

The Natural Resources 4/11 Do Pass Amend (3589) v Do Pass 4/11/91

FILED MAR 11 1991

SENATE FILE **323**
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 224)

Passed Senate, Date 3/4/91 (p. 1008) Passed House, Date 4/16/91 (p. 1292)

Vote: Ayes 49 Nays 0 Vote: Ayes 93 Nays 4

Approved May 9, 1991 (p. 1848)

Re-passed as amended by S-3469
4/24/91 (p. 1450)
49 - 0

A BILL FOR

1 An Act relating to delegates to the Iowa congress on resource
2 enhancement and protection.

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

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SF 323

H. 3584 amended 2/11

1 Section 1. Section 455A.17, subsection 2, Code 1991, is
2 amended to read as follows:

3 2. Prior to each congress, the director shall make
4 arrangements to hold an assembly in each council of
5 governments area of persons having an interest in resources
6 enhancement and protection. The department shall promote
7 attendance of interested persons at each assembly. The
8 director shall call each assembly and serve as temporary
9 chairperson. The department shall provide those attending
10 with information regarding resource enhancement and protection
11 expenditures. The assemblies shall identify opportunities for
12 regional resource enhancement and protection and review and
13 recommend changes in resource enhancement and protection
14 policies, programs, and funding.

15 PARAGRAPH DIVIDED. The persons meeting at each assembly
16 shall elect five persons as delegates to the congress on
17 resources enhancement and protection. The persons elected as
18 delegates must reside in the council of government area which
19 they represent. The delegates shall include the following:

20 a. A person representing cities who is an officer, as
21 defined in section 362.2, of a city located within the area.

22 b. A person representing counties who is an official, in
23 an elective office under chapter 331, of a county located
24 within the area.

25 c. A person representing wildlife conservation who is a
26 county conservation board member, as provided in section
27 111A.2, of a county located within the area.

28 d. A person representing soil and water conservation who
29 is a commissioner, as defined in section 467A.3, of a soil and
30 water conservation district located within the area.

31 e. A person representing conservation education who is a
32 licensed teacher under chapter 260, and who is teaching in a
33 school district located within the area.

34 EXPLANATION

35 Section 455A.17 provides for the election of five persons

1 within each council of governments area to serve as delegates
2 to the congress on resources enhancement and protection. This
3 bill provides that the delegates must reside in the area. It
4 also provides that an area's delegates must include a city
5 official, a county official, a county conservation board
6 member, a commissioner of a soil and water conservation
7 district, and a teacher. The city, county, soil and water
8 conservation district, and school district where the delegates
9 work must be located within the council of governments area.

10 The bill may create a state mandate as provided in chapter
11 258.

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SENATE FILE 323
FISCAL NOTE

A fiscal note for Senate File 323 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 323 provides for the election of 5 persons within each Council of Governments (COG) area to the Resource Enhancement and Protection (REAP) Congress. The persons elected are specified to be one representative from each of the following organizations:

1. A city in the COG
2. A county in the COG
3. A County Conservation Board member from the COG
4. A Soil and Water Conservation Commission member from the COG
5. A conservation education teacher from the COG

Fiscal Effect:

This bill has no significant fiscal effect.

(LSB 1403sv, JWR)

APRIL 12, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 323

H-3589

1 Amend Senate File 323, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

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

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

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

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

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

17 Sec. 3. Section 455A.19, subsection 1, paragraph
18 b, subparagraph (4), Code 1991, is amended to read as
19 follows:

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

31 Sec. 4. Section 455A.19, subsection 1, paragraph
32 b, subparagraph (5), Code 1991, is amended to read as
33 follows:

34 (5) Funds allocated pursuant to subparagraphs (2)
35 and (3) shall only be allocated to counties dedicating
36 property tax revenue at least equal to twenty-two
37 cents per thousand dollars of the assessed value of
38 taxable property in the county to county conservation
39 purposes. State funds received under this paragraph
40 shall not reduce or replace county tax revenues
41 appropriated for county conservation purposes. The
42 county ~~treasurer~~ auditor shall submit documentation
43 annually of the dedication of property tax revenue for
44 county conservation purposes. The annual audit of the
45 financial transactions and condition of a county shall
46 certify compliance with requirements of this
47 subparagraph. Funds not allocated to counties not
48 qualifying for the allocations under subparagraph (2)
49 as a result of this subparagraph shall be held in
50 reserve for each county for two years. Counties

1 qualifying within two years may receive the funds held
2 in reserve. Funds not spent by a county within two
3 years shall revert to the general pool of county funds
4 for reallocation to other counties where needed.

