

date provisions. Senate File 2378 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 5 of the bill in its entirety. This provisions calls for the Department of Corrections to eliminate the chief security officer position. The funding for this position has already been eliminated as a result of budget cuts and this language is unnecessary.

I am unable to approve the item designated as Section 5, subsection 6 of the bill in its entirety. This provision would require all Community Based Correctional (CBC) Facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language to assure that each CBC facility will maintain control of the types and numbers of offenders whom they serve in their respective residential programs.

I also am unable to approve the related section designated as Section 17 of the bill in its entirety. This section creates an effective-upon-enactment date for the item above (Section 4, subsection 5) related to the elimination the Department of Corrections chief security officer position.

I am also unable to approve the item designated as Section 18, subsection 3, lettered paragraph "ag" of the bill in its entirety. This language creates two different fines for violations of Iowa Code section 321.437 related to rear view mirrors and side view mirrors and conflicts with subsection 12, lettered paragraph "b" of the bill. This disapproval will correct the inconsistency immediately rather than waiting for the next legislative session to take corrective action.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2378 are hereby approved this date.

Sincerely,  
CHESTER J. CULVER, *Governor*

## CHAPTER 1191

### APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES

*H.F. 2525*

**AN ACT** relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective and applicability date provisions.

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

#### DIVISION I DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP GENERAL APPROPRIATIONS

##### Section 1. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes;

and for not more than the following full-time equivalent positions:

.....	\$	16,872,308
.....	FTEs	408.00

2. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department’s administration, regulation, and programs.

3. Of the amount appropriated in this section, \$238,000 is transferred to Iowa state university of science and technology, to be used for the university’s midwest grape and wine industry institute.

DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY

Sec. 2. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS — HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department’s administration and enforcement of horse and dog racing law pursuant to section 99D.22, including for salaries, support, maintenance, and miscellaneous purposes:

.....	\$	305,516
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DESIGNATED APPROPRIATIONS — MOTOR FUEL

Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR FUEL INSPECTION. There is appropriated from the renewable fuel infrastructure fund created in section 15G.205 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of the inspection of motor fuel, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	300,000
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The department shall establish and administer programs for the auditing of motor fuel including biofuel processing and production plants, for screening and testing motor fuel, including renewable fuel, and for the inspection of motor fuel sold by dealers including retail dealers who sell and dispense motor fuel from motor fuel pumps.

DIVISION II  
DEPARTMENT OF NATURAL RESOURCES  
GENERAL APPROPRIATIONS

Sec. 4. GENERAL FUND — DEPARTMENT. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

.....	\$	15,600,710
.....	FTEs	1,168.95

2. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in

detail the expenditure of moneys appropriated under this section to support the department’s administration, regulation, and programs.

Sec. 5. REALIZED COST SAVINGS — PRIVATE BUILDINGS. During the fiscal year beginning July 1, 2010, the department of natural resources shall realize cost savings to every extent legally possible by complying with executive order number 20 issued December 16, 2009, and as described in the Iowa efficiency review report submitted by the public works limited liability corporation, by providing staff office space for the department in the Wallace building, and relinquishing any space in a private building subject to an expired lease.

Sec. 6. REALIZED COST SAVINGS — VOLUNTEER AND INTERN PROGRAMS AT STATE PARKS. During the fiscal year beginning July 1, 2010, the department of natural resources shall realize cost savings to every extent possible by complying with executive order number 20 issued December 16, 2009, and as described in the Iowa efficiency review report submitted by the public works limited liability corporation, by increasing the number of volunteer and intern programs at state parks.<sup>1</sup>

Sec. 7. STATE FISH AND GAME PROTECTION FUND — DIVISION OF FISH AND WILDLIFE.

1. a. There is appropriated from the state fish and game protection fund to the department of natural resources for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the division of fish and wildlife, including for administration, regulation, and programs; and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 38,793,154

b. Notwithstanding section 455A.10, the department may use the unappropriated balance remaining in the state fish and game protection fund to provide for the funding of health and life insurance premium payments from unused sick leave balances of conservation peace officers employed in a protection occupation who retire, pursuant to section 97B.49B.

2. The department shall not expend more moneys from the state fish and game protection fund than provided in this section, unless the expenditure derives from contributions made by a private entity, or a grant or moneys received from the federal government, and is approved by the natural resource commission. The department of natural resources shall promptly notify the legislative services agency and the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources concerning the commission’s approval.

