

Senate File 516 - Reprinted

SENATE FILE 516
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1198)

(As Amended and Passed by the Senate March 14, 2023)

A BILL FOR

1 An Act relating to the management of open space properties and
2 recreational trails.

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

1 Section 1. Section 465A.2, Code 2023, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **465A.2 Open space maintenance, protection, and acquisition**
4 **— agency duties.**

5 1. For purposes of this chapter, unless the context
6 otherwise requires:

7 a. *“Department”* means the department of natural resources.

8 b. *“Open space property”* includes lakes, streams, wetlands,
9 forests, prairies, preserves, hatcheries, wildlife areas,
10 parks, grazing land, and tillable land.

11 2. The department shall prepare and conduct new education
12 and awareness programs designed to create greater public
13 understanding of the needs, issues, and opportunities for
14 protecting the state’s significant open spaces. The department
15 shall incorporate the recommendations of other state agencies
16 and private sector organizations that have interests in open
17 space protection. The department may enter into contracts
18 with other agencies and the private sector in preparing and
19 conducting these programs.

20 3. The department shall prepare a statewide, long-range
21 plan that shall prioritize the maintenance and protection
22 of significant open space property throughout the state.
23 The plan shall also include the department’s criteria for
24 identifying high-priority open space properties for potential
25 acquisition, but shall require the department to first consider
26 and prioritize available partnership programs with private
27 landowners as an alternative to acquiring new property. The
28 department shall review the plan every five years and amend
29 the plan as necessary. The department of transportation, the
30 department of economic development, private organizations,
31 county conservation boards, city park and recreation agencies,
32 and federal agencies with lands in the state shall be directly
33 involved in preparing and reviewing the plan. The plan shall
34 include but is not limited to the following elements:

35 a. Specific maintenance, protection, and acquisition needs

1 and priorities for open space areas based on the following
2 sequence of priorities:

- 3 (1) National.
- 4 (2) Regional.
- 5 (3) Statewide.
- 6 (4) Local.

7 *b.* Identification of open space maintenance, protection,
8 and acquisition techniques available or needed to carry out the
9 plan.

10 *c.* Additional education and awareness programs that are
11 needed to encourage the maintenance and protection of areas
12 identified in the plan.

13 *d.* Management needs including maintenance, rehabilitation,
14 and improvements.

15 *e.* Funding levels needed to maintain and protect open space
16 property and the funding levels that may be necessary for the
17 acquisition of open space property.

18 *f.* Recommendations as to how federal programs can be
19 modified or developed to assist the state in maintaining,
20 protecting, and potentially acquiring open space property.

21 4. The department shall maintain and protect, and may
22 acquire, open space property as identified by priority in
23 the plan as funding is made available for this purpose. In
24 maintaining, protecting, and acquiring open space property, the
25 department shall:

26 *a.* Accept applications for funding assistance from federal
27 agencies, other state agencies, regional organizations, county
28 conservation boards, city park and recreation agencies, and
29 private organizations with an interest in open space property.

30 *b.* Obtain the maximum efficiency of funds appropriated for
31 maintaining, protecting, and acquiring open space property
32 through the use of maintenance, protection, and acquisition
33 techniques that provide the degree of protection required at
34 the lowest cost.

35 *c.* Encourage the provision of supporting or matching funds,

1 but the absence of these funds shall not prevent the approval
2 of those projects of clear national importance.

3 5. The department may enter into contracts with private
4 consultants for preparing all or part of the plan required
5 under subsection 3. The plan shall be submitted to the general
6 assembly by July 1, 2024. Prior to submission of the plan to
7 the general assembly, the department shall request comments on
8 the proposed plan from state and federal agencies and private
9 organizations with interests in open space protection. The
10 comments shall be submitted to the general assembly with the
11 plan.

12 Sec. 2. Section 465A.3, subsection 2, Code 2023, is amended
13 to read as follows:

14 2. The department may enter into agreements with other
15 state agencies, political subdivisions of the state, and
16 private organizations for the purposes of ~~carrying out this~~
17 ~~natural open space program or specific elements of the program~~
18 maintaining, protecting, and acquiring open space property.

19 Sec. 3. Section 465B.2, Code 2023, is amended by striking
20 the section and inserting in lieu thereof the following:

21 **465B.2 Trail development — department duties.**

22 1. The state department of transportation shall undertake
23 the following actions to develop recreational trails in this
24 state:

25 a. Prepare a long-range plan for the development, promotion,
26 management, and acquisition of recreational trails throughout
27 the state. The plan shall identify needs and opportunities
28 for recreational trails of different kinds having national,
29 statewide, regional, and multicounty importance. The
30 department of transportation shall review the plan every five
31 years and amend the plan as necessary. Recommendations in the
32 plan shall include but not be limited to:

33 (1) Specific acquisition needs and opportunities for
34 different types of trails with emphasis on connecting existing
35 trails.

1 (2) Development needs including trail surfacing, restrooms,
2 shelters, parking, and other needed facilities.

3 (3) Promotional programs that will encourage Iowans and
4 state visitors to increase use of trails.

5 (4) Management activities including maintenance,
6 enforcement of rules, and replacement needs.

7 (5) Funding levels needed to accomplish the statewide
8 trails objectives.

9 (6) Ways in which trails can be more fully integrated with
10 parks, cultural sites, and natural resource sites.

11 *b.* Include, within the plan, recommendations for standards
12 for establishing functional classifications for all types
13 of recreational trails, including a system for determining
14 jurisdictional control over trails. Levels of jurisdiction
15 may be vested in the state, counties, cities, and private
16 organizations.

17 2. *a.* The state department of transportation may
18 enter into contracts for the preparation of the trails
19 plan. The department of transportation shall involve the
20 department of natural resources and the Iowa department of
21 economic development in the preparation of the plan. The
22 recommendations and comments of organizations representing
23 different types of trail users and others with interests
24 in recreational trails shall also be incorporated in the
25 preparation of the trails plan and shall be submitted with the
26 plan to the general assembly. The plan shall be submitted to
27 the general assembly no later than January 15, 2024.

28 *b.* The department of transportation shall give priority
29 to funding maintenance projects and the development of trail
30 portions that will complete segments of existing trails, which
31 may include acquisition after the department first considers
32 and prioritizes available partnership programs with private
33 landowners as an alternative to acquiring new property. The
34 department shall only consider and approve proposals for the
35 establishment or expansion of a recreational trail when the

1 entity sponsoring the establishment or expansion project
2 demonstrates to the department how the trail will be maintained
3 using federal, local, or private revenue sources. When
4 acquiring trail routes, the department of transportation shall
5 give preference to the acquisition of trail routes that use
6 existing or abandoned railroad rights-of-way, river valleys,
7 and natural greenbelts. Multiple recreational uses of routes
8 for trails, other forms of transportation, utilities, and other
9 uses compatible with trails shall be given priority.

10 c. The department of transportation may acquire property by
11 negotiated purchase and hold title to property for development
12 of trails. The department of transportation may enter into
13 agreements with other state agencies, political subdivisions
14 of the state, and private organizations for the planning,
15 development, promotion, management, operations, maintenance,
16 and potential acquisition of recreational trails.

17 3. The department of transportation may adopt rules under
18 chapter 17A to carry out a trails program.

19 Sec. 4. REPEAL. Sections 465A.1 and 465B.1, Code 2023, are
20 repealed.