

1 SEC. 23. Section four hundred fifty-five B point thirty-two (455B.32),
2 subsection four (4), and sections four hundred fifty-five B point thirty-seven
3 (455B.37), four hundred fifty-five B point thirty-eight (455B.38), four hundred
4 fifty-five B point forty-three (455B.43), four hundred fifty-five B point sixty-five
5 (455B.65), and four hundred fifty-five B point sixty-six (455B.66), Code 1975, are
6 repealed.

Approved June 23, 1976

CHAPTER 1205

CONSERVATION COMMISSION, SOIL CONSERVATION AND
DEVELOPMENT COMMISSION

H. F. 1558

AN ACT appropriating funds for public projects under the jurisdiction of the state conservation
commission, the sewage works construction fund, the department of soil conservation, and the
Iowa development commission; and providing penalties.

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

1 SECTION 1. There is appropriated from the general fund of the state for the
2 fiscal period beginning July 1, 1976, and ending June 30, 1979, except as provided
3 in subsection three (3) of this section, to the following named agencies for the
4 purposes indicated, the following amounts, or so much thereof as is necessary:

5 1. STATE CONSERVATION COMMISSION
6 For construction, replacement, development and alterations to state
7 parks and preserves, state forestry facilities and state waters including
8 artificial lake development; erosion and siltation control; river, stream
9 and lake access; land acquisition; publications; and engineering and
10 planning services or to supplement any prior appropriation for such
11 purposes \$ 4,000,000

12 2. SEWAGE WORKS CONSTRUCTION FUND
13 a. For the purpose of providing the state's twenty-five percent of the
14 eligible cost of eligible projects as defined under section four hundred
15 fifty-five B point sixty-seven (455B.67), subsection four (4) of the
16 Code, attributable to the period July 1, 1966 through June 30, 1969 \$ 20,000

17 b. For payments to the governing bodies responsible for publicly-
18 owned sewage treatment facilities which are eligible for seventy-five
19 percent grants under the federal Water Pollution Act amendments of
20 1972, eighty-six (86) Stat. eight hundred sixteen (816), in an amount
21 equal to five percent of the amount approved as the eligible cost of the
22 project by the Iowa water pollution control commission \$ 6,000,000

23 3. DEPARTMENT OF SOIL CONSERVATION
24 For cost sharing to provide state funding of not to exceed fifty
25 percent of the approved cost of permanent soil conservation practices
26 instituted under chapter four hundred sixty-seven A (467A) of the
27 Code with priority given to projects on watersheds above state-owned
28 lakes and to the owner-operated or family-operated farms, except that
29 not more than five percent of the amount herein appropriated may be
30 used for cost sharing to abate complaints filed under sections four
31 hundred sixty-seven A point forty-seven (467A.47) and four hundred
32 sixty-seven A point forty-eight (467A.48) of the Code \$ 4,000,000
33 Unencumbered or unobligated funds appropriated by this subsection

34 remaining on June 30, 1980 shall revert to the general fund on September
35 30, 1980.

1 SEC. 2. Section four hundred sixty-seven A point seven (467A.7), Code 1975,
2 is amended by adding the following new subsection:

3 NEW SUBSECTION. The commissioners shall, as a condition for the receipt of
4 any cost share funds for permanent soil conservation practices, require the
5 landowner to covenant an agreement that if the project is removed, altered, or
6 modified so as to lessen its effectiveness without the consent of the state soil
7 conservation committee for a period of ten years after the date of receiving
8 payment the landowner shall refund to the department of soil conservation the
9 public funds used for the project. Such refunds shall be reallocated to the district
10 from which they were refunded to be used for conservation cost sharing. It shall
11 be the duty of the commissioners to assist the state soil conservation committee in
12 the enforcement of this subsection.

1 SEC. 3. When the development of projects in which the state conservation
2 commission has entered into agreements with other units of governments would
3 be delayed by a delay in funding by the state conservation commission, then the
4 commission shall give priority to such projects when allocating unobligated funds
5 appropriated by section one (1), subsection one (1) of this Act.

1 SEC. 4. The funds appropriated by this Act, and any other public funds shall
2 not be used by the conservation commission for the expansion by condemnation
3 of the public hunting and fishing area at Green Island, prior to eighteen months
4 after the effective date of this Act.

