

SENATE FILE 439  
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO SSB 312)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the development and maintenance of nursery  
2 products by the department of natural resources, establishing  
3 an Iowa resource trust fund, and providing for the  
4 appropriation of proceeds of the fund.

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

SENATE FILE 439

S-3511

1 Amend Senate File 439 as follows:

2 1. Page 1, by inserting after line 16 the  
3 following:

4 "Sec. \_\_\_\_ . Section 107.20, Code 1989, is amended  
5 to read as follows:

6 107.20 LIMITATION ON NURSERY STOCK -- EXCEPTION.

7 ~~All-funds~~ Funds appropriated to the department  
8 which are used in growing or handling nursery stock  
9 shall be used for growing or handling of the stock for  
10 distribution ~~only~~ on state-owned lands. ~~However, the~~  
11 The department may produce and sell nursery stock for  
12 at private sale including, game cover packets, and  
13 trees for erosion control, ~~may-produce-trees and trees~~  
14 for a demonstration windbreak in each township in the  
15 state, and. The department may dispose of growing  
16 trees under a departmental plan of distribution."

17 2. By renumbering as necessary.

By RICHARD RUNNING

S-3511 FILED APRIL 3, 1989

1 Section 1. Section 107.17, unnumbered paragraph 1, Code  
2 1989, is amended to read as follows:

3 The following ~~five~~ six funds are created in the state  
4 treasury:

5 Sec. 2. Section 107.17, Code 1989, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 6. The Iowa resource trust fund  
8 established under section 107.41.

9 Sec. 3. Section 107.17, unnumbered paragraph 4, Code 1989,  
10 is amended to read as follows:

11 The conservation fund, except as otherwise provided,  
12 consists of all other funds accruing to the department for the  
13 purposes embraced by this chapter. Notwithstanding section  
14 453.7, interest or earnings on investments or time deposits of  
15 the fund shall on June 30 of each year be transferred to the  
16 Iowa resource trust fund established in section 107.41.

35!!

17 Sec. 4. NEW SECTION. 107.37 IOWA RESOURCE ADVISORY  
18 BOARD.

19 1. The Iowa resource advisory board shall be organized by  
20 the division of forestry of the department and shall be  
21 composed of a representative of the division who shall serve  
22 as chairperson of the board and twelve other members appointed  
23 as follows: one representative of the Iowa conservation corps  
24 appointed by the director of the department of economic  
25 development, a soil and water conservation commissioner  
26 appointed by the secretary of agriculture, one person involved  
27 in research within the Iowa state university of science and  
28 technology appointed by the president of the university, one  
29 person appointed by the director of the department of  
30 transportation, one county conservation board director  
31 appointed by the governor, three persons actively engaged in  
32 nursery operations appointed by the governor, one person  
33 engaged in forestry operations appointed by the governor, and  
34 three persons representing nonprofit associations or  
35 organizations involved in promoting or protecting trees or

1 vegetation, or wildlife habitat appointed by the governor.  
2 2. Each member of the board representing nursery or  
3 nongovernmental forestry operations shall serve three years  
4 and the representatives are eligible for reappointment. The  
5 nursery and forestry operations representatives who are not  
6 governmental employees are entitled to forty dollars per diem  
7 for each day spent in the performance of the duties of the  
8 board, plus actual expenses incurred in performance of those  
9 duties. A majority of members shall constitute a quorum, and  
10 the affirmative vote of a majority present is necessary for  
11 any action taken by the board, except that a lesser number may  
12 adjourn a meeting. A vacancy in the membership of the board  
13 does not impair the rights of a quorum to exercise all rights  
14 and perform all duties of the board. The board shall meet at  
15 least twice a year. The board shall meet upon call of the  
16 chairperson, or upon written request of three members of the  
17 board. Written notice of the time and place of the meeting  
18 shall be given to each member.

