

FEB 19 1998
APPROPRIATIONS

HOUSE FILE
BY THOMAS

2351

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

A BILL FOR

1 An Act supporting forestry, by establishing programs and
2 providing an appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 456C.1 DEFINITIONS.

2 1. "Cost-share" or "cost-sharing" means a contribution of
3 money made by the state in order to pay a percentage of the
4 costs related to the establishment of forestation practices
5 under a forestation agreement.

6 2. "Division" means the forests and forestry division of
7 the department of natural resources as established pursuant to
8 section 455A.7.

9 3. "Forestation agreement" means an agreement by a
10 landowner and the division to establish forestation practices
11 as provided in programs administered under this chapter in
12 return for program assistance.

13 4. "Forestland" means stands of native or introduced
14 forest plantation of at least three acres, including trees
15 located on privately owned land. However, a stand of fruit
16 trees or Christmas trees is not forestland.

17 5. "Forestation practice" means a practice designed to do
18 any of the following:

19 a. Increase the growth and quality of forest stands and
20 improve wildlife habitat having a minimum eligible area of at
21 least five acres.

22 b. Establish a stand of trees for timber production and
23 environmental improvement, having a minimum eligible area of
24 at least three acres.

25 c. Prepare a site for natural regeneration, in order to
26 establish a stand of forest trees through natural regeneration
27 for timber production and environmental improvement with a
28 minimum eligible area of three acres.

29 d. Rescue forest plantations from conditions that would
30 threaten the adequate survival or quality of the plantation if
31 not controlled with a minimum eligible area of at least three
32 acres.

33 6. "Professional forester" means a forestry graduate of an
34 accredited college or university, who has a minimum of two
35 years of forest management experience.

1 Sec. 2. NEW SECTION. 456C.2 ADMINISTRATION.

2 Financial incentives provided under this chapter shall be
3 administered by the division. The incentives shall be
4 supported with funds appropriated by the general assembly and
5 moneys available to or obtained by the division from public or
6 private sources, including but not limited to the United
7 States, other states, or private organizations for placement
8 in the reforestation fund as provided in section 456C.5. The
9 division shall adopt all rules consistent with chapter 17A
10 necessary to carry out the purposes of this chapter. In
11 administering this chapter, the division may contract, sue and
12 be sued. The division shall not in any manner directly or
13 indirectly pledge the credit of the state.

14 Sec. 3. NEW SECTION. 456C.3 PROGRAMS FOR THE VOLUNTARY
15 ESTABLISHMENT AND MAINTENANCE OF FORESTATION PRACTICES.

16 1. The division shall establish voluntary financial
17 incentive programs for the establishment and maintenance of
18 forestation practices. The programs shall provide for the
19 execution of forestation agreements between landowners and the
20 division in which the landowner agrees to establish
21 forestation practices in order to support a long-term viable
22 timberland.

23 2. The division shall not execute a forestation agreement
24 until the landowner submits a forest management plan, approved
25 by the division. The plan shall provide for the methods and
26 schedule for establishing the forestland practices. A
27 forestland practice required in the agreement shall not be
28 financed unless a professional forester has inspected the site
29 and determined that the practice is needed.

30 3. The division shall establish the rate of cost-share
31 based on a schedule for establishing different forestation
32 practices. However, the financial incentives shall not exceed
33 seventy-five percent of the estimated cost of establishing the
34 forestation practices as determined by the division or
35 seventy-five percent of the actual cost of establishing the

1 forestation practices, whichever is less.

2 4. The division, to the extent funding is available, shall
3 contract with landowners to receive assistance under programs
4 established pursuant to this chapter. The division may
5 execute forestation agreements with landowners under which
6 landowners are paid cost-share moneys to establish and
7 maintain forestation practices according to rules adopted by
8 the division.

9 5. A landowner shall repay cost-share moneys to the
10 division if any of the following occurs:

11 a. The landowner breaches the terms of a forestation
12 agreement.

13 b. The land where the practices have been established is
14 converted to a nonforested use.

15 A forestation practice shall not be removed until the owner
16 repays the appropriate amount of cost-share moneys to the
17 division. The moneys shall be deposited in the reforestation
18 fund created pursuant to section 456C.5. The amount of
19 repayment shall be a prorated share of the amount paid in
20 financial incentives to establish the practice as provided in
21 rules adopted by the division.

