

CHAPTER 1303
NATURAL RESOURCES APPROPRIATIONS
H.F. 2520

AN ACT relating to and appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibility relates to agricultural affairs, economic development, and energy and natural resources management.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. DEPARTMENT OF AGRICULTURE. There is appropriated from the general fund of the state and the trust funds indicated to the department of agriculture for the fiscal year beginning July 1, 1984 and ending June 30, 1985 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

		<u>1984-1985</u> <u>Fiscal Year</u>
1. GENERAL ADMINISTRATION		
a. From the general fund for salaries, support, maintenance, and miscellaneous purposes	\$	1,330,488
b. From the fertilizer fund to be transferred to the administration division	\$	39,216
c. From the dairy trade practice fund to be transferred to the administration division	\$	68,147
d. From the commercial feed fund to be transferred to the administration division	\$	39,216
The department of agriculture shall establish annual subscription fees for the regular and periodic publications of the department. Fees collected from subscribers shall be deposited in the general fund of the state.		
2. REGULATORY DIVISION		
From the general fund for salaries, support, maintenance, and miscellaneous purposes	\$	3,441,227
It is a condition of the funds appropriated by this subsection that the department of agriculture is required to inspect a food service establishment only once a year, notwithstanding the provisions of section 170A.3 requiring an inspection twice a year.		
3. LABORATORY DIVISION		
a. From the general fund for salaries, support, maintenance, and miscellaneous purposes	\$	620,064
b. From the commercial feed fund to be transferred to the laboratory division	\$	695,379
c. From the pesticide fund to be transferred to the laboratory division	\$	423,803
d. From the fertilizer fund to be transferred to the laboratory division	\$	619,443

Sec. 2. MULTIFLORA ROSE ERADICATION COST REIMBURSEMENT.

1. There is appropriated from the general fund of the state to the state department of agriculture for the fiscal year beginning July 1, 1984 and ending June 30, 1985, the sum of fifty thousand (50,000) dollars, or as much thereof as may be necessary, to be used for the purpose of partially reimbursing agricultural landowners or tenants for the cost of herbicide for controlling or eradicating the multiflora rose which has severely infested their agricultural land. Not more than five percent of the funds appropriated under this subsection shall be used for administrative expenses.

2. A county board of supervisors desiring a share of the appropriation shall, in conjunction with the county weed commissioner and the county soil conservation district commissioners, develop a plan to combat severe infestations of multiflora rose on privately-owned land within the county. The plan shall be based upon partial reimbursement of individual landowner's costs for the purchase of herbicide from both state and county appropriations, however the share of costs reimbursed by state funds shall not exceed one-fourth. The plan shall be submitted to the secretary of agriculture for approval or recommendations for modification.

3. The secretary of agriculture, in consultation with the Iowa multiflora rose technical committee, shall evaluate the severity of the infestation of the multiflora rose in the counties of the state and allocate the funds appropriated under this section to all counties where severe infestations of the multiflora rose are located on agricultural land. The size and number of severe infestations of the multiflora rose in a county or an area of the state shall not preclude other counties or areas of the state with fewer or smaller severe infestations from receiving a reasonable share of the funds appropriated under this section. However, a share of the funds shall not be allocated to a county that does not have an approved plan. The secretary of agriculture shall adopt, by rule, the form and information requirements to be submitted by an applicant for partial reimbursement. The secretary shall also designate, by rule, the counties and areas of the state where the infestation of the multiflora rose is severe. The rules shall be adopted in accordance with chapter 17A.

4. A landowner or tenant whose agricultural land is severely infested by multiflora roses may apply to the soil conservation district commissioners of the county for partial reimbursement, according to the approved plan, of the cost of herbicide for controlling or eradicating the multiflora rose on the agricultural land. The county weed commissioner shall assist the soil conservation district commissioners in investigating the application and determining if the infestation is severe. The soil conservation district commissioners shall review and approve each application for partial cost reimbursement if the infestation is severe on the applicant's agricultural land. If the soil conservation district commissioners find the amount of reimbursement claimed to be excessive, the district commissioners may approve a lesser amount. The reasons for disapproval of an application or reduction of the amount of reimbursement shall be sent in writing to the applicant. The amount of reimbursement certified by the secretary shall be paid by warrant issued by the state comptroller.

