

I am unable to approve the designated portion of Section 27, identified as the third sentence of section 455G.18, subsection 1. This item would direct the administrator of the Underground Storage Tank Fund Board to administer the groundwater professional certification program. The Department of Natural Resources has the regulatory authority over the program and should be given the administrative responsibilities as well.

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 House File 508 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, Governor

CHAPTER 216

APPROPRIATIONS – AGRICULTURE AND NATURAL RESOURCES

H.F. 553

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

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, 1995, and ending June 30, 1996, 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:

.....	\$	1,815,743
.....	FTEs	46.45

(1) Of the funds appropriated in this paragraph "a", \$319,550 and 7.00 FTEs shall be used to support horticulture.

(2) Of the amount appropriated in this paragraph "a", \$50,000 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 in this paragraph "a", \$130,100 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 in this paragraph "a", not more than \$5,000 shall be allocated to the Iowa polled hereford junior association in connection with the 1995 national junior hereford show.

(5) Of the amount appropriated in this paragraph "a", \$13,000 shall be allocated to support the United States department of agriculture cooperative agreement.

(6) As a condition of the amount appropriated in this paragraph "a", no executive officer II in the department shall be supported from the amount after September 30, 1995.

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

..... \$ 66,273

c. For the purpose of performing commercial feed audits:

..... \$ 61,932

d. For the purpose of performing fertilizer audits:

..... \$ 61,932

2. REGULATORY DIVISION

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

..... \$ 3,757,998

..... FTEs 122.50

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

..... \$ 642,122

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:

..... \$ 795,528

..... FTEs 76.10

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.

b. For the operations of the commercial feed programs:

..... \$ 735,631

c. For the operations of the pesticide programs:

..... \$ 1,271,464

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:

..... \$ 626,630

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:

..... \$ 5,621,476

..... FTEs 176.30

(1) Of the amount appropriated in this paragraph "a", \$330,000 shall be used to reimburse commissioners of soil and water conservation districts for administrative expenses. Moneys used for the payment of meeting dues by counties shall be matched on a dollar-for-dollar basis by the soil conservation division.

(2) Of the amount appropriated and the number of full-time equivalent positions allocated in this paragraph "a", \$165,000 and 6.50 FTEs shall be used to provide that 13 part-time field office secretary I positions are made full-time positions.

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

..... \$ 5,918,606

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, 1999, from moneys appropriated in paragraph "b" for the fiscal year beginning July 1, 1995, shall revert to the general fund on August 31, 1999.

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, 1995, and ending June 30, 1996, 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:

.....	\$	215,335
.....	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, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the pseudorabies eradication program:

.....	\$	900,200
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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, 1995, and ending June 30, 1996, 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:

.....	\$	191,106
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Sec. 5. INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING. There is appropriated from the general fund of the state to the interstate agricultural grain marketing commission for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For carrying out duties of the commission as provided in Article IV of the interstate compact on agricultural grain marketing as provided in chapter 183:

.....	\$	80,000
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DEPARTMENT OF NATURAL RESOURCES

Sec. 6. 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, 1995, and ending June 30, 1996, 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:

.....	\$	1,834,654
.....	FTEs	113.50

2. PARKS AND PRESERVES DIVISION

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

.....	\$	5,510,462
.....	FTEs	195.73

3. FORESTS AND FORESTRY DIVISION

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

.....	\$	1,479,218
.....	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:

.....	\$	1,663,582
.....	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:

.....	\$	1,641,243
.....	FTEs	207.00

(2) Of the amount appropriated and the number of full-time equivalent positions allocated in subparagraph (1) at least \$98,600 and 2 FTEs shall be used to support the regulation of animal feeding operations.

b. WATER QUALITY PROTECTION FUND

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

.....	\$	404,000
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(1) Of the number of full-time equivalent positions authorized in paragraph "a", 36 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 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	340.93
7. WASTE MANAGEMENT ASSISTANCE DIVISION		
For not more than the following full-time equivalent positions:		
.....	FTEs	16.75

Sec. 7. STATE FISH AND GAME PROTECTION FUND – APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

1. 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, 1995, and ending June 30, 1996, 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:

.....	\$	20,637,657
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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. 8. MARINE FUEL TAX RECEIPTS – NONCAPITALS AND 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, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of funding expenditures traditionally funded from marine fuel tax revenues, but not considered as capitals or operations:

.....	\$	200,000
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2. For purposes of maintaining and developing boating facilities and access to public waters by the parks and preserves division:

.....	\$	411,311
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Notwithstanding section 8.33, the unencumbered or unobligated moneys remaining on June 30, 1996, from moneys appropriated in subsection 1, may be expended during the fiscal year beginning July 1, 1996, and ending June 30, 1997, and shall not revert to the general fund until August 31, 1997.

Sec. 9. SNOWMOBILE FEES – TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1995, 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, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

.....	\$	100,000
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Sec. 10. VESSEL FEES – TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1995, from the fees deposited under section 462A.52 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

.....	\$	1,200,000
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RESOURCES ENHANCEMENT AND PROTECTION

Sec. 11. 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, 1995, and ending June 30, 1996, the sum of \$8,000,000, of which all moneys shall be allocated as provided in section 455A.19.

ANIMAL INDUSTRY APPROPRIATIONS

Sec. 12. LIVESTOCK PRODUCERS ASSISTANCE.

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, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the administration of the livestock producers assistance program established pursuant to section 266.39D, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	100,000
.....	FTEs	1.66

2. As a condition of this appropriation, the university shall strive to ensure that the program becomes increasingly self-sufficient. The university shall adopt a plan detailing the manner in which the program will become self-sufficient, including the expected amount of state funds necessary to support the program until it becomes self-sufficient, the sources of revenue expected to contribute to the program, and the amount each source is expected to contribute to the program. The plan shall be submitted to the legislative fiscal bureau by November 1, 1995.

3. The provisions of section 8.33 shall not apply to the moneys appropriated in this section. Unencumbered or unobligated moneys remaining on June 30, 1999, from moneys appropriated in this section for the fiscal year beginning July 1, 1995, shall revert to the general fund on August 31, 1999.

Sec. 13. ORGANIC NUTRIENT MANAGEMENT.

1. a. 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, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the organic nutrient management fund for administration of the organic nutrient management program, as provided in section 161C.6:

.....	\$	450,000
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b. Notwithstanding section 161C.5, unencumbered or unobligated moneys remaining on June 30, 1999, from moneys appropriated in paragraph "a" for the fiscal year beginning July 1, 1995, shall revert to the general fund on August 31, 1999.

2. a. Of the amount appropriated in subsection 1, paragraph "a", the division of soil conservation of the department of agriculture and land stewardship shall allocate \$50,000 for purposes of supporting pilot projects to determine the impact of plantings, including fast growing trees, surrounding manure storage structures which are connected to or part of animal feeding operations, in reducing or redirecting the dispersal of odor originating from such structures.

b. The moneys allocated in paragraph "a" of this subsection shall be awarded to the owner of an animal feeding operation who applies to the division of soil conservation according to procedures adopted by the division. The division shall provide for an initial application period of 60 days in which not more than one person from each county may be awarded moneys under this subsection. After the completion of the initial application period,

any person may be awarded moneys under this subsection, regardless of whether another person in the same county has received an award. All moneys shall be awarded on a cost-share basis. However, a person shall not receive more than \$1,500, regardless of the number of animal feeding operations owned by the person.

c. The division of soil conservation shall submit a report containing findings and recommendations regarding the pilot projects to the general assembly not later than January 10, 1998.

3. Of the amount appropriated in subsection 1, paragraph "a", the division of soil conservation of the department of agriculture and land stewardship shall allocate \$50,000 to the department of natural resources for purposes of carrying out a pilot project to study ten animal feeding operations and their structures, and manure management and disposal systems used by such operations, in order to determine the extent to which such operations and their structures and manure management and disposal systems contribute to point and nonpoint contamination of the state's groundwater and surface water, as provided in 1995 Iowa Acts, House File 519.*

RELATED APPROPRIATIONS

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 on the effective date of this section, which are required to be deposited in the water protection fund created pursuant to section 161C.4, as provided in section 455A.19, subsection 1, paragraph "c", the following amounts 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:

1. For deposit in the organic nutrient management fund created in section 161C.5 for the purposes of carrying out the organic nutrient management program as provided in section 161C.6:

..... \$ 350,000

2. To provide financial incentives for soil conservation practices under chapter 161A, as provided in section 1 of this Act:

..... \$ 500,000

Moneys provided in this section shall be transferred first to the organic nutrient management fund as provided in subsection 1 before remaining moneys are transferred to provide financial incentives for soil conservation as provided in subsection 2.