5 Sec. 5. Section 455A.19, subsection 1, paragraph
6 d, Code 1991, is amended to read as follows:

7 d. Fifteen percent shall be allocated to a cities'
8 parks and open space account. The moneys allocated in
9 this paragraph may be used to fund competitive grants
10 to cities to acquire, establish, and maintain natural
11 parks, preserves, and open spaces. The grants may
12 include expenditures for multipurpose trails, restroom
13 facilities, shelter houses, and picnic facilities, but
14 expenditures for single or multipurpose athletic
15 fields, baseball or softball diamonds, tennis courts,
16 golf courses, swimming pools, and other group or
17 organized sport facilities requiring specialized
18 equipment are excluded. The grants may be used for
19 city projects located outside of a city's boundaries.
20 The natural resource commission, by rule, shall
21 establish procedures for application, review, and
22 selection of city projects on a competitive basis.
23 The rules shall provide for three categories of cities
24 based on population within which the cities shall
25 compete for grants. There is appropriated from the
26 cities' parks and open space account to the department
27 the amount in that account, or so much thereof as is
28 necessary, to carry out the competitive grant program
29 as provided in this paragraph.

30 Sec. 6. Section 455A.20, subsection 1, paragraph
31 c, Code 1991, is amended to read as follows:

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

- 38 (1) ~~The Iowa farm bureau federation, the.~~
- 39 (2) ~~The Iowa farmers union, the.~~
- 40 (3) ~~The Iowa grange, the.~~
- 41 (4) ~~The national farmers organization, and the.~~
- 42 (5) ~~The Iowa farm unity coalition.~~
- 43 (6) ~~Any other recognized farm or farm commodity~~
- 44 group.

45 Sec. 7. Section 455A.20, subsection 1, paragraph
46 d, subparagraph (9), Code 1991, is amended to read as
47 follows:

48 (9) Other recognized wildlife, conservation,
49 environmental, recreation, or conservation education
50 groups, or a nonpartisan governmental research or

1 study group limited to the league of women voters."

2 2. Title page, by striking line 1, and inserting
3 the following: "An Act relating to the resource".

4 3. Title page, line 2, by inserting after the
5 word "protection" the following: "program".

By COMMITTEE ON NATURAL RESOURCES
AND OUTDOOR RECREATION
BLACK of Jasper, Chairperson

SENATE FILE 323

H-3650

1 Amend the committee amendment, H-3589, to Senate
 2 File 323, as passed by the Senate, as follows:
 3 1. Page 1, by striking lines 6 through 16 and
 4 inserting the following: "Code 1991, is amended by
 5 striking the subsection and inserting in lieu thereof
 6 the following:
 7 1. A conservation education program board is
 8 created in the department. The board shall have five
 9 members appointed as follows:
 10 a. One member appointed by the director.
 11 b. One member appointed by the director after
 12 consultation with the director of the department of
 13 natural resources.
 14 c. One member appointed by the director after
 15 consultation with the president of the Iowa
 16 association of county conservation boards.
 17 d. One member appointed by the director after
 18 consultation with the president of the Iowa
 19 association of naturalists.
 20 e. One member appointed by the director after
 21 consultation with the president of the Iowa
 22 conservation education council."

By SPEAR of Lee

H-3650 FILED APRIL 16, 1991

LOST (p. 1246)

SENATE FILE 323

H-3651

1 Amend the committee amendment, H-3589, to Senate
 2 File 323, as passed by the Senate, as follows:
 3 1. Page 1, by inserting before line 17 the
 4 following:
 5 "Sec. ____ Section 256.34, subsection 1, Code
 6 1991, is amended by adding the following new
 7 unnumbered paragraph:
 8 NEW UNNUMBERED PARAGRAPH. Section 69.16 does not
 9 apply to appointments made pursuant to this subsec-
 10 tion."

By SPEAR of Lee

H-3651 FILED APRIL 16, 1991

ADOPTED (p. 1247)

SENATE FILE 323

H-3652

1 Amend the Committee amendment, H-3589, to Senate
 2 File 323, as passed by the Senate, as follows:
 3 1. Page 2, line 49, by striking the word "or" and
 4 inserting the following: "or".
 5 2. Page 2, line 49, by inserting after the word
 6 "education" the following: ", or historical-cultural
 7 preservation".