5. Federal lands and federal land tenants are not eligible for reimbursement under this section.

Sec. 3. STATE CONSERVATION COMMISSION. There is appropriated from the general fund of the state and the funds indicated to the state conservation commission and its divisions for the fiscal year beginning July 1, 1984 and ending June 30, 1985 the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1984-1985
Fiscal Year

1. DIVISION OF LANDS AND WATERS

a. For deposit in the state conservation fund from the general fund of the state for salaries, support, maintenance, equipment, and miscellaneous purposes and for maintenance of state parks, waters, and forests, and including not more than one million five hundred six thousand three hundred sixty-eight (1,506,368) dollars during the fiscal year beginning July 1, 1984 which shall be available for the administration fund from the state conservation fund in compliance with section 107.17

\$ 6,250,979

b. For deposit in the state conservation fund from fees deposited under section 321G.7 not more than one hundred thousand (100,000) dollars for the development and maintenance of snowmobile facilities on lands under the jurisdiction of the commission.

2. DIVISION OF FISH AND GAME

a. From the state fish and game protection fund for salaries, support, maintenance, equipment, and miscellaneous purposes including not more than one million eight hundred seventy-one thousand one hundred fifty-nine (1,871,159) dollars during the fiscal year beginning on July 1, 1984 which shall be available each fiscal year from the state fish and game protection fund for the administration fund in compliance with section 107.17

\$ 11,889,632

b. From the fees deposited under section 321G.7 to the fish and game protection fund not more than fifty thousand four hundred sixty-one (50,461) dollars for enforcement of snowmobile laws as part of the state snowmobile program.

c. From the fees deposited under section 106.52 to the fish and game protection fund not more than seven hundred fifty-seven thousand five hundred (757,500) dollars for administration and enforcement of navigation laws and water safety.

d. Funds remaining in the fish and game protection fund during the fiscal year 1984-1985 which are not specifically appropriated by this section are appropriated and may be used for capital projects and contingencies arising during the fiscal year beginning July 1, 1984. A contingency shall not include any purpose or project which was presented to the general assembly by way of a bill or a proposed bill and which failed to be enacted into law. For the purpose of this subsection, a necessity of additional operating funds may be construed as a contingency. Before any of the funds authorized to be expended by this subsection are allocated for contingencies, it shall be determined by the executive council, that a contingency exists and that the contingency was not existent while the general assembly was in session and that the proposed allocation shall be for the best interests of the state. If a contingency arises or could reasonably be foreseen during the time the general assembly is in session, expenditures for the contingency must be authorized by the general assembly.

3. STATE ADVISORY BOARD FOR PRESERVES

From the general fund of the state for salaries, support, maintenance, and miscellaneous purposes for carrying out the duties of the board

\$ 50,093

4. GREEN THUMB PROGRAM

From the general fund for deposit in the green thumb fund for the green thumb program established pursuant to chapter 601H

\$ 145,385

Sec. 4. MARINE FUEL TAX FUND. There is appropriated from the marine fuel tax fund to the state conservation commission and its divisions for the fiscal year beginning July 1, 1984 and ending June 30, 1985 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For deposit in the state conservation fund not more than three hundred two thousand (302,000) dollars for maintenance and development of boating facilities and access to public waters.

2. For deposit in the state fish and game protection fund not more than one hundred sixty-eight thousand five hundred twenty-three (168,523) dollars for the administration and enforcement of navigation laws and boat safety.

The balance of the amounts computed as provided in section 324.84 for the fiscal year beginning July 1, 1984 and ending June 30, 1985 is appropriated for the purposes provided in section 324.79, subsections 1, 2, 3 and 5. The unencumbered or unobligated balances of funds specifically allocated for such projects for the fiscal year ending June 30, 1985, shall revert on June 30, 1987 to the fund from which appropriated.

Sec. 5. ADMINISTRATION FUND.

1. All receipts, refunds, and reimbursements related to activities funded by the administration fund are appropriated to the administration fund. All refunds and reimbursements relating to activities of the state fish and game protection fund shall be credited to the state fish and game protection fund.