The provisions of section 8.33 shall not apply to the moneys transferred pursuant to this section. On August 31, 1999, unencumbered or unobligated moneys remaining on June 30, 1999, from moneys transferred pursuant to this section shall revert to the soil and water enhancement account of the Iowa resources enhancement and protection fund as provided in section 455A.19, subsection 1, paragraph "c", for allocation to each account in the water protection fund as the moneys would have otherwise been allocated in the manner provided in section 455A.19.

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, 1995, and ending June 30, 1996, 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

*Chapter 195 herein

Sec. 16. TRANSFER – AIR QUALITY. For the fiscal year beginning July 1, 1995, and ending June 30, 1996, the department of natural resources may transfer up to \$281,000 from the hazardous substance remedial fund 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. WIND EROSION CONTROL FUND. On the effective date of this section, all unencumbered or unobligated moneys appropriated to the wind erosion control fund, and any unencumbered or unobligated moneys which have been credited to the division of soil conservation of the department of agriculture and land stewardship for purposes of planting and maintaining wind erosion control barriers, as originally provided in 1978 Iowa Acts, chapter 1108, section 7, and subsequently amended, shall be transferred to the road use tax fund created in section 312.1.

Sec. 18. TEMPORARY FUND FOR THE PURCHASE OF MOTOR VEHICLE FUEL EQUIPMENT. Notwithstanding section 18.12, the department of general services, upon authorization by the department of agriculture and land stewardship, may conduct a sale of equipment or a device used to test octane in motor vehicle fuel as part of the department of agriculture and land stewardship’s regulatory functions. The proceeds of the sale shall be deposited in a special fund established by the department of agriculture and land stewardship. Moneys from the fund shall only be used for purposes of purchasing superior devices or equipment used to test octane in motor vehicle fuel by the department of agriculture and land stewardship. The department shall not enter into a lease-purchase agreement in obtaining the equipment or devices. Unencumbered or unobligated moneys shall remain in the fund until June 30, 1997, at which time remaining moneys shall be deposited into the general fund of the state as a reversion provided in section 8.33, and the fund shall be abolished.

Sec. 19. ALLOCATION OF MONEYS OTHERWISE DEDICATED TO THE LIVING ROADWAY TRUST FUND – 1995 FISCAL YEAR.

1. On the effective date of this section, notwithstanding section 455A.19, subsection 1, paragraph “g”, of the unencumbered and unobligated moneys allocated by section 455A.19, subsection 1, paragraph “g”, which may otherwise be allocated to the living roadway trust fund created in section 314.21, there is allocated for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, to be used as follows:

a. To the soil conservation division of the department of agriculture and land stewardship for purposes of supporting a public service executive I position in the field services section of the division, and for the salary and support of not more than the following full-time equivalent position:

..... \$ 55,000
..... FTEs 1.00

b. To the department of agriculture and land stewardship, for purposes of purchasing equipment for grain examiners to comply with requirements of the United States department of labor occupational safety and health administration:

..... \$ 34,300

c. To the department of natural resources for deposit in the public water supply system account established pursuant to section 455B.183A for purposes of supporting the program to assist supply systems, as provided in section 455B.183B:

..... \$ 100,000

d. To Iowa state university for purposes of supporting multiflora rose eradication research and projects:

..... \$ 25,000

e. To Iowa state university for purposes of supporting aerial spray calibration efforts at Iowa state university:

..... \$ 25,000

f. (1) 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:

..... \$ 40,000

(2) Each dollar provided in this paragraph "f" shall be allocated to Iowa state university only after a matching dollar is contributed to Iowa state university for purposes of supporting the establishment and administration of the Iowa grain initiative by one or more organizations representing crop producer members in this state.

