

4/3/97 unfinished Business Calendar

# REPRINTED

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APPROPRIATIONS CALENDAR

HOUSE FILE 708  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 192)

Passed House, Date 4/8/97 (p.1082) Passed Senate, Date 4-14-97 (p.1148)  
Vote: Ayes 58 Nays 41 Vote: Ayes 49 Nays 1

Approved May 27, 1997  
*Jim veto*

## A BILL FOR

1 An Act relating to agriculture and natural resources by providing  
2 for appropriations, related statutory changes, and providing  
3 an effective date.

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

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HF 708

1 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
2 Section 1. GENERAL APPROPRIATION. There is appropriated  
3 from the general fund of the state to the department of  
4 agriculture and land stewardship for the fiscal year beginning  
5 July 1, 1997, and ending June 30, 1998, the following amounts,  
6 or so much thereof as is necessary, to be used for the  
7 purposes designated:

8 1. ADMINISTRATIVE DIVISION

9 a. For salaries, support, maintenance, the support of the  
10 state 4-H foundation, support of the statistics bureau, and  
11 miscellaneous purposes, and for the salaries and support of  
12 not more than the following full-time equivalent positions:  
13 ..... \$ 1,780,278  
14 ..... FTEs 41.45

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

18 (2) Of the amount appropriated in this paragraph "a",  
19 \$55,500 shall be allocated to the state 4-H foundation to  
20 foster the development of Iowa's youth and to encourage them  
21 to study the subject of agriculture.

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

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

35 (5) Of the amount appropriated and the number of full-time

1 equivalent positions authorized in this paragraph "a", at  
2 least \$38,000 shall be used to contract for part-time  
3 livestock market news specialist positions.

4 b. For the operations of the dairy trade practices bureau:  
5 ..... \$ 66,969

6 c. For the purpose of performing commercial feed audits:  
7 ..... \$ 64,945

8 d. For the purpose of performing fertilizer audits:  
9 ..... \$ 64,945

10 2. REGULATORY DIVISION

11 a. For salaries, support, maintenance, miscellaneous  
12 purposes, and for not more than the following full-time  
13 equivalent positions:  
14 ..... \$ 3,938,176  
15 ..... FTEs 123.50

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

19 b. For the costs of inspection, sampling, analysis, and  
20 other expenses necessary for the administration of chapters  
21 192, 194, and 195:  
22 ..... \$ 656,801

23 3. LABORATORY DIVISION

24 a. For salaries, support, maintenance, and miscellaneous  
25 purposes, including the administration of the gypsy moth  
26 program, and for not more than the following full-time  
27 equivalent positions:  
28 ..... \$ 824,833  
29 ..... FTEs 84.10

30 (1) Of the amount appropriated in this paragraph "a",  
31 \$110,000 shall be used to administer a program relating to the  
32 detection, surveillance, and eradication of the gypsy moth.  
33 The department shall allocate and use the appropriation made  
34 in this paragraph before moneys other than those appropriated  
35 in this paragraph are used to support the program.

1 (2) Of the number of full-time equivalent positions  
2 authorized in this paragraph "a" and funded in paragraph "c",  
3 1.00 FTE shall be used to support an organics program  
4 coordinator who shall assure compliance of organic foods sold  
5 commercially within the state with federal and state  
6 regulations relating to organic foods.

7 b. For the operations of the commercial feed programs:  
8 ..... \$ 760,236

9 c. For the operations of the pesticide programs:  
10 ..... \$ 1,307,865

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

14 d. For the operations of the fertilizer programs:  
15 ..... \$ 647,203

16 4. SOIL CONSERVATION DIVISION

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

20 ..... \$ 6,058,717  
21 ..... FTEs 171.28

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

29 b. To provide financial incentives for soil conservation  
30 practices under chapter 161A:  
31 ..... \$ 6,461,850

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

34 (1) Not more than 5 percent of the moneys appropriated in  
35 paragraph "b" may be allocated for cost sharing to abate

1 complaints filed under section 161A.47.

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

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

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

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

19 d. The provisions of section 8.33 shall not apply to the  
20 moneys appropriated in paragraph "b". Unencumbered or  
21 unobligated moneys remaining on June 30, 2001, from moneys  
22 appropriated in paragraph "b" for the fiscal year beginning  
23 July 1, 1997, shall revert to the general fund on August 31,  
24 2001.

25 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is  
26 appropriated from the general fund of the state to the  
27 department of agriculture and land stewardship for the fiscal  
28 year beginning July 1, 1997, and ending June 30, 1998, the  
29 following amount, or so much thereof as is necessary, to be  
30 used for the purposes designated:

31 For salaries, support, maintenance, and miscellaneous  
32 purposes, to be used by the department to continue and expand  
33 the farmers' market coupon program by providing federal  
34 special supplemental food program recipients with coupons  
35 redeemable at farmers' markets, and for not more than the

1 following full-time equivalent positions:

2 .....	\$	216,113
3 .....	FTEs	1.00

4 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

5 1. There is appropriated from the general fund of the  
6 state to the department of agriculture and land stewardship  
7 for the fiscal year beginning July 1, 1997, and ending June  
8 30, 1998, the following amount, or so much thereof as is  
9 necessary, to be used for the purpose designated:

10 For support of the pseudorabies eradication program:		
11 .....	\$	900,400

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

17 Sec. 4. HORSE AND DOG RACING. There is appropriated from  
18 the moneys available under section 99D.13 to the regulatory  
19 division of the department of agriculture and land stewardship  
20 for the fiscal year beginning July 1, 1997, and ending June  
21 30, 1998, the following amount, or so much thereof as is  
22 necessary, to be used for the purpose designated:

23 For salaries, support, maintenance, and miscellaneous		
24 purposes for the administration of section 99D.22:		
25 .....	\$	202,146

26 DEPARTMENT OF NATURAL RESOURCES

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

33 1. ADMINISTRATIVE AND SUPPORT SERVICES

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

1 positions:

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

4 Of the amount appropriated and the number of full-time  
 5 equivalent positions authorized in this subsection 1, at least  
 6 \$150,000 and 3.00 FTEs shall be used by administrative and  
 7 support services to support a compliance and permit assistance  
 8 team to facilitate cooperation between the department and  
 9 persons regulated by the department in order to ensure  
 10 efficient compliance with applicable legal requirements.

11 2. PARKS AND PRESERVES DIVISION

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

15 .....	\$	5,728,615
16 .....	FTEs	195.73

17 Of the amount appropriated in this subsection 2, at least  
 18 \$50,000 shall be allocated for the replacement of maintenance  
 19 equipment used by the division.

20 3. FORESTS AND FORESTRY DIVISION

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

24 .....	\$	1,539,416
25 .....	FTEs	48.71

26 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

30 .....	\$	1,723,286
31 .....	FTEs	52.00

32 5. a. ENVIRONMENTAL PROTECTION DIVISION

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

1 ..... \$ 2,798,698

2 ..... FTEs 228.50

3 (2) Of the amount appropriated and the number of full-time  
4 equivalent positions authorized in subparagraph (1), at least  
5 \$424,600 and 9.00 FTEs shall be used to support the regulation  
6 of animal feeding operations.

7 (3) Of the amount appropriated and the number of full-time  
8 equivalent positions authorized in subparagraph (1), at least  
9 \$700,467 and 10.00 FTEs shall be used to support the  
10 regulation of wastewater treatment systems, including issuing  
11 permits and conducting inspections.

12 b. WATER QUALITY PROTECTION FUND

13 For allocation to the administration account of the water  
14 quality protection fund established pursuant to section  
15 455B.183A, to carry out the purpose of that account:

16 ..... \$ 729,000

17 (1) Of the number of full-time equivalent positions  
18 authorized in paragraph "a", 32.50 FTEs shall be dedicated to  
19 carrying out the provisions of chapter 455B relating to the  
20 administration, regulation, and enforcement of the federal  
21 Safe Drinking Water Act and to support the program to assist  
22 water supply systems as provided in section 455B.183B.

23 However, the limitation on full-time equivalent positions  
24 provided in paragraph "a", shall not limit the number of  
25 additional full-time equivalent positions supported by moneys  
26 deposited in the water quality protection fund as provided in  
27 section 455B.183A, in order to carry out the provisions of  
28 division III of chapter 455B relating to the administration,  
29 regulation, and enforcement of the federal Safe Drinking Water  
30 Act, and the administration of the program to assist water  
31 supply systems pursuant to section 455B.183B.

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



1 serving a population of seven thousand or less.

2 6. FISH AND WILDLIFE DIVISION

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

5 ..... FTEs 342.18

6 7. WASTE MANAGEMENT ASSISTANCE DIVISION

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

9 ..... FTEs 17.75

10 Sec. 6. STATE FISH AND GAME PROTECTION FUND --

11 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

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

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

20 ..... \$ 21,951,394

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

25 2. The department shall not expend more moneys from the  
26 fish and game protection fund than provided in this section,  
27 unless the expenditure derives from contributions made by a  
28 private entity, or a grant or moneys received from the federal  
29 government, and is approved by the natural resource  
30 commission. The department of natural resources shall  
31 promptly notify the legislative fiscal bureau and the  
32 chairpersons and ranking members of the joint appropriations  
33 subcommittee on agriculture and natural resources concerning  
34 the commission's approval.

35 Sec. 7. MARINE FUEL TAX RECEIPTS -- BOATING FACILITIES AND

1 ACCESS. There is appropriated from the marine fuel tax  
2 receipts deposited in the general fund of the state to the  
3 department of natural resources for the fiscal year beginning  
4 July 1, 1997, and ending June 30, 1998, the following amount,  
5 or so much thereof as is necessary, to be used for the purpose  
6 designated:

7 For maintaining and developing boating facilities and  
8 access to public waters by the parks and preserves division:  
9 ..... \$ 411,311

10 Sec. 8. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT

11 PURPOSES. There is transferred on July 1, 1997, from the fees  
12 deposited under section 321G.7 to the fish and game protection  
13 fund and appropriated to the department of natural resources  
14 for the fiscal year beginning July 1, 1997, and ending June  
15 30, 1998, the following amount, or so much thereof as is  
16 necessary, to be used for the purpose designated:

17 For enforcing snowmobile laws as part of the state  
18 snowmobile program administered by the department of natural  
19 resources:  
20 ..... \$ 100,000

21 Sec. 9. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.

22 There is transferred on July 1, 1997, from the fees deposited  
23 under section 462A.52 to the fish and game protection fund and  
24 appropriated to the natural resource commission for the fiscal  
25 year beginning July 1, 1997, and ending June 30, 1998, the  
26 following amount, or so much thereof as is necessary, to be  
27 used for the purpose designated:

28 For the administration and enforcement of navigation laws  
29 and water safety:  
30 ..... \$ 1,300,000

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

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

7 RESOURCES ENHANCEMENT AND PROTECTION

8 Sec. 10. GENERAL APPROPRIATION. Notwithstanding the  
9 amount of the standing appropriation from the general fund of  
10 the state under section 455A.18, subsection 3, there is  
11 appropriated from the general fund of the state to the Iowa  
12 resources enhancement and protection fund, in lieu of the  
13 appropriation made in section 455A.18, for the fiscal year  
14 beginning July 1, 1997, and ending June 30, 1998, the sum of  
15 \$9,000,000, of which all moneys shall be allocated as provided  
16 in section 455A.19.

17 RELATED APPROPRIATIONS

18 Sec. 11. ANIMAL FEEDING OPERATIONS. Notwithstanding  
19 section 455E.11, subsection 2, paragraph "b", prior to any  
20 appropriation from the agriculture management account of the  
21 groundwater protection fund, as provided in section 455E.11,  
22 subsection 2, paragraph "b", the following amounts are  
23 appropriated for use as provided in this section during the  
24 fiscal period beginning July 1, 1996, and ending January 1,  
25 1999, as follows:

26 1. a. To Iowa state university for purposes of conducting  
27 a study of anaerobic lagoons and earthen manure storage basins  
28 which are part of animal feeding operations:

29 ..... \$ 150,000

30 b. To the department of natural resources for purposes of  
31 conducting, in cooperation with Iowa state university, the  
32 study described in paragraph "a":

33 ..... \$ 100,000

34 2. The moneys appropriated in this section shall be used  
35 to determine the extent to which manure stored in the

1 structures contribute to point and nonpoint pollution in this  
2 state. The department of natural resources shall select test  
3 sites where anaerobic lagoons and earthen manure storage  
4 basins are located, and shall install hydrological monitoring  
5 wells at the sites according to established procedures,  
6 including applicable inspection procedures, required of the  
7 department. Iowa state university shall collect samples and  
8 evaluate the results of the tests. Iowa state university  
9 shall submit a report, including standards, criteria, and  
10 protocols used to conduct the testing of anaerobic lagoons and  
11 earthen manure storage basins, to the general assembly  
12 regarding the findings of the study not later than January 1,  
13 1999.

14 3. Except as provided in this subsection, the identity of  
15 an animal feeding operation selected pursuant to this section,  
16 including a person holding an interest in the operation, shall  
17 be confidential and shall not be subject to disclosure under  
18 chapter 22, and the findings of the testing shall not be used  
19 in a case or proceeding brought against a person based upon a  
20 violation of state law. This subsection shall not apply to a  
21 person or an animal feeding operation in which the person  
22 holds a controlling interest, if the person is the subject of  
23 an investigation or an administrative or legal action  
24 regarding a violation used by the department in classifying a  
25 person as a habitual violator.

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

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

35 1. To Iowa state university for supporting odor control

1 applications for animal feeding operations, including  
2 confinement feeding operations, regulated by the department of  
3 natural resources pursuant to chapter 455B:

4 ..... \$ 400,000

5 2. To the state board of regents for Iowa state university  
6 for the fiscal year beginning July 1, 1997, and ending June  
7 30, 1998, to be used for the purpose designated:

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

13 ..... \$ 50,000

14 Moneys appropriated in subsection shall support testing  
15 programs administered by counties which may submit an  
16 application to the extension service to participate in the  
17 state assistance program, as provided by the extension  
18 service. The county shall perform testing within a test area.  
19 As used in this section, "test area" means an area within a  
20 two-mile radius of any structure used to store manure which is  
21 part of a confinement feeding operation. Iowa state  
22 university of science and technology shall adopt necessary  
23 standards, protocols, and criteria for the establishment of  
24 baselines for testing by counties. The program shall be  
25 administered within each participating county by the county  
26 agricultural extension district serving that county in  
27 collaboration with the local board of health. The testing may  
28 be performed with volunteer assistance. However, all testing  
29 shall be performed under the supervision of a county  
30 sanitarian. The samples of the testing shall be analyzed by  
31 the state hygienic laboratory at the state university of Iowa  
32 and evaluated in accordance with standards established by the  
33 department of agricultural biosystems engineering within the  
34 college of agriculture and the college of engineering at Iowa  
35 state university. All moneys available under this subsection

1 shall only be used for the following purposes:

2 a. Analyzing test samples by the state hygienic  
3 laboratory.