2. The state conservation commission shall establish a priority list of watersheds above publicly-owned lakes and areas within those watersheds which are of highest importance based on soil loss to be used for the allocation of funds set aside in subsection 3 of section 16 of this Act for permanent soil conservation practices on watersheds above publicly-owned lakes.

3. Members of the state conservation commission shall be limited to the normal mileage reimbursement for travel to commission meetings. Except for out-of-state trips authorized by the executive council, state aircraft shall not be used to transport commissioners to meetings unless the individual commissioner reimburses the state for costs exceeding the amount the commissioner would have been reimbursed for mileage.

Sec. 6. OPEN SPACES SCHOOL TAX PAYMENT. There is appropriated from the general fund of the state to the state conservation commission the amount of forty-two thousand (42,000) dollars to pay school taxes for the fiscal year beginning July 1, 1984 on the lands acquired under the open spaces acquisition program, commenced in Acts of the Sixty-fifth General Assembly, 1973 Session, chapter 74, which would otherwise be subject to the levy of school taxes. The assessed value of the open spaces land shall be that determined pursuant to section 427.1, subsection 31, and the commission may protest the assessed value in the manner provided by law for any property owner to protest an assessment. For the purposes

of chapter 442, the assessed value of the open spaces land shall be included in the valuation base of the school district and the payments made pursuant to this section shall be considered as property tax revenues and not as miscellaneous income. The county treasurer shall certify the taxes due to the commission. If the total amount of taxes due certified to the commission exceeds the amount appropriated, the taxes due shall be reduced proportionately so that the total amount equals the amount appropriated.

Sec. 7. IOWA DEVELOPMENT COMMISSION. There is appropriated from the general fund of the state to the Iowa development commission for the fiscal year beginning July 1, 1984 and ending June 30, 1985 the following amount, or so much thereof as is necessary, to be used for the purposes designated:

	1984-1985 Fiscal Year
1. For salaries, support, maintenance, and miscellaneous purposes	\$ 3,112,025
2. HIGH TECHNOLOGY COUNCIL For support, maintenance and miscellaneous purposes	\$ 45,000
3. HIGH TECHNOLOGY COUNCIL For high technology research grants	\$ 900,000
4. From funds appropriated by subsection 1, the Iowa development commission shall allocate not to exceed thirty-five thousand (35,000) dollars for the seven regional tourism districts, not to exceed seven thousand (7,000) dollars per district for each district which provides on a dollar-to-dollar matching basis funds equal to the amount allocated by the Iowa development commission.	
5. IOWA PRODUCT DEVELOPMENT CORPORATION FUND For the purposes as provided in section 28.89	\$ 200,000

Notwithstanding section 8.33, unencumbered and unobligated funds appropriated in this subsection shall not revert to the general fund.

Sec. 8. 1983 Iowa Acts, chapter 207, section 40, unnumbered paragraph 3, is amended to read as follows:

Notwithstanding section 8.33, unencumbered or unobligated funds appropriated by this section for the fiscal year beginning July 1, 1983 and ending June 30, 1984 shall not revert to the general fund of the state. However, funds relating to the operations of the high technology council except funds for operations relating to developing a mechanism for transferring jobs, which are unencumbered or unobligated on June 30, 1984 shall revert to the general fund of the state on September 30, 1984.

Sec. 9. 1983 Iowa Acts, chapter 207, section 33, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, unencumbered or unobligated funds appropriated in this section for the fiscal year beginning July 1, 1983 and ending June 30, 1984, shall not revert to the general fund of the state.

Sec. 10. Section 28.89, Code Supplement 1983, is amended to read as follows:

28.89 IOWA PRODUCT DEVELOPMENT CORPORATION FUND. There is created an "Iowa product development corporation fund". All funds of the corporation including the proceeds from the issuance of notes or sale of bonds under this division, any funds appropriated

from the general fund to the corporation, and other income derived from the exercise of authority granted to the corporation under this division shall be paid to the treasurer of state as an agent of the corporation and the treasurer shall deposit the amounts in the Iowa product development corporation fund. The money in the Iowa product development corporation fund shall be paid out by warrants signed by the ~~treasurer of state~~ state comptroller on requisition of the president of the corporation. The money in the Iowa product development corporation fund shall be used for repayment of notes and bonds issued under this division, the extension of financial aid granted by the corporation under this division, and the amount remaining may be used for the payment of the administrative and overhead costs of the corporation to the extent required.

