sec. 14. NEW SECTION. 350A.3 MEETINGS == RECORDS ==
7 27 ANNUAL REPORT.

7 28 Within thirty days after the appointment of members of the
7 29 board, the board shall organize by selecting from its members
7 30 a president and secretary and such other officers as are
7 31 deemed necessary, who shall hold office for the calendar year
7 32 in which elected and until their successors are selected and
7 33 qualify. A simple majority of the members of the board shall
7 34 constitute a quorum for the transaction of business. The
7 35 board shall hold regular monthly meetings. Special meetings
8 1 may be called by the president, and shall be called on the
8 2 request of a majority of members, as necessity may require.
8 3 The county trails board shall have power to adopt bylaws, to
8 4 adopt and use a common seal, and to enter into contracts. The
8 5 county board of supervisors shall provide suitable offices for
8 6 the meetings of the county trails board and for the
8 7 safekeeping of its records. Such records shall be subject to
8 8 public inspection at all reasonable hours and under such
8 9 regulations as the county trails board may prescribe. The
8 10 board shall annually make a full and complete report to the
8 11 county board of supervisors of its transactions and operations
8 12 for the preceding year. Such report shall contain a full
8 13 statement of its receipts, disbursements, and the program of
8 14 work for the period covered, and may include such
8 15 recommendations as may be deemed advisable.

8 16 Sec. 15. NEW SECTION. 350A.4 POWERS AND DUTIES.

8 17 The county trails board shall have the custody, control,
8 18 and management of all real and personal property heretofore or
8 19 hereafter acquired by the county for recreational trails and
8 20 is authorized and empowered:

8 21 1. To study and ascertain the county's recreational trails
8 22 and facilities related thereto, the need for such trails and
8 23 facilities, and the extent to which such needs are being
8 24 currently met, and to prepare and adopt a coordinated plan of
8 25 trails and facilities to meet such needs.

8 26 2. To acquire in the name of the county by gift, purchase,
8 27 lease, agreement, exchange, or otherwise, in fee or with
8 28 conditions, suitable real estate within or without the
8 29 territorial limits of the county for recreational trails or
8 30 related facilities. The natural resource commission, the
8 31 county board of supervisors, or the governing body of any
8 32 city, upon request of the county trails board, may transfer to
8 33 the county trails board for use as recreational trails or
8 34 related facilities, any land and buildings owned or controlled
8 35 by the department of natural resources or the county or city
9 1 and not devoted or dedicated to any other inconsistent public
9 2 use. In acquiring or accepting land, due consideration shall
9 3 be given to its scenic, historic, archaeological, recreational,
9 4 or other special features, and land shall not be acquired or
9 5 accepted unless, in the opinion of the board, it is suitable
9 6 or, in the case of exchange, is suitable and of substantially
9 7 the same value as the property exchanged from the standpoint
9 8 of its proposed use. An exchange of property approved by the
9 9 county trails board and the board of supervisors is not
9 10 subject to section 331.361, subsection 2. The county trails
9 11 board shall file with the natural resource commission notice
9 12 of all acquisitions or exchanges of land within one year.

9 13 3. To acquire, develop, operate, promote, and maintain
9 14 multipurpose recreational trails in the county and to
9 15 cooperate with adjoining counties in the development of
9 16 regional trails.

9 17 4. To accept in the name of the county gifts, bequests,
9 18 contributions, and appropriations of money, and other personal

9 19 property for recreational trails purposes.
9 20 5. To employ and fix the compensation of a director who
9 21 shall be responsible to the county trails board for carrying
9 22 out the board's policies. The director, subject to the
9 23 approval of the board, may employ and fix the compensation of
9 24 assistants and employees as necessary for carrying out the
9 25 provisions of this chapter.

9 26 6. To charge and collect reasonable fees for the use of
9 27 recreational trails and facilities related to such trails.
9 28 The board shall not allow the exclusive use of a trail by one
9 29 or more organizations.

9 30 7. To operate concessions or to lease concessions and to
9 31 let out and rent privileges in or upon any property under its
9 32 control upon such terms and conditions as are deemed by it to
9 33 be in the public interest.

9 34 8. To furnish suitable uniforms for the director and those
9 35 employees as the director may designate to wear uniforms, when
10 1 on official duty. The cost of the uniforms shall not exceed
10 2 three hundred dollars per person in any year. The uniforms
10 3 shall at all times remain the property of the county.