4 b. Performing tests in counties. However, not more than  
5 \$50 of the moneys available under this section shall be used  
6 to pay for administering testing within any test area,  
7 including labor and equipment costs, regardless of the number  
8 of tests performed within the test area.

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

13 ..... \$ 99,000

14 Sec. 13. NONREVERSION OF MONEYS ALLOCATED TO IOWA GRAIN  
15 QUALITY INITIATIVE. Notwithstanding 1995 Iowa Acts, chapter  
16 216, section 19, subsection 2, moneys allocated pursuant to  
17 1995 Iowa Acts, chapter 216, section 19, subsection 1,  
18 paragraph "f", subparagraph (1), which remain unencumbered or  
19 unobligated on June 30, 1997, shall not revert pursuant to  
20 section 8.33, but shall remain available to Iowa state  
21 university for purposes of supporting the Iowa cooperative  
22 extension service in agriculture and home economics in  
23 establishing and administering an Iowa grain quality  
24 initiative in subsequent fiscal years.

25 Sec. 14. TRANSFERS OF MONEYS REQUIRED TO BE DEPOSITED IN  
26 THE WATER PROTECTION FUND. Notwithstanding section 161C.4 and  
27 the reversion and allocation provisions in section 455A.19,  
28 subsection 1, paragraph "c", of the unencumbered and  
29 unobligated moneys remaining, which are required to be  
30 deposited in the water protection fund created in section  
31 161C.4, as provided in section 455A.19, subsection 1,  
32 paragraph "c", the following amount shall be transferred first  
33 from moneys required to be deposited in the water protection  
34 practices account, and if necessary from moneys required to be  
35 deposited in the water quality protection projects account,

1 which shall be used for the following purposes:

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

6 ..... \$ 400,000

7 Sec. 15. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE  
8 UNDERGROUND STORAGE TANK FUND BOARD -- TRANSFER. There is  
9 appropriated from the unassigned revenue fund administered by  
10 the Iowa comprehensive underground storage tank fund board, to  
11 the department of natural resources for the fiscal year  
12 beginning July 1, 1997, and ending June 30, 1998, the  
13 following amount, or so much thereof as is necessary, to be  
14 used for the purpose designated:

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

17 ..... \$ 75,000

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

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

33 For a grant for the purpose of providing safe and adequate  
34 municipal and rural water supplies for residential,  
35 agricultural, and industrial uses, to preserve wetlands, and

1 to mitigate water conservation efforts:

2 ..... \$ 15,000

3 MISCELLANEOUS

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

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

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

32 2. Moneys appropriated from the water protection fund as  
 33 created in section 161C.4 shall not be used to support the  
 34 Loess Hills development and conservation fund created in  
 35 section 161D.2. The general assembly intends that alternative



1 funding sources shall be substituted in lieu of state moneys  
2 appropriated for use by the Loess Hills development and  
3 conservation authority to carry out the purposes specified in  
4 section 161D.1.

5 Sec. 20. AUTHORIZATION TO CITY OF MOUNT PLEASANT TO CLEAR  
6 PYLON OBSTRUCTION. Notwithstanding any provision granting  
7 authority to a state agency otherwise applicable, the city of  
8 Mount Pleasant is authorized to clear a pylon obstruction  
9 which is located in the Skunk river near the city. The city  
10 may clear the pylon by removing it from the river in any  
11 manner determined reasonable by the city. The city shall not  
12 be liable to the state for taking actions necessary to clear  
13 the pylon obstruction.

14 Sec. 21. AIR QUALITY PROGRAM -- NONGENERAL FUND SUPPORT.  
15 The department of natural resources for the fiscal year  
16 beginning July 1, 1997, and ending June 30, 1998, shall not  
17 use moneys appropriated from the general fund of the state  
18 pursuant to this Act, to support any purpose related to  
19 carrying out the duties of the commission under section  
20 455B.133 or the director under section 455B.134, or for  
21 carrying out the provisions of chapter 455B, division II.

22 Notwithstanding section 455B.133B, the department may use  
23 moneys deposited in the air contaminant source fund created in  
24 section 455B.133B during the fiscal year beginning July 1,  
25 1997, and ending June 30, 1998, for any purpose related to  
26 carrying out the duties of the commission under section  
27 455B.133 or the director under section 455B.134, or for  
28 carrying out the provisions of chapter 455B, division II.

29 Sec. 22. ELIMINATION OF POSITIONS. The following  
30 positions are eliminated from the administrative division of  
31 the department of agriculture and land stewardship:

32 1. One position in the information bureau of the  
33 administrative division.

34 2. The position of interim assistant secretary of  
35 agriculture as created in 1996 Iowa Acts, chapter 1214,

1 section 27.

2 3. The position of deputy secretary of agriculture as  
3 provided in 1996 Iowa Acts, chapter 1214, sections 25 and 33.

4 Sec. 23. APPROPRIATIONS CONDITIONAL UPON IMPLEMENTATION OF  
5 ADMINISTRATIVE FUNCTIONS. As a condition of the  
6 appropriations made to the department of agriculture and land  
7 stewardship in sections 1 through 4 of this Act, all of the  
8 following shall apply:

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

13 2. The position of administrative assistant VI shall not  
14 perform duties relating to personnel, administration, or  
15 budgeting for the department, or have jurisdiction over the  
16 heads of the department's administrative units, as provided by  
17 1996 Iowa Acts, chapter 1214, section 26, as amended by this  
18 Act.

19 Sec. 24. APPROPRIATIONS CONDITIONAL UPON EXECUTION OF A  
20 MEMORANDUM OF UNDERSTANDING FOR ANIMAL CONTROL.

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

30 2. If the department of natural resources denies the  
31 federal agency a depredation permit the department shall  
32 notify the chairpersons, vice-chairpersons, and the minority  
33 party ranking members of the general assembly's senate  
34 standing committee on natural resources and environment and  
35 the house standing committee on natural resources within ten

1 days from the date that denial occurred.

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

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

23 CODIFIED CHANGES

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

26 The department of natural resources shall publish and make  
27 available for purchase by the general public, gift  
28 certificates entitling the bearer of the certificate to free  
29 camping and other special privileges at state parks and  
30 recreation areas. The department shall establish prices for  
31 the certificates based on amounts required to be paid in fees  
32 for camping and special privileges pursuant to section  
33 461A.47.

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

35 Notwithstanding section 17A.2, subsection 10, paragraph

1 "g", the department of natural resources shall adopt  
2 administrative rules establishing a range of prices of plant  
3 material grown at the state forest nurseries to cover all  
4 expenses related to the growing of the plants.

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

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

12 REPEALS

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

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

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

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

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

23 EFFECTIVE DATE

24 Sec. 32. EFFECTIVE DATE. Section 24 of this Act, being  
25 deemed of immediate importance, takes effect upon enactment.

26 EXPLANATION

27 This bill relates to agriculture and natural resources by  
28 appropriating moneys and providing for full-time equivalent  
29 positions to the department of agriculture and land  
30 stewardship and the department of natural resources. The bill  
31 provides appropriations from the state fish and game  
32 protection fund and provides for the transfer of moneys from  
33 other funds administered by the department of natural  
34 resources. It appropriates moneys from the resources  
35 enhancement and protection fund. It also provides for moneys

1 to support the Iowa grain quality initiative, odor control  
2 applications for animal feeding operations, the Loess Hills  
3 development and conservation fund, water quality testing, a  
4 study of the impact of manure storage structures on water  
5 quality, the Lewis and Clark rural water system, the Iowa  
6 comprehensive underground storage tank fund board, and the  
7 environmental protection division of the department of natural  
8 resources. The bill requires that the department of natural  
9 resources execute a letter of understanding with the United  
10 States department of agriculture for the control of wild  
11 animals, effective upon enactment. The bill includes other  
12 provisions which provide for prices charged by state forest  
13 nurseries, information required to be submitted to the joint  
14 appropriations subcommittee on agriculture and natural  
15 resources, and the elimination of positions within the  
16 department of agriculture and land stewardship.

17 The bill codifies a provision allowing the department of  
18 natural resources to provide general public gift certificates  
19 for free camping and other special privileges at state parks  
20 and recreation areas. The bill codifies a provision requiring  
21 the department of natural resources to adopt rules  
22 establishing prices of plant material grown at the state  
23 forest nurseries.

24 The bill eliminates provisions enacted in prior years which  
25 refers to the interim assistant secretary of agriculture, and  
26 an appropriation of moneys to study animal feeding operations  
27 and their structures.

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## HOUSE FILE 708

H-1409

- 1 Amend House File 708 as follows:  
 2 1. Page 17, by inserting after line 18 the  
 3 following:  
 4 "Sec. \_\_\_\_ . APPROPRIATIONS CONDITIONAL UPON  
 5 ADOPTION OF A SPECIAL BUILDING CODE -- CONFINEMENT  
 6 FEEDING OPERATIONS. As a condition of the  
 7 appropriation made to the department of natural  
 8 resources pursuant to section 11 of this Act, the  
 9 department shall by rule adopted pursuant to chapter  
 10 17A establish a building code which applies to animal  
 11 feeding operation structures which are part of a  
 12 confinement feeding operation, if the confinement  
 13 feeding operation confines swine and has an animal  
 14 weight capacity of more than two hundred thousand  
 15 pounds, as provided in chapter 455B. The department's  
 16 building code shall be based on provisions submitted  
 17 to the department by the animal agriculture consulting  
 18 organization as created pursuant to 1995 Iowa Acts,  
 19 chapter 195, section 37. The building code shall be  
 20 adopted in consultation with the state building code  
 21 commissioner as provided in chapter 103A, and may be  
 22 administered and enforced by a county independently of  
 23 authority to administer and enforce a county building  
 24 code as provided in section 331.304."  
 25 2. By renumbering as necessary.

By KOENIGS of Mitchell

H-1409 FILED MARCH 26, 1997

*Ruled not germane 4/8/97 (p. 1071)*

## HOUSE FILE 708

H-1424

- 1 Amend House File 708 as follows:  
 2 1. Page 7, line 6, by inserting after the word  
 3 "operations." the following: "As a condition of this  
 4 allocation, the department shall adopt rules as  
 5 necessary to provide that manure from the site of an  
 6 animal feeding operation does not enter into a  
 7 drainage system. The rules shall prohibit a person  
 8 from constructing or expanding an earthen manure  
 9 storage basin used in conjunction with a confinement  
 10 feeding operation in which swine are confined, if the  
 11 earthen manure storage basin as constructed or  
 12 expanded would have a capacity to store more than two  
 13 million gallons of waste discharge. The rules shall  
 14 provide for inspecting the site of an anaerobic lagoon  
 15 or earthen manure storage basin, examining records of  
 16 known drainage tiles serving the site, and removing,  
 17 rerouting, capping, or plugging tile lines near the  
 18 site. The rules shall apply regardless of the date  
 19 that the anaerobic lagoon or earthen manure storage  
 20 basin was constructed."

By MORELAND of Wapello

H-1424 FILED MARCH 26, 1997

*Lost 4/8/97 (p. 1054)*

HOUSE FILE 708

H-1291

1 Amend House File 708 as follows:  
 2 1. Page 9, by inserting after line 9, the  
 3 following:  
 4 "Sec. \_\_\_\_ . MARINE FUEL TAX RECEIPTS -- CAPITAL  
 5 PROJECTS -- PIER RESTORATION. From any moneys  
 6 appropriated from the marine fuel tax receipts  
 7 deposited in the general fund of the state to the  
 8 department of natural resources for the fiscal year  
 9 beginning July 1, 1997, and ending June 30, 1998, for  
 10 purposes of funding capital projects traditionally  
 11 funded from marine fuel tax receipts for the purposes  
 12 specified in section 452A.79, the department of  
 13 natural resources shall allocate the following amount  
 14 for the purpose designated:  
 15 To the city of Lake View to support local efforts  
 16 to restore stone piers at black hawk lake:  
 17 ..... \$ 100,000  
 18 Moneys allocated under this section shall be  
 19 available upon a match by local sponsors of the  
 20 project of one dollar for each one dollar of state  
 21 moneys."  
 22 2. By renumbering as necessary.

By MEYER of Sac

H-1291 FILED MARCH 24, 1997

*Last 4/8/97 (p. 1056)*

HOUSE FILE 708

H-1305

1 Amend House File 708 as follows:  
 2 1. Page 7, line 6, by inserting after the word  
 3 "operations." the following: "As a condition of this  
 4 allocation the department of natural resources shall,  
 5 by rule adopted pursuant to chapter 17A, establish a  
 6 program to inspect earthen structures used to store  
 7 manure which must be constructed pursuant to a permit  
 8 issued by the department, including anaerobic lagoons  
 9 and earthen manure storage basins, which are part of  
 10 animal feeding operations. The program shall require  
 11 an earthen structure to be inspected by the department  
 12 at least once each twelve months."

By KOENIGS of Mitchell

H-1305 FILED MARCH 24, 1997

*Ruled not germane 4/8/97 (p. 1052)*

## HOUSE FILE 708

H-1407

1 Amend House File 708 as follows:

2 1. Page 17, by inserting after line 18 the  
3 following:

4 "Sec. \_\_\_\_ . APPROPRIATIONS CONDITIONAL UPON COUNTY  
5 REVIEW OF ANIMAL FEEDING OPERATION STRUCTURES.

6 1. As a condition of the appropriation made to the  
7 department of natural resources pursuant to section 11  
8 of this Act, the department shall not issue a permit  
9 for the construction of an animal feeding operation  
10 which is part of a confinement feeding operation,  
11 unless the application for a permit is recommended for  
12 approval as provided in this section.

13 2. The application must be approved by the county  
14 engineer or a professional engineer designated by the  
15 county, in the county in which the animal feeding  
16 operation is to be located.

17 3. The department shall provide procedures for  
18 counties to recommend approval of an application to  
19 the department. The department shall provide that a  
20 county may waive any right to receive an application  
21 for further comment prior to approval by the  
22 department.

23 4. An application must include preliminary  
24 drawings and specifications as required by the county  
25 engineer or professional engineer.

26 5. An application must be certified by the  
27 engineer. The engineer shall conduct a technical  
28 review of an application to ensure that the  
29 construction does not violate state law, including  
30 rules adopted by the department, and addresses  
31 criteria required by the engineer, including the  
32 environmental sensitivity of the site, the area's soil  
33 condition, the proximity of the structure to surface  
34 water, the level of the area's water table, the  
35 potential for flooding, and drainage.

36 6. If the department approves an application, the  
37 permit must be conditioned upon inspection of the  
38 construction by the engineer during each phase of  
39 construction. Any changes in the construction must be  
40 approved by the engineer, and noted on final as-built  
41 drawings and specifications which must be filed with  
42 the county. A copy of the approved final as-built  
43 drawings and specifications shall be forwarded to the  
44 department for filing. The department shall annually  
45 reimburse each county for an amount expended by the  
46 county in recommending the approval of a construction  
47 permit prior to departmental approval.

48 7. An applicant shall reimburse the county for the  
49 amount expended by the county in inspecting each phase  
50 of construction, and approving final as-built drawings

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- 1 and specifications for the construction."
- 2 2. By renumbering as necessary.