19 3. The board shall do the following:

20 a. Advise agencies, political subdivisions, and industry  
21 in the state about policies and practices of planting and  
22 maintaining trees and other vegetation, and advise  
23 governmental and private entities in coordinating efforts  
24 relating to planting and maintenance of trees and vegetation,  
25 soil and water conservation practices, and research to improve  
26 varieties of trees and vegetation and to improve practices  
27 relating to the planting and care of the trees and vegetation.

28 b. Aid in the promotion of nursery operations and the  
29 planting and maintenance of trees and vegetation, through  
30 education, marketing, research, and public relation programs.

31 3. Encourage the development of programs that promote tree  
32 and vegetation planting and management. The programs may be  
33 carried out with interested persons, including but not limited  
34 to the United States department of agriculture, the Iowa  
35 department of agriculture and land stewardship, other agencies

1 of the federal and state governments, soil and water  
2 conservation districts, county conservation boards,  
3 educational institutions including Iowa state university of  
4 science and technology, associations interested in  
5 conservation and the environment, and private industry  
6 participating in forestry projects, or vegetation plantings  
7 and maintenance.

8 Sec. 5. NEW SECTION. 107.38 IOWA COST-SHARE PROGRAM.

9 1. An owner or occupant of land in this state may apply to  
10 the division of forestry of the department for cost-sharing  
11 grants to carry out planting or maintenance of trees or other  
12 vegetation on the land. The department shall enter into cost-  
13 share agreements with persons to pay for vegetation or for  
14 defraying costs associated with establishing or maintaining  
15 the vegetation for one year from the date of planting. The  
16 division shall not contribute more than eighty percent of the  
17 total cost of planting or maintenance. In order to  
18 participate in cost sharing, the applicant must do all of the  
19 following:

20 a. Own land determined by the division to be capable of  
21 sustaining the types and numbers of trees or vegetation stated  
22 by the applicant in the management plan.

23 b. Submit to the division a management plan which is  
24 approved by the division. The management plan shall include a  
25 description of the land to be managed, a description of the  
26 types of trees and vegetation to be grown, a description of  
27 management practices to be applied, and a description of long-  
28 term management goals of the land and vegetation. The goals  
29 may relate to soil and water conservation, wildlife habitat  
30 enhancement, landscape architecture, roadside vegetation  
31 management, timber operations, or agricultural production.

32 c. The cost-share agreement shall incorporate the approved  
33 management plan and moneys to be made available under the  
34 agreement shall be dedicated to implementing the approved  
35 management plan.

1 2. Moneys to finance the cost-sharing grants shall be  
2 derived from the Iowa resource trust fund established under  
3 section 107.41.

4 3. The division may enter into agreements with the federal  
5 government or any agency of the federal government, as  
6 provided by state law, or with any agency of the state or  
7 political subdivision of this state, for cooperation in  
8 administering this section.

9 Sec. 6. NEW SECTION. 107.39 RESEARCH.

10 The division of forestry of the department may grant moneys  
11 from the Iowa resource trust fund to Iowa state university of  
12 science and technology for purposes of conducting research  
13 into preventing, diagnosing, and treating diseases afflicting  
14 trees and vegetation, developing improved varieties of trees  
15 and vegetation, and developing better management practices.  
16 The division shall not award more than five percent of the  
17 total moneys available for expenditure from the fund in any  
18 year to Iowa state university of science and technology under  
19 this section.

20 Sec. 7. NEW SECTION. 107.40 PUBLIC LANDS UNDER  
21 DEPARTMENTAL JURISDICTION.

22 The department shall provide by rule for the expenditures  
23 of moneys in the fund to support the establishment and  
24 maintenance of trees and vegetation on lands, including state  
25 parks, under the jurisdiction of the department.

26 Sec. 8. NEW SECTION. 107.41 IOWA RESOURCE TRUST FUND.

27 1. An Iowa resource trust fund is established within the  
28 department. The fund is composed of moneys appropriated by  
29 the general assembly for the fund, and moneys available to and  
30 obtained or accepted by the department from the federal  
31 government or private sources for placement in the fund.

