

Senate File 549 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as section 1, subsection 1, unnumbered and unlettered paragraph 2, in its entirety. This item would require any new fiscal year 1998 State Student Incentive Grant (SSIG) funds to be used only for Vocational-Technical Tuition Grants. The College Student Aid Commission should retain the flexibility to allocate SSIG funds as needed.

I am unable to approve the items designated as section 22 and 36, in their entirety. These items would impact the way funding is received and spent by the First in the Nation in Education (FINE) Foundation and the International Center for Gifted and Talented Education. These items were not adequately discussed by the legislature and do not accomplish the legislative intent. I have been assured that a recommendation to limit administrative expenses will be included in the Department of Education study of the FINE Foundation to be completed this fall.

I am unable to approve the items designated as section 23, 29 and 37, in their entirety. These items would require information on student billing statements issued by the Regents institutions and community colleges to show the percentage of a student's education paid by tuition and the approximate dollar amount paid for with state appropriations. I support the addition of this information on student billing statements, however, the specific provisions of this bill are unworkable. The Regents institutions and the community colleges have agreed to develop a workable process for providing this information by the fall of 1998.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 549 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 213

APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES

H.F. 708

AN ACT relating to agriculture and natural resources by providing for appropriations, related statutory changes, and providing an effective date.

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

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Section 1. GENERAL APPROPRIATION. 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, 1997, and ending June 30, 1998, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

a. For salaries, support, maintenance, the support of the state 4-H foundation, support of the statistics bureau, and miscellaneous purposes, and for the salaries and support of not

more than the following full-time equivalent positions:

.....	\$	1,780,278
.....	FTEs	41.45

(1) Of the amount appropriated and full-time equivalent positions authorized in this paragraph "a", \$322,329 and 7.00 FTEs shall be used to support horticulture.

(2) Of the amount appropriated in this paragraph "a", \$55,500 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

(3) Of the amount appropriated and full-time equivalent positions authorized in this paragraph "a", \$129,167 and 4.00 FTEs shall be allocated to the statistics bureau to provide county-by-county information on land in farms, production by crop, acres by crop, and county prices by crop. This information shall be made available to the department of revenue and finance for use in the productivity formula for valuing and equalizing the values of agricultural land.

(4) Of the amount appropriated and full-time equivalent positions authorized in this paragraph "a", \$73,304 and 1.00 FTE shall be allocated to support the administrative assistant VI position created pursuant to 1996 Iowa Acts, chapter 1214, section 26, as amended by this Act.

(5) Of the amount appropriated and the number of full-time equivalent positions authorized in this paragraph "a", at least \$38,000 shall be used to contract for part-time livestock market news specialist positions.

b. For the operations of the dairy trade practices bureau:

.....	\$	66,969
-------	----	--------

c. For the purpose of performing commercial feed audits:

.....	\$	64,945
-------	----	--------

d. For the purpose of performing fertilizer audits:

.....	\$	64,945
-------	----	--------

2. REGULATORY DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,938,176
.....	FTEs	123.50

Of the amount appropriated in this paragraph "a", not more than \$21,009 and 1.00 FTE shall be used to support the hiring and training of a meat and poultry inspector.

b. For the costs of inspection, sampling, analysis, and other expenses necessary for the administration of chapters 192, 194, and 195:

.....	\$	656,801
-------	----	---------

3. LABORATORY DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, including the administration of the gypsy moth program, and for not more than the following full-time equivalent positions:

.....	\$	824,833
.....	FTEs	84.10

(1) Of the amount appropriated in this paragraph "a", \$110,000 shall be used to administer a program relating to the detection, surveillance, and eradication of the gypsy moth. The department shall allocate and use the appropriation made in this paragraph before moneys other than those appropriated in this paragraph are used to support the program.