3. It is the intent of the general assembly that the appropriations bill for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to be originally sponsored by the joint appropriations subcommittee on agriculture and natural resources during the 2011 session of the Eighty-fourth General Assembly include a line item provision for the state fish and game protection fund that accounts for full-time equivalent positions supported by the fund.

4. The department of natural resources shall prepare a report to the governor and the general assembly providing a detailed accounting of revenue and expenditures involving the state fish and game protection fund. Prior to November 15, 2010, the department shall submit the report to the governor and general assembly, including the chairpersons and ranking members of the standing committees of the senate and house of representatives having jurisdiction over natural resources and the joint appropriations subcommittee on agriculture and natural resources. The report shall include all of the following:

a. Information regarding the following four operational units: management, the law enforcement bureau, the fisheries bureau, and the wildlife bureau. The information shall include all of the following:

- (1) The allocation of full-time equivalent positions in each operational unit.
- (2) The title and description of each position in each operational unit.
- (3) A line item accounting of expenditures for each operational unit.

<sup>1</sup> See chapter 1193, §136 herein

- b. A line item accounting of the balance in the fund to be carried forward on June 30, 2010.
- c. A line item accounting for sources of income deposited into the fund.

d. A line item accounting of capital projects, including but not limited to land owned by the department, projected land purchases by the department, revenue generated from land owned by the department and its classified use, and income or losses from land leased by the department. The line item shall account for such land regardless of whether the land was acquired in whole or in part from moneys originating from the fund. The report shall also include a justification for each capital project.

e. A description of all programs supported by the fund and a justification for each of the programs as a constitutionally allowable expenditure.

Sec. 8. GROUNDWATER PROTECTION FUND — WATER QUALITY. There is appropriated from the groundwater protection fund created in section 455E.11 to the department of natural resources for the fiscal year beginning July 1, 2010, and ending June 30, 2011, from those moneys which are not allocated pursuant to that section, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department’s protection of the state’s groundwater, including for administration, regulation, and programs, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 3,455,832

DESIGNATED APPROPRIATIONS — MISCELLANEOUS

Sec. 9. SPECIAL SNOWMOBILE FUND — SNOWMOBILE PROGRAM. There is appropriated from the special snowmobile fund created under section 321G.7 to the department of natural resources for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of administering and enforcing the state snowmobile program:

..... \$ 100,000

Sec. 10. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE TANK SECTION EXPENSES. There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive underground storage tank fund board to the department of natural resources for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of paying for administration expenses of the department’s underground storage tank section:

..... \$ 200,000

Sec. 11. STORM WATER DISCHARGE PERMIT FEES — SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any contrary provision of state law, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the department of natural resources may use additional moneys available to the department collected from storm water discharge permit fees as provided in section 455B.103A or 455B.197 for the staffing of the following additional full-time equivalent positions for the purposes designated:

1. For purposes of reducing the department’s floodplain permit backlog:  
..... FTEs 2.00

2. For purposes of implementing the federal total maximum daily load program:  
..... FTEs 2.00

Sec. 12. INTERIM STUDY OF PUBLIC LAND UNDER THE CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES WHICH MAY BE USED FOR PUBLIC HUNTING. The department of natural resources shall conduct an interim study of public land under its control which may be used for public hunting. The department shall authorize public hunting on public land for which the department determines such activity is beneficial.

The department shall report the results of the interim study to the governor and general assembly by January 10, 2011.

*\*Sec. 13. ELIMINATION OF CHIEF AND ASSISTANT CHIEF OF THE LAW ENFORCEMENT BUREAU OF THE DEPARTMENT OF NATURAL RESOURCES. The positions of chief and assistant chief of the law enforcement bureau of the department of natural resources are eliminated.\**

*\*Sec. 14. EFFECTIVE UPON ENACTMENT. The section of this division of this Act relating to the elimination of the positions of chief and assistant chief of the law enforcement bureau of the department of natural resources, being deemed of immediate importance, takes effect upon enactment.\**

DIVISION III  
IOWA STATE UNIVERSITY

Sec. 15. GENERAL FUND — VETERINARY DIAGNOSTIC LABORATORY.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the college of veterinary medicine for the operation of the veterinary diagnostic laboratory and for not more than the following full-time equivalent positions:

.....	\$	3,444,294
.....	FTEs	50.00

2. a. Iowa state university of science and technology shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this section.

b. Paragraph “a” does not apply to a reduction made to support the college of veterinary medicine, if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university’s budget units.