1 SEC. 5. The state conservation commission shall not construct any new
2 marina or basin providing moorings for boats at Gull Point state park or any
3 other point on or adjacent to West Okoboji Lake within twelve months after the
4 effective date of this Act.

5 The natural resources visitation subcommittee of the legislative fiscal
6 committee shall confer with the commission before the convening of the Sixty-
7 seventh General Assembly. The commission, after conferring with this committee
8 and with local conservation organizations, shall notify the chairmen of the
9 appropriations committees of their recommendations for location and
10 descriptions of one or more facilities to provide for public boat docking facilities.
11 Unless disapproved by the general assembly by resolution within sixty calendar
12 days after convening the commission may proceed.

1 SEC. 6. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one
2 thousand twenty-six (1026), section one (1), subsection three (3), is amended by
3 striking the subsection and inserting in lieu thereof the following:

4 VOLGA RIVER. For design and construction of three or more lakes on the Frog
5 Hollow watershed of the Volga River. Construction shall begin within the
6 calendar year 1977 \$1,500,000

1 SEC. 7. Chapter one thousand twenty-six (1026), Acts of the Sixty-fifth
2 General Assembly, 1974 Session, section seven (7), as amended by Acts of the
3 Sixty-sixth General Assembly, 1975 Session, chapter sixty-two (62), section eleven
4 (11), is amended to read as follows:

5 Sec. 7. Funds appropriated by this Act shall not be used for the purchase,
6 construction, or leasing of resort lodges. Unencumbered funds remaining as of
7 June 30, 1977 shall revert to the general fund of the state on September 30, 1977
8 except those funds set aside for dredging under section three (3) of this Act and
9 funds appropriated by this Act to the Volga River dam construction project shall
10 revert to the general fund on September 30, 1979, if unencumbered as of June 30,
11 1979.

1 SEC. 8. There is appropriated the remainder of the state fish and game
 2 protection fund for use by the state conservation commission for the fiscal year
 3 beginning July 1, 1976, and ending June 30, 1977, for capital improvement and
 4 contingencies arising during the fiscal year which are legally payable from the fish
 5 and game protection fund. The remainder is defined as the fish and game
 6 protection fund that is not appropriated by House File one thousand one
 7 hundred forty-one (1141), section two (2), enacted by the Sixty-sixth General
 8 Assembly, 1976 Session. A contingency shall exclude any purpose or project
 9 which was presented to the general assembly by way of a bill and which failed to
 10 become enacted into law. Before any funds shall be allocated, it shall be
 11 determined by the executive council that a contingency exists and that the
 12 proposed allocation shall be for the best interest of the state.

1 SEC. 9. There is appropriated from the general fund of the state for the fiscal
 2 year beginning July 1, 1976 and ending June 30, 1977 to the Iowa development
 3 commission the sum of twenty-four thousand five hundred (24,500) dollars, or so
 4 much thereof as may be necessary, to print the Iowa manufacturer's directory.

1 SEC. 10. All federal grants to and the federal receipts of the agencies
 2 appropriated funds by this Act are appropriated for the purposes set forth in the
 3 federal grants or receipts.

Approved June 20, 1976

CHAPTER 1206

ELECTRIC POWER GENERATORS

H. F. 1470

AN ACT relating to the location and construction of electric power generating facilities and providing penalties.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, unless the
 2 context otherwise requires:

3 1. "Facility" means any electric power generating plant or a combination of
 4 plants at a single site with a total capacity of one hundred megawatts of
 5 electricity or more and those associated transmission lines connecting the
 6 generating plant to either a power transmission system or an interconnected
 7 primary transmission system or both. Transmission lines subject to the provisions
 8 of this Act shall not require a franchise under chapter four hundred eighty-nine
 9 (489) of the Code.

10 2. "Certificate" means a certificate of public convenience, use and necessity
 11 issued pursuant to section six (6) of this Act.

12 3. "Commence to construct" means significant alteration of a site to install
 13 permanent equipment or structures but does not include activities incident to
 14 preliminary engineering, environmental studies or acquisition of a site for a
 15 facility.

16 4. "Agency" means an agency as defined in section seventeen A point two
 17 (17A.2), subsection one (1), of the Code.

18 5. "Regulatory agency" means an agency which issues licenses or permits
 19 required for the construction, operation or maintenance of a facility pursuant to
 20 statutes or rules in effect on the date on which an application for a certificate is