

FILED MAR 30 2006

SENATE FILE 2395

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2329)

(SUCCESSOR TO SF 2120)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for an increase in the wildlife habitat fee,  
2 making an appropriation, and creating an upland game bird  
3 habitat development program.

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

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SF 2395

1 Section 1. Section 483A.1, subsection 1, paragraph q, Code  
2 Supplement 2005, is amended to read as follows:

3 q. Wildlife habitat fee..... \$ ~~8-00~~ 11.00

4 Sec. 2. Section 483A.1, subsection 2, paragraph r, Code  
5 Supplement 2005, is amended to read as follows:

6 r. Wildlife habitat fee..... \$ ~~8-00~~ 11.00

7 Sec. 3. Section 483A.3, Code 2005, is amended by adding  
8 the following new subsection:

9 NEW SUBSECTION. 3. Notwithstanding subsections 1 and 2,  
10 any increase in revenues received on or after July 1, 2006,  
11 pursuant to this section as a result of fee increases pursuant  
12 to this Act, shall be used by the commission only for the  
13 purpose of the upland game bird habitat development program as  
14 provided in section 483A.3B. The commission shall not reduce  
15 on an annual basis for these purposes the amount of other  
16 funds being expended as of July 1, 2006.

17 Sec. 4. NEW SECTION. 483A.3B UPLAND GAME BIRD HABITAT  
18 DEVELOPMENT PROGRAMS.

19 1. ALLOCATION OF REVENUE -- ACCOUNTS. All revenue  
20 collected from increases in wildlife habitat fees as provided  
21 in section 483A.3, subsection 3, that is deposited in the  
22 state fish and game protection fund shall be allocated as  
23 follows:

24 a. Two dollars of each wildlife habitat fee collected  
25 shall be allocated to the upland game bird wetlands  
26 conservation account.

27 b. One dollar of each wildlife habitat fee collected shall  
28 be allocated to the upland game bird buffer strip assistance  
29 account.

30 c. Notwithstanding section 12C.7, subsection 2, interest  
31 or earnings on moneys collected from wildlife habitat fees  
32 that are deposited in each account created under this section  
33 shall be credited to that account. Notwithstanding section  
34 8.33 or section 456A.17, moneys credited to each account  
35 created under this section shall not revert to the state

1 general fund at the close of a fiscal year.

2 d. All revenue generated by increases in the wildlife  
3 habitat fee as provided in section 483A.3, subsection 3, shall  
4 be used as provided in this section, except for that part  
5 which is specified by the department for use in paying  
6 administrative expenses as provided in section 456A.17.

7 2. UPLAND GAME BIRD WETLANDS CONSERVATION PROGRAM.

8 a. All moneys allocated to the upland game bird wetlands  
9 conservation account shall be used by the department only to  
10 carry out the purposes of the upland game bird wetlands  
11 conservation program and shall be used in addition to funds  
12 already being expended by the department each year for  
13 wetlands conservation purposes.

14 b. The purpose of the upland game bird wetlands  
15 conservation program is to create a sustained source of  
16 revenue to be used by the department to qualify for federal  
17 matching funds that are available for wetlands conservation  
18 under the federal North American Wetlands Conservation Act  
19 program, 16 U.S.C. § 4401-4414, and to undertake projects that  
20 will aid in wetlands and associated upland habitat  
21 conservation in the state, including the acquisition,  
22 restoration, maintenance, or preservation of wetlands and  
23 associated upland habitat.

24 c. (1) All moneys that are allocated to the upland game  
25 bird wetlands conservation account shall accumulate in the  
26 account until the account balance is equal to one million  
27 dollars or an amount sufficient to be used by the department  
28 to qualify for federal matching funds. Each time the account  
29 balance reaches an amount sufficient to be used by the  
30 department to qualify for federal matching funds, the  
31 department shall apply for such matching funds, and upon  
32 obtaining such funds, shall expend the state and federal  
33 revenues available at that time to undertake projects as set  
34 forth in paragraph "b".

35 (2) Additional moneys that are generated by upland game

1 bird fees and allocated to the upland game bird wetlands  
2 conservation account shall again accumulate in the account,  
3 and each time the account balance is equal to one million  
4 dollars or an amount sufficient to be used by the department  
5 to qualify for federal matching funds, the department shall  
6 again apply for federal matching funds, and upon obtaining  
7 such funds, shall expend the state and federal revenues  
8 available at that time to undertake projects as set forth in  
9 paragraph "b".

