

Sen. Natural Resources 3/7
HOUSE FILE 2401 *As Pass 3/21 (p. 959)*

Natural Resources
Hall, Chair
Prairie
Goodwin

FEB 29 1984

HOUSE FILE 2401

Place On Calendar

BY COMMITTEE ON NATURAL RESOURCI

(Formerly Study Bill 508)

Passed House, Date 3-6-84 (p. 730) Passed Senate, Date 3-27-84 (p. 1072)

Vote: Ayes 70 Nays 16 Vote: Ayes 39 Nays 9

Approved May 11 1984

Repassed House 4-12-84 (p. 1939)
82-16

Repassed Senate 4-19-84 (p. 1682)
32-8

A BILL FOR

1 An Act relating to the creation of a public outdoor recreation
2 and resources program, an advisory council, and a county
3 conservation board fund.

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

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HF 2401

1 Section 1. NEW SECTION. 111.79 PUBLIC OUTDOOR RECREATION
2 AND RESOURCES FUND.

3 1. Fifty percent of the funds credited to the public
4 outdoor recreation and resources fund shall be expended on
5 land acquisition and capital improvements in carrying out
6 the provisions of this chapter. Acquisition projects, both
7 fee-simple and less-than-fee, from willing sellers, may be
8 for purposes of establishment or expansion of state parks,
9 public hunting areas, natural areas, public fishing areas,
10 water access sites, trail corridors, and other acquisition
11 projects that are in accord with this chapter. Notwithstanding
12 the exemption provided by section 427.1, land acquired under
13 this subsection is subject to the full consolidated levy of
14 property taxes which shall be paid from revenues available
15 to be expended under this subsection. Capital improvements
16 may be either new developments or rehabilitative in nature.
17 Lake and watershed restoration projects are eligible for
18 funding under this subsection. Not more than fifty percent
19 of the revenues available to be expended under this subsection
20 may be used by the commission to enter into agreements with
21 county conservation boards and county boards of supervisors
22 in those counties without conservation boards to carry out
23 the purposes of this subsection. Revenues available to be
24 expended under this subsection may be used for the matching
25 of federal funds.

26 2. Fifty percent of the funds credited to the public
27 outdoor recreation and resources fund shall be expended on
28 the state recreation tourism grant program. This program
29 shall provide matching grants to cities and counties for
30 purposes of developing or improving recreational projects
31 or tourist attractions. A city or county may submit an
32 application to the conservation commission for a matching
33 grant. Applications shall be reviewed by the advisory council
34 for the public outdoor recreation and resources fund. The
35 advisory council shall submit recommendations to the

1 conservation commission regarding possible recipients and
2 grant amounts. The amount of the grant shall not exceed fifty
3 percent of the cost of the development or improvement to be
4 made and the application must demonstrate that the city or
5 county will provide the required matching funds.

6 Sec. 2. NEW SECTION. 111.80 PUBLIC OUTDOOR RECREATION
7 AND RESOURCES ADVISORY COUNCIL.

8 1. An advisory council for the public outdoor recreation
9 and resources fund is created. The council shall consist
10 of a public member appointed by the governor from each
11 congressional district, the chairperson of the state
12 conservation commission, the director of the state conservation
13 commission, and a designee of the state development commission.
14 No more than three public members shall belong to the same
15 political party. The council shall elect a chairperson
16 annually from among their own members, and the director of
17 the conservation commission shall serve as council secretary.
18 Persons already serving in an elected or appointed governmental
19 capacity are not eligible to serve as council members.

20 2. The advisory council shall meet annually, in July,
21 and upon the call of the chairperson of the advisory council.
22 The advisory council shall make policy recommendations to
23 the conservation commission regarding the projects and programs
24 to be funded from the public outdoor recreation and resources
25 fund.

26 3. Each county conservation board of those counties which
27 are located in a congressional district shall nominate one
28 person from the congressional district for appointment to
29 the advisory council. The state conservation commission shall
30 compile a list of the nominations of the county conserva-
31 tion boards for each congressional district and shall provide
32 this list to the governor. The governor shall appoint one
33 member from each congressional district from the nominations
34 as provided. Appointments shall be made for three-year terms
35 beginning July 1 in the year of appointment. A person shall

1 not serve more than two terms. A vacancy shall be filled
2 for the unexpired term in the same manner as the original
3 appointment was made.