3. If by the end of the fiscal year, Iowa state university of science and technology fails to allocate the moneys appropriated in this section to the college of veterinary medicine in accordance with this section, the moneys appropriated in this section for that fiscal year shall revert to the general fund of the state.

Sec. 16. VETERINARY DIAGNOSTIC LABORATORY — FUTURE YEAR. This section applies if appropriations made in this Act and all other Acts enacted by the Eighty-third General Assembly during the 2010 regular session and all extraordinary sessions, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, for purposes of supporting the operation of the veterinary diagnostic laboratory associated with the college of veterinary medicine at Iowa state university, total less than \$4,000,000. It is the intent of the general assembly that the amount of any deficit will be appropriated by the general assembly during its 2011 regular session for purposes of supporting the operation of the veterinary diagnostic laboratory for the fiscal year beginning July 1, 2011, and ending June 30, 2012.

DIVISION IV  
ENVIRONMENT FIRST FUND — GENERAL APPROPRIATIONS

Sec. 17. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. There is appropriated from the environment first fund created in section 8.57A to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

\* Item veto; see message at end of the Act

a. For the conservation reserve enhancement program to restore and construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices:

..... \$ 1,500,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

c. Notwithstanding any other provision in law, the department may provide state resources from this appropriation, in combination with appropriate environment first fund appropriations, for cost sharing to match United States department of agriculture, natural resources conservation service, wetlands reserve enhancement program (WREP) funding available to Iowa.

2. WATERSHED PROTECTION

a. For continuation of a program that provides multiobjective resource protections for flood control, water quality, erosion control, and natural resource conservation:

..... \$ 1,500,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

3. FARM MANAGEMENT DEMONSTRATION PROGRAM

a. For continuation of a statewide voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits:

..... \$ 750,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

c. Of the amount appropriated in paragraph "a", \$400,000 shall be allocated to an organization representing soybean growers to provide for an agriculture and environment performance program in order to carry out the purposes of this subsection as specified in paragraph "a".

4. AGRICULTURAL DRAINAGE WELL WATER QUALITY ASSISTANCE FUND

a. For deposit in the agricultural drainage well water quality assistance fund created in section 460.303 to be used for purposes of supporting the agricultural drainage well water quality assistance program as provided in section 460.304:

..... \$ 1,250,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

5. SOIL AND WATER CONSERVATION — ADMINISTRATION

For use by the department for costs of administration and implementation of soil and water conservation practices:

..... \$ 1,050,000

6. CONSERVATION RESERVE PROGRAM (CRP)

a. To encourage and assist farmers in enrolling in and the implementation of the federal conservation program and to work with them to enhance their revegetation efforts to improve water quality and habitat:

..... \$ 1,300,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 500,000

b. (1) Of the amount appropriated in paragraph "a", \$323,000 shall be allocated to the fund's hungry canyons account.

(2) Not more than 10 percent of the moneys allocated to the hungry canyons account as provided in subparagraph (1) may be used for administrative costs.

c. (1) Of the amount appropriated in paragraph "a", \$177,000 shall be allocated to the fund's loess hills alliance account.

(2) Not more than 10 percent of the moneys allocated to the loess hills alliance account as provided in subparagraph (1) may be used for administrative costs.

8. SOUTHERN IOWA DEVELOPMENT AND CONSERVATION FUND

a. For deposit in the southern Iowa development and conservation fund created in section 161D.12:

..... \$ 250,000

b. Not more than 10 percent of the moneys appropriated in paragraph "a" may be used for administrative costs.

9. SOIL AND WATER CONSERVATION

a. For use by the department in providing for soil and water conservation administration, the conservation of soil and water resources, or the support of soil and water conservation district commissioners:

..... \$ 1,751,600

b. The department may deposit any amount of the moneys into the Mississippi river basin healthy watersheds initiative fund as created in this Act.