By KOENIGS of Mitchell

H-1407 FILED MARCH 26, 1997

*Ruled not germane 4/8/97 (p.1069)*

HOUSE FILE 708

H-1408

1 Amend House File 708 as follows:

2 1. By striking page 10, line 18, through page 11,  
3 line 28.

4 2. Page 13, by inserting after line 13 the  
5 following:

6 "\_\_\_\_. To the department of natural resources for  
7 testing of animal feeding operations and their  
8 structures, in accordance with this subsection:

9 ..... \$ 200,000

10 The department of natural resources shall utilize  
 11 the moneys appropriated in this subsection to perform  
 12 testing of animal feeding operations and their  
 13 structures, including confinement feeding operations  
 14 and confinement feeding operation structures all as  
 15 defined in section 455B.161, and manure management and  
 16 disposal systems used by such operations. The  
 17 operations and their structures or systems must have  
 18 been constructed or installed on or before July 1,  
 19 1992. The testing shall be for the purpose of  
 20 determining the extent to which animal feeding  
 21 operations and their structures and manure management  
 22 and disposal systems contribute to point and nonpoint  
 23 contamination of the state's groundwater and surface  
 24 water. The testing shall be based on factors  
 25 established cooperatively by the department and Iowa  
 26 state university. The factors shall be evaluated in  
 27 accordance with standards, criteria, and protocols  
 28 established cooperatively by the department and Iowa  
 29 state university. A person owning or operating an  
 30 animal feeding operation may cooperate with the  
 31 department in carrying out this subsection. The  
 32 identity of the animal feeding operations shall be  
 33 confidential and information regarding the identity of  
 34 the animal feeding operation shall not be subject to  
 35 disclosure under chapter 22. The findings of the  
 36 testing shall not be used in a case or proceeding  
 37 brought against a person based upon a violation of  
 38 state law. The department shall report its findings  
 39 and recommendations to the general assembly not later  
 40 than January 15, 1999. Notwithstanding section 8.33,  
 41 moneys appropriated pursuant to this subsection shall  
 42 not revert until January 15, 1999."

43 3. By renumbering as necessary.

By KOENIGS of Mitchell

H-1408 FILED MARCH 26, 1997

*Lost 4/8/97 (p.1060)*

## HOUSE FILE 708

H-1410

1 Amend House File 708 as follows:

2 1. Page 18, by inserting after line 23 the  
3 following:

4 "Section \_\_\_\_\_. Section 335.2, Code 1997, is amended  
5 to read as follows:

6 335.2 FARMS EXEMPT.

7 1. ~~Except to the extent required to implement~~  
8 ~~section 335.27, no~~ as provided in subsection 2, an  
9 ordinance adopted under this chapter ~~applies~~ shall not  
10 apply to land, farm including houses, farm barns, farm  
11 outbuildings, or other buildings or structures located  
12 on land which are is primarily adapted, by reason of  
13 nature and area, for use for agricultural purposes,  
14 while so used. ~~However, the ordinances may apply to~~  
15 any

16 2. Subsection 1 shall not apply to any of the  
17 following:

18 a. The construction or expansion of an anaerobic  
19 lagoon or earthen manure storage basin used in  
20 connection with an animal feeding operation regulated  
21 by the department of natural resources as provided in  
22 chapter 455B.

23 b. An ordinance required to implement an  
24 agricultural preservation ordinance, as provided in  
25 section 335.27.

26 c. A structure, building, dam, obstruction,  
27 deposit or excavation in or on the flood plains of any  
28 river or stream."

29 2. Page 19, by inserting after line 11 the  
30 following:

31 "Sec. \_\_\_\_\_. Section 455B.112, Code 1997, is amended  
32 to read as follows:

33 455B.112 ACTIONS BY ATTORNEY GENERAL.

34 In addition to the duty to commence legal  
35 proceedings at the request of the director or  
36 commission under this chapter, the attorney general  
37 may institute civil or criminal proceedings, including  
38 an action for injunction, to enforce the provisions of  
39 this chapter including orders or permits issued or  
40 rules adopted under this chapter or to enforce the  
41 requirements of an ordinance adopted in a county  
42 pursuant to section 455B.167 or 455B.205.

43 Sec. \_\_\_\_\_. NEW SECTION. 455B.167 AUTHORITY OF  
44 COUNTIES.

45 1. A county may adopt an ordinance providing  
46 requirements for the construction or expansion of an  
47 anaerobic lagoon or earthen manure storage basin which  
48 are more stringent than required in this part or rules  
49 adopted by the department pursuant to this part,  
50 including but not limited to providing separation

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1 distance requirements greater than provided pursuant  
2 to section 455B.161, requiring a separation distance  
3 between an anaerobic lagoon or earthen manure storage  
4 basin and the limits of a city, providing for more  
5 stringent requirements for the expansion of an  
6 anaerobic lagoon or earthen manure storage basin than  
7 provided in section 455B.162, and not applying an  
8 exemption provided pursuant to section 455B.165.

9 2. A person who violates a requirement adopted by  
10 a county pursuant to this section shall be subject to  
11 a civil penalty not to exceed five thousand dollars  
12 for each day of such violation, unless the violation  
13 is also a violation of state law. The violator shall  
14 be subject to prosecution by the county attorney in  
15 the county where the violation occurs. The person in  
16 violation may be restrained by an injunction in an  
17 action brought by the county attorney. The county  
18 board of supervisors may refer the case for  
19 prosecution to the attorney general who may initiate  
20 and carry out the prosecution in cooperation with the  
21 county attorney.

22 Sec. \_\_\_\_ . Section 455B.171, Code 1997, is amended  
23 by adding the following new subsections:

24 NEW SUBSECTION. 1A. "Anaerobic lagoon" means the  
25 same as defined in section 455B.161.

26 NEW SUBSECTION. 2A. "Animal feeding operation  
27 structure" means the same as defined in section  
28 455B.161.

29 NEW SUBSECTION. 7A. "Earthen manure storage  
30 basin" means the same as defined in section 455B.161.

31 NEW SUBSECTION. 29A. "Spray irrigation equipment"  
32 means mechanical equipment commonly used for the  
33 artificial application of water to growing crops if  
34 the equipment is connected by hoses or pipes to an  
35 animal feeding operation structure containing manure  
36 and the equipment is used for the aerial application  
37 of manure to growing crops.

38 Sec. \_\_\_\_ . NEW SECTION. 455B.205 AUTHORITY OF  
39 COUNTIES.

40 1. A county may adopt an ordinance providing  
41 requirements for the storage of manure in an anaerobic  
42 lagoon or earthen manure storage basin and for the  
43 disposal of manure by using spray irrigation equipment  
44 which are more stringent than required pursuant to  
45 section 455B.201 or 455B.204, or rules adopted by the  
46 department.

47 2. A person who violates a requirement adopted by  
48 a county pursuant to this section shall be subject to  
49 a civil penalty not to exceed ten thousand dollars for  
50 each day of such violation, unless the violation is

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1 also a violation of state law. The violator shall be  
 2 subject to prosecution by the county attorney in the  
 3 county where the violation occurs. The person in  
 4 violation may be restrained by an injunction in an  
 5 action brought by the county attorney. The county  
 6 board of supervisors may refer the case for  
 7 prosecution to the attorney general who may initiate  
 8 and carry out the prosecution in cooperation with the  
 9 county attorney."

By KREIMAN of Davis

H-1410 FILED MARCH 26, 1997  
*w/d 4/8/97 (p.1070)*

## HOUSE FILE 708

H-1420

1 Amend House File 708 as follows:

2 1. Page 18, by inserting after line 23 the  
 3 following:

4 "Sec. \_\_\_\_ . Section 335.2, Code 1997, is amended to  
 5 read as follows:

6 335.2 FARMS AGRICULTURAL PURPOSES EXEMPT.

7 1. As used in this section, "confinement swine  
 8 feeding operation" means a confinement feeding  
 9 operation as defined in section 455B.161 in which  
 10 swine are confined and fed.

11 2. ~~Except to the extent required to implement~~  
 12 ~~section 335.27, no~~ as provided in this section, an  
 13 ordinance adopted under this chapter ~~applies~~ shall not  
 14 apply to an agricultural operation, including land,  
 15 farm houses, farm barns, farm outbuildings, or other  
 16 buildings or structures, which are primarily adapted,  
 17 by reason of nature and area, for use for an  
 18 agricultural purposes purpose, while so used.

19 However, ~~the ordinances~~ an ordinance adopted under  
 20 this chapter may apply to any of the following:

21 a. The implementation of an agricultural land  
 22 preservation ordinance, as provided in section 335.27.

23 b. A structure, building, dam, obstruction,  
 24 deposit, or excavation in or on the flood plains of  
 25 any a river or stream.

26 c. A confinement swine feeding operation.  
 27 However, an ordinance adopted under this chapter shall  
 28 not apply to a confinement swine feeding operation, if  
 29 any of the following are applicable:

30 (1) There are less than three thousand five  
 31 hundred head of swine subject to care and feeding by  
 32 the confinement swine feeding operation.

33 (2) The owner of the parcel of agricultural land  
 34 where the confinement swine feeding operation is  
 35 located is qualified to file for a homestead tax  
 36 credit as provided pursuant to section 425.2 on that  
 37 parcel."

By FREVERT of Palo Alto  
 BURNETT of Story  
 FALLON of Polk

H-1420 FILED MARCH 26, 1997

*Ruled not germane 4/8/97 (p.1071)*

## HOUSE FILE 708

H-1421

1 Amend House File 708 as follows:  
2 1. Page 19, by inserting after line 11 the  
3 following:  
4 "Sec. \_\_\_\_\_. Section 455B.171, Code 1997, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 2A. "Animal feeding operation  
7 structure" means the same as defined in section  
8 455B.161.  
9 Sec. \_\_\_\_\_. Section 455B.204, subsection 1,  
10 unnumbered paragraph 1, Code 1997, is amended to read  
11 as follows:  
12 An animal feeding operation structure shall not be  
13 located-at-least constructed or expanded less than  
14 five hundred feet away from the surface intake of an  
15 agricultural drainage well or known sinkhole, and at  
16 least-two not less than five hundred feet away from a  
17 lake, river, or stream located within the territorial  
18 limits of the state, any marginal river area adjacent  
19 to the state, which can support a floating vessel  
20 capable of carrying one or more persons during a total  
21 of a six-month period in one out of ten years,  
22 excluding periods of flooding. However, no distance  
23 separation is required between a location or object  
24 and a farm pond or privately owned lake, as defined in  
25 section 462A.2."

By FALLON of Polk  
BURNETT of Story

H-1421 FILED MARCH 26, 1997

*Ruled not germane 4/8/97 (p. 1079)*

## HOUSE FILE 708

H-1422

1 Amend House File 708 as follows:

2 1. Page 19, by inserting after line 11 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 657.11, Code 1997, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 9. This section shall not apply  
7 to an industrial swine feeding operation. As used in  
8 this subsection, an "industrial swine feeding  
9 operation" means a confinement feeding operation as  
10 defined in section 455B.161 in which swine are  
11 confined and fed, if any of the following apply:

12 a. The operation controls, owns, or contracts for  
13 the care and feeding of six hundred twenty-five  
14 thousand pounds or more animal weight capacity for  
15 swine. "Animal weight capacity" is calculated in the  
16 same manner as provided in section 455B.161.

17 b. If the operation is not a business entity, the  
18 operation owner of the agricultural land where the  
19 operation is located is not qualified to file for a  
20 homestead tax credit as provided in section 425.2 or a  
21 family farm tax credit as provided in section 425A.4  
22 in the county where the agricultural land is located.

23 c. If the operation is a business entity, any of  
24 the following apply:

25 (1) The following persons who hold an interest in  
26 the business entity are not eligible to file for a  
27 homestead tax credit in the county where the business  
28 entity holds most of its agricultural land:

29 (a) The owner of a corporation who is the majority  
30 shareholder of the corporation.

31 (b) The person holding the greatest membership  
32 interest in a limited liability company.

33 (c) The person contributing the most value to a  
34 limited partnership.

35 (d) The beneficiary having the greatest interest  
36 in a trust.

37 (2) Less than forty percent of the interest in the  
38 business entity is held by persons related to each  
39 other as spouse, parent, grandparent, lineal  
40 ascendants of the grandparents or their spouses, or  
41 lineal descendants of the grandparents or their  
42 spouses, or persons acting in a fiduciary capacity to  
43 persons so related.

44 (3) Less than fifty percent of the production  
45 inputs used to produce and harvest crops or care and  
46 feed for animals on the agricultural land are  
47 purchased within sixty miles from the borders of the  
48 agricultural land where the animal feeding operation  
49 is located. A "production input" means seed, feed,  
50 supplies, and veterinary medical services, but does

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1 not include labor, construction materials, equipment,  
2 or tools.

3 (4) The business entity has benefited from any of  
4 the following:

5 (a) The job training partnership program and other  
6 programs administered under section 15.108.

7 (b) The self-employment loan program created in  
8 section 15.241.

9 (c) The targeted small business financial  
10 assistance program created in section 15.247.

11 (d) The community economic betterment program  
12 created in sections 15.315 through 15.320.

13 (e) An agreement for a supplemental new jobs tax  
14 credit as provided in section 15.331.

15 (f) The industrial new jobs training program as  
16 provided in chapter 260E.

17 (g) The jobs training program as provided in  
18 chapter 260F.

19 (h) An economic development area established  
20 pursuant to chapter 403."

By KOENIGS of Mitchell

H-1422 FILED MARCH 26, 1997

*Ruled not germane 4/8/97 (p. 1080)*

HOUSE FILE 708

H-1423

1 Amend House File 708 as follows:

2 1. Page 7, line 6, by inserting after the word  
3 "operations." the following: "As a condition of this  
4 allocation, the department of natural resources shall  
5 maintain an active program to monitor anaerobic  
6 lagoons and earthen manure storage basins which are  
7 part of animal feeding operations, and especially  
8 structures which have been constructed before July 1,  
9 1985, or which are located within environmentally  
10 sensitive areas, including but not limited to  
11 agricultural drainage well basins or drainage  
12 districts where agricultural drainage wells are  
13 located. The department may install and operate a  
14 hydrological monitoring system if after an on-site  
15 inspection, the department determines that the site  
16 presents an extraordinary potential for surface water  
17 or subsurface water pollution. The department shall  
18 file a report with the general assembly on or before  
19 January 15 describing the department's monitoring  
20 activities, including resulting disciplinary or legal  
21 action initiated by the department or the attorney  
22 general against animal feeding operations in violation  
23 of chapter 455B."