10 4 Sec. 16. NEW SECTION. 350A.5 REGULATIONS == PENALTY ==
10 5 OFFICERS.

10 6 The county trails board may make, alter, amend, or repeal
10 7 regulations for the protection, regulation, and control of all
10 8 recreational trails and other property under its control. If
10 9 the regulations affect trails within any city limits, such
10 10 regulations shall be approved by the appropriate city council
10 11 prior to adoption by the county trails board. The regulations
10 12 shall not be contrary to, or inconsistent with, the laws of
10 13 this state. The regulations shall not take effect until ten
10 14 days after their adoption by the board and after their
10 15 publication as provided in section 331.305 and after a copy of
10 16 the regulations has been posted near each gate or principal
10 17 entrance to the public ground to which they apply. After the
10 18 publication and posting, a person violating a provision of the
10 19 regulations which are then in effect is guilty of a simple
10 20 misdemeanor. The board may designate the director and such
10 21 employees as the director may designate, as police officers
10 22 who shall have all the powers conferred by law on police
10 23 officers, peace officers, or sheriffs in the enforcement of
10 24 the laws of this state and the apprehension of violators upon
10 25 all property under the board's control within and without the
10 26 county. The board may grant the director and those employees
10 27 of the board designated as police officers the authority to
10 28 enforce the provisions of chapters 321G, 321I, 461A, 462A,
10 29 481A, and 483A on land not under the control of the board
10 30 within the county.

10 31 Sec. 17. NEW SECTION. 350A.6 MONEYS == CONTRACTS ==
10 32 BONDS.

10 33 1. Upon request of the county trails board, the board of
10 34 supervisors shall establish a reserve account for the
10 35 development and construction of new recreational trails,
11 1 including land acquisition and capital improvement projects.
11 2 The board of supervisors may periodically credit an amount of
11 3 money to the reserve account. Moneys credited to the reserve
11 4 account shall remain in the reserve account until expended for
11 5 the projects upon warrants requisitioned by the county trails
11 6 board. The interest earned on moneys received from bequests
11 7 and donations in the reserve account which are invested
11 8 pursuant to section 12C.1 shall be credited to the reserve
11 9 account.

11 10 2. Annually, the total amount of money credited to the
11 11 reserve account, plus moneys appropriated for recreational
11 12 trails purposes from sources other than the reserve account,
11 13 shall not be less than the amount of gifts, contributions, and
11 14 bequests of money, rent, licenses, fees, charges, and other
11 15 revenues received by the county trails board. Moneys given,
11 16 bequeathed, or contributed to the county trails board shall be
11 17 held, appropriated, and expended in accordance with the
11 18 instructions of the grantor.

11 19 3. Grants provided by the natural resource commission from
11 20 its county conservation board fund for the purposes of
11 21 creating and maintaining recreational trails and facilities
11 22 related to such trails shall be expended solely for the
11 23 purposes of carrying out the provisions of this chapter.

11 24 4. The county auditor shall keep a complete record of the
11 25 appropriations and shall issue warrants on them only on
11 26 requisition of the county trails board. The county trails
11 27 board is subject to the contract letting procedures in section
11 28 331.341, subsections 1, 2, and 4. Upon request of the county
11 29 trails board, the board of supervisors may issue general

11 30 county purpose bonds for the purposes in section 331.441,
11 31 subsection 2, paragraph "c", subparagraph (2), as provided in
11 32 chapter 331, division IV, part 3.

11 33 Sec. 18. NEW SECTION. 350A.7 JOINT OPERATIONS.

11 34 A county trails board may cooperate with the federal
11 35 government or the state government or any department or agency
12 1 thereof to carry out the purposes and provisions of this
12 2 chapter. A county trails board may also cooperate with a
12 3 private, not-for-profit organization to carry out public
12 4 projects and programs authorized under this chapter. A county
12 5 trails board may join with any other county board or boards to
12 6 carry out this chapter, and to that end may enter into
12 7 agreements with each other and may do any and all things
12 8 necessary or convenient to aid and cooperate in carrying out
12 9 this chapter. Any city, village, or school district may aid
12 10 and cooperate with any county trails board or any combination
12 11 of boards in equipping, operating, and maintaining
12 12 recreational trails and for providing, conducting, and
12 13 supervising programs or activities, and may appropriate money
12 14 for such purposes. The natural resource commission, county
12 15 engineer, county agricultural agent, and other county
12 16 officials shall render assistance which does not interfere
12 17 with their regular employment. The board of supervisors may
12 18 be reimbursed to the credit of the proper fund from county
12 19 trails board funds for the actual expense of operation of
12 20 county-owned equipment, use of county equipment operators,
12 21 supplies, and materials of the county, or for the reasonable
12 22 value for the use of county real estate made available for the
12 23 use of the county trails board.