(2) Of the number of full-time equivalent positions authorized in this paragraph "a" and funded in paragraph "c", 1.00 FTE shall be used to support an organics program coordinator who shall assure compliance of organic foods sold commercially within the state with federal and state regulations relating to organic foods.

b. For the operations of the commercial feed programs:

.....	\$	760,236
-------	----	---------

c. For the operations of the pesticide programs:

.....	\$	1,307,865
-------	----	-----------

Of the amount appropriated in this paragraph "c", \$200,000 shall be allocated to Iowa state university for purposes of training commercial pesticide applicators.

d. For the operations of the fertilizer programs:

.....	\$	647,203
-------	----	---------

4. SOIL CONSERVATION DIVISION

a. For salaries, support, maintenance, assistance to soil conservation districts, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,058,717
.....	FTEs	171.28

Of the amount appropriated in this paragraph "a", \$347,376 shall be used to reimburse commissioners of soil and water conservation districts for administrative expenses, including but not limited to, travel expenses and technical training. Moneys used for the payment of meeting dues by counties shall be matched on a dollar-for-dollar basis by the soil conservation division.

b. To provide financial incentives for soil conservation practices under chapter 161A:

.....	\$	6,461,850
-------	----	-----------

c. The following requirements apply to the moneys appropriated in paragraph "b":

(1) Not more than 5 percent of the moneys appropriated in paragraph "b" may be allocated for cost sharing to abate complaints filed under section 161A.47.

(2) Of the moneys appropriated in paragraph "b", 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

(3) Not more than 30 percent of a district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping as provided in section 161A.73.

(4) The state soil conservation committee created in section 161A.4 may allocate moneys to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

(5) The financial incentive payments may be used in combination with department of natural resources moneys.

d. The provisions of section 8.33 shall not apply to the moneys appropriated in paragraph "b". Unencumbered or unobligated moneys remaining on June 30, 2001, from moneys appropriated in paragraph "b" for the fiscal year beginning July 1, 1997, shall revert to the general fund on August 31, 2001.

Sec. 2. FARMERS' MARKET COUPON PROGRAM. 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, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, to be used by the department to continue and expand the farmers' market coupon program by providing federal special supplemental food program recipients with coupons redeemable at farmers' markets, and for not more than the following full-time equivalent positions:

.....	\$	216,113
.....	FTEs	1.00

Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

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, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the pseudorabies eradication program:

..... \$ 900,400

2. Persons, including organizations interested in swine production in this state and in the promotion of Iowa pork products who contribute support to the program, are encouraged to increase financial support for purposes of ensuring the program's effective continuation.

Sec. 4. HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the regulatory division of the department of agriculture and land stewardship for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, maintenance, and miscellaneous purposes for the administration of section 99D.22:

..... \$ 202,146

DEPARTMENT OF NATURAL RESOURCES

Sec. 5. GENERAL APPROPRIATION. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE AND SUPPORT SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,105,343
..... FTEs 118.25

Of the amount appropriated and the number of full-time equivalent positions authorized in this subsection 1, at least \$150,000 and 3.00 FTEs shall be used by administrative and support services to support a compliance and permit assistance team to facilitate cooperation between the department and persons regulated by the department in order to ensure efficient compliance with applicable legal requirements.

2. PARKS AND PRESERVES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,728,615
..... FTEs 195.73

Of the amount appropriated in this subsection 2, at least \$50,000 shall be allocated for the replacement of maintenance equipment used by the division.

3. FORESTS AND FORESTRY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,539,416
..... FTEs 48.71

4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,723,286
..... FTEs 52.00

5. a. ENVIRONMENTAL PROTECTION DIVISION

(1) For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,798,698
..... FTEs 228.50

(2) Of the amount appropriated and the number of full-time equivalent positions authorized in subparagraph (1), at least \$424,600 and 9.00 FTEs shall be used to support the regulation of animal feeding operations.

(3) Of the amount appropriated and the number of full-time equivalent positions authorized in subparagraph (1), at least \$700,467 and 10.00 FTEs shall be used to support the regulation of wastewater treatment systems, including issuing permits and conducting inspections.

b. WATER QUALITY PROTECTION FUND

For allocation to the administration account of the water quality protection fund established pursuant to section 455B.183A, to carry out the purpose of that account:

..... \$ 729,000

(1) Of the number of full-time equivalent positions authorized in paragraph "a", 32.50 FTEs shall be dedicated to carrying out the provisions of chapter 455B relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act and to support the program to assist water supply systems as provided in section 455B.183B. However, the limitation on full-time equivalent positions provided in paragraph "a", shall not limit the number of additional full-time equivalent positions supported by moneys deposited in the water quality protection fund as provided in section 455B.183A, in order to carry out the provisions of division III of chapter 455B relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act, and the administration of the program to assist water supply systems pursuant to section 455B.183B.