By MORELAND of Wapello

H-1423 FILED MARCH 26, 1997

*Lost*

*4/8/97 (p. 1054)*

## HOUSE FILE 708

H-1425

1 Amend House File 708 as follows:  
2 1. Page 18, by inserting after line 23 the  
3 following:  
4 "Sec. \_\_\_\_ . NEW SECTION. 331.309 CONFINEMENT  
5 FEEDING OPERATIONS -- SITING ORDINANCE.  
6 1. As used in this section:  
7 a. "Animal feeding operation structure" means the  
8 same as defined in section 455B.161.  
9 b. "Animal weight capacity" means the same as  
10 defined in section 455B.161.  
11 c. "Confinement feeding operation" means the same  
12 as defined in section 455B.161.  
13 2. a. Notwithstanding section 335.2, a county may  
14 adopt a confinement feeding operations siting  
15 ordinance, pursuant to section 331.302. The purpose  
16 of the ordinance shall be to allow approval of the  
17 siting of a confinement feeding operation regardless  
18 of whether the county has adopted an ordinance under  
19 chapter 335. The ordinance shall authorize a county  
20 to approve the site of the construction or expansion  
21 of a confinement feeding operation, including  
22 confinement feeding operation buildings and related  
23 animal feeding operation structures in order to  
24 preserve and protect natural resources, including  
25 water sources and fragile environmental locations;  
26 lessen congestion and overcrowding of confinement  
27 feeding operations, especially near cities; and to  
28 protect the health and welfare of the public.  
29 b. The ordinance shall provide for methods and  
30 procedures required for submission of proposals,  
31 review of proposals, and approval of a site. In  
32 administering the ordinance, the county shall  
33 establish a confinement feeding operations siting  
34 commission which shall review each proposal for the  
35 construction or expansion of a confinement feeding  
36 operation, and recommend to the county board of  
37 supervisors that the board approve or disapprove the  
38 proposal. The board shall appoint five members of the  
39 commission. Four members shall not reside in a city,  
40 and one member shall reside in a city. At least three  
41 of the members shall be persons who are or were  
42 actively engaged in animal agriculture. The  
43 commission shall make its recommendation to the board  
44 within forty-five days after the date that the board  
45 received a complete proposal. The board shall approve  
46 or disapprove a proposal within forty-five days after  
47 the date that the board receives the commission's  
48 recommendation.  
49 c. A confinement feeding operations siting  
50 ordinance shall not apply to a proposed confinement

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1 feeding operation or to the proposed expansion of a  
2 confinement feeding operation, if either of the  
3 following apply:

4 (1) Only bovine or avian animals are to be  
5 confined in the confinement feeding operation.

6 (2) The confinement feeding operation is to have  
7 an animal weight capacity of less than three hundred  
8 thousand pounds."

9 2. Page 19, by inserting after line 11 the  
10 following:

11 "Sec. \_\_\_\_ . Section 455B.173, subsection 13, Code  
12 1997, is amended to read as follows:

13 13. a. Adopt, modify, or repeal rules relating to  
14 the construction, including the expansion, of animal  
15 feeding operations, or the operation of animal feeding  
16 operations. The rules shall include, but are not  
17 limited to, minimum manure control requirements,  
18 requirements for obtaining permits, and departmental  
19 evaluations of animal feeding operations. ~~The~~  
20 ~~department-shall-not-require-that-a-person-obtain-a~~  
21 ~~permit-for-the-construction-of-an-animal-feeding~~  
22 ~~operation-structure,-if~~ A person must obtain a  
23 construction permit to construct an animal feeding  
24 operation structure which is part of or connected to a  
25 confinement feeding operation, unless the structure is  
26 part of ~~a-small~~ an animal feeding operation which has  
27 an animal weight capacity of less than three hundred  
28 thousand pounds. However, unless otherwise required  
29 by departmental rule, this paragraph does not require  
30 a person to obtain a construction permit to construct  
31 an animal feeding operation structure which is part of  
32 or connected to and used exclusively by a confinement  
33 feeding operation in which only bovine or avian  
34 animals are confined.

35 b. The department shall collect an indemnity fee  
36 as provided in section 204.3 prior to the issuance of  
37 a construction permit. The department shall deposit  
38 indemnity fees in the manure storage indemnity fund  
39 created in section 204.2.

40 c. The department shall not approve a permit for  
41 the construction of three or more animal feeding  
42 operation structures unless the applicant files a  
43 statement approved by a professional engineer  
44 registered pursuant to chapter 542B certifying that  
45 the construction of the animal feeding operation  
46 structure will not impede the drainage through  
47 established drainage tile lines which cross property  
48 boundary lines unless measures are taken to  
49 reestablish the drainage prior to completion of  
50 construction. ~~The-department-shall-deposit-moneys~~

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~~1 collected-in-indemnity-fees-in-the-manure-storage~~  
~~2 indemnity-fund-created-in-section-204-2.~~  
3 d. The department shall issue a permit for an  
4 animal feeding operation, if an application is  
5 submitted according to procedures required by the  
6 department, and the application meets standards  
7 established by the department, regardless of whether  
8 the animal feeding operation is required to obtain  
9 such a permit. An applicant for a construction permit  
10 shall not begin construction at the location of a site  
11 planned for the construction of an animal feeding  
12 operation structure, until the person has been granted  
13 a permit for the construction of the structure by the  
14 department. The department shall make a determination  
15 regarding the approval or denial of a permit within  
16 sixty days from the date that the department receives  
17 a completed application for a permit. However, the  
18 sixty-day requirement shall not apply to an  
19 application, if the applicant is not required to  
20 obtain a permit in order to construct an animal  
21 feeding operation structure or to operate an animal  
22 feeding operation. The department shall deliver a  
23 copy or require the applicant to deliver a copy of the  
24 application for a construction permit to the county  
25 board of supervisors in the county where the  
26 confinement feeding operation or confinement feeding  
27 operation structure subject to the permit is to be  
28 located. The department shall not approve the  
29 application or issue a construction permit until  
30 thirty days following delivery of the application to  
31 the county board of supervisors. The department shall  
32 consider comments from the county board of  
33 supervisors, regarding compliance by the applicant  
34 with the legal requirements for the construction of  
35 the confinement feeding operation structure as  
36 provided in this chapter, and rules adopted by the  
37 department pursuant to this chapter, if the comments  
38 are delivered to the department within fourteen days  
39 after receipt of the application by the county board  
40 of supervisors. Prior to granting a permit to a  
41 person for the construction of an animal feeding  
42 operation, the department may require the installation  
43 and operation of a hydrological monitoring system for  
44 an exclusively earthen manure storage structure, if,  
45 after an on-site inspection, the department determines  
46 that the site presents an extraordinary potential for  
47 groundwater pollution.

48 e. A person shall not obtain a permit for the  
49 construction of a confinement feeding operation,  
50 unless the person develops a manure management plan as

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1 provided in section 455B.203.  
 2 f. The department shall not issue a permit to a  
 3 person under this subsection if an enforcement action  
 4 by the department, relating to a violation of this  
 5 chapter concerning a confinement feeding operation in  
 6 which the person has an interest, is pending. The  
 7 department shall not issue a permit to a person under  
 8 this subsection for five years after the date of the  
 9 last violation committed by a person or confinement  
 10 feeding operation in which the person holds a  
 11 controlling interest during which the person or  
 12 operation was classified as a habitual violator under  
 13 section 455B.191. The department shall conduct an  
 14 annual review of each confinement feeding operation  
 15 which is a habitual violator and each confinement  
 16 feeding operation in which a habitual violator holds a  
 17 controlling interest. The department shall notify  
 18 persons classified as habitual violators of their  
 19 classification, additional restrictions imposed upon  
 20 the persons pursuant to the classification, and  
 21 special civil penalties that may be imposed upon the  
 22 persons. The notice shall be sent to the persons by  
 23 certified mail."

By FREVERT of Palo Alto  
FALLON of Polk

H-1425 FILED MARCH 26, 1997

*Ruled not germane as amended 4/2/97 (p. 1077)*

HOUSE FILE 708

H-1430

1 Amend House File 708 as follows:  
 2 1. Page 10, by inserting after line 16 the  
 3 following:  
 4 "Sec. \_\_\_\_ . EXCESS LOTTERY REVENUES -- FISCAL YEAR  
 5 1994-1995. Of the lottery revenues received during  
 6 the fiscal year beginning July 1, 1994, which remain  
 7 in the lottery fund, not more than the following  
 8 amount shall be transferred to the Iowa resources  
 9 enhancement and protection fund for the fiscal year  
 10 beginning July 1, 1997, and ending June 30, 1998, to  
 11 be allocated as provided in section 455A.19:  
 12 .....

\$ 1,800,000"

By BELL of Jasper

H-1430 FILED MARCH 26, 1997

*Last 4/8/97 (p. 1059)*

HOUSE FILE 708

H-1439

1 Amend House File 708 as follows:  
 2 1. By striking page 13, line 25, through page 14,  
 3 line 6.  
 4 2. By renumbering as necessary.

By DREES of Carroll

H-1439 FILED MARCH 26, 1997

*w/d 4/8/97 (p. 1065)*

HOUSE FILE 708

H-1543

1 Amend House File 708 as follows:

2 1. Page 12, by inserting after line 4 the  
3 following:

4 "\_\_\_\_. To the department of natural resources for  
5 testing exclusively earthen manure storage structures,  
6 in accordance with this subsection:

7 ..... \$ 100,000

8 a. The department shall utilize the moneys  
9 appropriated in this subsection to perform testing of  
10 exclusively earthen manure storage structures,  
11 including anaerobic lagoons and earthen manure storage  
12 basins, which are part of confinement feeding  
13 operations.

14 b. The testing shall include installation and  
15 operation of hydrological monitoring wells. The  
16 testing process shall be considered as part of an  
17 inspection. The department shall comply with section  
18 455B.103 when entering upon land to perform testing  
19 under this section, unless the owner of the  
20 confinement feeding operation agrees to the  
21 inspection. The owner of a confinement feeding  
22 operation who obstructs or interferes with testing  
23 shall be subject to a civil penalty of not more than  
24 five thousand dollars.

25 c. The department shall report its findings and  
26 recommendations to the general assembly. A  
27 preliminary report shall be submitted on or before  
28 January 1, 1998, and a final report shall be delivered  
29 on or before January 1, 1999.

30 d. Notwithstanding section 8.33, moneys  
31 appropriated pursuant to this subsection shall not  
32 revert until January 15, 1999.

33 e. Chapter 22 shall apply to all information  
34 received by the department other than information  
35 which identifies a person or operation subject to the  
36 testing, unless an administrative or legal action is  
37 brought to enforce a violation of chapter 455B as  
38 provided in that chapter."

39 2. By renumbering as necessary.

By GARMAN of Story

H-1543 FILED APRIL 2, 1997

*Just 4/8/97 (p.1064)*

## HOUSE FILE 708

H-1530

1 Amend House File 708 as follows:

2 1. By striking page 15, line 35, through page 16,  
 3 line 4, and inserting the following: "section 161D.2.  
 4 However, the general assembly supports continued state  
 5 funding of the loess hills development and  
 6 conservation authority as provided in section 161D.1."

By BARRY of Harrison

DIX of Butler

DRAKE of Pottawattamie

MERTZ of Kossuth

HOUSER of Pottawattamie

HAHN of Muscatine

KLEMME of Plymouth

MUNDIE of Webster

GREIG of Emmet

MEYER of Sac

GRIES of Crawford

GREINER of Washington

WEIDMAN of Cass

LARSON of Linn

HANSEN of Pottawattamie

THOMAS of Clayton

EDDIE of Buena Vista

SIEGRIST of Pottawattamie

H-1530 FILED APRIL 2, 1997

*Adopted 4/8/97 (p. 1066)*

## HOUSE FILE 708

H-1540

1 Amend House File 708 as follows:

2 1. Page 16, line 5, by striking the words  
 3 "AUTHORIZATION TO THE CITY OF MOUNT PLEASANT" and  
 4 inserting the following: "DIRECTION TO THE DEPARTMENT  
 5 OF NATURAL RESOURCES".  
 6 2. Page 16, line 6, by striking the words  
 7 "Notwithstanding any provision granting".  
 8 3. Page 16, by striking lines 7 through 13 and  
 9 inserting the following: "The department of natural  
 10 resources shall remove a pylon obstruction which is  
 11 located in the Skunk river near the city of Mount  
 12 Pleasant pursuant to section 461A.5. The department  
 13 may use up to \$100,000 from any moneys appropriated  
 14 from the marine fuel tax receipts deposited in the  
 15 general fund of the state which is appropriated to the  
 16 department of natural resources for the fiscal year  
 17 beginning July 1, 1997, and ending June 30, 1998, for  
 18 purposes of funding capital projects traditionally  
 19 funded from marine fuel tax receipts. The department  
 20 shall complete the removal of the pylon obstruction  
 21 not later than January 1, 1998."

By HEATON of Henry

H-1540 FILED APRIL 2, 1997

*Adopted 4/8/97 (p. 1062)*

HOUSE FILE 708

H-1558

- 1 Amend House File 708 as follows:
- 2 1. Page 12, line 32, by striking the word "and"
- 3 and inserting the following: "or an environmental
- 4 laboratory for drinking water analysis certified by
- 5 the department of natural resources. The samples
- 6 shall be".

By TEIG of Hamilton

H-1558 FILED APRIL 3, 1997  
*Adopted 4/8/97 (p. 1065)*

HOUSE FILE 708

H-1572

- 1 Amend House File 708 as follows:
- 2 1. Page 12, line 4, by striking the figure
- 3 "400,000" and inserting the following: "100,000".
- 4 2. Page 12, by inserting after line 4 the
- 5 following:
- 6 "\_\_\_\_\_. To the department of natural resources for
- 7 the fiscal year beginning July 1, 1997, and ending
- 8 June 30, 1998, to be used for purposes of supporting
- 9 the rural development through forestry program in
- 10 cooperation with the state's rural conservation and
- 11 development areas of the United States department of
- 12 agriculture natural resources conservation service:
- 13 ..... \$ 300,000"
- 14 3. By renumbering as necessary.

By MORELAND of Wapello

H-1572 FILED APRIL 7, 1997  
*Last 4/8/97 (p. 1064)*

HOUSE FILE 708

H-1461

- 1 Amend House File 708 as follows:
- 2 1. Page 14, by inserting after line 6 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. REPAYMENT RECEIPTS -- SALE OF TIMBER ON
- 5 STATE LAND. For the fiscal year beginning July 1,
- 6 1997, and ending June 30, 1998, moneys received by the
- 7 department of natural resources from the sale or
- 8 harvesting of timber on state land shall be considered
- 9 to be repayment receipts as provided in chapter 8.
- 10 The moneys shall be used by the department for
- 11 purposes of supporting an urban forestry program
- 12 administered by the department."
- 13 2. By renumbering as necessary.

