

Sec. 15. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 11, 1999

CHAPTER 118
DUST CONTROL ON SECONDARY ROADS --
PRIMARY ROAD FUND EXPENDITURE

H.F. 634

AN ACT relating to expenditure of moneys from the primary road fund for dust control on certain roads.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 313.4, subsection 1, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department may expend moneys from the fund for dust control on a secondary road when there is a notable increase in traffic on the secondary road due to closure of a road by the department for purposes of establishing, constructing, or maintaining a primary road.

Approved May 11, 1999

CHAPTER 119
LOESS HILLS DEVELOPMENT AND CONSERVATION

H.F. 218

AN ACT creating a loess hills preservation and development alliance, providing for its responsibilities, and providing for other properly related matters, and providing an applicability date.

Be It Enacted by the General Assembly of the State of Iowa:

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

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

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

161D.2 LOESS HILLS DEVELOPMENT AND CONSERVATION FUND.

A loess hills development and conservation fund is created in the state treasury, ~~to~~. The fund shall include a hungry canyons account and a loess hills alliance account which shall

be administered by the loess hills development and conservation authority. The proceeds of the ~~fund~~ respective accounts shall be used for the purposes specified in section 161D.1 or 161D.6 as applicable. The loess hills development and conservation authority may accept gifts, bequests, other moneys including, but not limited to, state or federal moneys, and in-kind contributions for deposit in the fund. The gifts, grants, bequests from public and private sources, state and federal moneys, and other moneys received by the authority shall be deposited in the fund respective accounts and any interest earned ~~on the fund~~ shall be credited to the fund respective accounts to be used for the purposes specified in section 161D.1 or 161D.6 as applicable. Notwithstanding section 8.33, any unexpended or unencumbered moneys remaining in the fund at the end of the fiscal year shall not revert to the general fund of the state, but the moneys shall remain available for expenditure by the authority in succeeding fiscal years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved May 12, 1999