Sec. 18. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the environment first fund created in section 8.57A to the department of natural resources for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. KEEPERS OF THE LAND

For statewide coordination of volunteer efforts under the water quality and keepers of the land programs:

..... \$ 100,000

2. STATE PARKS MAINTENANCE AND OPERATIONS

For regular maintenance of state parks and staff time associated with these activities:

..... \$ 2,470,000

3. GEOGRAPHIC INFORMATION SYSTEM (GIS)

To provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work:

..... \$ 195,000

4. WATER QUALITY MONITORING

For continuing the establishment and operation of water quality monitoring stations:

..... \$ 2,955,000

5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

For deposit in the public water supply system account of the water quality protection fund created in section 455B.183A:

..... \$ 500,000

6. REGULATION OF ANIMAL FEEDING OPERATIONS

For the regulation of animal feeding operations, including as provided for in chapters 459 and 459A:

..... \$ 608,400

7. AMBIENT AIR QUALITY

For the abatement, control, and prevention of ambient air pollution in this state, including measures as necessary to assure attainment and maintenance of ambient air quality standards from particulate matter:

..... \$ 425,000

8. WATER QUANTITY REGULATION

For regulating water quantity from surface and subsurface sources by providing for the allocation and use of water resources, the protection and management of water resources, and the preclusion of conflicts among users of water resources, including as provided in chapter 455B, division III, part 4:

..... \$ 495,000

9. RESOURCE CONSERVATION AND DEVELOPMENT (RCD)

a. For resource conservation and development associated with the development of projects relating to natural resource-based business opportunities:

..... \$ 150,000

b. Local resource conservation and development groups sponsored by county governments or sponsored by soil and water conservation districts shall be eligible to receive moneys appropriated in paragraph "a" on the condition that such groups receive the moneys on a dollar-for-dollar matching basis.

c. Not more than 5 percent of the moneys appropriated in paragraph "a" may be used for the costs of implementing and administering this subsection.

10. STATE PARKS VOLUNTEER ACTIVITIES

For supporting volunteer activities at state parks, including by providing volunteers with food, services, and items required to accomplish tasks associated with state park operations:  
..... \$ 250,000

Sec. 19. REVERSION. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2010, in this division of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the fiscal year beginning July 1, 2011, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION V  
ENVIRONMENT FIRST FUND — RESOURCES ENHANCEMENT  
AND PROTECTION (REAP)

Sec. 20. IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND. Notwithstanding the amount of the standing appropriation from the general fund of the state to the Iowa resources enhancement and protection fund as provided in section 455A.18, there is appropriated from the environment first fund created in section 8.57A to the Iowa resources enhancement and protection fund, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, to be allocated as provided in section 455A.19:  
..... \$ 15,000,000

DIVISION VI  
MISSISSIPPI RIVER BASIN HEALTHY  
WATERSHEDS INITIATIVE

Sec. 21. NEW SECTION. **161G.1 Definitions.**

- 1. "Department" means the department of agriculture and land stewardship.
- 2. "Fund" means the Mississippi river basin healthy watersheds initiative fund created pursuant to section 161G.2.

Sec. 22. NEW SECTION. **161G.2 Mississippi river basin healthy watersheds initiative fund.**

- 1. A Mississippi river basin healthy watersheds initiative fund is created within the department.
- 2. The fund is composed of money appropriated by the general assembly to the fund, and moneys available to and obtained or accepted by the department from the United States, the state, or any other source for placement in the fund.
- 3. The fund shall be used by the department to support the Mississippi river basin healthy watersheds initiative as provided in section 161G.3.
- 4. The moneys in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 23. NEW SECTION. **161G.3 Mississippi river basin healthy watersheds initiative.**

- 1. The department shall implement a voluntary program to assist in improving the health of the Mississippi river basin, including water quality and wildlife habitat.



2. The department shall implement the program consistent with requirements of the United States department of agriculture in its administration of the Mississippi river basin healthy watersheds initiative.

3. To the extent allowed by the United States department of agriculture, the department of agriculture and land stewardship may do all of the following:

a. Provide for conservation systems that manage and optimize nitrogen and phosphorous within fields to minimize runoff and reduce downstream nutrient loading.

b. Assist agricultural producers with a system of practices that will control soil erosion, improve soil quality, restore and enhance wildlife habitat, and manage runoff and drainage water for improved water quality.

c. Avoid, control, and trap nutrient runoff and maintain agricultural productivity.

d. Partner with landowners to implement a range of land stewardship practices, including but not limited to conservation tillage, nutrient management, and other innovative practices.

#### DIVISION VII BEAUTIFICATION GRANTS

Sec. 24. Section 455E.11, subsection 2, paragraph a, subparagraph (1), Code Supplement 2009, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0a) (i) Each fiscal year for the fiscal period beginning July 1, 2010, and ending June 30, 2014, not more than two hundred thousand dollars to the department for purposes of awarding a beautification grant each year to one organization that does all of the following:

(A) Assists communities and organizations in cleanup and beautification projects.

(B) Conducts research to assist in the understanding of reasons for littering and illegal dumping.