12 24 Sec. 19. NEW SECTION. 350A.8 ADVICE AND ASSISTANCE.

12 25 The natural resource commission and the department of
12 26 education shall advise with and may assist any county or
12 27 counties in carrying out the purposes of this chapter.

12 28 Sec. 20. NEW SECTION. 350A.9 STATUTES APPLICABLE.

12 29 Sections 461A.35 through 461A.57 apply to all lands under
12 30 the control of a county trails board, in the same manner as if
12 31 the lands were state parks or lands. As used in sections
12 32 461A.35 through 461A.57, "natural resource commission"
12 33 includes a county trails board, and "director" includes a
12 34 county trails board or its director, with respect to lands
12 35 under the control of a county trails board. However, sections
13 1 461A.35 through 461A.57 may be modified or superseded by rules
13 2 adopted as provided in section 350A.5.

13 3 Sec. 21. Section 455A.19, subsection 1, paragraph b,
13 4 subparagraph (3), Code 2007, is amended to read as follows:

13 5 (3) Forty percent of the allocation to the county
13 6 conservation account annually shall be held in an account in
13 7 the state treasury for the natural resource commission to
13 8 award to counties on a competitive grant basis by a project
13 9 selection committee established in this subparagraph. Local
13 10 matching funds are not required for grants awarded under this
13 11 subparagraph. The project planning and review committee shall
13 12 be composed of two staff members of the department, ~~and two~~
13 13 county conservation board directors and two county trails
13 14 board directors appointed by the director, ~~and a fifth seventh~~
13 15 member selected by a majority vote of the director's
13 16 appointees. The natural resource commission, by rule, shall
13 17 establish procedures for application, review, and selection of
13 18 county projects submitted for funding. Upon recommendation of
13 19 the project planning and review committee, the director shall
13 20 award the grants.

13 21 Sec. 22. Section 455A.20, subsection 1, paragraphs a and
13 22 e, Code 2007, are amended to read as follows:

13 23 a. The chairpersons of the board of supervisors, county
13 24 conservation board, county trails board, commissioners of the
13 25 soil and water district, and board of directors of each school
13 26 district in the county. A chairperson may appoint a member of
13 27 the chairperson's board or commission as the chairperson's
13 28 designee on the committee. The chairperson or designee of a
13 29 school district shall be a member of the county committee of
13 30 the county in which a majority or the largest plurality of the
13 31 district's students reside.

13 32 e. If a question arises as to whether a recognized county
13 33 organization exists under paragraph "c" or "d", the question
13 34 shall be decided by a majority vote of the members selected
13 35 under paragraphs "a" and "b", excluding the ~~representative~~
14 1 representatives of the county conservation board and county
14 2 trails board. Sections 69.16 and 69.16A do not apply to
14 3 appointments made pursuant to this subsection.

14 4 Sec. 23. Section 455A.20, subsection 2, Code 2007, is
14 5 amended to read as follows:

14 6 2. The duties of the county resource enhancement committee
14 7 are to coordinate the resource enhancement program, plans, and
14 8 proposed projects developed by cities, county conservation
14 9 board, county trails board, and soil and water conservation
14 10 district commissioners for funding under this division. The
14 11 county committee shall review and comment upon all projects
14 12 before they are submitted for funding under section 455A.19.
14 13 Each county committee shall propose a five-year program plan
14 14 which includes a one-year proposed expenditure plan and submit
14 15 it to the department.

14 16 Sec. 24. Section 456A.19, unnumbered paragraph 7, Code
14 17 2007, is amended to read as follows:

14 18 All moneys credited to the county conservation board fund
14 19 shall be used to provide grants to county conservation boards
14 20 and county trails boards to provide funding for the purposes
14 21 of chapter 350 and chapter 350A. These grants are in addition
14 22 to moneys appropriated to the conservation boards and the
14 23 trails boards from the county boards of supervisors. The
14 24 grants shall be made to the conservation boards and the trails
14 25 boards based upon the needs of the boards. Applications shall
14 26 be made by the boards to the commission.