10 d. The department shall use all state revenue and federal  
11 matching funds obtained under the federal North American  
12 Wetlands Conservation Act to undertake the purposes of the  
13 upland game bird wetlands conservation program as set forth in  
14 paragraph "b". State revenue allocated to the account shall  
15 be used by the department only for projects that increase  
16 public recreational hunting opportunities in the state and  
17 shall not be used for projects on private land that is not  
18 accessible to the public for recreational hunting.

19 3. UPLAND GAME BIRD BUFFER STRIP ASSISTANCE PROGRAM.

20 a. All moneys allocated to the upland game bird buffer  
21 strip assistance account shall be used by the department only  
22 to carry out the purposes of the upland game bird buffer strip  
23 assistance program and shall be used in addition to funds  
24 already being expended by the department each year for such  
25 purposes. The department shall not reduce the amount of other  
26 funds being expended for these purposes as of July 1, 2006.

27 b. The purpose of the upland game bird buffer strip  
28 assistance program is to create an additional source of  
29 revenue to be used by the department for the purpose of  
30 providing cost-sharing assistance to landowners who establish  
31 farmstead and feedlot shelterbelts, temporary winter habitat  
32 plots, and other habitat practices designed to implement the  
33 restoration of upland game birds throughout the state.

34 c. (1) All moneys that are allocated to the upland game  
35 bird buffer strip assistance account shall accumulate in the

1 account for a period of five years. At the end of the five-  
2 year period, the moneys in the account shall be used by the  
3 department to carry out the purposes of the upland game bird  
4 buffer strip assistance program as set forth in paragraph "b".  
5 The cost-share assistance shall be provided to applicants on a  
6 first-come, first-served basis until the moneys accumulated in  
7 the account during that period are exhausted. The department  
8 shall, by rule pursuant to chapter 17A, establish eligibility  
9 requirements for the program and procedures for applications  
10 for and approval of projects to be funded under the program.  
11 The department shall expend moneys from the account only for  
12 projects on private land that is accessible to the public for  
13 recreational hunting.

14 (2) Additional moneys that are generated by upland game  
15 bird fees and allocated to the upland game bird buffer strip  
16 assistance account shall accumulate in the account and shall  
17 be used by the department every five years as set forth in  
18 subparagraph (1).

19 4. DEFINITION. As used in this section, "upland game  
20 bird" means a pheasant or a quail.

21 EXPLANATION

22 This bill increases the wildlife habitat fee by \$3,  
23 appropriates the increase in moneys collected, and creates  
24 programs to expend the moneys for upland game bird habitat  
25 development.

26 The bill provides that all increases in wildlife habitat  
27 fees collected shall be forwarded by the department of natural  
28 resources to the treasurer of state for placement in the state  
29 fish and game protection fund and are appropriated to the  
30 department to be used solely for the purposes set forth in the  
31 bill.

32 Revenue deposited in the state fish and game protection  
33 fund is allocated by the bill into two separate accounts, with  
34 \$2 of each fee collected to be allocated to the upland game  
35 bird wetlands conservation account and \$1 of each fee

1 collected to be allocated to the upland game bird buffer strip  
2 assistance account. Interest or earnings on moneys contained  
3 in each account must be credited to the account, and moneys in  
4 each account do not revert to the general fund at the close of  
5 the fiscal year.

6 Moneys allocated to the upland game bird wetlands  
7 conservation account by the bill must be used by the  
8 department only to carry out the purposes of the upland game  
9 bird wetlands conservation program, which are to create a  
10 sustained source of revenue to be used by the department to  
11 qualify for federal matching funds that are available for  
12 wetlands conservation under the federal North American  
13 Wetlands Conservation Act and to undertake projects that will  
14 aid in wetlands and associated upland habitat conservation in  
15 the state, including the acquisition, restoration,  
16 maintenance, or preservation of wetlands and associated upland  
17 habitat.

18 The bill provides that moneys that are allocated to the  
19 upland game bird wetlands conservation account shall  
20 accumulate in the account until the account balance is equal  
21 to \$1 million or an amount sufficient to be used by the  
22 department to qualify for federal matching funds. Each time  
23 the account balance reaches the necessary amount, the  
24 department is required to apply for such matching funds, and  
25 upon obtaining those funds, expend the state and federal  
26 revenues available to carry out the purposes of the upland  
27 game bird wetlands conservation program. The bill provides  
28 that state revenue allocated to the account shall be used for  
29 projects that increase public recreational hunting  
30 opportunities in the state and shall not be used on private  
31 land that is not accessible to the public for recreational  
32 hunting.

33 Moneys allocated to the upland game bird buffer strip  
34 assistance account must be used by the department only to  
35 carry out the purposes of the upland game bird buffer strip

1 assistance program, which are to create an additional source  
2 of revenue to be used by the department to provide cost-  
3 sharing assistance to landowners who establish farmstead and  
4 feedlot shelterbelts, temporary winter habitat plots, and  
5 other habitat practices designed to implement the restoration  
6 of upland game birds throughout the state.

7 The bill provides that moneys allocated to the upland game  
8 bird buffer strip assistance account shall accumulate in the  
9 account for five years and then be used by the department to  
10 carry out the purposes of the upland game bird buffer strip  
11 assistance program. The bill provides that cost-share  
12 assistance given under the program shall be on a first-come,  
13 first-served basis until the moneys allocated to the account  
14 during that period are exhausted. The department is required  
15 to adopt rules to establish eligibility requirements and  
16 procedures for applications for and approval of projects to be  
17 funded under the program. The process is then repeated every  
18 five years using funds that have accumulated in the account.

19 For purposes of the bill, an "upland game bird" is a  
20 pheasant or a quail.

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**SENATE FILE 2395**

**S-5165**

1 Amend Senate File 2395 as follows:

2 1. Page 2, line 19, by inserting after the word  
3 "projects" the following: "in conjunction with county  
4 conservation boards and other partners".

5 2. Page 3, by striking lines 27 through 33 and  
6 inserting the following:

7 "b. The purpose of the upland game bird buffer  
8 strip assistance program is to increase landowner  
9 participation in federally funded conservation  
10 programs that benefit upland game birds and to  
11 increase opportunities for hunting recreation on  
12 private lands. To the extent possible, moneys  
13 allocated to the upland game bird buffer strip  
14 assistance account shall be used in conjunction with  
15 and to qualify for additional funding from private  
16 conservation organizations and other state and federal  
17 agencies to accomplish the purposes of the program.  
18 The funds may be used to provide private landowners  
19 with cost-sharing assistance for habitat improvement  
20 practices on projects that are not eligible for  
21 federal programs or where federal funding for such  
22 projects is not adequate. The department may utilize  
23 the funds to provide marketing and outreach efforts to  
24 landowners in order to maximize landowners' use of  
25 federal conservation programs."

**By WILLIAM A. DOTZLER**

**S-5165 FILED APRIL 4, 2006**

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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SF 2395 - Pheasant Habitat Program (LSB 5069 SZ)  
Analyst: Debra Kozel (Phone: [515] 281-6767) ([deb.kozel@legis.state.ia.us](mailto:deb.kozel@legis.state.ia.us))  
Fiscal Note Version - New

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**Description**

Senate File 2395 increases the wildlife habitat fee from \$8.00 to \$11.00 with the additional funding distributed for two new funds. Of the \$3.00 increase, the allocations will include:

1. Two dollars to the Upland Game Bird Wetlands Conservation Account. The Department of Natural Resources (DNR) will accumulate the funds until they qualify for matching federal funding under the North American Wetlands Conservation Act. Funds will be used by the DNR for projects that will increase public recreational hunting opportunities in the State.
2. One dollar to the new Upland Game Bird Buffer Strip Assistance Account. The DNR will use this funding to provide cost share assistance to landowners to create habitats that will increase the number of upland game birds.

**Assumptions**

1. The DNR estimates they will sell 240,000 wildlife habitat fees.
2. The additional \$3.00 will generate \$720,000 per year to the Fish and Game Protection Fund.
3. Two-thirds of the funding or \$480,000 will be allocated to the Upland Game Bird Wetlands Conservation Account and one-third or \$240,000 will be allocation to the Upland Game Bird Buffer Strip Assistance Account.

**Fiscal Impact**

The fiscal impact of SF 2395 is an increase in revenue to the Fish and Game Protection Fund of approximately \$720,000 per year beginning in FY 2007. The funds will be allocated with \$480,000 for the Upland Game Bird Wetlands Conservation Account and \$240,000 to the Upland Game Bird Buffer Strip Assistance Account.

**Source**

Department of Natural Resources

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/s/ Holly M. Lyons

April 3, 2006

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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13 purpose of the upland game bird habitat development program as  
14 provided in section 483A.3B. The commission shall not reduce  
15 on an annual basis for these purposes the amount of other  
16 funds being expended as of July 1, 2006.

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34 8.33 or section 456A.17, moneys credited to each account  
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1 general fund at the close of a fiscal year.

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17 matching funds that are available for wetlands conservation  
18 under the federal North American Wetlands Conservation Act  
19 program, 16 U.S.C. § 4401-4414, and to undertake projects in  
20 conjunction with county conservation boards and other partners  
21 that will aid in wetlands and associated upland habitat  
22 conservation in the state, including the acquisition,  
23 restoration, maintenance, or preservation of wetlands and  
24 associated upland habitat.

25 c. (1) All moneys that are allocated to the upland game  
26 bird wetlands conservation account shall accumulate in the  
27 account until the account balance is equal to one million  
28 dollars or an amount sufficient to be used by the department  
29 to qualify for federal matching funds. Each time the account  
30 balance reaches an amount sufficient to be used by the  
31 department to qualify for federal matching funds, the  
32 department shall apply for such matching funds, and upon  
33 obtaining such funds, shall expend the state and federal  
34 revenues available at that time to undertake projects as set  
35 forth in paragraph "b".

1 (2) Additional moneys that are generated by upland game  
2 bird fees and allocated to the upland game bird wetlands  
3 conservation account shall again accumulate in the account,  
4 and each time the account balance is equal to one million  
5 dollars or an amount sufficient to be used by the department  
6 to qualify for federal matching funds, the department shall  
7 again apply for federal matching funds, and upon obtaining  
8 such funds, shall expend the state and federal revenues  
9 available at that time to undertake projects as set forth in  
10 paragraph "b".

11 d. The department shall use all state revenue and federal  
12 matching funds obtained under the federal North American  
13 Wetlands Conservation Act to undertake the purposes of the  
14 upland game bird wetlands conservation program as set forth in  
15 paragraph "b". State revenue allocated to the account shall  
16 be used by the department only for projects that increase  
17 public recreational hunting opportunities in the state and  
18 shall not be used for projects on private land that is not  
19 accessible to the public for recreational hunting.

20 3. UPLAND GAME BIRD BUFFER STRIP ASSISTANCE PROGRAM.

21 a. All moneys allocated to the upland game bird buffer  
22 strip assistance account shall be used by the department only  
23 to carry out the purposes of the upland game bird buffer strip  
24 assistance program and shall be used in addition to funds  
25 already being expended by the department each year for such  
26 purposes. The department shall not reduce the amount of other  
27 funds being expended for these purposes as of July 1, 2006.

28 b. The purpose of the upland game bird buffer strip  
29 assistance program is to increase landowner participation in  
30 federally funded conservation programs that benefit upland  
31 game birds and to increase opportunities for hunting  
32 recreation on private lands. To the extent possible, moneys  
33 allocated to the upland game bird buffer strip assistance  
34 account shall be used in conjunction with and to qualify for  
35 additional funding from private conservation organizations and

1 other state and federal agencies to accomplish the purposes of  
2 the program. The funds may be used to provide private  
3 landowners with cost-sharing assistance for habitat  
4 improvement practices on projects that are not eligible for  
5 federal programs or where federal funding for such projects is  
6 not adequate. The department may utilize the funds to provide  
7 marketing and outreach efforts to landowners in order to  
8 maximize landowners' use of federal conservation programs.

9 c. (1) All moneys that are allocated to the upland game  
10 bird buffer strip assistance account shall accumulate in the  
11 account for a period of five years. At the end of the five-  
12 year period, the moneys in the account shall be used by the  
13 department to carry out the purposes of the upland game bird  
14 buffer strip assistance program as set forth in paragraph "b".  
15 The cost-share assistance shall be provided to applicants on a  
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17 the account during that period are exhausted. The department  
18 shall, by rule pursuant to chapter 17A, establish eligibility  
19 requirements for the program and procedures for applications  
20 for and approval of projects to be funded under the program.  
21 The department shall expend moneys from the account only for  
22 projects on private land that is accessible to the public for  
23 recreational hunting.

24 (2) Additional moneys that are generated by upland game  
25 bird fees and allocated to the upland game bird buffer strip  
26 assistance account shall accumulate in the account and shall  
27 be used by the department every five years as set forth in  
28 subparagraph (1).

29 4. DEFINITION. As used in this section, "upland game  
30 bird" means a pheasant or a quail.

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