g. To local sponsors of the Lewis and Clark rural water system as required, in order to provide safe and adequate municipal and rural water supplies for residential, agriculture, and industrial use, and to preserve wetlands and mitigate water conservation efforts:

..... \$ 40,000

2. The moneys allocated pursuant to this section shall not revert pursuant to section 8.33, but shall remain available for the fiscal year beginning July 1, 1995, and ending June 30, 1996, for the purposes designated in this section. Unencumbered or unobligated moneys remaining on June 30, 1996, shall revert to the Iowa resources enhancement and protection fund created pursuant to section 455A.18 for allocation to the living roadway trust fund for the purpose provided in section 455A.19, subsection 1, paragraph "g", in the manner provided in section 455A.19.

MISCELLANEOUS

Sec. 20. STATE NURSERIES. Notwithstanding section 17A.2, subsection 10, paragraph "g", the department of natural resources shall adopt administrative rules establishing prices of plant material grown at the state forest nurseries to cover all expenses related to the growing of the plants.

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.

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

Sec. 21. HUNGRY CANYONS CONFERENCE.

1. The division of soil conservation of the department of agriculture and land stewardship in cooperation with the Loess Hills development and conservation authority, shall sponsor a conference not later than September 1, 1995, regarding the erosion and degradation of stream channels in counties in the deep loess region of western Iowa, and specifically the area referred to as hungry canyons. The conference shall discuss the impacts of the erosion and degradation of stream channels in the area and its adverse effect upon rural infrastructure, including public roads and bridges, agricultural production, stream water quality, and riparian habitat. The conference shall consider impacts of policies of the United States army corps of engineers upon the area.

2. Conferees shall include representatives of the division of soil conservation of the department of agriculture and land stewardship, the Loess Hills development and conservation authority, the department of natural resources, and the state department of transportation. Each soil and water conservation district in the area may elect one commissioner to serve as a conferee. Each county board of supervisors in a county in the area may elect one supervisor to serve as a conferee. The division of soil conservation shall invite other interested persons to serve as conferees, including members of Iowa's congressional delegation; the chairperson and ranking member of the standing committee on natural resources, environment and energy of the senate; the chairperson and ranking member of the standing committees on natural resources and environmental protection of the house of representatives; the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources; members of the Iowa general assembly

who represent affected legislative districts; and representatives of the United States army corps of engineers; the United States environmental protection agency; the United States department of interior; and the natural resources conservation service of the United States department of agriculture.

3. The division of soil conservation of the department of agriculture and land stewardship shall report to the general assembly not later than January 15, 1996, regarding findings and recommendations of the conferees.

Sec. 22. TRANSFER OF MONEYS OR POSITIONS; CHANGES IN TABLES OF ORGANIZATION - NOTIFICATION. Each fiscal quarter of the fiscal year beginning July 1, 1995, 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. 23. TRUST FUND INFORMATION. For the fiscal year beginning July 1, 1995, and ending June 30, 1996, the department of revenue and finance in cooperation with each appropriate agency shall track receipts to the general fund of the state which under law were previously collected to be used for specific purposes, or to be credited to, or be deposited to a particular account or fund, as provided in section 8.60.

The department of revenue and finance and each appropriate agency shall prepare reports detailing revenue from receipts previously deposited into each of the funds. A report shall be submitted to the legislative fiscal bureau at least once for each three-month period as designated by the legislative fiscal bureau.

Sec. 24. DEPARTMENTAL INFORMATION REQUIRED.

1. For the fiscal year beginning July 1, 1995, and ending June 30, 1996, the department of agriculture and land stewardship and the department of natural resources, in cooperation as necessary with the department of management and the department of personnel, shall provide a list to the legislative fiscal bureau, on a quarterly basis, of all permanent positions added to or deleted from the departments' table of organization in the previous fiscal quarter. This list shall include at least the position number, salary range, projected funding source or sources of each position, and the reason for the addition or deletion. The legislative fiscal bureau may use this information to assist in the establishment of the full-time equivalent position limits authorized in law for the departments.