14 27 Sec. 25. Section 457A.1, Code 2007, is amended to read as
14 28 follows:

14 29 457A.1 ACQUISITION BY OTHER THAN CONDEMNATION.

14 30 The department of natural resources, soil and water
14 31 conservation districts as provided in chapter 161A, the
14 32 historical division of the department of cultural affairs, the
14 33 state archaeologist appointed by the state board of regents
14 34 pursuant to section 263B.1, any county conservation board, any
14 35 county trails board, and any city or agency of a city may

15 1 acquire by purchase, gift, contract, or other voluntary means,
15 2 but not by eminent domain, conservation easements in land to
15 3 preserve scenic beauty, wildlife habitat, riparian lands,
15 4 wetlands, or forests; promote outdoor recreation, agriculture,
15 5 soil or water conservation, or open space; or otherwise
15 6 conserve for the benefit of the public the natural beauty,
15 7 natural and cultural resources, and public recreation
15 8 facilities of the state.

15 9 Sec. 26. Section 461A.79, subsection 1, Code 2007, is
15 10 amended to read as follows:

15 11 1. Fifty percent of the funds appropriated for purposes of
15 12 this section for public outdoor recreation and resources shall
15 13 be expended on land acquisition and capital improvements in
15 14 carrying out this chapter. Acquisition projects, both
15 15 fee-simple and less-than-fee, from willing sellers, may be for
15 16 purposes of establishment or expansion of state parks, public
15 17 hunting areas, natural areas, public fishing areas, water
15 18 access sites, trail corridors, recreational trails, and other
15 19 acquisition projects that are in accord with this chapter.
15 20 Notwithstanding the exemption provided by section 427.1, land
15 21 acquired under this subsection is subject to the full
15 22 consolidated levy of property taxes which shall be paid from
15 23 revenues available to be expended under this subsection.

15 24 Capital improvements may be either new developments or
15 25 rehabilitative in nature. Lake and watershed restoration
15 26 projects are eligible for funding under this subsection. Not
15 27 more than fifty percent of the revenues available to be
15 28 expended under this subsection may be used by the commission
15 29 to enter into agreements with county conservation boards,
15 30 county trails boards, and county boards of supervisors in
15 31 those counties without conservation boards or county trails
15 32 boards to carry out the purposes of this subsection. The
15 33 agreement shall not provide for the payment by the commission
15 34 of more than seventy-five percent of the cost of the project
15 35 and the agreement shall specify that the county conservation
16 1 board, county trails board, or county board of supervisors,
16 2 whichever is applicable, shall provide funds for the remaining
16 3 cost of the project covered by the agreement. Moneys
16 4 available to be expended under this subsection may be used for
16 5 the matching of federal funds.

16 6 Sec. 27. Section 461A.80, subsection 3, Code 2007, is
16 7 amended to read as follows:

16 8 3. Each county conservation board and each county trails
16 9 board of those counties which are located in a congressional
16 10 district shall nominate one person from the congressional
16 11 district for appointment to the advisory council. The
16 12 commission shall compile a list of the nominations of the
16 13 county conservation boards and county trails boards for each
16 14 congressional district and shall provide this list to the
16 15 governor. The governor shall appoint one member from each
16 16 congressional district from the nominations as provided.

