

CHAPTER 146**RESOURCE ENHANCEMENT AND PROTECTION***S.F. 323*

AN ACT relating to the resource enhancement and protection program.

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

Section 1. Section 256.34, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A conservation education program board is created in the department. The board shall have three five members appointed as follows:

Sec. 2. Section 256.34, subsection 1, Code 1991, is amended by adding the following new paragraphs:

NEW PARAGRAPH. d. One member appointed by the president of the Iowa association of naturalists.

NEW PARAGRAPH. e. One member appointed by the president of the Iowa conservation education council.

Sec. 3. Section 256.34, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Section 69.16 does not apply to appointments made pursuant to this subsection.

Sec. 4. Section 455A.19, subsection 1, paragraph b, subparagraph (4), Code 1991, is amended to read as follows:

(4) Funds allocated to the counties under subparagraphs (1), (2), and (3) may be used for land easements or acquisitions, capital improvements, stabilization and protection of resources, repair and upgrading of facilities, environmental education, and equipment. However, expenditures are not allowed for single or multipurpose athletic fields, baseball or softball diamonds, tennis courts, golf courses, swimming pools, and other group or organized sport facilities. Funds may be used for county projects located within the boundaries of a city.

Sec. 5. Section 455A.19, subsection 1, paragraph b, subparagraph (5), Code 1991, is amended to read as follows:

(5) Funds allocated pursuant to subparagraphs (2) and (3) shall only be allocated to counties dedicating property tax revenue at least equal to twenty-two cents per thousand dollars of the assessed value of taxable property in the county to county conservation purposes. State funds received under this paragraph shall not reduce or replace county tax revenues appropriated for county conservation purposes. The county ~~treasurer~~ auditor shall submit documentation annually of the dedication of property tax revenue for county conservation purposes. The annual audit of the financial transactions and condition of a county shall certify compliance with requirements of this subparagraph. Funds not allocated to counties not qualifying for the allocations under subparagraph (2) as a result of this subparagraph shall be held in reserve for each county for two years. Counties qualifying within two years may receive the funds held in reserve. Funds not spent by a county within two years shall revert to the general pool of county funds for reallocation to other counties where needed.

Sec. 6. Section 455A.19, subsection 1, paragraph d, Code 1991, is amended to read as follows:

d. Fifteen percent shall be allocated to a cities' parks and open space account. The moneys allocated in this paragraph may be used to fund competitive grants to cities to acquire, establish, and maintain natural parks, preserves, and open spaces. The grants may include expenditures for multipurpose trails, restroom facilities, shelter houses, and picnic facilities, but expenditures for single or multipurpose athletic fields, baseball or softball diamonds, tennis courts, golf courses, swimming pools, and other group or organized sport facilities requiring specialized equipment are excluded. The grants may be used for city projects located outside of a

city's boundaries. The natural resource commission, by rule, shall establish procedures for application, review, and selection of city projects on a competitive basis. The rules shall provide for three categories of cities based on population within which the cities shall compete for grants. There is appropriated from the cities' parks and open space account to the department the amount in that account, or so much thereof as is necessary, to carry out the competitive grant program as provided in this paragraph.

Sec. 7. Section 455A.20, subsection 1, paragraph c, Code 1991, is amended to read as follows:

c. The chairperson titular head or the chairperson's head's designee of each recognized farm organization having a county organization in the county. The designee shall be a member of the organization represented. The recognized farm organizations are the following:

- (1) The Iowa farm bureau federation, the.
- (2) The Iowa farmers union, the.
- (3) The Iowa grange, the.
- (4) The national farmers organization, and the.
- (5) The Iowa farm unity coalition.
- (6) Any other recognized farm or farm commodity group.

Sec. 8. Section 455A.20, subsection 1, paragraph d, subparagraph (9), Code 1991, is amended to read as follows:

(9) Other recognized wildlife, conservation, environmental, recreation, or conservation education, or historical-cultural preservation groups, or a nonpartisan governmental research or study group limited to the league of women voters.

Sec. 9. Section 455A.20, subsection 1, paragraph e, Code 1991, is amended to read as follows:

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

Approved May 9, 1991

CHAPTER 147

DEPARTMENT OF TRANSPORTATION — UTILITY ACCOMMODATION POLICY S.F. 329

AN ACT authorizing the state department of transportation to adopt rules requiring public utilities to comply with the utility accommodation policy for certain Iowa road systems.

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

Section 1. Section 306A.3, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall adopt rules, pursuant to chapter 17A, embodying a utility accommodation policy which imposes reasonable restrictions on placements occurring on or after the effective date of the rules, on primary road rights-of-way. The rules may require utilities to give notice to the department prior to installation of a utility system on a primary road right-of-way and obtain prior permission from the department for the proposed installation. The rules shall recognize emergency situations and the need for immediate installation of service extensions subject to the standards adopted by the department and the utilities board. The rules shall be no less stringent than the standards adopted by the utilities board pursuant to chapters 478, 479, and 479A. This paragraph shall