2. For the fiscal year beginning July 1, 1995, and ending June 30, 1996, the department of natural resources shall provide the legislative fiscal bureau information and financial data by cost center, on at least a monthly basis, relating to the indirect cost accounting procedure, the amount of funding from each funding source for each cost center, and the internal budget system used by the department. The information shall include but is not limited to financial data covering the department's budget by cost center and funding source prior to the start of the fiscal year, and to the department's actual expenditures by cost center and funding source after the accounting system has been closed for that fiscal year.

3. For the fiscal year beginning July 1, 1995, and ending June 30, 1996, the department of agriculture and land stewardship shall provide the legislative fiscal bureau information and financial data on at least a monthly basis, relating to the internal budget system used by the department. The information shall include but is not limited to financial data covering the department's budget prior to the start of the fiscal year, and to the department's actual expenditures after the accounting system has been closed for that fiscal year.

Sec. 25. DIRECTION TO CODE EDITOR - UPDATE REFERENCES TO UNITS REORGANIZED UNDER THE UNITED STATES DEPARTMENT OF AGRICULTURE. The Code editor is directed, to every extent possible, to update references in the Code relating

to units of government under the authority of the United States department of agriculture to conform with the current names of those units. The Code editor may postpone updating the references until the publication of the 1997 Code, if the Code editor determines that the process of updating will create unreasonable costs or delays.

Sec. 26. PREFERENCE PROVIDED - PERSONS MEETING ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM. In its employment of persons in temporary positions in conservation and outdoor recreation for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the department of natural resources shall give preference to persons meeting eligibility requirements for the green thumb program and to persons working toward an advanced education in natural resources and conservation.

Sec. 27. GYPSY MOTH LITIGATION. The department of agriculture and land stewardship and the office of the attorney general shall cooperate in bringing legal action against parties liable for damages caused by the shipment from the state of Michigan of trees or other plants infested with gypsy moths.

Sec. 28. SOIL CONSERVATION DIVISION - USE OF UNOBLIGATED MONEYS FOR THE PURCHASE OF EQUIPMENT. Notwithstanding section 8.33, or 1994 Iowa Acts, chapter 1199, section 8, subsection 17, and section 88, the moneys appropriated to the soil conservation division of the department of agriculture and land stewardship pursuant to chapter 1199, section 8, subsection 17, and section 88, which are not obligated or encumbered on June 30, 1995, for purposes of supporting soil conservation technicians, shall not revert to the general fund of the state but shall be used by the division of soil conservation for the fiscal year beginning July 1, 1995, and ending June 30, 1996, for purposes of purchasing equipment for soil conservation field offices.

Sec. 29. AIR QUALITY PROGRAM - NONGENERAL FUND SUPPORT. The department of natural resources for the fiscal year beginning July 1, 1995, and ending June 30, 1996, 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, 1995, and ending June 30, 1996, 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. 30. RULES RELATING TO PESTICIDE AND FERTILIZER CONTAMINATED SITES - ENVIRONMENTAL PROTECTION COMMISSION. The environmental protection commission shall adopt all rules required to establish criteria for the classification and prioritization of sites upon which pesticide or fertilizer contamination has been discovered, as provided in section 455B.601 not later than October 1, 1995.

STATUTORY CHANGES

Sec. 31. 1993 Iowa Acts, chapter 176, section 25, subsection 2, as amended by 1994 Iowa Acts, chapter 1198, section 31, is amended to read as follows:

2. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining on June 30, 1993, from moneys appropriated pursuant to 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 402, may be expended during the fiscal period beginning July 1, 1993, and ending June 30, ~~1995~~ 1996, and shall not revert to the general fund until August 31, ~~1995~~ 1996.

Sec. 32. 1994 Iowa Acts, chapter 1119, section 32, subsection 2, unnumbered paragraph 1, is amended to read as follows:

Notwithstanding section 423.24, as amended in this Act, for each fiscal year of the period beginning on July 1, 1993, and ending July 1, 1994 June 30, 1996, an amount equal to two and one-half percent of the total moneys used to support value-added agricultural products and processes as provided in that section, which would otherwise be allocated to the value-added agricultural products and processes financial assistance fund, shall instead be allocated to the office of renewable fuels and coproducts. The moneys shall be used for purposes of conducting soydiesel demonstration projects administered by the state department of transportation under the oversight of the renewable fuels and coproducts advisory committee.