By CORMACK of Webster

H-1461 FILED MARCH 27, 1997  
*Not germane 4/8/97 (p. 1066)*

APR 18 97 1997 Page 11  
HOUSE FILE 708

H-1546

1 Amend House File 708 as follows:  
2 1. Page 19, by inserting after line 11 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 455B.171, Code 1997, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 1A. "Agricultural drainage well"  
7 means a vertical opening to an aquifer or permeable  
8 substratum which is constructed by any means  
9 including, but not limited to, drilling, driving,  
10 digging, boring, augering, jetting, washing, or  
11 coring, and which is capable of intercepting or  
12 receiving surface or subsurface drainage water from  
13 land directly or by a drainage system.  
14 Sec. \_\_\_\_ . Section 455B.201, subsection 4, Code  
15 1997, is amended to read as follows:  
16 4. A person shall not use spray irrigation  
17 equipment to apply manure on land from which water  
18 drains into an agricultural drainage well. A person  
19 shall not otherwise apply manure by spray irrigation  
20 equipment, except as provided by rules which shall be  
21 adopted by the department pursuant to chapter 17A."  
By KOENIGS of Mitchell

H-1546 FILED APRIL 2, 1997

*w/d 4/8/97 (p. 1080)*

HOUSE FILE 708

H-1517

1 Amend House File 708 as follows:  
2 1. Page 11, line 2, by striking the word "shall"  
3 and inserting the following: "may".  
A 4 2. Page 11, line 4, by striking the word "shall"  
5 and inserting the following: "may".  
6 3. Page 11, line 5, by inserting after the word  
B 7 "sites" the following: "with the owner's consent  
8 and".  
9 4. Page 11, line 7, by striking the word "shall"  
A 10 and inserting the following: "may".  
By GREIG of Emmet

H-1517 FILED APRIL 1, 1997

*A- w/d 4/8/97 (p. 1060)*

*B- Adopted 4/8/97 (p. 1060)*

HOUSE FILE 708

H-1579

1 Amend House File 708 as follows:  
 2 1. Page 11, by inserting after line 28 the  
 3 following:  
 4 "Sec. \_\_\_\_ . AGRICULTURAL DRAINAGE WELLS. There is  
 5 appropriated from the general fund of the state to the  
 6 division of soil conservation of the department of  
 7 agriculture and land stewardship for the fiscal year  
 8 beginning July 1, 1997, and ending June 30, 1998, the  
 9 following amount, or so much thereof as is necessary,  
 10 to be used for the purposes designated:  
 11 For purposes of supporting the alternative drainage  
 12 system assistance fund created in section 159.29A for  
 13 purposes of supporting the alternative drainage system  
 14 assistance program administered by the soil  
 15 conservation division as provided in section 159.29B,  
 16 if enacted by 1997 Iowa Acts, Senate File 473:  
 17 ..... \$ 1,000,000"  
 By KOENIGS of Mitchell

H-1579 FILED APRIL 7, 1997  
*Lost 4/8/97 (p. 1062)*

HOUSE FILE 708

H-1580

1 Amend House File 708 as follows:  
 2 1. Page 1, line 13, by striking the figure  
 3 "1,780,278" and inserting the following: "1,820,368".  
 4 2. Page 1, line 14, by striking the figure  
 5 "41.45" and inserting the following: "42.45".  
 6 3. Page 16, by striking lines 32 and 33.  
 7 4. By renumbering as necessary.  
 By SCHRADER of Marion

H-1580 FILED APRIL 7, 1997  
*Lost 4/8/97 (p. 1051)*

HOUSE FILE 708

H-1581

1 Amend House File 708 as follows:  
 2 1. Page 7, line 6, by inserting after the word  
 3 "operations." the following: "As a condition of this  
 4 allocation the department of natural resources shall,  
 5 by rule adopted pursuant to chapter 17A, amend 567 IAC  
 6 65.1 to provide when two or more animal feeding  
 7 operations are considered as a single operation  
 8 consistent with chapter 455B. The rules shall be  
 9 amended to provide that two or more animal feeding  
 10 operations under common ownership or management shall  
 11 be deemed to be a single animal feeding operation if  
 12 the operations are separated at their closest points  
 13 by two thousand five hundred feet or less."  
 By WEIGEL of Chickasaw  
 BURNETT of Story

H-1581 FILED APRIL 7, 1997  
*Ruled not germane 4/8/97 (p. 1055)*



HOUSE FILE 708

H-1573

- 1 Amend House File 708 as follows:
- 2 1. By striking page 16, line 34, through page 17,
- 3 line 1.
- 4 2. Page 17, by inserting after line 3 the
- 5 following:
- 6 "Sec. 100. INTERIM ASSISTANT SECRETARY OF
- 7 AGRICULTURE -- RETENTION OF BUDGETED MONEYS. Not more
- 8 than \$86,013 of the moneys appropriated to the
- 9 department of agriculture and land stewardship by 1996
- 10 Iowa Acts, chapter 1214, sections 1 through 4, shall
- 11 not revert pursuant to section 8.33, but shall remain
- 12 available for use by the department in supporting the
- 13 position of interim assistant secretary of
- 14 agriculture, as created in 1996 Iowa Acts, chapter
- 15 1214, section 27, for the fiscal year beginning July
- 16 1, 1997, and ending June 30, 1998."
- 17 3. Page 19, by striking lines 13 through 16.
- 18 4. Page 19, by striking lines 21 and 22.
- 19 5. Page 19, line 24, by striking the word and
- 20 figure "Section 24" and inserting the following:
- 21 "Sections 24 and 100".
- 22 6. Page 19, line 25, by striking the word "takes"
- 23 and inserting the following: "take".
- 24 7. By renumbering as necessary.

By MERTZ of Kossuth

H-1573 FILED APRIL 7, 1997

*w/d 4/8/97 (p. 1067)*

HOUSE FILE 708

H-1574

- 1 Amend House File 708 as follows:
- 2 1. Page 9, by inserting after line 9, the
- 3 following:
- 4 "Sec. \_\_\_\_ . MARINE FUEL TAX RECEIPTS -- CAPITAL
- 5 PROJECTS -- LAKE DREDGING. From any moneys
- 6 appropriated from the marine fuel tax receipts
- 7 deposited in the general fund of the state to the
- 8 department of natural resources for the fiscal year
- 9 beginning July 1, 1997, and ending June 30, 1998, for
- 10 purposes of funding capital projects traditionally
- 11 funded from marine fuel tax receipts for the purposes
- 12 specified in section 452A.79, the department of
- 13 natural resources shall allocate the following amount
- 14 for the purpose designated:
- 15 To local sponsors of a dredging operation at
- 16 crystal lake in Hancock county for purposes of
- 17 performing the dredging operations:
- 18 ..... \$ 200,000
- 19 Moneys allocated under this section shall be
- 20 available upon a match by local sponsors of one dollar
- 21 for each one dollar of state moneys."
- 22 2. By renumbering as necessary.

By MERTZ of Kossuth

H-1574 FILED APRIL 7, 1997

*Last 4/8/97 (p. 1057)*

## HOUSE FILE 708

H-1583

- 1 Amend House File 708 as follows:
- 2 I. Page 10, by striking lines 24 through 28, and  
3 inserting the following: "fiscal period beginning  
4 July 1, 1997, and ending January 1, 1999, as follows:  
5 1. a. To Iowa state university for purposes of  
6 conducting a study of sites where there is located  
7 earthen waste storage structures:"
- A 8 2. Page 10, line 35, by striking the words  
9 "manure stored in".
- 10 3. Page 11, line 3, by striking the words  
11 "lagoons and" and inserting the following:  
12 "lagoons,".
- B 13 4. Page 11, line 4, by inserting after the word  
14 "basins" the following: ", earthen waste slurry  
15 storage basins, and other earthen waste storage  
16 structures, including municipal and industrial waste  
17 storage structures,".
- 18 5. Page 11, line 7, by inserting after the word  
19 "department." the following: "For purposes of  
20 establishing a baseline for the study, test sites  
21 shall include locations where the structures are not  
22 located."
- 23 6. Page 11, lines 10 and 11, by striking the  
24 words "of anaerobic lagoons and earthen manure storage  
25 basins".
- 26 7. Page 11, line 15, by striking the words "an  
27 animal feeding operation" and inserting the following:  
28 "a site".
- 29 8. Page 11, line 16, by striking the word  
A 30 "operation" and inserting the following: "structure".
- 31 9. Page 11, by striking lines 22 through 25 and  
32 inserting the following: "holds a controlling  
33 interest, if the person is classified as a habitual  
34 violator for a violation of state law involving an  
35 animal feeding operation as regulated by the  
36 department of natural resources."

By EDDIE of Buena Vista  
MEYER of Sac

DOLECHECK of Ringgold  
GREINER of Washington

H-1583 FILED APRIL 7, 1997

A- Adopted 4/8/97 (p. 1059)  
B- w/d 4/8/97 (p. 1060)

HOUSE FILE 708

H-1582

1 Amend House File 708 as follows:

2 1. By striking page 16, line 34, through page 17,  
3 line 1.

4 2. Page 17, by inserting after line 3 the  
5 following:

6 "Sec. 100. INTERIM ASSISTANT SECRETARY OF  
7 AGRICULTURE -- RETENTION OF BUDGETED MONEYS. Not more  
8 than \$86,013 of the moneys appropriated to the  
9 department of agriculture and land stewardship by 1996  
10 Iowa Acts, chapter 1214, sections 1 through 4, shall  
11 not revert pursuant to section 8.33, but shall remain  
12 available for use by the department in supporting the  
13 position of interim assistant secretary of  
14 agriculture, as created in 1996 Iowa Acts, chapter  
15 1214, section 27, for the fiscal year beginning July  
16 1, 1997, and ending June 30, 1998. This position  
17 shall be in addition to the full-time equivalent  
18 positions provided to the department's administrative  
19 division as provided in section 1."

20 3. Page 19, by striking lines 13 through 16.

21 4. Page 19, by striking lines 21 and 22.

22 5. Page 19, line 24, by striking the word and  
23 figure "Section 24" and inserting the following:  
24 "Sections 24 and 100".

25 6. Page 19, line 25, by striking the word "takes"  
26 and inserting the following: "take".

27 7. By renumbering as necessary.

By MERTZ of Kossuth

H-1582 FILED APRIL 7, 1997

*Last 4/8/97*

## HOUSE FILE 708

H-1587

1 Amend House File 708 as follows:

2 1. Page 16, by inserting after line 28 the  
3 following:

4 "Sec. \_\_\_\_ . OUTSTANDING BLUFFLANDS PROTECTION  
5 LOANS. The principal and interest from any blufflands  
6 protection loans outstanding on July 1, 2017, and  
7 payable to the blufflands protection revolving fund,  
8 shall be paid to the administrative director of the  
9 division of soil conservation on or after July 1,  
10 2017, pursuant to the terms of the loan agreement and  
11 shall be credited to the general fund of the state."

12 2. Page 18, by inserting after line 23 the  
13 following:

14 "Sec. \_\_\_\_ . Section 99F.11, subsection 4, Code  
15 1997, is amended to read as follows:

16 4. The remaining amount of the adjusted gross  
17 receipts tax shall be credited to the general fund of  
18 the state. However, of the remaining amount of  
19 adjusted gross receipts tax available under this  
20 subsection, and notwithstanding provisions to the  
21 contrary in section 8.57, for the fiscal period  
22 beginning July 1, 1997, and ending June 30, 2017, the  
23 first one million dollars collected each fiscal year  
24 shall be credited to the blufflands protection  
25 revolving fund.

26 Sec. \_\_\_\_ . NEW SECTION. 161A.80 BLUFFLANDS  
27 PROTECTION PROGRAM -- REVOLVING FUND.

28 1. As used in this section, unless the context  
29 otherwise requires:

30 a. "Bluffland" means a cliff, headland, or hill  
31 with a broad steep face along the channel or  
32 floodplain of a river and its tributaries.

33 b. "Conservation organization" means a nonprofit  
34 corporation incorporated in Iowa or an entity  
35 organized and operated primarily to enhance and  
36 protect natural resources in this state.

37 2. A blufflands protection revolving fund is  
38 created in the state treasury. The proceeds of the  
39 revolving fund are appropriated to make loans to  
40 conservation organizations which agree to purchase  
41 conservation easements on blufflands along the  
42 Mississippi river or to purchase blufflands along the  
43 Mississippi river for resale with restrictive  
44 covenants attached to the property. The  
45 administrative director of the division of soil  
46 conservation shall administer the revolving fund.  
47 Notwithstanding section 12C.7, interest or earnings on  
48 investments made pursuant to this section or as  
49 provided in section 12B.10 shall be credited to the  
50 blufflands protection revolving fund. Notwithstanding

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1 section 8.33, unobligated or unencumbered funds  
2 credited to the blufflands protection revolving fund  
3 shall not revert at the close of a fiscal year.  
4 However, the maximum balance in the blufflands  
5 protection fund shall not exceed two million five  
6 hundred thousand dollars. Any funds in excess of two  
7 million five hundred thousand dollars shall be  
8 credited to the general fund of the state.

9 3. The administrative director of the division  
10 shall establish a blufflands protection program to  
11 demonstrate creative land protection techniques and  
12 encourage private landowners to protect the natural  
13 beauty of the blufflands along the Mississippi river.  
14 The commissioners of each soil and water conservation  
15 district which has a boundary which is coterminous  
16 with the Mississippi river shall cooperate with and  
17 assist the director in administering the blufflands  
18 protection program within their respective districts.  
19 The director shall provide, by rule, for a uniform  
20 application form, the content of the form, provisions  
21 for a loan agreement model conservation easement and  
22 restrictive covenant requirements for blufflands, and  
23 minimum qualifications of conservation organizations  
24 which are eligible to participate in the blufflands  
25 protection program. The administrative director shall  
26 specify the eligible purposes for which a loan  
27 authorized under this section can be expended  
28 including, but not limited to, the purchase of  
29 blufflands, the acquisition of conservation easements  
30 on blufflands, the establishment of landowner  
31 associations, payment for loss of land value due to  
32 restrictive covenants, and payment for administrative  
33 and legal costs.

34 4. An applicant for a loan from the blufflands  
35 protection revolving fund shall apply to the soil and  
36 water conservation district of the county in which the  
37 bluffland is located. The application shall be on  
38 forms prepared by the division and shall include the  
39 information required by rule of the division. Each  
40 conservation organization which applies for a loan  
41 under this section shall demonstrate its financial  
42 capability to qualify for a loan to the commissioners  
43 and its commitment to natural resource protection and  
44 appropriate development. If there is a loss of value  
45 of a blufflands protection project funded under this  
46 section resulting from restrictive covenants, the  
47 conservation organization shall be forgiven seventy-  
48 five percent of the amount of the loss not exceeding  
49 the amount of the loan. If a loan is used to purchase  
50 a conservation easement on a blufflands protection

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1 project, the conservation organization shall be  
2 forgiven seventy-five percent of the loan. The  
3 application shall be reviewed and feasibility of the  
4 proposed project shall be investigated by the  
5 commissioners of the district and its report and  
6 recommendation shall be sent to the administrative  
7 director and the committee for approval.