4 The public members of the advisory council shall be reim-
5 bursed for actual and necessary expenses for each day employed
6 in the official discharge of their duties. The expenses shall
7 be paid from the administration fund of the state conservation
8 commission.

9 Sec. 3. Section 107.17, Code 1983, is amended to read
10 as follows:

11 107.17 FUNDS. The financial resources of ~~said~~ the
12 commission shall consist of ~~three~~ five funds:

- 13 1. A state fish and game protection fund~~7~~.
- 14 2. A state conservation fund~~7~~--and.
- 15 3. An administration fund.
- 16 4. A public outdoor recreation and resources fund.
- 17 5. A county conservation board fund.

18 The state fish and game protection fund, except as otherwise
19 provided, ~~shall-consist~~ consists of all moneys accruing from
20 license fees and all other sources of revenue arising under
21 the division of fish and game. Notwithstanding section 453.7,
22 subsection 2, interest or earnings on investments or time
23 deposits of the funds in the state fish and game protection
24 fund and the public outdoor recreation and resources fund
25 shall be credited to ~~the-state-fish-and-game-protection-fund~~
26 those funds respectively.

27 The public outdoor recreation and resources fund and the
28 county conservation board fund consist of all moneys credited
29 to them by law or appropriated to them by the general assembly.

30 The conservation fund, except as otherwise provided, shall
31 consist of all other funds accruing to the conservation
32 commission.

33 The administration fund shall consist of an equitable
34 portion of the gross amount of the ~~two-aforesaid-funds~~ state
35 fish and game protection fund and the state conservation fund.

1 to be determined by the commission, sufficient to pay the
2 expense of administration entailed by this chapter.

3 All receipts and refunds and reimbursements related to
4 activities funded by the administration fund are appropriated
5 to the administration fund. All refunds and reimbursements
6 relating to activities of the state fish and game protection
7 fund shall be credited to the state fish and game protection
8 fund.

9 Sec. 4. Section 107.19, Code 1983, is amended by adding
10 the following new unnumbered paragraphs:

11 NEW UNNUMBERED PARAGRAPH. Fifty percent of the moneys
12 credited to the public outdoor recreation and resources fund
13 shall be expended solely in carrying out the provisions of
14 chapter 111. These moneys are in addition to the moneys
15 available for those purposes in the state conservation fund.
16 Expenditures of these moneys shall be made only upon the
17 authorization of the general assembly.

18 NEW UNNUMBERED PARAGRAPH. All moneys credited to the
19 county conservation board fund shall be used to provide grants
20 to county conservation boards to provide funding for the
21 purposes of chapter 111A. These grants are in addition to
22 moneys appropriated to the conservation boards from the county
23 boards of supervisors. The grants shall be made to the
24 conservation boards based upon the needs of the boards.
25 Applications shall be made to the conservation commission.

26 Sec. 5. Section 111A.6, Code Supplement 1983, is amended
27 by adding the following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. Grants provided by the state
29 conservation commission from its county conservation board
30 fund shall be expended solely for the purposes of carrying
31 out the provisions of this chapter.

32 Sec. 6. In making the initial appointments to the public
33 outdoor recreation and resources advisory council, the governor
34 shall appoint two of the members to initial terms of one year
35 and two of the members to initial terms of two years.

CORRECTED HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 2401

S-5878

- 1 Amend Senate amendment H-5961 to House File 2401
2 as amended, passed and reprinted by the House as
3 follows:
- 4 1. Page 1, by striking lines 3 and 4.
 - 5 2. Page 1, line 8, by striking the word "fifty"
6 and inserting in lieu thereof the word "seventy-five".
 - 7 3. Page 1, line 15, by striking the word "Forty"
8 and inserting in lieu thereof the word "Forty-five".
 - 9 4. Page 1, by inserting after line 15 the
10 following:
 - 11 "_____. Page 1, line 29, by striking the word
12 "counties" and inserting in lieu thereof the words
13 "unincorporated communities".
 - 14 "_____. Page 1, line 31, by striking the word "county"
15 and inserting in lieu thereof the words "unincorporated
16 community".
 - 17 "_____. Page 1, line 33, by inserting after the word
18 "grant" the words ", except that an unincorporated
19 community shall submit the application through the
20 county board of supervisors".
 - 21 "_____. Page 2, line 2, by inserting after the word
22 "amounts." the words "Grants made to an unincorporated
23 community shall be paid to the county board of
24 supervisors to be used for the project of the
25 unincorporated community."
 - 26 "_____. Page 2, line 5, by striking the word "county"
27 and inserting in lieu thereof the words "unincorporated
28 community"."
 - 29 5. Page 1, line 17, by striking the word "Twenty"
30 and inserting in lieu thereof the word "Five".
 - 31 6. Page 1, by striking lines 24 through 37.

