

FILED JAN 31 2006

NAT. RES. & ENVIRONMENT

SENATE FILE 2120

BY BLACK, DEARDEN, and GRONSTAL

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for an upland game bird fee, making an  
 2 appropriation, creating programs, and providing for a penalty.  
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

NAT. RES. & ENVIRONMENT

SF 2120

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1 Section 1. Section 483A.1, subsection 1, Code Supplement  
2 2005, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. u. Upland game bird fee..... \$ 3.00

4 Sec. 2. Section 483A.1, subsection 2, Code Supplement  
5 2005, is amended by adding the following new paragraph:

6 NEW PARAGRAPH. w. Upland game bird fee..... \$ 3.00

7 Sec. 3. NEW SECTION. 484D.1. DEFINITIONS.

8 As used in this chapter, unless the context otherwise  
9 requires:

10 1. "Department" means the department of natural resources.

11 2. "Upland game bird" means a pheasant or quail.

12 Sec. 4. NEW SECTION. 484D.2 UPLAND GAME BIRD FEE.

13 1. A person sixteen years of age or older shall not hunt  
14 or take pheasant or quail within this state without first  
15 paying an upland game bird fee in the amount of three dollars.

16 2. The director shall determine the means and method of  
17 collecting the upland game bird fees. All fees collected  
18 shall be forwarded by the department to the treasurer of  
19 state, who shall place the moneys in the state fish and game  
20 protection fund. The moneys so collected are appropriated to  
21 the department to be used solely for the purposes set forth in  
22 this chapter. The department shall not reduce the amount of  
23 other funds being expended for these purposes as of July 1,  
24 2006.

25 Sec. 5. NEW SECTION. 484D.3 ALLOCATION OF REVENUE --  
26 ACCOUNTS.

27 All revenue collected from upland game bird fees that is  
28 deposited in the state fish and game protection fund shall be  
29 allocated as follows:

30 1. Two dollars of each upland game bird fee collected  
31 shall be allocated to the upland game bird wetlands  
32 conservation account.

33 2. One dollar of each upland game bird fee collected shall  
34 be allocated to the upland game bird buffer strip assistance  
35 account.

1 3. Notwithstanding section 12C.7, subsection 2, interest  
2 or earnings on moneys collected from upland game bird fees  
3 that are deposited in each account created under this section  
4 shall be credited to that account. Notwithstanding section  
5 8.33 or section 456A.17, moneys credited to each account  
6 created under this section shall not revert to the state  
7 general fund at the close of a fiscal year.

8 4. All revenue generated by the upland game bird fee shall  
9 be used as provided in this chapter, except for that part  
10 which is specified by the department for use in paying  
11 administrative expenses as provided in section 456A.17.

12 Sec. 6. NEW SECTION. 484D.4 UPLAND GAME BIRD WETLANDS  
13 CONSERVATION PROGRAM.

14 1. All moneys allocated to the upland game bird wetlands  
15 conservation account shall be used by the department only to  
16 carry out the purposes of the upland game bird wetlands  
17 conservation program and shall be used in addition to funds  
18 already being expended by the department each year for  
19 wetlands conservation purposes.

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

30 3. a. All moneys that are allocated to the upland game  
31 bird wetlands conservation account shall accumulate in the  
32 account until the account balance is equal to one million  
33 dollars or an amount sufficient to be used by the department  
34 to qualify for federal matching funds. Each time the account  
35 balance reaches an amount sufficient to be used by the

1 department to qualify for federal matching funds, the  
2 department shall apply for such matching funds, and upon  
3 obtaining such funds, shall expend the state and federal  
4 revenues available at that time to undertake projects as set  
5 forth in subsection 2.

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

16 4. The department shall use all state revenue and federal  
17 matching funds obtained under the federal North American  
18 Wetlands Conservation Act to undertake the purposes of the  
19 upland game bird wetlands conservation program as set forth in  
20 subsection 2. State revenue allocated to the account shall be  
21 used by the department only for projects that increase public  
22 recreational hunting opportunities in the state and shall not  
23 be used for projects on private land that is not accessible to  
24 the public for recreational hunting.