By BLACK of Jasper

H-3652 FILED APRIL 16, 1991

ADOPTED (p. 1241)

SENATE FILE 323

H-3626

1 Amend the committee amendment, H-3589, to Senate
2 File 323, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 6 through 16 and
4 inserting the following: "Code 1991, is amended by
5 striking the subsection and inserting in lieu thereof
6 the following:

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

10 a. One member appointed by the director.

11 b. One member appointed by the director after
12 consultation with the director of the department of
13 natural resources.

14 c. One member appointed by the director after
15 consultation with the president of the Iowa
16 association of county conservation boards.

17 d. One member appointed by the director after
18 consultation with the president of the Iowa
19 association of naturalists.

20 e. One member appointed by the director after
21 consultation with the president of the Iowa
22 conservation education council.

23 Section 69.16 does not apply to appointments made pursuant
24 to this subsection."

By SPEAR of Lee

H-3626 FILED APRIL 15, 1991

4/15 4/16/91 (p. 1290)

SENATE FILE 323

H-3628

1 Amend the committee amendment, H-3589, to Senate
2 File 323, as passed by the Senate, as follows:

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

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

7 e. If a question arises as to whether a recognized
8 county organization exists under paragraph "c" or "d",
9 the question shall be decided by a majority vote of
10 the members selected under paragraphs "a" and "b"
11 excluding the representative of the county

12 conservation board. Sections 69.16 and 69.16A do not
13 apply to appointments made pursuant to this
14 subsection."

By SPEAR of Lee

H-3628 FILED APRIL 15, 1991

6 dept. 2 4/16 (p. 1291)

HOUSE AMENDMENT TO
SENATE FILE 323

S-3469

1 Amend Senate File 323, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

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

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

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

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

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

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

20 NEW UNNUMBERED PARAGRAPH. Section 69.16 does not
21 apply to appointments made pursuant to this subsec-
22 tion.

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

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

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

40 (5) Funds allocated pursuant to subparagraphs (2)
41 and (3) shall only be allocated to counties dedicating
42 property tax revenue at least equal to twenty-two
43 cents per thousand dollars of the assessed value of
44 taxable property in the county to county conservation
45 purposes. State funds received under this paragraph
46 shall not reduce or replace county tax revenues
47 appropriated for county conservation purposes. The
48 county treasurer auditor shall submit documentation
49 annually of the dedication of property tax revenue for
50 county conservation purposes. The annual audit of the

S-3469

Page 2

1 financial transactions and condition of a county shall
2 certify compliance with requirements of this
3 subparagraph. Funds not allocated to counties not
4 qualifying for the allocations under subparagraph (2)
5 as a result of this subparagraph shall be held in
6 reserve for each county for two years. Counties
7 qualifying within two years may receive the funds held
8 in reserve. Funds not spent by a county within two
9 years shall revert to the general pool of county funds
10 for reallocation to other counties where needed.

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

13 d. Fifteen percent shall be allocated to a cities'
14 parks and open space account. The moneys allocated in
15 this paragraph may be used to fund competitive grants
16 to cities to acquire, establish, and maintain natural
17 parks, preserves, and open spaces. The grants may
18 include expenditures for multipurpose trails, restroom
19 facilities, shelter houses, and picnic facilities, but
20 expenditures for single or multipurpose athletic
21 fields, baseball or softball diamonds, tennis courts,
22 golf courses, swimming pools, and other group or
23 organized sport facilities requiring specialized
24 equipment are excluded. The grants may be used for
25 city projects located outside of a city's boundaries.
26 The natural resource commission, by rule, shall
27 establish procedures for application, review, and
28 selection of city projects on a competitive basis.
29 The rules shall provide for three categories of cities
30 based on population within which the cities shall
31 compete for grants. There is appropriated from the
32 cities' parks and open space account to the department
33 the amount in that account, or so much thereof as is
34 necessary, to carry out the competitive grant program
35 as provided in this paragraph.

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

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

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

S-3469

Page 3

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

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

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

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

19 2. Title page, by striking line 1, and inserting
20 the following: "An Act relating to the resource".

21 3. Title page, line 2, by inserting after the
22 word "protection" the following: "program".

RECEIVED FROM THE HOUSE

S-3469 FILED APRIL 18, 1991

Senate concurred 4/18/91 (p. 14.50)

SENATE FILE 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 granger; 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.

JOE J. WELSH
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 323, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 9, 1991

TERRY E. BRANSTAD
Governor