RECEIVED FROM THE HOUSE
APRIL 16, 1984

Senate received 4/19 (of 1984)

HOUSE FILE 2401

S-5543

1 Amend House File 2401 as passed by the House as
2 follows:

3 1. Page 1, line 3, by striking the word "Fifty"
4 and inserting in lieu thereof the word "Forty".

5 2. Page 1, line 23, by inserting after the word
6 "subsection." the words "The agreement shall not
7 provide for the payment by the commission of more
8 than fifty percent of the cost of the project and
9 the agreement shall specify that the county
10 conservation board or county board of supervisors,
11 whichever is applicable, shall provide funds for the
12 remaining cost of the project covered by the
13 agreement."

14 3. Page 1, line 26, by striking the word "Fifty"
15 and inserting in lieu thereof the word "Forty".

16 4. Page 2, by inserting after line 5 the following:

17 "3. Twenty percent of the funds credited to the
18 public outdoor recreation and resources fund shall
19 be expended on advertising which shall promote the
20 use of recreational facilities and tourist attractions
21 in the state. The commission shall enter into an
22 agreement with the Iowa development commission for
23 the expenditure of these funds for this purpose."

24 5. Page 3, line 12, by striking the word "five"
25 and inserting in lieu thereof the word "four".

26 6. Page 3, by striking line 17.

27 7. Page 3, by striking lines 27 through 29 and
28 inserting in lieu thereof the following:

29 "The public outdoor recreation and resources fund
30 consists of all moneys credited to it by law or
31 appropriated to it by the general assembly."

32 8. Page 4, line 10, by striking the word
33 "paragraphs" and inserting in lieu thereof the word
34 "paragraph".

35 9. Page 4, line 11, by striking the word "Fifty"
36 and inserting in lieu thereof the word "Forty".

37 10. Page 4, by striking lines 18 through 31.

S-5543 FILED

BY HURLEY HALL

MARCH 27, 1984

ADOPTED (p. 1072)

SENATE AMENDMENT TO HOUSE FILE 2401

H-5961

- 1 Amend House File 2401 as passed by the House as
2 follows:
- 3 1. Page 1, line 3, by striking the word "Fifty"
4 and inserting in lieu thereof the word "Forty".
- 5 2. Page 1, line 23, by inserting after the word
6 "subsection." the words "The agreement shall not
7 provide for the payment by the commission of more
8 than fifty percent of the cost of the project and
9 the agreement shall specify that the county
10 conservation board or county board of supervisors,
11 whichever is applicable, shall provide funds for the
12 remaining cost of the project covered by the
13 agreement."
- 14 3. Page 1, line 26, by striking the word "Fifty"
15 and inserting in lieu thereof the word "Forty".
- 16 4. Page 2, by inserting after line 5 the following:
17 "3. Twenty percent of the funds credited to the
18 public outdoor recreation and resources fund shall
19 be expended on advertising which shall promote the
20 use of recreational facilities and tourist attractions
21 in the state. The commission shall enter into an
22 agreement with the Iowa development commission for
23 the expenditure of these funds for this purpose."
- 24 5. Page 3, line 12, by striking the word "five"
25 and inserting in lieu thereof the word "four".
- 26 6. Page 3, by striking line 17.
- 27 7. Page 3, by striking lines 27 through 29 and
28 inserting in lieu thereof the following:
29 "The public outdoor recreation and resources fund
30 consists of all moneys credited to it by law or
31 appropriated to it by the general assembly."
- 32 8. Page 4, line 10, by striking the word
33 "paragraphs" and inserting in lieu thereof the word
34 "paragraph".
- 35 9. Page 4, line 11, by striking the word "Fifty"
36 and inserting in lieu thereof the word "Forty".
- 37 10. Page 4, by striking lines 18 through 31.