Sec. 11. ENERGY POLICY COUNCIL. There is appropriated from the general fund of the state to the energy policy council for the fiscal year beginning July 1, 1984 and ending June 30, 1985 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1984-1985 <u>Fiscal Year</u>
ENERGY POLICY COUNCIL	
1. OPERATIONS	
For salaries, support, maintenance, and miscellaneous purposes	\$ 355,125
2. PUBLIC BUILDINGS ENERGY CONSERVATION ADMINISTRATION	
For salaries, support, maintenance, and miscellaneous purposes	\$ 104,637

Sec. 12. STATE FAIR BOARD. There is appropriated from the general fund of the state to the Iowa state fair board for the fiscal year beginning July 1, 1984 and ending June 30, 1985 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1984-1985 <u>Fiscal Year</u>
1. For maintenance of the state fair buildings and grounds	\$ 39,358
2. For premiums	\$ 9,000
3. For state aid to agricultural societies (local fairs)	\$ 183,800

4. The appropriation contained in subsection 3 for state aid to agricultural societies is conditional upon full compliance with all other statutes which regulate and prescribe the conditions under which the aid is available. The moneys shall not be used for other than the payment of cash premiums, and a county shall not receive more than one thousand eight hundred thirty-eight (1,838) dollars except that in a county where there are two definitely separate county extension offices, each society shall receive state aid in the amount it would be entitled to if it were the only society in the county. In counties having more than one fair entitled to state aid, the state aid available shall be prorated to the fairs based on cash premiums paid by the fairs. If the amount appropriated does not fund all claims, the state aid shall be reduced proportionately to equal the amount appropriated.

Sec. 13. GEOLOGICAL SURVEY. There is appropriated from the general fund of the state to the Iowa geological survey for the fiscal year beginning July 1, 1984 and ending June 30, 1985 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1984-1985</u> <u>Fiscal Year</u>
1. For salaries, support, maintenance, and miscellaneous purposes	\$ 1,196,710
2. For reimbursement to federal agencies for cooperative contracts	\$ 262,833

Sec. 14. HERBERT HOOVER BIRTHPLACE FOUNDATION. There is appropriated from the general fund of the state to the Herbert Hoover birthplace foundation for the fiscal year beginning July 1, 1984 and ending June 30, 1985 the following amount, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1984-1985</u> <u>Fiscal Year</u>
For assistance with capital improvements	\$ 1,500

Sec. 15. MISSISSIPPI RIVER PARKWAY COMMISSION. There is appropriated from the general fund of the state to the Mississippi river parkway commission for the fiscal year beginning July 1, 1984 and ending June 30, 1985 the following amount, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1984-1985</u> <u>Fiscal Year</u>
For support, maintenance, and miscellaneous purposes	\$ 14,580

Sec. 16. DEPARTMENT OF SOIL CONSERVATION. There is appropriated from the general fund of the state to the department of soil conservation for the fiscal year beginning July 1, 1984 and ending June 30, 1985 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1984-1985</u> <u>Fiscal Year</u>
1. For salaries, support, maintenance, assistance to soil conservation districts, and miscellaneous purposes	\$ 3,702,191
2. For soil conservation grants which shall be allocated by the state soil conservation committee as follows:	
a. To conduct soil surveys in conjunction with federal, state, and local agencies in Iowa	\$ 335,340
b. To finance the state share of the small watershed program known as the Pub. L. No. 566 program	\$ 24,300
c. To provide financial incentives for soil conservation practices in accordance with subsection 3 of this section	\$ 8,644,000

3. The following requirements apply to the funds appropriated by subsection 2, paragraph c:

a. Not more than five percent may be allocated for cost sharing to abate complaints filed under sections 467A.47 and 467A.48.

b. Not more than ten percent may be allocated for financial incentives not exceeding seventy-five percent of the approved cost of permanent soil conservation practices under chapter 467A on watersheds above publicly-owned lakes in accordance with the priority list required in subsection 2 of section 5 of this Act.

c. The committee may allocate funds to conduct research and demonstration projects to promote conservation tillage practices.

d. Not more than ten percent of a district's allocation may be allocated by the soil conservation district commissioners for one-time incentive payments on the per acre basis, but not exceeding ten dollars per acre, to encourage no-till planting methods on Iowa land that is row cropped.

e. Except for the allocations subject to paragraphs "a" and "b", these funds shall not be used alone or in combination with other public funds to provide a financial incentive payment greater than fifty percent of the approved cost for voluntary permanent soil conservation practices and priority shall be given to family-operated farms.