(2) In providing assistance to water supply systems, the department shall provide priority to water supply systems serving a population of seven thousand or less. At least 2.00 FTEs shall be allocated to provide assistance to systems serving a population of seven thousand or less.

6. FISH AND WILDLIFE DIVISION

For not more than the following full-time equivalent positions:

..... FTEs 342.18

7. WASTE MANAGEMENT ASSISTANCE DIVISION

For not more than the following full-time equivalent positions:

..... FTEs 17.75

Sec. 6. STATE FISH AND GAME PROTECTION FUND — APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

1. a. There is appropriated from the state fish and game protection fund to the division of fish and wildlife of the department of natural resources for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For administrative support, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 21,951,394

b. Of the amount appropriated in paragraph "a", \$105,000 may be used for purposes of providing compensation to conservation peace officers employed in a protection occupation who retire, pursuant to section 97B.49.

2. The department shall not expend more moneys from the 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 fiscal bureau and the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources concerning the commission's approval.

Sec. 7. MARINE FUEL TAX RECEIPTS — BOATING FACILITIES AND ACCESS. There is appropriated from the marine fuel tax receipts deposited in the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintaining and developing boating facilities and access to public waters by the parks and preserves division:

..... \$ 411,311

Sec. 8. SNOWMOBILE FEES — TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1997, from the fees deposited under section 321G.7 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For enforcing snowmobile laws as part of the state snowmobile program administered by the department of natural resources:

..... \$ 100,000

Sec. 9. VESSEL FEES — TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1997, from the fees deposited under section 462A.52 to the fish and game protection fund and appropriated to the natural resource commission for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the administration and enforcement of navigation laws and water safety:

..... \$ 1,350,000

1. Of the amount appropriated in this section and the full-time equivalent positions authorized for the fish and wildlife division in section 5, subsection 6, of this Act, not more than \$100,000 and 1.00 FTE may be used for purposes of controlling and eradicating eurasian milfoil.

2. Notwithstanding section 8.33, moneys transferred pursuant to this section which are unencumbered or unobligated on June 30, 1998, shall be transferred on July 1, 1998, to the special conservation fund established by section 462A.52 to be used as provided in that section, and shall not revert as provided in section 8.33.

RESOURCES ENHANCEMENT AND PROTECTION

Sec. 10. GENERAL APPROPRIATION. Notwithstanding the amount of the standing appropriation from the general fund of the state under section 455A.18, subsection 3, there is appropriated from the general fund of the state 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, 1997, and ending June 30, 1998, the sum of \$9,000,000, of which all moneys shall be allocated as provided in section 455A.19.

RELATED APPROPRIATIONS

Sec. 11. ANIMAL FEEDING OPERATIONS. Notwithstanding section 455E.11, subsection 2, paragraph "b", prior to any appropriation from the agriculture management account of the groundwater protection fund, as provided in section 455E.11, subsection 2, paragraph "b", the following amounts are appropriated for use as provided in this section during the fiscal period beginning July 1, 1997, and ending January 1, 1999, as follows:

1. To Iowa state university for purposes of conducting a study of sites where there is located earthen waste storage structures:

..... \$ 200,000

2. The moneys appropriated in this section shall be used to determine the extent to which the structures contribute to point and nonpoint pollution in this state. Iowa state university shall select test sites where earthen waste storage structures are located, and shall perform tests at the sites with the owner's consent and according to established testing procedures. For purposes of establishing a baseline for the study, test sites shall include locations where the structures are not located. To every extent feasible, the tests shall be conducted to ensure the most efficient use of moneys appropriated under this section to obtain accurate samples,

which may include the use of hydraulically powered, percussion and probing equipment designed specifically for use in the environmental industry to drive borings in order to obtain groundwater samples. Iowa state university shall collect samples and evaluate the results of the tests. Iowa state university shall submit a report, including standards, criteria, and protocols used to conduct the testing, to the general assembly regarding the findings of the study not later than January 1, 1999.