32 2. The fund shall be administered by the division of  
33 forestry of the department for purposes of carrying out  
34 programs administered by the department relating to  
35 administrating the Iowa resource advisory board as provided in

1 section 107.37, cost sharing as provided in section 107.38,  
2 supporting plant research at Iowa state university as provided  
3 in section 107.39, and supporting planting and maintenance of  
4 trees and vegetation on public land within the department's  
5 jurisdiction.

6 3. Expenditures from the fund shall only be from proceeds  
7 earned from the balance of moneys deposited into the fund.  
8 The department shall not transfer moneys from the fund into  
9 any other state fund, or use moneys in the fund for purposes  
10 other than provided in this section.

11 4. Notwithstanding section 8.33, unencumbered or  
12 unobligated moneys in the fund shall not revert to the general  
13 fund of the state at the end of any fiscal year and the  
14 investment proceeds earned from the balance of the fund shall  
15 be credited to the fund and shall be used and are appropriated  
16 for the purposes provided in this section.

17 Sec. 9. Section 111.85, subsection 8, Code 1989, is  
18 amended to read as follows:

19 8. The county recorder shall remit to the commission all  
20 fees from the sale of user permits within ten days from the  
21 end of the month. The commission shall remit the fees from  
22 sales of user permits to the treasurer of state who shall  
23 place the money in a state park, forest, and recreation area  
24 facilities improvement trust fund. Notwithstanding section  
25 453.7, subsection 2, interest or earnings on investments or  
26 time deposits of the funds in the state park, forest, and  
27 recreation area facilities improvement trust fund shall be  
28 credited on June 30 of each year to that fund the Iowa  
29 resource trust fund established in section 107.41. The money  
30 in that the state park, forest, and recreation area facilities  
31 improvement trust fund is appropriated to the commission  
32 solely for renovation, replacement, and improvement of  
33 facilities otherwise acquired in state parks, forests, and  
34 recreation areas. Notwithstanding chapters 96 and 97B,  
35 persons employed by the commission with the money from the

1 trust fund are not eligible for membership in the Iowa public  
2 employees' retirement system or eligible to receive  
3 unemployment compensation benefits by virtue of this  
4 employment.

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EXPLANATION

6 This bill relates to policies and practices of the  
7 department of natural resources, and specifically the forestry  
8 division, in developing and maintaining trees and vegetation  
9 through cooperative efforts between state agencies, political  
10 subdivisions, private industry, and organizations and  
11 associations concerned with vegetation plantings and  
12 maintenance. The bill creates an Iowa resource advisory  
13 board, establishes a cost-share program, provides for research  
14 into care of plants and development of improved varieties of  
15 plants, provides for plantings and maintenance of vegetation  
16 on public lands, and establishes an Iowa resource trust fund.  
17 The bill also provides for the transfer of interest earned in  
18 the conservation fund and the state park, forest, and  
19 recreation area facilities improvement trust fund to the Iowa  
20 resource trust fund.

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KIBBIE, CH.  
SCOTT  
GODWIN

SSB 312  
NATURAL RESOURCES

SENATE FILE 439  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the development and maintenance of nursery  
2 products by the department of natural resources, establishing  
3 an Iowa resource trust fund, providing for the appropriation  
4 of proceeds of the fund, and providing for the sale of nursery  
5 assets and for the transfer of funds.

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

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13 purposes embraced by this chapter. Notwithstanding section  
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15 the fund shall on June 30 of each year be transferred to the  
16 Iowa resource trust fund established in section 107.41.

17 Sec. 4. NEW SECTION. 107.37 IOWA RESOURCE ADVISORY  
18 BOARD.

19 1. The Iowa resource advisory board shall be organized by  
20 the division of forestry of the department and shall be  
21 composed of a representative of the division who shall serve  
22 as chairperson of the board and twelve other members appointed  
23 as follows: one representative of the Iowa conservation corps  
24 appointed by the director of the department of economic  
25 development, a soil and water conservation commissioner  
26 appointed by the secretary of agriculture, one person involved  
27 in research within the Iowa state university of science and  
28 technology appointed by the president of the university, one  
29 person appointed by the director of the department of  
30 transportation, one county conservation board director  
31 appointed by the governor, three persons actively engaged in  
32 nursery operations appointed by the governor, one person  
33 engaged in forestry operations appointed by the governor, and  
34 three persons representing nonprofit associations or  
35 organizations involved in promoting or protecting trees or

