



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

July 21, 2011

The Honorable Matthew Schultz
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 509, an Act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date and retroactive and other applicability provisions.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry E. Branstad".

Terry E. Branstad
Governor

cc: Secretary of the Senate
Clerk of the House



Senate File 509

AN ACT

RELATING TO AND MAKING APPROPRIATIONS INVOLVING STATE GOVERNMENT ENTITIES INVOLVED WITH AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL PROTECTION, AND INCLUDING EFFECTIVE DATE AND RETROACTIVE AND OTHER APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
GENERAL APPROPRIATIONS FOR FY 2011-2012

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, 2011, and ending June 30, 2012, 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:

.....	\$ 16,497,308
..... FTEs	365.00

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, 2011, and ending June 30, 2012, 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

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, 2011, and ending June 30, 2012, 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:

..... \$ 500,000

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 FOR FY 2011-2012

Sec. 4. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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:

.....	\$ 12,266,688
.....	FTEs 1,145.95

2. Of the number of full-time equivalent positions authorized to the department pursuant to subsection 1, 50.00 full-time equivalent positions shall be allocated by the department for seasonal employees for purposes of providing maintenance, upkeep, and sanitary services at state parks. This subsection shall not impact park ranger positions within the department.

3. 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. STATE FISH AND GAME PROTECTION FUND — DIVISION OF FISH AND WILDLIFE.

1. There is appropriated from the state fish and game protection fund to the department of natural resources for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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
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2. 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.

3. Notwithstanding section 455A.10, the department of natural resources may use the unappropriated balance remaining

in the state fish and game protection fund for the fiscal year beginning July 1, 2011, and ending June 30, 2012, as is necessary to fund salary adjustments for departmental employees which the general assembly has made an operating budget appropriation for in subsection 1.

Sec. 6. 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, 2011, and ending June 30, 2012, 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. 7. 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, 2011, and ending June 30, 2012, 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 programs:

..... \$ 100,000

Sec. 8. 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, 2011, and ending June 30, 2012, 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. 9. STORM WATER DISCHARGE PERMIT FEES — SUPPORT FOR SPECIAL PURPOSES. Notwithstanding any contrary provision of state law, for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the department of natural resources may use additional moneys available to the department collected from storm water discharge permit fees as provided in sections

455B.103A and 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

DIVISION III

IOWA STATE UNIVERSITY

APPROPRIATION FOR FY 2011-2012

Sec. 10. 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, 2011, and ending June 30, 2012, 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:

..... \$ 3,237,636

..... 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 June 30, 2012, 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. 11. VETERINARY DIAGNOSTIC LABORATORY — FUTURE YEAR. This section applies if appropriations made in this Act and all other Acts enacted by the Eighty-fourth General Assembly during the 2011 regular session and all extraordinary sessions, for the fiscal year beginning July 1, 2011, and

ending June 30, 2012, 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 2012 regular session for purposes of supporting the operation of the veterinary diagnostic laboratory for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

DIVISION IV

ENVIRONMENT FIRST FUND

GENERAL APPROPRIATIONS FOR FY 2011-2012

Sec. 12. 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, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

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:
..... \$ 1,000,000

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 other 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:
..... \$ 900,000

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:

..... \$ 625,000

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", \$370,000 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. SOIL AND WATER CONSERVATION — ADMINISTRATION

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

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

5. CONSERVATION RESERVE PROGRAM (CRP)

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

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

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.

6. 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:

..... \$ 6,300,000

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

c. Of the moneys appropriated in paragraph "a", 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.

d. Not more than 30 percent of a soil and water conservation

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.

e. The state soil conservation committee established by section 161A.4 may allocate moneys appropriated in paragraph "a" to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

f. The allocation of moneys as financial incentives as provided in section 161A.73 may be used in combination with moneys allocated by the department of natural resources.

g. Not more than 15 percent of the moneys appropriated in paragraph "a" may be used for costs of administration and implementation of soil and water conservation practices.

h. In lieu of moneys appropriated in section 466A.5, not more than \$50,000 of the moneys appropriated in paragraph "a" shall be used by the soil conservation division of the department of agriculture and land stewardship to provide administrative support to the watershed improvement review board established in section 466A.3.

7. LOCAL FOOD AND FARM PROGRAM COORDINATOR

a. For purposes of supporting a local food and farm program coordinator as established pursuant to new Code chapter 267A as enacted in this Act, for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 75,000

b. The department shall enter into a cost-sharing agreement with Iowa state university to support the local food and farm program coordinator position as part of the university's cooperative extension service in agriculture and home economics pursuant to new Code chapter 267A as enacted in this Act.

8. AGRICULTURAL EDUCATION

For purposes of allocating moneys to an Iowa association affiliated with a national organization which promotes agricultural education providing for future farmers:

..... \$ 25,000

9. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

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

..... \$ 475,000

b. (1) Of the amount appropriated in paragraph "a", \$356,250 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", \$118,750 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.