(C) Administers antilittering and beautification education programs.

(D) Increases public awareness of the costs of littering.

(ii) The grant recipient shall do all of the following:

(A) Expend not more than fifty percent of the moneys for a public education and awareness initiative designed to reduce litter and illegal dumping.

(B) Expend not more than fifty percent of the moneys for a community partnership program designed to support community beautification projects including the deconstruction, renovation, or removal of derelict buildings. Eligible communities are limited to cities of five thousand or fewer in population. Eligible costs shall include but are not limited to asbestos abatement and removal, the recovery and processing of recyclable or reusable material from derelict buildings and reimbursement for purchased recycled content materials used in the renovation of buildings. Special consideration may be given to communities that hire the unemployed to deconstruct structures, clean up the properties and, if there is no immediate buyer for the properties, turn the properties into green spaces. Any business entity or individual engaged in the removal or abatement of asbestos must have obtained a valid license or permit as required in chapter 88B.

(iii) As a condition of the grant award each year, the department shall require the grant recipient to submit a written report to the department by the end of the fiscal year for which the grant is awarded. In addition to any other information required by the department, the report shall include information detailing the expenditure of all moneys received by the organization and the results achieved through the expenditure of the money.

#### DIVISION VIII COMMERCIAL ESTABLISHMENT FUND

Sec. 25. NEW SECTION. 162.2C Commercial establishment fund.

A commercial establishment fund is created in the state treasury under the management and control of the department.

1. The fund shall include moneys collected by the department in fees as provided in section 162.2B and moneys appropriated by the general assembly. The fund may include other moneys available to and obtained or accepted by the department, including moneys from public or private sources.

2. Moneys in the fund are appropriated to the department and shall be used exclusively to carry out the provisions of this chapter as determined and directed by the department, and shall not require further special authorization by the general assembly.

3. *a.* Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

*b.* Notwithstanding section 8.33, moneys credited to the fund that remain unexpended or unobligated at the end of a fiscal year shall not revert to any other fund.

Sec. 26. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY.

1. This division of this Act applies retroactively to March 9, 2010.

2. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IX  
LOCAL FOOD AND FARM PLAN

Sec. 27. LOCAL FOOD AND FARM PLAN. To the extent feasible, the Leopold center for sustainable agriculture established pursuant to section 266.39, in consultation with the Iowa cooperative extension service in agriculture and home economics as provided in chapter 266, at Iowa state university of science and technology shall prepare a local food and farm plan containing policy and funding recommendations for supporting and expanding local food systems and for assessing and overcoming obstacles necessary to increase locally grown food production. The Leopold center for sustainable agriculture, in consultation with the Iowa cooperative extension service in agriculture and home economics, shall submit the plan to the general assembly by January 10, 2011. The plan shall include recommendations for short-term and long-term solutions, including but not limited to the enactment of legislation.

Sec. 28. REPEAL. This division of this Act is repealed on January 10, 2011.

Sec. 29. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

*Approved April 29, 2010, with exceptions noted.*

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit House File 2525, an Act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective and applicability date provisions. House File 2525 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 13 of House File 2525 in its entirety. This section eliminates the positions of the Chief and Assistant Chief of the Law Enforcement Bureau of the Department of Natural Resources. I am disapproving this language because these two positions are critical to the Department's mission and public safety. Both of these positions are funded with Fish and Wildlife Trust Fund monies and elimination of these two positions will not save any General Fund dollars. Furthermore, Section 13 is an unnecessary infringement on Executive Branch authority.

I am also unable to approve Section 14 in its entirety. This section makes the elimination of the positions of Chief and Assistant Chief of the Law Enforcement Bureau of the Department of Natural Resources effective upon enactment of House File 2525. Since I am disapproving Section 13, which would have eliminated these two positions, this language in Section 14 is, therefore, unnecessary.

For the above reasons, I hereby respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2525 are hereby approved this date.

Sincerely,  
CHESTER J. CULVER, *Governor*

### CHAPTER 1192

#### APPROPRIATIONS — HEALTH AND HUMAN SERVICES

##### H.F. 2526

**AN ACT** relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

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

#### DIVISION I DEPARTMENT ON AGING

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly, resident advocate committee coordination, employment, and other services which may include but are not limited to adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,662,988
.....	FTEs	36.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. a. Of the funds appropriated in this section, \$1,246,514 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt rules for case management services provided under the medical assistance elderly waiver in consultation with the department on aging.

b. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The