1 vegetation, or wildlife habitat appointed by the governor.  
2 2. Each member of the board representing nursery or  
3 nongovernmental forestry operations shall serve three years  
4 and the representatives are eligible for reappointment. The  
5 nursery and forestry operations representatives who are not  
6 governmental employees are entitled to forty dollars per diem  
7 for each day spent in the performance of the duties of the  
8 board, plus actual expenses incurred in performance of those  
9 duties. A majority of members shall constitute a quorum, and  
10 the affirmative vote of a majority present is necessary for  
11 any action taken by the board, except that a lesser number may  
12 adjourn a meeting. A vacancy in the membership of the board  
13 does not impair the rights of a quorum to exercise all rights  
14 and perform all duties of the board. The board shall meet at  
15 least twice a year. The board shall meet upon call of the  
16 chairperson, or upon written request of three members of the  
17 board. Written notice of the time and place of the meeting  
18 shall be given to each member.

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21 in the state about policies and practices of planting and  
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25 soil and water conservation practices, and research to improve  
26 varieties of trees and vegetation and to improve practices  
27 relating to the planting and care of the trees and vegetation.

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29 planting and maintenance of trees and vegetation, through  
30 education, marketing, research, and public relation programs.

31 3. Encourage the development of programs that promote tree  
32 and vegetation planting and management. The programs may be  
33 carried out with interested persons, including but not limited  
34 to the United States department of agriculture, the Iowa  
35 department of agriculture and land stewardship, other agencies

1 of the federal and state governments, soil and water  
2 conservation districts, county conservation boards,  
3 educational institutions including Iowa state university of  
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5 conservation and the environment, and private industry  
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15 the vegetation for one year from the date of planting. The  
16 division shall not contribute more than eighty percent of the  
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24 approved by the division. The management plan shall include a  
25 description of the land to be managed, a description of the  
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27 management practices to be applied, and a description of long-  
28 term management goals of the land and vegetation. The goals  
29 may relate to soil and water conservation, wildlife habitat  
30 enhancement, landscape architecture, roadside vegetation  
31 management, timber operations, or agricultural production.

32 c. The cost-share agreement shall incorporate the approved  
33 management plan and moneys to be made available under the  
34 agreement shall be dedicated to implementing the approved  
35 management plan.

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2 derived from the Iowa resource trust fund established under  
3 section 107.41.

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5 government or any agency of the federal government, as  
6 provided by state law, or with any agency of the state or  
7 political subdivision of this state, for cooperation in  
8 administering this section.

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10 The division of forestry of the department may grant moneys  
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13 into preventing, diagnosing, and treating diseases afflicting  
14 trees and vegetation, developing improved varieties of trees  
15 and vegetation, and developing better management practices.  
16 The division shall not award more than five percent of the  
17 total moneys available for expenditure from the fund in any  
18 year to Iowa state university of science and technology under  
19 this section.

20 Sec. 7. NEW SECTION. 107.40 PUBLIC LANDS UNDER  
21 DEPARTMENTAL JURISDICTION.

22 The department shall provide by rule for the expenditures  
23 of moneys in the fund to support the establishment and  
24 maintenance of trees and vegetation on lands, including state  
25 parks, under the jurisdiction of the department.

26 Sec. 8. NEW SECTION. 107.41 IOWA RESOURCE TRUST FUND.

27 1. An Iowa resource trust fund is established within the  
28 department. The fund is composed of moneys appropriated by  
29 the general assembly for the fund, and moneys available to and  
30 obtained or accepted by the department from the federal  
31 government or private sources for placement in the fund.

32 2. The fund shall be administered by the division of  
33 forestry of the department for purposes of carrying out  
34 programs administered by the department relating to  
35 administering the Iowa resource advisory board as provided in

1 section 107.37, cost sharing as provided in section 107.38,  
2 supporting plant research at Iowa state university as provided  
3 in section 107.39, and supporting planting and maintenance of  
4 trees and vegetation on public land within the department's  
5 jurisdiction.