4. The provisions of section 8.33 shall not apply to the funds appropriated by subsection 2, paragraph "c". Unencumbered or unobligated funds remaining on June 30, 1988 from funds appropriated for the fiscal year beginning July 1, 1984 shall revert to the general fund on September 30, 1988.

Sec. 17. 1983 Iowa Acts, chapter 207, section 54, is amended to read as follows:

SEC. 54. There is appropriated from the general fund of the state to the state soil conservation ~~commission~~ committee for each the fiscal year of the fiscal biennium beginning July 1, 1983 and ending June 30, 1985, one million (1,000,000) dollars and for the fiscal year beginning July 1, 1984, seven hundred fifty thousand (750,000) dollars to be used for the establishment of the revolving loan fund as provided in this division.

Sec. 18. DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT. There is appropriated from the general fund of the state to the department of water, air and waste management for the fiscal year beginning July 1, 1984 and ending June 30, 1985 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1984-1985
Fiscal Year

1. For salaries, support, maintenance, and miscellaneous purposes \$ 2,755,850

During the fiscal year for which funds are appropriated by this section the department of water, air and waste management shall not require the installation or use of equipment to control the emission of dust or other particulate matter on facilities for the storage of grain which are located within the ambient air quality attainment areas for suspended particulates.

2. For salaries, support, maintenance, and miscellaneous purposes for the river coordinator who shall be staff of the department of water, air and waste management, including membership fees in the Missouri and Mississippi river basin association \$ 70,000

3. For the state's contribution to the AIDEX superfund \$ 50,000

4. For payments to the governing bodies responsible for publicly-owned sewage treatment facilities which are eligible for grants under section 202 of the federal Water Pollution Control Act, 33 U.S.C. 466 et seq., as amended by the federal Clean Water Act of 1977, Pub. L. No. 95-217, in an amount equal to five percent of the amount approved as the eligible cost of the project by the water, air and waste management commission \$ 2,000,000

The provisions of section 8.33 shall not apply to the funds appropriated by this subsection. Unencumbered or unobligated funds remaining on June 30, 1988 from funds appropriated for the fiscal year beginning July 1, 1984, shall revert to the general fund on September 30, 1988.

Sec. 19. There is appropriated from the general fund of the state to the Iowa state water resources research institute for the fiscal year beginning July 1, 1984 and ending June 30, 1985, the sum of one hundred thirty-five thousand (135,000) dollars or so much thereof as is necessary for research approved by the panel created in section 20 of this Act.

Sec. 20. A panel is created to advise the Iowa state water resources research institute on the areas of research to be conducted with the funds appropriated in section 19 of this Act. The panel is composed of the administrative head of the following agencies or that person's representative: Iowa geological survey, energy policy council, department of water, air and waste management, department of soil conservation, and department of agriculture. The representative of the Iowa geological survey shall serve as the chairperson and call meetings of the panel.

Sec. 21. All federal grants to and the federal receipts, not otherwise appropriated, of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts, unless otherwise provided by the general assembly.

Sec. 22. Section 93A.4, subsection 1, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

Each county commission shall compile a county land use inventory of the unincorporated areas of the county by ~~January~~ July 1, 1984. The county inventories shall where adequate data is available contain at least the following:

Sec. 23. Section 93A.5, subsection 1, unnumbered paragraph 1, Code 1983, is amended to read as follows:

By ~~September 1, 1984~~ March 1, 1985, after at least one public hearing, a county commission shall propose to the county board a county land use plan for the unincorporated areas in the county, or it shall transmit to the county board the county land use inventory completed pursuant to section 93A.4 together with a set of written findings on the following factors considered by the county commission:

Approved May 18, 1984