22 Sec. 4. NEW SECTION. 456C.4 TECHNICAL ASSISTANCE
23 PROGRAM.

24 The division shall establish a program to provide technical
25 assistance to private landowners establishing forestation
26 practices. The division shall provide program assistance by
27 contracting with professional foresters, who shall provide the
28 assistance according to conditions and requirements
29 established by the division.

30 Sec. 5. NEW SECTION. 456C.5 REFORESTATION FUND.

31 1. There is created in the general fund of the state a
32 reforestation fund under the control of the division. The
33 fund is composed of any money appropriated by the general
34 assembly and of any other moneys available to and obtained or
35 accepted by the division from the federal government or

1 private sources for placement in the fund. The assets of the
2 fund shall be used only to support programs provided in this
3 chapter.

4 2. Moneys in the fund are subject to an annual audit by
5 the auditor of state. The fund is subject to warrants written
6 by the director of revenue and finance, drawn upon the written
7 requisition of the division.

8 3. Section 8.33 shall not apply to moneys in the fund.
9 Notwithstanding section 12C.7, moneys earned as income,
10 including as interest, from the fund shall remain in the fund
11 until expended as provided in this section.

12 Sec. 6. PROGRAM APPROPRIATIONS. There is appropriated
13 from the general fund of the state to the reforestation fund
14 created pursuant to section 456C.5 for the fiscal year
15 beginning July 1, 1998, and ending June 30, 1999, the
16 following amount, or so much thereof as is necessary, to be
17 used for the purposes designated:

18 1. For purposes of supporting financial incentive programs
19 for the voluntary establishment and maintenance of forestation
20 practices as provided in section 456C.3:

21 \$ 1,800,000

22 2. For purposes of supporting the technical assistance
23 program as provided in section 456C.4:

24 \$ 400,000

25 Sec. 7. ADMINISTRATIVE APPROPRIATIONS. There is
26 appropriated from the general fund of the state to the
27 department of natural resources for the fiscal year beginning
28 July 1, 1998, and ending June 30, 1999, the following amount,
29 or so much thereof as is necessary, to be used for the
30 purposes designated:

31 For purposes of supporting the administration of the
32 forests and forestry division, including salaries, support,
33 maintenance, miscellaneous purposes, and for not more than the
34 following full-time equivalent positions:

35 \$ 520,000

1 FTEs 9.00

2 1. Of the amount appropriated and the number of full-time
3 equivalent positions authorized pursuant to this section, not
4 more than \$400,000 and 4.00 FTEs shall be used to support 4
5 professional field foresters to provide technical assistance
6 to landowners establishing or maintaining forestation
7 practices as defined in section 456C.1.

8 a. The division shall employ five additional field office
9 staff to provide increased technical assistance and promotion
10 of the importance of trees and forestland in this state.

11 b. The division shall reopen the southwest division office
12 that was closed in 1992.

13 c. The division shall employ three additional professional
14 foresters who shall administer forestry assistance programs in
15 field offices.

16 2. Of the number of full-time equivalent positions
17 authorized pursuant to this section, not more than 1.00 FTE
18 shall be used by the division for an information specialist to
19 promote and educate persons regarding the importance of
20 forestland, and methods required to manage forest resources.

21 3. Of the amount appropriated and the number of full-time
22 equivalent positions authorized pursuant to this section, not
23 more than \$120,000 and 4.00 FTEs shall be used to support
24 persons to provide office management and clerical assistance
25 for each district forestry office.

26 EXPLANATION

27 This bill establishes a new Code chapter 456C which
28 provides for the administration of programs to encourage the
29 management and development of forestland in this state.

30 The bill establishes programs administered by the forests
31 and forestry division of the department of natural resources.
32 The division is required to establish voluntary financial
33 incentive programs for the establishment and maintenance of
34 forestation practices, in order to increase the growth and
35 quality of forest stands and improve wildlife habitat,

1 establish stands of trees for timber production and
2 environmental improvement, prepare sites for natural
3 regeneration, and rescue forest plantations from conditions
4 that would threaten the adequate survival or quality of the
5 plantation. The programs would provide cost-share moneys to
6 owners of land in order to establish these practices under a
7 plan approved by the division.

8 The bill establishes a program to provide technical
9 assistance to private landowners establishing forestation
10 practices. The bill requires the division to contract with
11 professional foresters to provide the technical assistance to
12 owners of forestland.

13 The bill provides that the programs are supported by a
14 reforestation fund administered by the division. The bill
15 appropriates \$2,200,000 from the general fund of the state in
16 order to support the new programs. The bill appropriates
17 \$520,000 in order to support administration of the division,
18 including supporting an information specialist and
19 professional field foresters.

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