Sec. 13. 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, 2011, and ending June 30, 2012, 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:

..... \$ 3,210,000

3. FORESTRY HEALTH MANAGEMENT

To provide for forestry health management programs:

..... \$ 100,000

4. 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

5. WATER QUALITY MONITORING

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

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

6. 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

7. REGULATION OF ANIMAL FEEDING OPERATIONS

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

..... \$ 420,000

8. 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

9. 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

10. GEOLOGICAL AND WATER SURVEY

For continuing the operations of the department's geological and water survey including but not limited to providing analysis, data collection, investigative programs, and information for water supply development and protection:

..... \$ 200,000

Sec. 14. REVERSION. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2011, 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 to be used for the purposes designated until the close of the fiscal year beginning July 1, 2012, or until the project for which the appropriation was made is completed, whichever is earlier.

DIVISION V

RESOURCES ENHANCEMENT AND PROTECTION

(REAP) FUND FOR FY 2011-2012

GENERAL APPROPRIATIONS

Sec. 15. ENVIRONMENT FIRST 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, 2011, and ending June 30, 2012, the following amount, to be allocated as provided in section 455A.19:

..... \$ 12,000,000

DIVISION VI

AGRICULTURAL DRAINAGE WELL CLOSURE

Sec. 16. REPORT. The department of agriculture and land stewardship shall prepare a report regarding agricultural drainage wells that have not been closed as provided in chapter 460. The report shall include an inventory of agricultural drainage wells that remain unclosed, a projected timeline for closing the agricultural drainage wells, and an estimate of the costs for closing each agricultural drainage well. The department shall submit the report to the governor and fiscal services division of the legislative services agency not later than November 15, 2011.

DIVISION VII

SOIL NUTRIENT MASS STUDY

Sec. 17. WATERSHED IMPROVEMENT REVIEW BOARD.

1. Notwithstanding any provision to the contrary in chapter 466A, the watershed improvement review board established in section 466A.3 may authorize up to fifty thousand dollars of moneys available in the watershed improvement fund created in section 466A.2, for the fiscal period beginning July 1, 2011, and ending January 1, 2013, to finance a study of soil nutrient mass balance issues.

2. The study financed by the board under this section shall be conducted by the department of agriculture and land stewardship in cooperation with the Iowa state university college of agriculture. The department, in cooperation with the college of agriculture, shall study the leaching of nutrients from the soil; the related impacts on soil sustainability; productivity; water quality, including erosion, sediment, and phosphorus attached to sediment; and the soil's capacity to absorb and hold water.

3. The department of agriculture and land stewardship shall submit the results of the study financed by the board under this section to the board, the governor, and general assembly by January 10, 2013.

DIVISION VIII

INTERIM LEGISLATIVE COMMITTEE — STATE FISH AND GAME PROTECTION FUND

Sec. 18. INTERIM STUDY. The legislative council shall establish a study committee during the 2011 interim for purposes of reviewing expenditures from the state fish and game protection fund by the department of natural resources.

DIVISION IX
AGRICULTURE AND NATURAL RESOURCES
DEPARTMENT OF NATURAL RESOURCES
USE OF MONEYS IN THE STATE FISH AND GAME PROTECTION FUND FOR FY
2010-2011

Sec. 19. USE OF MONEYS — RADIOS.

1. Notwithstanding 2010 Iowa Acts, chapter 1191, section 7, the department of natural resources may use the unappropriated balance remaining in the state fish and game protection fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to purchase mobile radios to meet federal and state requirements for homeland security and public safety. This section applies to those moneys in the fund that are not otherwise used, obligated, or encumbered for payment of health and life insurance premium payments for conservation peace officer retirements for that fiscal year. The department may use such moneys until June 30, 2012.

2. The mobile radios purchased by the department of natural resources pursuant to subsection 1 shall be compatible with a statewide public safety radio network, if created in legislation enacted by the 2011 regular session of the General Assembly, which may include provisions in 2011 Iowa Acts, Senate File 541, if enacted. The department shall purchase the mobile radios after conducting a competitive bidding process.

3. On or before January 13, 2012, the department of natural resources in cooperation with the department of public safety shall provide a report to the legislative services agency and the department of management. The report shall detail the status of the moneys appropriated in subsection 1 and shall include the estimated needs of the department of natural resources to achieve interoperability and to meet the federal narrowbanding mandate, and any changes in estimated costs to meet those needs.

Sec. 20. RADIOS. The sections of 2011 Iowa Acts, Senate File 538, amending 2011 Iowa Acts, Senate File 509, section 22, and establishing an effective date for that amendment, if enacted, are repealed.

Sec. 21. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and, if approved by the governor on or after July 1, 2011, shall apply retroactively to June 30, 2011.

DIVISION X