3. Except as provided in this subsection, the identity of a site selected pursuant to this section, including a person holding an interest in the earthen waste storage structure, shall be confidential and shall not be subject to disclosure under chapter 22, and the findings of the testing shall not be used in a case or proceeding brought against a person based upon a violation of state law. This subsection shall not apply to a person or an animal feeding operation in which the person holds a controlling interest, if the person is classified as a habitual violator for a violation of state law involving an animal feeding operation as regulated by the department of natural resources.

4. Notwithstanding section 8.33, the moneys appropriated pursuant to this section shall revert to the account from which appropriated on January 1, 1999.

Sec. 12. TRANSFER FROM ORGANIC NUTRIENT MANAGEMENT FUND. There is transferred from the organic nutrient management fund, as created in section 161C.5, for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To Iowa state university for supporting odor control applications for animal feeding operations, including confinement feeding operations, regulated by the department of natural resources pursuant to chapter 455B:

..... \$ 400,000

2. To the state board of regents for Iowa state university for the fiscal year beginning July 1, 1997, and ending June 30, 1998, to be used for the purpose designated:

For purposes of supporting the Iowa state university cooperative extension service in agriculture and home economics in providing for a program to assist counties in testing private wells and waters of the state for pollution caused by animal production:

..... \$ 50,000

Moneys appropriated in subsection shall support testing programs administered by counties which may submit an application to the extension service to participate in the state assistance program, as provided by the extension service. The county shall perform testing within a test area. As used in this section, "test area" means an area within a two-mile radius of any structure used to store manure which is part of a confinement feeding operation. Iowa state university of science and technology shall adopt necessary standards, protocols, and criteria for the establishment of baselines for testing by counties. The program shall be administered within each participating county by the county agricultural extension district serving that county in collaboration with the local board of health. The testing may be performed with volunteer assistance. However, all testing shall be performed under the supervision of a county sanitarian. The samples of the testing shall be analyzed by the state hygienic laboratory at the state university of Iowa or an environmental laboratory for drinking water analysis certified by the department of natural resources. The samples shall be evaluated in accordance with standards established by the department of agricultural biosystems engineering within the college of agriculture and the college of engineering at Iowa state university. All moneys available under this subsection shall only be used for the following purposes:

a. Analyzing test samples by the state hygienic laboratory.

b. Performing tests in counties. However, not more than \$50 of the moneys available under this section shall be used to pay for administering testing within any test area, including labor and equipment costs, regardless of the number of tests performed within the test area.

3. To the soil conservation division of the department of agriculture and land stewardship for purposes of supporting technical training and administrative expenses of commissioners of soil and water conservation districts:

..... \$ 99,000

Sec. 13. NONREVERSION OF MONEYS ALLOCATED TO IOWA GRAIN QUALITY INITIATIVE. Notwithstanding 1995 Iowa Acts, chapter 216, section 19, subsection 2, moneys allocated pursuant to 1995 Iowa Acts, chapter 216, section 19, subsection 1, paragraph "f", subparagraph (1), which remain unencumbered or unobligated on June 30, 1997, shall not revert pursuant to section 8.33, but shall remain available to Iowa state university for purposes of supporting the Iowa cooperative extension service in agriculture and home economics in establishing and administering an Iowa grain quality initiative in subsequent fiscal years.

Sec. 14. TRANSFERS OF MONEYS REQUIRED TO BE DEPOSITED IN THE WATER PROTECTION FUND. Notwithstanding section 161C.4 and the reversion and allocation provisions in section 455A.19, subsection 1, paragraph "c", of the unencumbered and unobligated moneys remaining, which are required to be deposited in the water protection fund created in section 161C.4, as provided in section 455A.19, subsection 1, paragraph "c", the following amount shall be transferred first from moneys required to be deposited in the water protection practices account, and if necessary from moneys required to be deposited in the water quality protection projects account, which shall be used for the following purposes:

To the Loess Hills development and conservation authority, for deposit in the Loess Hills development and conservation fund created in section 161D.2 for the purposes specified in section 161D.1:

..... \$ 400,000

Sec. 15. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE UNDERGROUND STORAGE TANK FUND BOARD — TRANSFER. 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, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For administration expenses of the underground storage tank section of the department of natural resources:

..... \$ 75,000

Sec. 16. TRANSFER — AIR QUALITY. For the fiscal year beginning July 1, 1997, and ending June 30, 1998, the department of natural resources may transfer up to \$430,000 from the hazardous substance remedial fund created pursuant to section 455B.423, to support purposes related to carrying out the duties of the commission under section 455B.133, or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division II.

Sec. 17. LEWIS AND CLARK RURAL WATER SYSTEM. There is appropriated from the general fund of the state to the department of natural resources for a grant to local sponsors of the Lewis and Clark rural water system for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For a grant for the purpose of providing safe and adequate municipal and rural water supplies for residential, agricultural, and industrial uses, to preserve wetlands, and to mitigate water conservation efforts:

..... \$ 15,000

MISCELLANEOUS

Sec. 18. TRANSFER OF MONEYS OR POSITIONS — CHANGES IN TABLES OF ORGANIZATION — NOTIFICATION. In addition to the requirements of section 8.39, in each fiscal quarter, the department of agriculture and land stewardship and the department of natural resources shall notify the chairpersons, vice chairpersons, and ranking members of the joint appropriations subcommittee on agriculture and natural resources for the previous fiscal quarter of any transfer of moneys or full-time equivalent positions made by either department which is not authorized in this Act, or any permanent position added to or deleted from either department's table of organization.

***Sec. 19. GENERAL ASSEMBLY — DECLARATION OF INTENTION NOT TO SUPPORT CERTAIN PROJECTS IN SUBSEQUENT FISCAL YEARS FROM THE GENERAL FUND.** *The general assembly declares its intention that for the fiscal year beginning July 1, 1998, and ending June 30, 1999, and for subsequent fiscal years, all of the following shall apply:*

1. Moneys appropriated from the general fund of the state shall not be used to support the administration of the organic food program by the department of agriculture and land stewardship, including the position of a program coordinator within the department's laboratory division. The general assembly intends that the program shall be supported by revenues from fees imposed upon organic producers as may be established or required by the general assembly, upon finalization of organic production guidelines by the federal government.

*2. Moneys appropriated from the water protection fund as created in section 161C.4 shall not be used to support the Loess Hills development and conservation fund created in section 161D.2. However, the general assembly supports continued state funding of the loess hills development and conservation authority as provided in section 161D.1.**

Sec. 20. AIR QUALITY PROGRAM — NONGENERAL FUND SUPPORT. The department of natural resources for the fiscal year beginning July 1, 1997, and ending June 30, 1998, shall not use moneys appropriated from the general fund of the state pursuant to this Act, to support any purpose related to carrying out the duties of the commission under section 455B.133 or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division II.

Notwithstanding section 455B.133B, the department may use moneys deposited in the air contaminant source fund created in section 455B.133B during the fiscal year beginning July 1, 1997, and ending June 30, 1998, for any purpose related to carrying out the duties of the commission under section 455B.133 or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division II.

Sec. 21. ELIMINATION OF POSITIONS. The following positions are eliminated from the administrative division of the department of agriculture and land stewardship:

1. One position in the information bureau of the administrative division.
2. The position of interim assistant secretary of agriculture as created in 1996 Iowa Acts, chapter 1214, section 27.
3. The position of deputy secretary of agriculture as provided in 1996 Iowa Acts, chapter 1214, sections 25 and 33.

Sec. 22. APPROPRIATIONS CONDITIONAL UPON IMPLEMENTATION OF ADMINISTRATIVE FUNCTIONS. As a condition of the appropriations made to the department of agriculture and land stewardship in sections 1 through 4 of this Act, all of the following shall apply:

1. The office from which the position of deputy secretary of agriculture performed duties on January 1, 1996, shall remain vacated until the position of deputy secretary of agriculture is filled.

* Item veto; see message at end of the Act

2. The position of administrative assistant VI shall not perform duties relating to personnel, administration, or budgeting for the department, or have jurisdiction over the heads of the department's administrative units, as provided by 1996 Iowa Acts, chapter 1214, section 26, as amended by this Act.

Sec. 23. APPROPRIATIONS CONDITIONAL UPON EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR ANIMAL CONTROL.

1. As a condition of the appropriations made to the department of natural resources in section 5 of this Act, the department shall, not later than June 1, 1997, execute a memorandum of understanding with the United States department of agriculture, animal and plant health inspection service, animal damage control, for purposes of supporting measures by the federal agency for the fiscal year beginning July 1, 1997, to prevent or minimize damage to agricultural production caused by all wild animals.