Sec. 33. 1994 Iowa Acts, chapter 1119, section 32, subsection 2, paragraph b, is amended to read as follows:

b. The state department of transportation shall evaluate the performance of vehicles operating on soydiesel fuel, including the rate of repairs on the vehicles and comments of persons operating and maintaining the vehicles. The department shall submit initial findings and recommendations to the renewable fuels and coproducts advisory committee which shall submit a report to the senate and chief clerk of the house, the legislative service bureau, the chairpersons and ranking members of the senate standing committee on agriculture, the senate standing committee on small business, economic development and tourism, the house of representatives standing committee on agriculture, and the house of representatives standing committee on small business, economic development and trade. The department shall submit ~~final~~ findings and recommendations to the renewable fuels and coproducts advisory committee which shall submit ~~a report~~ reports to the general assembly. ~~The~~ An initial report shall be due on October 1, 1994. ~~The final,~~ an interim report shall be due on March 1, 1995, and a final report shall be due on October 1, 1996.

Sec. 34. 1994 Iowa Acts, chapter 1119, section 32, subsection 2, paragraph d, is amended to read as follows:

d. Moneys available under this section which remain unexpended or unobligated on June 30, 1994, shall remain available to support the demonstration project and shall not revert pursuant to section 8.33. Moneys remaining unexpended or unobligated on June 30, ~~1995~~ 1996, shall be credited to the value-added agricultural products and processes financial assistance fund as created in section 15E.112.

Sec. 35. Section 455E.11, subsection 2, paragraph a, subparagraph (2), subparagraph subdivision (f), as enacted by 1995 Iowa Acts, House File 289,* section 3, is amended to read as follows:

(f) Eight and one-half percent to the department to provide additional toxic cleanup days and for the natural resource geographic information system required under section 455E.8, subsection 6. Departmental rules adopted for implementation of toxic cleanup days shall provide sufficient flexibility to respond to the household hazardous material collection needs of both small and large communities.

Sec. 36. Section 161C.4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

A water protection fund is created within the division. The fund is composed of money appropriated by the general assembly for that purpose, and moneys available to and obtained or accepted by the state soil conservation committee from the United States or private sources for placement in the fund. The fund shall be divided into two accounts, the water quality protection projects account and the water protection practices account. The first account shall be used to carry out water quality protection projects to protect the state's surface and groundwater from point and nonpoint sources of contamination. The second account shall be used to establish water protection practices with individual landowners including but not limited to woodland establishment and protection, establishment of native grasses and forbs, sinkhole management, agricultural drainage well

*Chapter 80 herein

management, streambank stabilization, grass waterway establishment, stream buffer strip establishment, and erosion control structure construction. Twenty-five percent of funds appropriated to the water protection practices account shall be used for woodland establishment and protection, and establishment of native grasses and forbs. Soil and water conservation district commissioners shall give priority to applications for practices that implement their soil and water resource conservation plan. The fund shall be a revolving fund from which moneys may be used for loans, grants, administrative costs, and cost-sharing.

Sec. 37. Section 331.427, subsection 2, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. Closure and postclosure care of a sanitary disposal project under section 455B.302.

Sec. 38. **NEW SECTION.** 455A.17A REVIEW OF ALLOCATION OF REAP MONEYS – CONGRESS ON RESOURCES ENHANCEMENT AND PROTECTION.

1. During the 1996 congress on resources enhancement and protection, the congress shall review the Iowa resources enhancement and protection fund allocations and uses of moneys provided under the separate accounts of the fund, pursuant to section 455A.19, and recommend changes regarding the allocations or uses of those moneys, but only if the congress determines that changes should be made. The congress shall review the allocations and uses of the moneys based upon the purposes of the fund as provided in sections 455A.15 and 455A.16. The congress shall review the percentage of allocation of moneys to each account and determine whether the moneys expended from the account meet current needs, and whether the state is in a position to maintain resources already under state control.