16 17 Appointments shall be made for three-year terms beginning July
16 18 1 in the year of appointment. A person shall not serve more
16 19 than two terms. A vacancy shall be filled for the unexpired
16 20 term in the same manner as the original appointment was made.
16 21 Sec. 28. Section 463B.2, subsections 1 and 5, Code 2007,
16 22 are amended to read as follows:
16 23 1. A Missouri river preservation and land use authority is
16 24 created to engage in comprehensive planning for and the
16 25 development and implementation of strategies designed to
16 26 preserve and restore the natural beauty of the land adjacent
16 27 to and the water of the Missouri river through state land
16 28 acquisition. Planning and implementation activities shall be
16 29 coordinated with plans and implementation activities of the
16 30 department of natural resources for lands owned or acquired by
16 31 the department. The authority shall be composed of a
16 32 representative from each of the county conservation boards and
16 33 each of the trails boards of the counties which border on the
16 34 Missouri river, an elected official selected by the county
16 35 board of supervisors of each of the counties which border on
17 1 the Missouri river, six at-large public members, and four ex
17 2 officio members. The board of supervisors of the counties
17 3 which border on the Missouri river shall each appoint one of
17 4 the at-large public members, who shall possess a demonstrated
17 5 interest in or knowledge about natural resource conservation
17 6 and protection and one of whom shall also be actively engaged
17 7 in the business of farming. Interest or knowledge of an
17 8 at-large member may be demonstrated by membership in an
17 9 association or other organization which is involved in
17 10 conservation, environmental protection, or related activities.
17 11 The ex officio members of the authority shall be composed of a
17 12 representative from the natural resource commission of the
17 13 department of natural resources, a representative from the
17 14 state department of transportation, a representative from the
17 15 department of cultural affairs, and a representative from the
17 16 office of attorney general. Members of the authority shall
17 17 serve two-year terms. Members who are also members of a
17 18 county conservation board, county trails board, or board of
17 19 supervisors shall be reimbursed only for actual expenses
17 20 incurred while performing duties of the authority. At-large
17 21 members shall be reimbursed for actual expenses and shall
17 22 receive a per diem as specified in section 7E.6 for their
17 23 performance of duties for the authority.
17 24 5. The title to all property purchased by the authority
17 25 shall be taken in the name of the state, but no land shall be
17 26 acquired through condemnation proceedings and all purchases
17 27 shall be from willing sellers. The authority may transfer
17 28 jurisdiction over any lands the authority acquires to the
17 29 department of natural resources, or may enter into agreements
17 30 with the department or the appropriate county conservation
17 31 board or county trails board, for the management of the lands.
17 32 All lands purchased shall be for public use, and not for
17 33 private commercial purposes, but the authority may permit the
17 34 expenditure of private funds for the improvement of land or
17 35 water adjacent to or purchased by the authority. All surveys
18 1 and plats of lands purchased by the authority shall be filed
18 2 in the manner provided in section 461A.22. Land purchased by
18 3 the authority shall be managed and policed in the manner
18 4 provided under agreements between the authority and the agency
18 5 responsible for management of the property, except that,
18 6 subject to the restrictions contained in chapter 455B, the
18 7 authority shall not be required to obtain the prior permission
18 8 of the natural resource commission when using private funds to
18 9 establish land or water recreational areas, and any property
18 10 purchased by the authority shall not be sold without the prior
18 11 notification and consent of the authority.

18 12 EXPLANATION

18 13 This bill authorizes the creation of a county trails board
18 14 upon petition to a county board of supervisors, creates
18 15 penalties, and provides for appropriations.

18 16 Code section 306.42 is amended to allow the transfer of
18 17 rights-of-way that are suitable for recreational trails to a
18 18 county for the use and benefit of the county trails board.

18 19 Code section 306D.2 is amended to include county trails
18 20 boards in assisting with preparation of the statewide scenic
18 21 highways program.

18 22 Code section 308A.1 is amended to include county trails
18 23 boards in assisting with the establishment of recreational
18 24 bikeways in the state.

18 25 Code section 314.22 is amended to require information
18 26 concerning inventories of woody plant material seed and
18 27 growing stock be made available to county trails boards as

18 28 part of the state's integrated roadside vegetation management
18 29 program.

18 30 Code section 331.321 is amended to require a county board
18 31 of supervisors to appoint a county trails board in accordance
18 32 with new Code section 350A.2 when a proposition to establish a
18 33 trails board has been approved by the voters.

18 34 Code section 331.322 is amended to require a board of
18 35 supervisors to provide suitable offices for the meetings of a
19 1 county trails board and the safekeeping of its records.

19 2 Code section 331.381 is amended to require a county board
19 3 of supervisors to proceed in response to a petition to
19 4 establish a county trails board in accordance with new Code
19 5 section 350A.2.

19 6 Code section 331.427 is amended to provide that revenues
19 7 from the county general fund shall be appropriated to pay
19 8 expenses incurred by a county trails board established under
19 9 new Code chapter 350A in carrying out its powers and duties.

19 10 Code section 331.441 is amended to allow a county board of
19 11 supervisors to submit a proposition for the issuance of
19 12 general county purpose bonds upon petition of a county trails
19 13 board for the acquisition and development of land for
19 14 recreational trails.

19 15 New Code chapter 350A authorizes the creation of a county
19 16 trails board in each county upon petition to the board of
19 17 supervisors and an affirmative vote of county voters.

19 18 New Code section 350A.2 requires the board of supervisors
19 19 to appoint not less than five county residents to the county
19 20 trails board after the vote and sets forth the terms of the
19 21 appointments and the qualifications to be considered in making
19 22 the appointments.

19 23 New Code section 350A.3 requires a county trails board to
19 24 organize, elect officers, and hold regular, monthly meetings.
19 25 The board of supervisors is required to provide suitable
19 26 offices for the meetings of the trails board and safekeeping
19 27 of the trails board's records. The trails board's records are
19 28 subject to public inspection. The trails board is required to
19 29 make an annual report of its operations and transactions to
19 30 the board of supervisors.

19 31 New Code section 350A.4 describes the powers and duties of
19 32 a county trails board concerning custody, control, and
19 33 management of all real and personal property acquired by the
19 34 county for recreational trails, including employment of a
19 35 director and other employees.

20 1 New Code section 350A.5 allows a county trails board to
20 2 make regulations for the protection, regulation, and control
20 3 of all recreational trails and other property under the trails
20 4 board's control, describes the manner in which such
20 5 regulations become effective, and provides that a violation of
20 6 such a regulation is a simple misdemeanor. Code section
20 7 350A.5 also allows the trails board to designate the director
20 8 and other employees as police officers with the power to
20 9 enforce all laws of the state upon property within the control
20 10 of the trails board. The bill amends Code section 97B.49B to
20 11 provide that officers so designated are considered a member of
20 12 a protection occupation under the Iowa public employees'
20 13 retirement system.

20 14 New Code section 350A.6 requires the county board of
20 15 supervisors, upon request of the county trails board, to
20 16 establish a reserve account for the development and
20 17 construction of new recreational trails, including land
20 18 acquisition and capital improvement projects. Code section
20 19 350A.6 also provides that a county trails board is subject to
20 20 certain contract letting procedures contained in Code section
20 21 331.341 and that upon request of the trails board, the board
20 22 of supervisors may issue general county purpose bonds for the
20 23 purposes set forth in Code section 331.441.

20 24 New Code section 350A.7 allows a county trails board to
20 25 conduct joint operations by cooperating with the state or
20 26 federal government or any agency thereof, or with a private
20 27 not-for-profit organization to carry out the purposes of Code
20 28 chapter 350A.

20 29 New Code section 350A.8 requires the natural resource
20 30 commission and the department of education to advise and
20 31 assist any county in carrying out the purposes of new Code
20 32 chapter 350A.

20 33 New Code section 350A.9 specifies that certain provisions
20 34 of Code chapter 461A concerning activities in public lands and
20 35 waters apply to all lands under the control of a county trails
21 1 board in the same manner as if the lands were state parks or
21 2 lands.

21 3 Code section 455A.19 is amended to provide that the project

21 4 selection committee that awards grants to counties from the
21 5 conservation account of the Iowa resources enhancement and
21 6 protection fund includes two directors of county trails
21 7 boards.
21 8 Code section 455A.20 is amended to include the chairperson
21 9 of the county trails board on the county resource enhancement
21 10 committee.
21 11 Code section 456A.19 is amended to provide that moneys
21 12 credited to the county conservation board fund in the state
21 13 treasury shall be used to provide funding to county trails
21 14 boards in addition to county conservation boards.
21 15 Code section 457A.1 is amended to allow county trails
21 16 boards to acquire conservation easements by purchase, gift,
21 17 contract, or other voluntary means, but not by eminent domain,
21 18 for the promotion of outdoor recreation among other specified
21 19 purposes.
21 20 Code section 461A.79 is amended to provide that funds
21 21 appropriated for public outdoor recreation and resources
21 22 pursuant to the Code section include acquisition projects to
21 23 establish or expand recreational trails. The Code section is
21 24 also amended to provide that some of the funds may be used to
21 25 enter into agreements with county trails boards for this
21 26 purpose.
21 27 Code section 461A.80 is amended to require each county
21 28 trails board in a congressional district to nominate one
21 29 person from that district for appointment by the governor to
21 30 the public outdoor recreation and resources advisory council.
21 31 Code section 463B.2 is amended to provide the Missouri
21 32 river preservation and land use authority shall include a
21 33 representative of each county trails board of the counties
21 34 which border on the Missouri river and those persons shall be
21 35 reimbursed only for actual expenses incurred while performing
22 1 duties of the authority. The Code section is also amended to
22 2 allow the authority to enter into agreements with a county
22 3 trails board for management of property purchased by the
22 4 authority.
22 5 LSB 1366YH 82
22 6 av:nh/gg/14.1