8 5. Except as otherwise provided in this  
9 subsection, each loan made under this section shall be  
10 for a period not to exceed five years, shall bear no  
11 interest for the first year, and shall be repayable to  
12 the blufflands protection revolving fund. After the  
13 first year and for each subsequent year that the  
14 principal remains unpaid, interest shall be charged  
15 against any unpaid balance of the loan. The interest  
16 rate shall be set at the prevailing market rate for  
17 similar real estate in the county as determined by the  
18 director. All interest payments shall be credited to  
19 the blufflands protection revolving fund. Each loan  
20 shall be repaid as provided in the loan agreement.  
21 However, interest on the principal of a loan shall be  
22 due and payable thirty days after the conclusion of  
23 the second year and each subsequent year that the  
24 principal or a part of the principal remains unpaid.  
25 A loan may be extended annually beyond the original  
26 five years with the approval of the district  
27 commissioners and the administrative director.

28 6. The administrative director may:  
29 a. Contract, sue and be sued, and adopt  
30 administrative rules pursuant to chapter 17A and  
31 approved by the committee, necessary to carry out this  
32 section, but the administrative director, the  
33 committee, or the district commissioners shall not  
34 directly or indirectly pledge the credit of the state  
35 of Iowa.

36 b. Authorize payment from the blufflands  
37 protection revolving fund from moneys received under  
38 section 99F.11, subsection 4, and from any income  
39 received by investments of any money in the fund for  
40 costs, commissions, attorney fees, and other  
41 reasonable expenses related to and necessary for the  
42 making and protecting of direct loans under this  
43 section, and for recovery of moneys loaned or the  
44 management of property acquired in connection with the  
45 loans.

46 7. This section is repealed on July 1, 2017.

By WITT of Black Hawk

H-1587 FILED APRIL 8, 1997 - *Not germane*  
MOTION TO SUSPEND RULES - LOST

## HOUSE FILE 708

## H-1609

1 Amend the amendment, H-1583, to House File 708 as  
2 follows:

3 1. Page 1, by inserting after line 17 the  
4 following:

5 "\_\_\_\_\_. Page 11, lines 4 and 5, by striking the  
6 words "install hydrological monitoring wells" and  
7 inserting the following: "perform tests"."

8 2. Page 1, line 22, by inserting after the word  
9 "located." the following: "To every extent feasible,  
10 the tests shall be conducted to ensure the most  
11 efficient use of moneys appropriated under this  
12 section to obtain accurate samples, which may include  
13 the use of hydraulically powered, percussion and  
14 probing equipment designed specifically for use in the  
15 environmental industry to drive borings in order to  
16 obtain groundwater samples."

By MEYER of Sac

H-1609 FILED APRIL 8, 1997  
ADOPTED (p.1059)

## HOUSE FILE 708

## H-1610

1 Amend the amendment, H-1461, to House File 708, as  
2 follows:

3 1. Page 1, line 5, by inserting before the word  
4 "STATE" the following: "CERTAIN".

5 2. Page 1, line 8, by striking the words "on  
6 state land" and inserting the following: "in state  
7 parks, state preserves, state recreation areas, and  
8 state forest lands".

By CORMACK of Webster

H-1610 FILED APRIL 8, 1997  
ADOPTED (p.1066)

## HOUSE FILE 708

H-1592

1 Amend the amendment, H-1425, to House File 708 as  
2 follows:

3 1. Page 1, line 4, by striking the word  
4 "CONFINEMENT" and inserting the following:  
5 "INDUSTRIAL SWINE".

6 2. Page 1, by striking lines 6 through 12 and  
7 inserting the following:

8 "1. As used in this section, an "industrial swine  
9 feeding operation" means a confinement feeding  
10 operation as defined in section 455B.161 in which  
11 swine are confined and fed, if any of the following  
12 apply:

13 a. The operation controls, owns, or contracts for  
14 the care and feeding of six hundred twenty-five  
15 thousand pounds or more animal weight capacity for  
16 swine. "Animal weight capacity" is calculated in the  
17 same manner as provided in section 455B.161.

18 b. If the operation is not a business entity, the  
19 operation owner of the agricultural land where the  
20 operation is located is not qualified to file for a  
21 homestead tax credit as provided in section 425.2 or a  
22 family farm tax credit as provided in section 425A.4  
23 in the county where the agricultural land is located.

24 c. If the operation is a business entity, any of  
25 the following apply:

26 (1) The following persons who hold an interest in  
27 the business entity are not eligible to file for a  
28 homestead tax credit in the county where the business  
29 entity holds most of its agricultural land:

30 (a) The owner of a corporation who is the majority  
31 shareholder of the corporation.

32 (b) The person holding the greatest membership  
33 interest in a limited liability company.

34 (c) The person contributing the most value to a  
35 limited partnership.

36 (d) The beneficiary having the greatest interest  
37 in a trust.

38 (2) Less than forty percent of the interest in the  
39 business entity is held by persons related to each  
40 other as spouse, parent, grandparent, lineal  
41 ascendants of the grandparents or their spouses, or  
42 lineal descendants of the grandparents or their  
43 spouses, or persons acting in a fiduciary capacity to  
44 persons so related.

45 (3) Less than fifty percent of the production  
46 inputs used to produce and harvest crops or care and  
47 feed for animals on the agricultural land are  
48 purchased within sixty miles from the borders of the  
49 agricultural land where the animal feeding operation  
50 is located. A "production input" means seed, feed,

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1 supplies, and veterinary medical services, but does  
2 not include labor, construction materials, equipment,  
3 or tools.

4 (4) The business entity has benefited from any of  
5 the following:

6 (a) The job training partnership program and other  
7 programs administered under section 15.108.

8 (b) The self-employment loan program created in  
9 section 15.241.

10 (c) The targeted small business financial  
11 assistance program created in section 15.247.

12 (d) The community economic betterment program  
13 created in sections 15.315 through 15.320.

14 (e) An agreement for a supplemental new jobs tax  
15 credit as provided in section 15.331.

16 (f) The industrial new jobs training program as  
17 provided in chapter 260E.

18 (g) The jobs training program as provided in  
19 chapter 260F.

20 (h) An economic development area established  
21 pursuant to chapter 403."

22 3. Page 1, line 14, by striking the words "a  
23 confinement" and inserting the following: "an  
24 industrial swine".

25 4. Page 1, line 17, by striking the words "a  
26 confinement" and inserting the following: "an  
27 industrial swine".

28 5. Page 1, line 21, by striking the words "a  
29 confinement" and inserting the following: "an  
30 industrial swine".

31 6. Page 1, line 22, by inserting before the word  
32 "confinement" the following: "swine".

33 7. Page 1, line 33, by striking the words "a  
34 confinement" and inserting the following: "an  
35 industrial swine".

36 8. By striking page 1, line 49, through page 4,  
37 line 23.

38 9. By renumbering as necessary.

By FREVERT of Palo Alto

H-1592 FILED APRIL 8, 1997

ADOPTED (p.1077)

## HOUSE FILE 708

H-1590

1 Amend the amendment H-1580, to House File 708, as  
2 follows:

3 1. Page 1, by striking lines 2 and 3.

4 2. Page 1, by inserting after line 6, the  
5 following:

6 "\_\_\_\_\_. Page 17, by inserting after line 3 the  
7 following:

8 "Sec. 101. INFORMATION SPECIALIST -- RETENTION OF  
9 BUDGETED MONEYS. Not more than \$40,090 of the moneys  
10 appropriated to the department of agriculture and land  
11 stewardship by 1996 Iowa Acts, chapter 1214, sections  
12 1 through 4, shall not revert pursuant to section  
13 8.33, but shall remain available for use by the  
14 department in supporting the position of an  
15 information specialist II position in the information  
16 bureau of the administrative division, for the fiscal  
17 year beginning July 1, 1997, and ending June 30,  
18 1998."

19 \_\_\_\_\_ . Page 19, line 25, by inserting after the  
20 word "enactment." the following: "Section 101 of this  
21 Act, being deemed of immediate importance, takes  
22 effect upon enactment."

23 3. By renumbering as necessary.

By SCHRADER of Marion

H-1590 FILED APRIL 8, 1997

ADOPTED (p. 1051)

HOUSE FILE 708  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 192)

(As Amended and Passed by the House, April 8, 1997)

Passed House, Date 4/16/97 (p. 1275) Passed Senate, Date 4/14/97 (p. 1148)  
Vote: Ayes 57 Nays 40 Vote: Ayes 49 Nays 1

Approved May 27, 1997

*Item veto*

A BILL FOR

1 An Act relating to agriculture and natural resources by providing  
2 for appropriations, related statutory changes, and providing  
3 an effective date.

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

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House Amendments \_\_\_\_\_

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Deleted Language \*

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1 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
 2 Section 1. GENERAL APPROPRIATION. There is appropriated  
 3 from the general fund of the state to the department of  
 4 agriculture and land stewardship for the fiscal year beginning  
 5 July 1, 1997, and ending June 30, 1998, the following amounts,  
 6 or so much thereof as is necessary, to be used for the  
 7 purposes designated:

8 1. ADMINISTRATIVE DIVISION

9 a. For salaries, support, maintenance, the support of the  
 10 state 4-H foundation, support of the statistics bureau, and  
 11 miscellaneous purposes, and for the salaries and support of  
 12 not more than the following full-time equivalent positions:  
 13 ..... \$ 1,780,278  
 14 ..... FTEs 41.45

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

18 (2) Of the amount appropriated in this paragraph "a",  
 19 \$55,500 shall be allocated to the state 4-H foundation to  
 20 foster the development of Iowa's youth and to encourage them  
 21 to study the subject of agriculture.

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

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

35 (5) Of the amount appropriated and the number of full-time

1 equivalent positions authorized in this paragraph "a", at  
2 least \$38,000 shall be used to contract for part-time  
3 livestock market news specialist positions.

4 b. For the operations of the dairy trade practices bureau:  
5 ..... \$ 66,969

6 c. For the purpose of performing commercial feed audits:  
7 ..... \$ 64,945

8 d. For the purpose of performing fertilizer audits:  
9 ..... \$ 64,945

10 2. REGULATORY DIVISION

11 a. For salaries, support, maintenance, miscellaneous  
12 purposes, and for not more than the following full-time  
13 equivalent positions:  
14 ..... \$ 3,938,176  
15 ..... FTEs 123.50

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

19 b. For the costs of inspection, sampling, analysis, and  
20 other expenses necessary for the administration of chapters  
21 192, 194, and 195:  
22 ..... \$ 656,801

23 3. LABORATORY DIVISION

24 a. For salaries, support, maintenance, and miscellaneous  
25 purposes, including the administration of the gypsy moth  
26 program, and for not more than the following full-time  
27 equivalent positions:  
28 ..... \$ 824,833  
29 ..... FTEs 84.10

30 (1) Of the amount appropriated in this paragraph "a",  
31 \$110,000 shall be used to administer a program relating to the  
32 detection, surveillance, and eradication of the gypsy moth.  
33 The department shall allocate and use the appropriation made  
34 in this paragraph before moneys other than those appropriated  
35 in this paragraph are used to support the program.

1 (2) Of the number of full-time equivalent positions  
2 authorized in this paragraph "a" and funded in paragraph "c",  
3 1.00 FTE shall be used to support an organics program  
4 coordinator who shall assure compliance of organic foods sold  
5 commercially within the state with federal and state  
6 regulations relating to organic foods.

7 b. For the operations of the commercial feed programs:  
8 ..... \$ 760,236

9 c. For the operations of the pesticide programs:  
10 ..... \$ 1,307,865

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

14 d. For the operations of the fertilizer programs:  
15 ..... \$ 647,203

16 4. SOIL CONSERVATION DIVISION

17 a. For salaries, support, maintenance, assistance to soil  
18 conservation districts, miscellaneous purposes, and for not  
19 more than the following full-time equivalent positions:  
20 ..... \$ 6,058,717  
21 ..... FTEs 171.28

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

29 b. To provide financial incentives for soil conservation  
30 practices under chapter 161A:  
31 ..... \$ 6,461,850

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

34 (1) Not more than 5 percent of the moneys appropriated in  
35 paragraph "b" may be allocated for cost sharing to abate

1 complaints filed under section 161A.47.

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

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

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

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

19 d. The provisions of section 8.33 shall not apply to the  
20 moneys appropriated in paragraph "b". Unencumbered or  
21 unobligated moneys remaining on June 30, 2001, from moneys  
22 appropriated in paragraph "b" for the fiscal year beginning  
23 July 1, 1997, shall revert to the general fund on August 31,  
24 2001.

25 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is  
26 appropriated from the general fund of the state to the  
27 department of agriculture and land stewardship for the fiscal  
28 year beginning July 1, 1997, and ending June 30, 1998, the  
29 following amount, or so much thereof as is necessary, to be  
30 used for the purposes designated:

31 For salaries, support, maintenance, and miscellaneous  
32 purposes, to be used by the department to continue and expand  
33 the farmers' market coupon program by providing federal  
34 special supplemental food program recipients with coupons  
35 redeemable at farmers' markets, and for not more than the

1 following full-time equivalent positions:

2 .....	\$	216,113
3 .....	FTEs	1.00

4 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

5 1. There is appropriated from the general fund of the  
6 state to the department of agriculture and land stewardship  
7 for the fiscal year beginning July 1, 1997, and ending June  
8 30, 1998, the following amount, or so much thereof as is  
9 necessary, to be used for the purpose designated:

10 For support of the pseudorabies eradication program:

11 .....	\$	900,400
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12 2. Persons, including organizations interested in swine  
13 production in this state and in the promotion of Iowa pork  
14 products who contribute support to the program, are encouraged  
15 to increase financial support for purposes of ensuring the  
16 program's effective continuation.

17 Sec. 4. HORSE AND DOG RACING. There is appropriated from  
18 the moneys available under section 99D.13 to the regulatory  
19 division of the department of agriculture and land stewardship  
20 for the fiscal year beginning July 1, 1997, and ending June  
21 30, 1998, the following amount, or so much thereof as is  
22 necessary, to be used for the purpose designated:

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

25 .....	\$	202,146
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26 DEPARTMENT OF NATURAL RESOURCES

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

33 1. ADMINISTRATIVE AND SUPPORT SERVICES

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



1 positions:

2 ..... \$ 2,105,343

3 ..... FTEs 118.25

4 Of the amount appropriated and the number of full-time  
5 equivalent positions authorized in this subsection 1, at least  
6 \$150,000 and 3.00 FTEs shall be used by administrative and  
7 support services to support a compliance and permit assistance  
8 team to facilitate cooperation between the department and  
9 persons regulated by the department in order to ensure  
10 efficient compliance with applicable legal requirements.

11 2. PARKS AND PRESERVES DIVISION

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

15 ..... \$ 5,728,615

16 ..... FTEs 195.73

17 Of the amount appropriated in this subsection 2, at least  
18 \$50,000 shall be allocated for the replacement of maintenance  
19 equipment used by the division.

20 3. FORESTS AND FORESTRY DIVISION

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

24 ..... \$ 1,539,416

25 ..... FTEs 48.71

26 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

30 ..... \$ 1,723,286

31 ..... FTEs 52.00

32 5. a. ENVIRONMENTAL PROTECTION DIVISION

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

1 ..... \$ 2,798,698

2 ..... FTEs 228.50

3 (2) Of the amount appropriated and the number of full-time  
4 equivalent positions authorized in subparagraph (1), at least  
5 \$424,600 and 9.00 FTEs shall be used to support the regulation  
6 of animal feeding operations.

7 (3) Of the amount appropriated and the number of full-time  
8 equivalent positions authorized in subparagraph (1), at least  
9 \$700,467 and 10.00 FTEs shall be used to support the  
10 regulation of wastewater treatment systems, including issuing  
11 permits and conducting inspections.

12 b. WATER QUALITY PROTECTION FUND

13 For allocation to the administration account of the water  
14 quality protection fund established pursuant to section  
15 455B.183A, to carry out the purpose of that account:

16 ..... \$ 729,000

17 (1) Of the number of full-time equivalent positions  
18 authorized in paragraph "a", 32.50 FTEs shall be dedicated to  
19 carrying out the provisions of chapter 455B relating to the  
20 administration, regulation, and enforcement of the federal  
21 Safe Drinking Water Act and to support the program to assist  
22 water supply systems as provided in section 455B.183B.

23 However, the limitation on full-time equivalent positions  
24 provided in paragraph "a", shall not limit the number of  
25 additional full-time equivalent positions supported by moneys  
26 deposited in the water quality protection fund as provided in  
27 section 455B.183A, in order to carry out the provisions of  
28 division III of chapter 455B relating to the administration,  
29 regulation, and enforcement of the federal Safe Drinking Water  
30 Act, and the administration of the program to assist water  
31 supply systems pursuant to section 455B.183B.

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

1 serving a population of seven thousand or less.

2 6. FISH AND WILDLIFE DIVISION

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

5 ..... FTEs 342.18

6 7. WASTE MANAGEMENT ASSISTANCE DIVISION

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

9 ..... FTEs 17.75

10 Sec. 6. STATE FISH AND GAME PROTECTION FUND --

11 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

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

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

20 ..... \$ 21,951,394

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

25 2. The department shall not expend more moneys from the  
26 fish and game protection fund than provided in this section,  
27 unless the expenditure derives from contributions made by a  
28 private entity, or a grant or moneys received from the federal  
29 government, and is approved by the natural resource  
30 commission. The department of natural resources shall  
31 promptly notify the legislative fiscal bureau and the  
32 chairpersons and ranking members of the joint appropriations  
33 subcommittee on agriculture and natural resources concerning  
34 the commission's approval.

35 Sec. 7. MARINE FUEL TAX RECEIPTS -- BOATING FACILITIES AND

1 ACCESS. There is appropriated from the marine fuel tax  
2 receipts deposited in the general fund of the state to the  
3 department of natural resources for the fiscal year beginning  
4 July 1, 1997, and ending June 30, 1998, the following amount,  
5 or so much thereof as is necessary, to be used for the purpose  
6 designated:

7 For maintaining and developing boating facilities and  
8 access to public waters by the parks and preserves division:  
9 ..... \$ 411,311

10 Sec. 8. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT

11 PURPOSES. There is transferred on July 1, 1997, from the fees  
12 deposited under section 321G.7 to the fish and game protection  
13 fund and appropriated to the department of natural resources  
14 for the fiscal year beginning July 1, 1997, and ending June  
15 30, 1998, the following amount, or so much thereof as is  
16 necessary, to be used for the purpose designated:

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

20 ..... \$ 100,000

21 Sec. 9. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.

22 There is transferred on July 1, 1997, from the fees deposited  
23 under section 462A.52 to the fish and game protection fund and  
24 appropriated to the natural resource commission for the fiscal  
25 year beginning July 1, 1997, and ending June 30, 1998, the  
26 following amount, or so much thereof as is necessary, to be  
27 used for the purpose designated:

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

30 ..... \$ 1,300,000

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

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

7 RESOURCES ENHANCEMENT AND PROTECTION

8 Sec. 10. GENERAL APPROPRIATION. Notwithstanding the  
 9 amount of the standing appropriation from the general fund of  
 10 the state under section 455A.18, subsection 3, there is  
 11 appropriated from the general fund of the state to the Iowa  
 12 resources enhancement and protection fund, in lieu of the  
 13 appropriation made in section 455A.18, for the fiscal year  
 14 beginning July 1, 1997, and ending June 30, 1998, the sum of  
 15 \$9,000,000, of which all moneys shall be allocated as provided  
 16 in section 455A.19.

17 RELATED APPROPRIATIONS

18 Sec. 11. ANIMAL FEEDING OPERATIONS. Notwithstanding  
 19 section 455E.11, subsection 2, paragraph "b", prior to any  
 20 appropriation from the agriculture management account of the  
 21 groundwater protection fund, as provided in section 455E.11,  
 22 subsection 2, paragraph "b", the following amounts are  
 23 appropriated for use as provided in this section during the  
 24 fiscal period beginning July 1, 1997, and ending January 1,  
 25 1999, as follows:

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

29 ..... \$ 150,000

30 b. To the department of natural resources for purposes of  
 31 conducting, in cooperation with Iowa state university, the  
 32 study described in paragraph "a":

33 ..... \$ 100,000

34 2. The moneys appropriated in this section shall be used  
 35 \* to determine the extent to which the structures contribute to

1 point and nonpoint pollution in this state. The department of  
2 natural resources shall select test sites where anaerobic  
3 lagoons, earthen manure storage basins are located, and shall  
4 perform tests at the sites with the owner's consent and  
5 according to established procedures, including applicable  
6 inspection procedures, required of the department. For  
7 purposes of establishing a baseline for the study, test sites  
8 shall include locations where the structures are not located.  
9 To every extent feasible, the tests shall be conducted to  
10 ensure the most efficient use of moneys appropriated under  
11 this section to obtain accurate samples, which may include the  
12 use of hydraulically powered, percussion and probing equipment  
13 designed specifically for use in the environmental industry to  
14 drive borings in order to obtain groundwater samples. Iowa  
15 state university shall collect samples and evaluate the  
16 results of the tests. Iowa state university shall submit a  
17 report, including standards, criteria, and protocols used to  
\* 18 conduct the testing, to the general assembly regarding the  
19 findings of the study not later than January 1, 1999.

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

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

35 Sec. 12. TRANSFER FROM ORGANIC NUTRIENT MANAGEMENT FUND.

1 There is transferred from the organic nutrient management  
2 fund, as created in section 161C.5, for the fiscal year  
3 beginning July 1, 1997, and ending June 30, 1998, the  
4 following amounts, or so much thereof as is necessary, to be  
5 used for the purposes designated:

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

10 ..... \$ 400,000

11 2. To the state board of regents for Iowa state university  
12 for the fiscal year beginning July 1, 1997, and ending June  
13 30, 1998, to be used for the purpose designated:

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

19 ..... \$ 50,000

20 Moneys appropriated in subsection shall support testing  
21 programs administered by counties which may submit an  
22 application to the extension service to participate in the  
23 state assistance program, as provided by the extension  
24 service. The county shall perform testing within a test area.  
25 As used in this section, "test area" means an area within a  
26 two-mile radius of any structure used to store manure which is  
27 part of a confinement feeding operation. Iowa state  
28 university of science and technology shall adopt necessary  
29 standards, protocols, and criteria for the establishment of  
30 baselines for testing by counties. The program shall be  
31 administered within each participating county by the county  
32 agricultural extension district serving that county in  
33 collaboration with the local board of health. The testing may  
34 be performed with volunteer assistance. However, all testing  
35 shall be performed under the supervision of a county

1 sanitarian. The samples of the testing shall be analyzed by  
 2 the state hygienic laboratory at the state university of Iowa  
 3 or an environmental laboratory for drinking water analysis  
 4 certified by the department of natural resources. The samples  
 5 shall be evaluated in accordance with standards established by  
 6 the department of agricultural biosystems engineering within  
 7 the college of agriculture and the college of engineering at  
 8 Iowa state university. All moneys available under this  
 9 subsection shall only be used for the following purposes:

10 a. Analyzing test samples by the state hygienic  
 11 laboratory.

12 b. Performing tests in counties. However, not more than  
 13 \$50 of the moneys available under this section shall be used  
 14 to pay for administering testing within any test area,  
 15 including labor and equipment costs, regardless of the number  
 16 of tests performed within the test area.

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

21 ..... \$ 99,000

22 Sec. 13. NONREVERSION OF MONEYS ALLOCATED TO IOWA GRAIN  
 23 QUALITY INITIATIVE. Notwithstanding 1995 Iowa Acts, chapter  
 24 216, section 19, subsection 2, moneys allocated pursuant to  
 25 1995 Iowa Acts, chapter 216, section 19, subsection 1,  
 26 paragraph "f", subparagraph (1), which remain unencumbered or  
 27 unobligated on June 30, 1997, shall not revert pursuant to  
 28 section 8.33, but shall remain available to Iowa state  
 29 university for purposes of supporting the Iowa cooperative  
 30 extension service in agriculture and home economics in  
 31 establishing and administering an Iowa grain quality  
 32 initiative in subsequent fiscal years.

33 Sec. 14. TRANSFERS OF MONEYS REQUIRED TO BE DEPOSITED IN  
 34 THE WATER PROTECTION FUND. Notwithstanding section 161C.4 and  
 35 the reversion and allocation provisions in section 455A.19,



1 subsection 1, paragraph "c", of the unencumbered and  
2 unobligated moneys remaining, which are required to be  
3 deposited in the water protection fund created in section  
4 161C.4, as provided in section 455A.19, subsection 1,  
5 paragraph "c", the following amount shall be transferred first  
6 from moneys required to be deposited in the water protection  
7 practices account, and if necessary from moneys required to be  
8 deposited in the water quality protection projects account,  
9 which shall be used for the following purposes:

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

14 ..... \$ 400,000

15 Sec. 15. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE  
16 UNDERGROUND STORAGE TANK FUND BOARD -- TRANSFER. There is  
17 appropriated from the unassigned revenue fund administered by  
18 the Iowa comprehensive underground storage tank fund board, to  
19 the department of natural resources for the fiscal year  
20 beginning July 1, 1997, and ending June 30, 1998, the  
21 following amount, or so much thereof as is necessary, to be  
22 used for the purpose designated:

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

25 ..... \$ 75,000

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

34 Sec. 17. LEWIS AND CLARK RURAL WATER SYSTEM. There is  
35 appropriated from the general fund of the state to the

1 department of natural resources for a grant to local sponsors  
2 of the Lewis and Clark rural water system for the fiscal year  
3 beginning July 1, 1997, and ending June 30, 1998, the  
4 following amount, or so much thereof as is necessary, to be  
5 used for the purpose designated:

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

10 ..... \$ 15,000

11 MISCELLANEOUS

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

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

30 1. Moneys appropriated from the general fund of the state  
31 shall not be used to support the administration of the organic  
32 food program by the department of agriculture and land  
33 stewardship, including the position of a program coordinator  
34 within the department's laboratory division. The general  
35 assembly intends that the program shall be supported by

1 revenues from fees imposed upon organic producers as may be  
2 established or required by the general assembly, upon  
3 finalization of organic production guidelines by the federal  
4 government.

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

11 Sec. 20. DIRECTION TO THE DEPARTMENT OF NATURAL RESOURCES

\* 12 TO CLEAR PYLON OBSTRUCTION. The department of natural  
13 resources shall remove a pylon obstruction which is located in  
14 the Skunk river near the city of Mount Pleasant pursuant to  
15 section 461A.5. The department may use up to \$100,000 from  
16 any moneys appropriated from the marine fuel tax receipts  
17 deposited in the general fund of the state which is  
18 appropriated to the department of natural resources for the  
19 fiscal year beginning July 1, 1997, and ending June 30, 1998,  
20 for purposes of funding capital projects traditionally funded  
21 from marine fuel tax receipts. The department shall complete  
22 the removal of the pylon obstruction not later than January 1,  
23 1998.

24 Sec. 21. AIR QUALITY PROGRAM -- NONGENERAL FUND SUPPORT.

25 The department of natural resources for the fiscal year  
26 beginning July 1, 1997, and ending June 30, 1998, shall not  
27 use moneys appropriated from the general fund of the state  
28 pursuant to this Act, to support any purpose related to  
29 carrying out the duties of the commission under section  
30 455B.133 or the director under section 455B.134, or for  
31 carrying out the provisions of chapter 455B, division II.

32 Notwithstanding section 455B.133B, the department may use  
33 moneys deposited in the air contaminant source fund created in  
34 section 455B.133B during the fiscal year beginning July 1,  
35 1997, and ending June 30, 1998, for any purpose related to

1 carrying out the duties of the commission under section  
2 455B.133 or the director under section 455B.134, or for  
3 carrying out the provisions of chapter 455B, division II.

4 Sec. 22. ELIMINATION OF POSITIONS. The following  
5 positions are eliminated from the administrative division of  
6 the department of agriculture and land stewardship:

7 1. One position in the information bureau of the  
8 administrative division.

9 2. The position of interim assistant secretary of  
10 agriculture as created in 1996 Iowa Acts, chapter 1214,  
11 section 27.

12 3. The position of deputy secretary of agriculture as  
13 provided in 1996 Iowa Acts, chapter 1214, sections 25 and 33.

14 Sec. 23. APPROPRIATIONS CONDITIONAL UPON IMPLEMENTATION OF  
15 ADMINISTRATIVE FUNCTIONS. As a condition of the  
16 appropriations made to the department of agriculture and land  
17 stewardship in sections 1 through 4 of this Act, all of the  
18 following shall apply:

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

23 2. The position of administrative assistant VI shall not  
24 perform duties relating to personnel, administration, or  
25 budgeting for the department, or have jurisdiction over the  
26 heads of the department's administrative units, as provided by  
27 1996 Iowa Acts, chapter 1214, section 26, as amended by this  
28 Act.

29 Sec. 24. APPROPRIATIONS CONDITIONAL UPON EXECUTION OF A  
30 MEMORANDUM OF UNDERSTANDING FOR ANIMAL CONTROL.

31 1. As a condition of the appropriations made to the  
32 department of natural resources in section 5 of this Act, the  
33 department shall, not later than June 1, 1997, execute a  
34 memorandum of understanding with the United States department  
35 of agriculture, animal and plant health inspection service,

1 animal damage control, for purposes of supporting measures by  
2 the federal agency for the fiscal year beginning July 1, 1997,  
3 to prevent or minimize damage to agricultural production  
4 caused by all wild animals.

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

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

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

33

CODIFIED CHANGES

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

1 The department of natural resources shall publish and make  
2 available for purchase by the general public, gift  
3 certificates entitling the bearer of the certificate to free  
4 camping and other special privileges at state parks and  
5 recreation areas. The department shall establish prices for  
6 the certificates based on amounts required to be paid in fees  
7 for camping and special privileges pursuant to section  
8 461A.47.

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

10 Notwithstanding section 17A.2, subsection 10, paragraph  
11 "g", the department of natural resources shall adopt  
12 administrative rules establishing a range of prices of plant  
13 material grown at the state forest nurseries to cover all  
14 expenses related to the growing of the plants.