2. As part of the review, the congress shall review the open spaces account as provided in section 455A.19, and specifically how moneys in the account are used, including issues relating to all of the following:

a. The acquisition of land, including the process of determining what land should be eligible for acquisition, the amount of land acquired, the purpose of land acquisition, land acquisition prices, the crop suitability rating of acquired land, lost property taxes, maintenance performed on acquired land, and proposed uses and maintenance of the land.

b. The expenditure of moneys for purposes of supporting open spaces projects, including the purpose of the projects, project costs, proposed or needed projects, the purposes of proposed or needed projects; and the estimated costs of completing proposed or needed projects.

3. If the congress determines that the allocations of the moneys to specific accounts or the uses of moneys in those accounts under section 455A.19 should be changed, the congress shall include that finding and provide recommendations to the governor, the general assembly, and the natural resource commission as part of a report which shall be included with any other recommendations made by the congress pursuant to section 455A.17. If the congress determines that no changes are necessary, the congress shall include that finding as part of the recommendations made by the congress pursuant to section 455A.17.

Sec. 39. Section 455B.183A, subsection 2, paragraph b, Code 1995, is amended to read as follows:

b. The operation of a public water supply system, including any part of the system. ~~The fees may be based on the type and size of community served by the system.~~ The commission shall adopt a fee schedule which shall be based on the total number of persons served by public water supply systems in this state. However, a public water supply system shall be assessed a fee of at least twenty-five dollars. A public water supply system not owned or operated by a community and serving a transient population shall be assessed a fee of twenty-five dollars. The commission shall calculate all fees in the schedule to produce total revenues equaling ~~four hundred seventy-five thousand dollars for the fiscal year~~

~~beginning July 1, 1994, and ending June 30, 1995, seven three hundred fifty thousand dollars for the each fiscal year, commencing with the fiscal year beginning July 1, 1995, and ending June 30, 1996, nine hundred thousand dollars for the fiscal year beginning July 1, 1996, and ending June 30, 1997, and one million two hundred thousand dollars for each subsequent fiscal year. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, twenty five thousand dollars shall be deposited in the administration account and four hundred fifty thousand dollars shall be deposited in the public water supply system account. For each subsequent fiscal year, one-half of the fees shall be deposited into the administration account and one-half of the fees shall be deposited into the public water supply system account. By May 1 of each year, the department shall estimate the total revenue expected to be collected from the overpayment of fees, which are all fees in excess of the amount of the total revenues which are expected to be collected under the current fee schedule, and the total revenue expected to be collected from the payment of fees during the next fiscal year. The commission shall adjust the fees if the estimate exceeds the amount of revenue required to be deposited in the fund pursuant to this paragraph.~~

Sec. 40. EFFECTIVE DATES.

1. Sections 14, 17, 18, 19, 21, 25, 27, 28, and 30 of this Act, being deemed of immediate importance, take effect upon enactment.

2. The amendments in this Act to 1993 Iowa Acts, chapter 176, section 25, subsection 2, as amended by 1994 Iowa Acts, chapter 1198, section 31, being deemed of immediate importance, take effect upon enactment.

3. The amendments in this Act to 1994 Iowa Acts, chapter 1119, section 32, being deemed of immediate importance, take effect upon enactment.

4. Sections 455A.17A and 455B.183A, as enacted or amended by this Act, take effect upon enactment.

5. This section, being deemed of immediate importance, takes effect upon enactment.

Sec. 41. REPEAL. Section 455A.17A is repealed on July 1, 1997.

Approved May 31, 1995

CHAPTER 217

IOWA COMMUNICATIONS NETWORK APPROPRIATIONS – ADDITIONAL CONNECTIONS AND SUPPORT SERVICES

H.F. 578

AN ACT relating to the Iowa communications network by providing for the connection and support of certain Part III users, directing the commission to develop a request for proposals for additional connections, making appropriations, and making related statutory changes.

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

Section 1. APPROPRIATIONS.

1. PART III AUTHORIZED USERS.

a. There is appropriated from the rebuild Iowa infrastructure account of the state created in section 8.57, subsection 5, to the Iowa telecommunications network fund under the control of the Iowa telecommunications and technology commission for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated: