

Reprinted 3/18/85

FEB 11 1985

Place On Calendar

HOUSE FILE 266

BY COMMITTEE ON NATURAL
RESOURCES AND OUTDOOR
RECREATION

(Formerly House Study Bill 35)

Passed House, Date 3-13-85 (p.788) Passed Senate, Date 4-22-85 (p.1564)
Vote: Ayes 89 Nays 6 Vote: Ayes 40 Nays 4
Approved May 31, 1985

A BILL FOR

1 An Act relating to financial incentive payments for the
2 protection of forests and forest soils from damage by
3 grazing.

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

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HF 266

32851 Section 1. NEW SECTION. 107.41 FINANCIAL INCENTIVE FOR
2 FOREST PROTECTION.

3 1. As used in this section, unless the context otherwise
4 requires:

32855 a. "Commission" means state conservation commission.

6 b. "Forest" means stands of native or introduced trees
32857 containing at least two hundred trees per acre. However,
8 fruit trees are not forest.

9 c. "Professional forester" means a forestry graduate of an
10 institution of higher learning and having a minimum of two
11 years forest management experience.

328512 d. "State forester" means the person employed by the
13 commission as required by section 107.13.

328514 2. The commission may reimburse private landowners for a
15 portion of the cost of fencing materials and installation for
16 permanent fence used to protect forest land from domestic
17 livestock grazing. Total commission expenditure shall not
3/5/18 exceed seventy-five percent of total landowner expenditures.
19 Expenditures for boundary and road fence construction and for
20 repair and replacement of existing fence are not eligible for
21 reimbursement.

22 3. As a condition for receiving reimbursement, landowners
3/28/23 shall sign an agreement to maintain the fence for a minimum of
24 ten years and shall follow written professional forester
25 recommendations approved by the state forester or that
26 person's designee on the tract to be protected by fencing.

27 4. Recipient landowners found to be in noncompliance with
28 the maintenance agreement shall maintain, repair, or
328529 reconstruct damaged fence, or shall pay the commission an
30 amount equal to that reimbursed.

328531 5. The commission shall adopt, by rule, the form and
32 informational requirements for reimbursement, the minimum
33 forest acreage, and any limitation on the maximum
34 reimbursement an individual landowner may receive.

35 EXPLANATION

1 This bill provides for financial incentive payments to
2 landowners to reimburse fencing expenditures made to protect
3 forest from domestic livestock and protect the soil from
4 erosion. The forest must meet certain size and density
5 requirements and a ten-year agreement with the landowner is
6 required.

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HOUSE FILE 266

H-3128

1 Amend House File 266 as follows:

- 2 1. Page 1, line 23, by inserting after the word
3 "agreement" the following: "that the fence is necessary
4 to prevent damage from domestic animals and".

H-3128 FILED FEBRUARY 13, 1985 BY PAULIN of Plymouth

W/O 2/13 (p. 788)

HOUSE FILE 266

H-3151

1 Amend House File 266 as follows:

- 2 1. Page 1, line 18, by striking the word "seventy-five"
3 and inserting the word "fifty".

H-3151 FILED FEBRUARY 18, 1985 BY PAULIN of Plymouth

Adopted 2/13 (p. 788)

HOUSE FILE 266

H-3285

1 Amend House File 266 as follows:

- 2 1. Page 1, line 1, by striking the number
3 "107.41" and inserting the number "467A.73".
4 2. Page 1, by striking line 2 and inserting the
5 words "SOIL CONSERVATION ON FOREST LANDS".
6 3. Page 1, by striking line 5 and inserting the
7 following:
8 "a. "Department" means the department of soil
9 conservation".
10 4. Page 1, line 7, by inserting after the word
11 "acre" the words "on privately owned land".
12 5. Page 1, line 12, by inserting after the words
13 "by the" the words "state conservation".
14 6. Page 1, line 14, by striking the word
15 "commission" and inserting the word "department".
16 7. Page 1, by striking line 17 and inserting the
17 following: "livestock grazing from state cost-sharing
18 funds if the grazing has been determined to cause
19 excessive soil loss. Total department expenditure
20 shall not".
21 8. Page 1, line 29, by striking the word
22 "commission" and inserting the word "department".
23 9. Page 1, line 31, by striking the word
24 "commission" and inserting the word "department".
25 10. Page 1, line 34, by inserting after the word
26 "receive." the words "For the purposes of this
27 section, forests shall be considered as agricultural
28 land eligible for public cost-sharing funds."

BY JOHNSON of Delaware

BLACK of Jasper

COOPER of Lucas

STUELAND of Clinton

GRUHN of Dickinson

COCHRAN of Webster

PELLETT of Cass

HANSON of Delaware

H-3285 FILED MARCH 8, 1985

Adopted 3/3 (p. 787)

Sen. Natural Resources 3/18/85

Sen. Appropriations Do Pass as amended by
3348, 3349 3/12 (853)

Amend (3626) Do Pass 4/3 (p. 1195)

HOUSE FILE 266

House File 266

NATURAL RESOURCES: Neighbour, Chair; Goodwin and Doyle

BY COMMITTEE ON NATURAL
RESOURCES AND OUTDOOR
RECREATION

(As Amended and Passed by the House March 15, 1985)

Re Passed House, Date 4-26-85 (p. 1953) Passed Senate, Date 4-22-85 (p. 1564)

Vote: Ayes 79 Nays 13 Vote: Ayes 40 Nays 4

Approved May 31, 1985

A BILL FOR

- 1 An Act relating to financial incentive payments for the
- 2 protection of forests and forest soils from damage by
- 3 grazing.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S-3626

HOUSE FILE 266

- 1 Amend House File 266 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 22, by inserting after the word
- 4 "reimbursement" the following: "unless the complete
- 5 fence is replaced".

S-3626 Filed April 3, 1985

By COM. ON NATURAL RESOURCES

Adopted 4/22/85 (p. 1564)

SENATE AMENDMENT TO HOUSE FILE 266

H-4008

- 1 Amend House File 266 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 22, by inserting after the word
- 4 "reimbursement" the following: "unless the complete
- 5 fence is replaced".

H-4008 FILED APRIL 24, 1985

RECEIVED FROM THE SENATE

House concurred 4/26/85 (p. 1953)

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1 Section 1. NEW SECTION. 467A.73 FINANCIAL INCENTIVE FOR
2 SOIL CONSERVATION ON FOREST LANDS.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "Department" means the department of soil conservation.

6 b. "Forest" means stands of native or introduced trees
7 containing at least two hundred trees per acre on privately
8 owned land. However, fruit trees are not forest.

9 c. "Professional forester" means a forestry graduate of an
10 institution of higher learning and having a minimum of two
11 years forest management experience.

12 d. "State forester" means the person employed by the state
13 conservation commission as required by section 107.13.

14 2. The department may reimburse private landowners for a
15 portion of the cost of fencing materials and installation for
16 permanent fence used to protect forest land from domestic
17 livestock grazing from state cost-sharing funds if the grazing
18 has been determined to cause excessive soil loss. Total
19 department expenditure shall not exceed fifty percent of total
20 landowner expenditures. Expenditures for boundary and road
21 fence construction and for repair and replacement of existing
22 fence are not eligible for reimbursement.

23 3. As a condition for receiving reimbursement, landowners
24 shall sign an agreement to maintain the fence for a minimum of
25 ten years and shall follow written professional forester
26 recommendations approved by the state forester or that
27 person's designee on the tract to be protected by fencing.

28 4. Recipient landowners found to be in noncompliance with
29 the maintenance agreement shall maintain, repair, or
30 reconstruct damaged fence, or shall pay the department an
31 amount equal to that reimbursed.

32 5. The department shall adopt, by rule, the form and
33 informational requirements for reimbursement, the minimum
34 forest acreage, and any limitation on the maximum
35 reimbursement an individual landowner may receive. For the

1 purposes of this section, forests shall be considered as
2 agricultural land eligible for public cost-sharing funds.

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HSB 35

NATURAL RESOURCES AND
OUTDOOR RECREATION

SENATE/HOUSE FILE 266

BY (PREFILED CONSERVATION
COMMISSION BILL)

Study Bill 35

Natural Resources and Outdoor Recreation: Johnson, Chair; Fogarty and McKean.

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to financial incentive payments for the
2 protection of forests and forest soils from damage by
3 grazing.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. _____ H.F. _____

1 Section 1. NEW SECTION. 107.41 FINANCIAL INCENTIVE FOR
2 FOREST PROTECTION.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "Commission" means state conservation commission.

6 b. "Forest" means stands of native or introduced trees
7 containing at least two hundred trees per acre. However,
8 fruit trees are not forest.

9 c. "Professional forester" means a forestry graduate of an
10 institution of higher learning and having a minimum of two
11 years forest management experience.

12 d. "State forester" means the person employed by the
13 commission as required by section 107.13.

14 2. The commission may reimburse private landowners for a
15 portion of the cost of fencing materials and installation for
16 permanent fence used to protect forest land from domestic
17 livestock grazing. Total commission expenditure shall not
18 exceed seventy-five percent of total landowner expenditures.
19 Expenditures for boundary and road fence construction and for
20 repair and replacement of existing fence are not eligible for
21 reimbursement.

22 3. A forest must cover at least ten acres to be eligible
23 under this section.

24 4. As a condition for receiving reimbursement, landowners
25 shall sign an agreement to maintain the fence for a minimum of
26 ten years and shall follow written professional forester
27 recommendations approved by the state forester or that
28 person's designee on the tract to be protected by fencing.

29 5. Recipient landowners found to be in noncompliance with
30 the maintenance agreement shall maintain, repair, or
31 reconstruct damaged fence, or shall pay the commission an
32 amount equal to that reimbursed.

33 6. The commission shall adopt, by rule, the form and
34 informational requirements for reimbursement and any limita-
35 tion on the maximum reimbursement an individual landowner may

1 receive.

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EXPLANATION

3 This bill provides for financial incentive payments to
4 landowners to reimburse fencing expenditures made to protect
5 forest from domestic livestock and protect the soil from
6 erosion. The forest must meet certain size and density
7 requirements and a ten-year agreement with the landowner is
8 required.

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HOUSE FILE 266

AN ACT

RELATING TO FINANCIAL INCENTIVE PAYMENTS FOR THE PROTECTION
OF FORESTS AND FOREST SOILS FROM DAMAGE BY GRAZING.

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

Section 1. NEW SECTION. 467A.73 FINANCIAL INCENTIVE FOR
SOIL CONSERVATION ON FOREST LANDS.

1. As used in this section, unless the context otherwise
requires:

a. "Department" means the department of soil conservation.

b. "Forest" means stands of native or introduced trees
containing at least two hundred trees per acre on privately
owned land. However, fruit trees are not forest.

c. "Professional forester" means a forestry graduate of an
institution of higher learning and having a minimum of two
years forest management experience.

d. "State forester" means the person employed by the state
conservation commission as required by section 107.13.

2. The department may reimburse private landowners for a
portion of the cost of fencing materials and installation for
permanent fence used to protect forest land from domestic
livestock grazing from state cost-sharing funds if the grazing
has been determined to cause excessive soil loss. Total
department expenditure shall not exceed fifty percent of total
landowner expenditures. Expenditures for boundary and road
fence construction and for repair and replacement of existing
fence are not eligible for reimbursement unless the complete
fence is replaced.

3. As a condition for receiving reimbursement, landowners
shall sign an agreement to maintain the fence for a minimum of
ten years and shall follow written professional forester
recommendations approved by the state forester or that

person's designee on the tract to be protected by fencing.

4. Recipient landowners found to be in noncompliance with
the maintenance agreement shall maintain, repair, or
reconstruct damaged fence, or shall pay the department an
amount equal to that reimbursed.

5. The department shall adopt, by rule, the form and
informational requirements for reimbursement, the minimum
forest acreage, and any limitation on the maximum
reimbursement an individual landowner may receive. For the
purposes of this section, forests shall be considered as
agricultural land eligible for public cost-sharing funds.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 266, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved *May 31*, 1985

TERRY E. BRANSTAD
Governor