H-5961 FILED MARCH 29, 1984 RECEIVED FROM THE SENATE

House amended (6/109) & concurred 4/12 (p. 1939)

HOUSE FILE 2401

H-6109

1 Amend Senate amendment H-5961 to House File 2401
2 as amended, passed and reprinted by the House as
3 follows:

4 1. Page 1, by striking lines 3 and 4.

5 2. Page 1, line 8, by striking the word "fifty"
6 and inserting in lieu thereof the word "seventy-five".

7 3. Page 1, line 15, by striking the word "Forty"
8 and inserting in lieu thereof the word "Forty-five".

9 4. Page 1, by inserting after line 15 the
10 following:

11 "_____. Page 1, line 29, by striking the word
12 "counties" and inserting in lieu thereof the words
13 "unincorporated communities".

14 _____. Page 1, line 31, by striking the word "county"
15 and inserting in lieu thereof the words "unincorporated
16 community".

17 _____. Page 1, line 33, by inserting after the word
18 "grant" the words ", except that an unincorporated
19 community shall submit the application through the
20 county board of supervisors".

21 _____. Page 2, line 2, by inserting after the word
22 "amounts." the words "Grants made to an unincorporated
23 community shall be paid to the county board of
24 supervisors to be used for the project of the
25 unincorporated community."

26 _____. Page 2, line 5, by striking the word "county"
27 and inserting in lieu thereof the words "unincorporated
28 community".

29 5. Page 1, line 17, by striking the word "Twenty"
30 and inserting in lieu thereof the word "Five".

31 6. Page 1, by striking lines 24 through 37.

H-6109 FILED APRIL 5, 1984 BY SULLIVAN of Van Buren

Adopted 4/12 (g 1939)

HOUSE FILE 2401

AN ACT

RELATING TO THE CREATION OF A PUBLIC OUTDOOR RECREATION AND
RESOURCES PROGRAM, AN ADVISORY COUNCIL, AND A COUNTY
CONSERVATION BOARD FUND.

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

Section 1. NEW SECTION. 111.79 PUBLIC OUTDOOR RECREATION
AND RESOURCES FUND.

1. Fifty percent of the funds credited to the public outdoor recreation and resources fund shall be expended on land acquisition and capital improvements in carrying out the provisions of this chapter. Acquisition projects, both fee-simple and less-than-fee, from willing sellers, may be for purposes of establishment or expansion of state parks, public hunting areas, natural areas, public fishing areas, water access sites, trail corridors, and other acquisition projects that are in accord with this chapter. Notwithstanding the exemption provided by section 427.1, land acquired under this subsection is subject to the full consolidated levy of property taxes which shall be paid from revenues available to be expended under this subsection. Capital improvements may be either new developments or rehabilitative in nature. Lake and watershed restoration projects are eligible for funding under this subsection. Not more than fifty percent of the revenues available to be expended under this subsection

may be used by the commission to enter into agreements with county conservation boards and county boards of supervisors in those counties without conservation boards to carry out the purposes of this subsection. The agreement shall not provide for the payment by the commission of more than seventy-five percent of the cost of the project and the agreement shall specify that the county conservation board or county board of supervisors, whichever is applicable, shall provide funds for the remaining cost of the project covered by the agreement. Revenues available to be expended under this subsection may be used for the matching of federal funds.

2. Forty-five percent of the funds credited to the public outdoor recreation and resources fund shall be expended on the state recreation tourism grant program. This program shall provide matching grants to cities and unincorporated communities for purposes of developing or improving recreational projects or tourist attractions. A city or unincorporated community may submit an application to the conservation commission for a matching grant, except that an unincorporated community shall submit the application through the county board of supervisors. Applications shall be reviewed by the advisory council for the public outdoor recreation and resources fund. The advisory council shall submit recommendations to the conservation commission regarding possible recipients and grant amounts. Grants made to an unincorporated community shall be paid to the county board of supervisors to be used for the project of the unincorporated community. The amount of the grant shall not exceed fifty percent of the cost of the development or improvement to be made and the application must demonstrate that the city or unincorporated community will provide the required matching funds.

3. Five percent of the funds credited to the public outdoor recreation and resources fund shall be expended on advertising which shall promote the use of recreational facilities and

tourist attractions in the state. The commission shall enter into an agreement with the Iowa Development Commission for the expenditure of these funds for this purpose.

Sec. 2. NEW SECTION. 111.80 PUBLIC OUTDOOR RECREATION AND RESOURCES ADVISORY COUNCIL.

1. An advisory council for the public outdoor recreation and resources fund is created. The council shall consist of a public member appointed by the governor from each congressional district, the chairperson of the state conservation commission, the director of the state conservation commission, and a designee of the state development commission. No more than three public members shall belong to the same political party. The council shall elect a chairperson annually from among their own members, and the director of the conservation commission shall serve as council secretary. Persons already serving in an elected or appointed governmental capacity are not eligible to serve as council members.

2. The advisory council shall meet annually, in July, and upon the call of the chairperson of the advisory council. The advisory council shall make policy recommendations to the conservation commission regarding the projects and programs to be funded from the public outdoor recreation and resources fund.

3. Each county conservation board of those counties which are located in a congressional district shall nominate one person from the congressional district for appointment to the advisory council. The state conservation commission shall compile a list of the nominations of the county conservation boards for each congressional district and shall provide this list to the governor. The governor shall appoint one member from each congressional district from the nominations as provided. Appointments shall be made for three-year terms beginning July 1 in the year of appointment. A person shall not serve more than two terms. A vacancy shall be filled for the unexpired term in the same manner as the original appointment was made.

The public members of the advisory council shall be reimbursed for actual and necessary expenses for each day employed in the official discharge of their duties. The expenses shall be paid from the administration fund of the state conservation commission.

Sec. 3. Section 107.17, Code 1983, is amended to read as follows:

107.17 FUNDS. The financial resources of ~~said~~ the commission shall consist of ~~three~~ five funds:

1. A state fish and game protection fund;
2. A state conservation fund; ~~and~~
3. An administration fund;
4. A public outdoor recreation and resources fund.
5. A county conservation board fund.

The state fish and game protection fund, except as otherwise provided, ~~shall consist~~ consists of all moneys accruing from license fees and all other sources of revenue arising under the division of fish and game. Notwithstanding section 453.7, subsection 2, interest or earnings on investments or time deposits of the funds in the state fish and game protection fund and the public outdoor recreation and resources fund shall be credited to ~~the state fish and game protection fund~~ those funds respectively.

The public outdoor recreation and resources fund and the county conservation board fund consist of all moneys credited to them by law or appropriated to them by the general assembly.

The conservation fund, except as otherwise provided, shall consist of all other funds accruing to the conservation commission.

The administration fund shall consist of an equitable portion of the gross amount of the ~~two~~ two ~~afore~~ afore ~~said~~ said ~~state~~ state ~~fish and game protection fund and the state conservation fund~~, to be determined by the commission, sufficient to pay the expense of administration entailed by this chapter.

All receipts and refunds and reimbursements related to activities funded by the administration fund are appropriated to the administration fund. All refunds and reimbursements relating to activities of the state fish and game protection fund shall be credited to the state fish and game protection fund.

Sec. 4. Section 107.19, Code 1983, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Fifty percent of the moneys credited to the public outdoor recreation and resources fund shall be expended solely in carrying out the provisions of chapter 111. These moneys are in addition to the moneys available for those purposes in the state conservation fund. Expenditures of these moneys shall be made only upon the authorization of the general assembly.

NEW UNNUMBERED PARAGRAPH. All moneys credited to the county conservation board fund shall be used to provide grants to county conservation boards to provide funding for the purposes of chapter 111A. These grants are in addition to moneys appropriated to the conservation boards from the county boards of supervisors. The grants shall be made to the conservation boards based upon the needs of the boards. Applications shall be made to the conservation commission.

Sec. 5. Section 111A.6, Code Supplement 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Grants provided by the state conservation commission from its county conservation board fund shall be expended solely for the purposes of carrying out the provisions of this chapter.

Sec. 6. In making the initial appointments to the public outdoor recreation and resources advisory council, the governor shall appoint two of the members to initial terms of one year and two of the members to initial terms of two years.

Sec. 7. Notwithstanding section 111.80, the advisory council for the public outdoor recreation fund shall not be

appointed until there has been an appropriation to the public outdoor recreation and resources fund.

DONALD D. AVENSON
Speaker of the House

CHARLES P. MILLER
President Pro Tempore of the
Senate

I hereby certify that this bill originated in the House and is known as House File 2401, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved *May 11* 1984

TERRY E. BRANSTAD
Governor