25 Sec. 7. NEW SECTION. 484D.5 UPLAND GAME BIRD BUFFER  
26 STRIP ASSISTANCE PROGRAM.

27 1. All moneys allocated to the upland game bird buffer  
28 strip assistance account shall be used by the department only  
29 to carry out the purposes of the upland game bird buffer strip  
30 assistance program and shall be used in addition to funds  
31 already being expended by the department each year for such  
32 purposes. The department shall not reduce the amount of other  
33 funds being expended for these purposes as of July 1, 2006.

34 2. The purpose of the upland game bird buffer strip  
35 assistance program is to create an additional source of

1 revenue to be used by the department for the purpose of  
2 providing cost-sharing assistance to landowners who establish  
3 farmstead and feedlot shelterbelts, temporary winter habitat  
4 plots, and other habitat practices designed to implement the  
5 restoration of upland game birds throughout the state.

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

21 b. Additional moneys that are generated by upland game  
22 bird fees and allocated to the upland game bird buffer strip  
23 assistance account shall accumulate in the account and shall  
24 be used by the department every five years as set forth in  
25 paragraph "a".

26 Sec. 8. NEW SECTION. 484D.6 PENALTY.

27 Any person violating any of the provisions of this chapter  
28 shall be guilty of a simple misdemeanor.

29 EXPLANATION

30 This bill creates new Code chapter 484D, which provides for  
31 payment of an upland game bird fee of \$3 to hunt pheasant or  
32 quail in the state, appropriates the moneys collected, creates  
33 programs to expend the moneys, and provides for a penalty for  
34 violation of the chapter.

35 The bill provides that all fees collected shall be

1 forwarded by the department of natural resources to the  
2 treasurer of state for placement in the state fish and game  
3 protection fund and are appropriated to the department to be  
4 used solely for the purposes set forth in the chapter.

5 Revenue deposited in the state fish and game protection  
6 fund is allocated by the bill into two separate accounts, with  
7 \$2 of each fee collected to be allocated to the upland game  
8 bird wetlands conservation account and \$1 of each fee  
9 collected to be allocated to the upland game bird buffer strip  
10 assistance account. Interest or earnings on moneys contained  
11 in each account must be credited to the account, and moneys in  
12 each account do not revert to the general fund at the close of  
13 the fiscal year.

14 Moneys allocated to the upland game bird wetlands  
15 conservation account by the bill must be used by the  
16 department only to carry out the purposes of the upland game  
17 bird wetlands conservation program, which are to create a  
18 sustained source of revenue to be used by the department to  
19 qualify for federal matching funds that are available for  
20 wetlands conservation under the federal North American  
21 Wetlands Conservation Act and to undertake projects that will  
22 aid in wetlands and associated upland habitat conservation in  
23 the state, including the acquisition, restoration,  
24 maintenance, or preservation of wetlands and associated upland  
25 habitat.

26 The bill provides that moneys that are allocated to the  
27 upland game bird wetlands conservation account shall  
28 accumulate in the account until the account balance is equal  
29 to \$1 million or an amount sufficient to be used by the  
30 department to qualify for federal matching funds. Each time  
31 the account balance reaches the necessary amount, the  
32 department is required to apply for such matching funds, and  
33 upon obtaining those funds, expend the state and federal  
34 revenues available to carry out the purposes of the upland  
35 game bird wetlands conservation program. The bill provides

1 that state revenue allocated to the account shall be used for  
2 projects that increase public recreational hunting  
3 opportunities in the state and shall not be used on private  
4 land that is not accessible to the public for recreational  
5 hunting.

6 Moneys allocated to the upland game bird buffer strip  
7 assistance account must be used by the department only to  
8 carry out the purposes of the upland game bird buffer strip  
9 assistance program, which are to create an additional source  
10 of revenue to be used by the department to provide cost-  
11 sharing assistance to landowners who establish farmstead and  
12 feedlot shelterbelts, temporary winter habitat plots, and  
13 other habitat practices designed to implement the restoration  
14 of upland game birds throughout the state.

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

27 A violation of the provisions of the chapter is punishable  
28 as a simple misdemeanor.

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