6 3. Expenditures from the fund shall only be from proceeds  
7 earned from the balance of moneys deposited into the fund.  
8 The department shall not transfer moneys from the fund into  
9 any other state fund, or use moneys in the fund for purposes  
10 other than provided in this section.

11 4. Notwithstanding section 8.33, unencumbered or  
12 unobligated moneys in the fund shall not revert to the general  
13 fund of the state at the end of any fiscal year and the  
14 investment proceeds earned from the balance of the fund shall  
15 be credited to the fund and shall be used and are appropriated  
16 for the purposes provided in this section.

17 Sec. 9. Section 109.85, Code 1989, is amended to read as  
18 follows:

19 109.85 PROHIBITED AREAS.

20 It shall be unlawful for any person at any time, except as  
21 otherwise provided, to take any fish, minnows, frogs, or other  
22 aquatic, biological life from any state fish hatchery,--nursery  
23 or other area under the jurisdiction of the commission  
24 operated for fish production purposes.

25 Sec. 10. Section 111.85, subsection 8, Code 1989, is  
26 amended to read as follows:

27 8. The county recorder shall remit to the commission all  
28 fees from the sale of user permits within ten days from the  
29 end of the month. The commission shall remit the fees from  
30 sales of user permits to the treasurer of state who shall  
31 place the money in a state park, forest, and recreation area  
32 facilities improvement trust fund. Notwithstanding section  
33 453.7, subsection 2, interest or earnings on investments or  
34 time deposits of the funds in the state park, forest, and  
35 recreation area facilities improvement trust fund shall be

1 credited on June 30 of each year to that-fund the Iowa  
2 resource trust fund established in section 107.41. The money  
3 in that the state park, forest, and recreation area facilities  
4 improvement trust fund is appropriated to the commission  
5 solely for renovation, replacement, and improvement of  
6 facilities otherwise acquired in state parks, forests, and  
7 recreation areas. Notwithstanding chapters 96 and 97B,  
8 persons employed by the commission with the money from the  
9 trust fund are not eligible for membership in the Iowa public  
10 employees' retirement system or eligible to receive  
11 unemployment compensation benefits by virtue of this  
12 employment.

13 Sec. 11. Section 455A.7, subsection 1, paragraph b, Code  
14 1989, is amended to read as follows:

15 b. Forests and forestry division which is responsible for  
16 administering programs relating to state forests and forestry  
17 ~~and-for-the-operation-of-the-state-nursery-under-section~~  
18 ~~107.20.~~

19 Sec. 12. SALE OF STATE NURSERY PROPERTY. By July 1, 1994,  
20 the department shall have sold or otherwise disposed of real  
21 estate, facilities, and nursery stock relating to growing and  
22 distribution of nursery stock for distribution on state-owned  
23 land. Proceeds from the fund shall be immediately transferred  
24 to the Iowa resource trust fund established in section 107.41.

25 Sec. 13. Section 107.20, Code 1989, is repealed effective  
26 July 1, 1993.

27 EXPLANATION

28 This bill relates to policies and practices of the  
29 department of natural resources, and specifically the forestry  
30 division, in developing and maintaining trees and vegetation  
31 through cooperative efforts between state agencies, political  
32 subdivisions, private industry, and organizations and  
33 associations concerned with vegetation plantings and  
34 maintenance. The bill creates an Iowa resource advisory  
35 board, establishes a cost-share program, provides for research

1 into care of plants and development of improved varieties of  
2 plants, provides for plantings and maintenance of vegetation  
3 on public lands, and establishes an Iowa resource trust fund.  
4 The bill also provides for the transfer of interest earned in  
5 the conservation fund and the state park, forest, and  
6 recreation area facilities improvement trust fund to the Iowa  
7 resource trust fund. The department is required to sell or  
8 dispose of lands, facilities, and nursery stock, and transfer  
9 the money into the Iowa resource trust fund.

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