2. If the department of natural resources denies the federal agency a depredation permit the department shall notify the chairpersons, vice-chairpersons, and the minority party ranking members of the general assembly's senate standing committee on natural resources and environment and the house standing committee on natural resources within ten days from the date that denial occurred.

Sec. 24. SUPPORT OF WILD ANIMAL DEPREDATION BIOLOGISTS. There is appropriated from the state fish and game protection fund to the division of fish and wildlife of the department of natural resources for the fiscal year beginning July 1, 1997, and ending June 30, 1998, an amount necessary to support necessary full-time equivalent positions which shall be filled by persons serving as wild animal depredation biologists within the wild animal depredation unit established within the fish and wildlife division of the department of natural resources, as provided in 1997 Iowa Acts, Senate File 362, if enacted.*

Sec. 25. 1996 Iowa Acts, chapter 1214, section 26, is amended to read as follows:

SEC. 26. ADMINISTRATIVE ASSISTANT VI POSITION. ~~An additional~~ The position of administrative assistant VI ~~is created~~ shall be maintained within the department of agriculture and land stewardship. The duties of the position shall not include any matter relating to personnel, ~~including the appointment of an interim assistant secretary of agriculture as provided in section 27 of this Act;~~ or the administration of or budgeting for the department or its administrative units, including divisions within the department. The position shall not have jurisdiction over the heads of the department's administrative units, including division directors. Notwithstanding chapter 19A, the person appointed to fill the position shall serve at the pleasure of the secretary of agriculture. ~~The secretary of agriculture shall prepare and submit a written report to the chairpersons and ranking members of the house and senate standing committees on appropriations and to the legislative fiscal bureau director not later than August 31, 1996, describing the duties and responsibilities of the position.~~

CODIFIED CHANGES

Sec. 26. NEW SECTION. 455A.12 GIFT CERTIFICATES FOR SPECIAL PRIVILEGE FEES ON STATE PARKS AND RECREATION AREAS.

The department of natural resources shall publish and make available for purchase by the general public, gift certificates entitling the bearer of the certificate to free camping and other special privileges at state parks and recreation areas. The department shall establish prices for the certificates based on amounts required to be paid in fees for camping and special privileges pursuant to section 461A.47.

Sec. 27. NEW SECTION. 455A.13 STATE NURSERIES.

Notwithstanding section 17A.2, subsection 10, paragraph "g", the department of natural resources shall adopt administrative rules establishing a range of prices of plant material

* Chapter 180 herein

grown at the state forest nurseries to cover all expenses related to the growing of the plants.

1. The department shall develop programs to encourage the wise management and preservation of existing woodlands and shall continue its efforts to encourage forestation and reforestation on private and public lands in the state.

2. The department shall encourage a cooperative relationship between the state forest nurseries and private nurseries in the state in order to achieve these goals.

REPEALS

Sec. 28. 1996 Iowa Acts, chapter 1214, section 33, is amended to read as follows:

SEC. 33. FUTURE REPEAL. Sections 25 through ~~27~~ and 26 of this Act are repealed on December 31, 1998.

Sec. 29. 1995 Iowa Acts, chapter 216, section 13, subsection 3, is amended by striking the subsection.

Sec. 30. 1995 Iowa Acts, chapter 195, section 41, is repealed.

Sec. 31. 1996 Iowa Acts, chapter 1214, section 27, is repealed.

EFFECTIVE DATE

Sec. 32. EFFECTIVE DATE. Section 23 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 27, 1997, except the item which I hereby disapprove and which is designated as Section 19 in its entirety. My reason for vetoing this item is delineated in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

Dear Mr. Secretary:

I hereby transmit House File 708, an Act relating to agriculture and natural resources by providing for appropriations, related statutory changes, and providing an effective date.

House File 708 is, therefore, approved on this date with the following exception, which I hereby disapprove.

I am unable to approve the item designated as section 19, in its entirety. This item states the legislature's intent regarding funds to be appropriated in fiscal year 1999 and beyond. Language directing or restricting the use of certain funds is more appropriately provided in the year the funds are appropriated.

For the above reason, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 708 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, Governor