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

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

22 REPEALS

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

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

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

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

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

33 EFFECTIVE DATE

34 Sec. 32. EFFECTIVE DATE. Section 24 of this Act, being  
35 deemed of immediate importance, takes effect upon enactment.

## HOUSE FILE 708

S-3478

1 Amend House File 708, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 9, line 30, by striking the figure  
4 "1,300,000" and inserting the following: "1,350,000".  
5 2. Page 10, line 26, by striking the word "a."  
6 3. Page 10, line 29, by striking the figure  
7 "150,000" and inserting the following: "200,000".  
8 4. Page 10, by striking lines 30 through 33.  
9 5. Page 11, by striking lines 1 through 3 and  
10 inserting the following: "point and nonpoint  
11 pollution in this state. Iowa state university shall  
12 select test sites where earthen waste storage  
13 structures are located, and shall".  
14 6. Page 11, by striking lines 5 and 6 and  
15 inserting the following: "according to established  
16 testing procedures. For".  
17 7. Page 11, line 22, by inserting before the word  
18 "structure" the following: "earthen waste storage".  
19 8. Page 16, by striking lines 11 through 23.  
20 9. Page 18, by inserting after line 11, the  
21 following:  
22 "Sec. \_\_\_. SUPPORT OF WILD ANIMAL DEPREDATION  
23 BIOLOGISTS. There is appropriated from the state fish  
24 and game protection fund to the division of fish and  
25 wildlife of the department of natural resources for  
26 the fiscal year beginning July 1, 1997, and ending  
27 June 30, 1998, an amount necessary to support  
28 necessary full-time equivalent positions which shall  
29 be filled by persons serving as wild animal  
30 depredation biologists within the wild animal  
31 depredation unit established within the fish and  
32 wildlife division of the department of natural  
33 resources, as provided in 1997 Iowa Acts, Senate File  
34 362, if enacted."  
35 10. Page 18, by inserting after line 33 the  
36 following:  
37 "Sec. \_\_\_. Section 166D.2, subsection 7, unnumbered  
38 paragraph 2, Code 1997, is amended to read as follows:  
39 The department may ~~combine~~ require an official  
40 health certificate or a veterinarian inspection cer-  
41 tificate as required under chapter 163 with-a  
42 ~~certificate-of-inspection~~ or substitute, by rule, an  
43 approved movement record maintained by the owner for a  
44 relocation exempted by subsection 31.  
45 Sec. \_\_\_. Section 166D.2, subsection 31, Code  
46 1997, is amended to read as follows:  
47 31. "Move" or "movement" means to ship, transport,  
48 or deliver by land, water, or air, including any  
49 physical relocation of swine to different premises.  
50 However, "move" or "movement" does not include the

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1 physical relocation of swine to different premises if  
2 the ownership of the swine does not change, the prior  
3 and new location is within the state, and the  
4 relocation between the prior and new location is  
5 within the state. However, a relocation which is not  
6 included as a move or movement under this paragraph  
7 must be accompanied by a movement record approved by  
8 the department or a certificate of inspection.

9 Sec. \_\_\_\_ . Section 166D.9, subsection 4, unnumbered  
10 paragraph 1, Code 1997, is amended to read as follows:

11 While the state is classified in either stage I, or  
12 II, or III of the national pseudorabies program  
13 pursuant to federal regulations, the following  
14 requirements must be satisfied:

15 Sec. \_\_\_\_ . Section 166D.10, subsection 1,  
16 unnumbered paragraph 1, Code 1997, is amended to read  
17 as follows:

18 1. A person shall not sell, lease, exhibit, or  
19 loan, or move swine within the state, except to  
20 slaughter, unless the swine are accompanied by a  
21 certificate of inspection as provided by the owner  
22 transferring possession section 163.30 or a movement  
23 record approved by the department. However, a native  
24 Iowa feeder pig pigs moved from farm to farm within  
25 the state is are exempt from the certificate of  
26 inspection's department identification requirements if  
27 the owner transferring possession and the person  
28 taking possession state-on-the-certificate-of  
29 inspection agree in writing that the feeder swine pigs  
30 will not be commingled with other swine for a period  
31 of thirty days.

32 Sec. \_\_\_\_ . Section 166D.10, subsection 4, Code  
33 1997, is amended to read as follows:

34 4. In addition to other applicable requirements of  
35 this section, feeder-swine-shall-not-be-moved-into  
36 this-state-from-another-state-except-to-slaughter,  
37 unless-the-feeder-swine-are-vaccinated-by-a  
38 differentiable-vaccine-within-forty-five-days-of  
39 arrival-in-this-state the department shall  
40 periodically determine the prevalence of pseudorabies  
41 in each county as provided in this chapter. Beginning  
42 on October 1, 1997, all feeder swine moved from  
43 outside of the state into a county in which the  
44 pseudorabies prevalence is determined to be greater  
45 than five percent shall be vaccinated, unless the  
46 feeder swine originated from a qualified negative or  
47 qualified differentiable negative herd. The feeder  
48 swine shall be vaccinated with a differentiable  
49 vaccine by procedures established by rules adopted by  
50 the department pursuant to section 166D.1.

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1 Sec. \_\_\_\_ . NEW SECTION. 166D.17 STATISTICAL

2 SAMPLING -- CHANGE OF OWNERSHIP.

3 If ownership of a herd changes in part or entirely,  
4 without changing location, the herd shall be tested by  
5 statistical sampling. Section 166D.10 shall not apply  
6 to this section."

7 11. By renumbering as necessary.

By COMMITTEE ON APPROPRIATIONS  
DERRYL McLAREN, Chairperson

S-3478 FILED APRIL 10, 1997

*Adopted, as amended 4/14/97 (p. 1146)*

HOUSE FILE 708

S-3481

- 1 Amend House File 708, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 13, by striking the figure
- 4 "1,780,278" and inserting the following: "1,820,368".
- 5 2. Page 1, line 14, by striking the figure
- 6 "41.45" and inserting the following: "42.45".
- 7 3. Page 17, by striking lines 7 and 8.
- 8 4. By renumbering as necessary.

By PATTY JUDGE

S-3481 FILED APRIL 14, 1997  
WITHDRAWN (p. 1146)

HOUSE FILE 708

S-3491

- 1 Amend House File 708, as amended, passed, and
- 2 reprinted, by the House, as follows:
- 3 1. Page 15, by inserting after line 10 the
- 4 following:
- 5 "Sec. \_\_\_\_ . BLUFFLANDS PROTECTION REVOLVING FUND.
- 6 1. As used in this section, "blufflands protection
- 7 Act" means 1997 Iowa Acts, Senate File 167, 1997 Iowa
- 8 Acts, Senate File 488, or 1997 Iowa Acts, House File
- 9 150.
- 10 2. There is appropriated from the general fund of
- 11 the state to the blufflands protection revolving fund
- 12 as created in section 161A.80, as enacted in the
- 13 blufflands protection Act for the fiscal year
- 14 beginning July 1, 1997, and ending June 30, 1998, the
- 15 following amount, or so much thereof as is necessary,
- 16 to be used for the purpose designated:
- 17 ..... \$ 250,000
- 18 For purpose of making loans to conservation
- 19 organizations which agree to purchase conservation
- 20 easements on blufflands along the Mississippi river or
- 21 to purchase blufflands along the Mississippi river for
- 22 resale with restrictive covenants attached to the
- 23 property, as provided in the blufflands protection
- 24 Act.
- 25 3. This section takes effect if the blufflands
- 26 protection Act is enacted."
- 27 2. By renumbering as necessary.

By MIKE CONNOLLY

S-3491 FILED APRIL 14, 1997  
LOST (p. 1147)

## HOUSE FILE 708

S-3498

- 1 Amend House File 708, as amended, passed, and
  - 2 reprinted by the House as follows:
  - 3 1. Page 10, by striking lines 7 through 16.
- By BILL FINK

S-3498 FILED APRIL 14, 1997

LOST (p.1147)

## HOUSE FILE 708

S-3499

- 1 Amend the amendment, S-3478, to House File 708, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 1, line 35, through page 3,
- 5 line 6.

By STEWART IVERSON, Jr.  
JOHN P. KIBBIE

S-3499 FILED APRIL 14, 1997

ADOPTED (p.1146)

## SENATE AMENDMENT TO HOUSE FILE 708

H-1716

- 1 Amend House File 708, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 9, line 30, by striking the figure
  - 4 "1,300,000" and inserting the following: "1,350,000".
  - 5 2. Page 10, line 26, by striking the word "a."
  - 6 3. Page 10, line 29, by striking the figure
  - 7 "150,000" and inserting the following: "200,000".
  - 8 4. Page 10, by striking lines 30 through 33.
  - 9 5. Page 11, by striking lines 1 through 3 and
  - 10 inserting the following: "point and nonpoint
  - 11 pollution in this state. Iowa state university shall
  - 12 select test sites where earthen waste storage
  - 13 structures are located, and shall".
  - 14 6. Page 11, by striking lines 5 and 6 and
  - 15 inserting the following: "according to established
  - 16 testing procedures. For".
  - 17 7. Page 11, line 22, by inserting before the word
  - 18 "structure" the following: "earthen waste storage".
  - 19 8. Page 16, by striking lines 11 through 23.
  - 20 9. Page 18, by inserting after line 11, the
  - 21 following:
  - 22 "Sec. \_\_\_\_ . SUPPORT OF WILD ANIMAL DEPREDATION
  - 23 BIOLOGISTS. There is appropriated from the state fish
  - 24 and game protection fund to the division of fish and
  - 25 wildlife of the department of natural resources for
  - 26 the fiscal year beginning July 1, 1997, and ending
  - 27 June 30, 1998, an amount necessary to support
  - 28 necessary full-time equivalent positions which shall
  - 29 be filled by persons serving as wild animal
  - 30 depredation biologists within the wild animal
  - 31 depredation unit established within the fish and
  - 32 wildlife division of the department of natural
  - 33 resources, as provided in 1997 Iowa Acts, Senate File
  - 34 362, if enacted."
  - 35 10. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-1716 FILED APRIL 15, 1997

*House concurred 4/16/97 (p.1274)*

**HSB 192**  
**APPROPRIATIONS**

Succeeded By  
**SF (HF) 708**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
JOINT APPROPRIATIONS  
SUBCOMMITTEE ON AGRICULTURE  
AND NATURAL RESOURCES)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to agriculture and natural resources by providing  
2 for appropriations, related statutory changes, and providing  
3 an effective date.

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

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1 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

2 Section 1. GENERAL APPROPRIATION. There is appropriated  
3 from the general fund of the state to the department of  
4 agriculture and land stewardship for the fiscal year beginning  
5 July 1, 1997, and ending June 30, 1998, the following amounts,  
6 or so much thereof as is necessary, to be used for the  
7 purposes designated:

8 1. ADMINISTRATIVE DIVISION

9 a. For salaries, support, maintenance, the support of the  
10 state 4-H foundation, support of the statistics bureau, and  
11 miscellaneous purposes, and for the salaries and support of  
12 not more than the following full-time equivalent positions:

13 .....	\$ 1,780,278
14 .....	FTEs 41.45

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

18 (2) Of the amount appropriated in this paragraph "a",  
19 \$55,500 shall be allocated to the state 4-H foundation to  
20 foster the development of Iowa's youth and to encourage them  
21 to study the subject of agriculture.

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

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

35 (5) Of the amount appropriated and the number of full-time

1 equivalent positions authorized in this paragraph "a", at  
2 least \$38,000 shall be used to contract for part-time  
3 livestock market news specialist positions.

4 b. For the operations of the dairy trade practices bureau:  
5 ..... \$ 66,969

6 c. For the purpose of performing commercial feed audits:  
7 ..... \$ 64,945

8 d. For the purpose of performing fertilizer audits:  
9 ..... \$ 64,945

10 2. REGULATORY DIVISION

11 a. For salaries, support, maintenance, miscellaneous  
12 purposes, and for not more than the following full-time  
13 equivalent positions:  
14 ..... \$ 3,938,176  
15 ..... FTEs 123.50

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

19 b. For the costs of inspection, sampling, analysis, and  
20 other expenses necessary for the administration of chapters  
21 192, 194, and 195:  
22 ..... \$ 656,801

23 3. LABORATORY DIVISION

24 a. For salaries, support, maintenance, and miscellaneous  
25 purposes, including the administration of the gypsy moth  
26 program, and for not more than the following full-time  
27 equivalent positions:  
28 ..... \$ 824,833  
29 ..... FTEs 84.10

30 (1) Of the amount appropriated in this paragraph "a",  
31 \$110,000 shall be used to administer a program relating to the  
32 detection, surveillance, and eradication of the gypsy moth.  
33 The department shall allocate and use the appropriation made  
34 in this paragraph before moneys other than those appropriated  
35 in this paragraph are used to support the program.

1 (2) Of the number of full-time equivalent positions  
2 authorized in this paragraph "a" and funded in paragraph "c",  
3 1.00 FTE shall be used to support an organics program  
4 coordinator who shall assure compliance of organic foods sold  
5 commercially within the state with federal and state  
6 regulations relating to organic foods.

7 b. For the operations of the commercial feed programs:  
8 ..... \$ 760,236

9 c. For the operations of the pesticide programs:  
10 ..... \$ 1,307,865

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

14 d. For the operations of the fertilizer programs:  
15 ..... \$ 647,203

16 4. SOIL CONSERVATION DIVISION

17 a. For salaries, support, maintenance, assistance to soil  
18 conservation districts, miscellaneous purposes, and for not  
19 more than the following full-time equivalent positions:  
20 ..... \$ 6,058,717  
21 ..... FTEs 171.28

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

29 b. To provide financial incentives for soil conservation  
30 practices under chapter 161A:  
31 ..... \$ 6,461,850

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

34 (1) Not more than 5 percent of the moneys appropriated in  
35 paragraph "b" may be allocated for cost sharing to abate



1 complaints filed under section 161A.47.

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

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

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

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

19 d. The provisions of section 8.33 shall not apply to the  
20 moneys appropriated in paragraph "b". Unencumbered or  
21 unobligated moneys remaining on June 30, 2001, from moneys  
22 appropriated in paragraph "b" for the fiscal year beginning  
23 July 1, 1997, shall revert to the general fund on August 31,  
24 2001.

25 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is  
26 appropriated from the general fund of the state to the  
27 department of agriculture and land stewardship for the fiscal  
28 year beginning July 1, 1997, and ending June 30, 1998, the  
29 following amount, or so much thereof as is necessary, to be  
30 used for the purposes designated:

31 For salaries, support, maintenance, and miscellaneous  
32 purposes, to be used by the department to continue and expand  
33 the farmers' market coupon program by providing federal  
34 special supplemental food program recipients with coupons  
35 redeemable at farmers' markets, and for not more than the

1 following full-time equivalent positions:

2 .....	\$	216,113
3 .....	FTEs	1.00

4 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

5 1. There is appropriated from the general fund of the  
6 state to the department of agriculture and land stewardship  
7 for the fiscal year beginning July 1, 1997, and ending June  
8 30, 1998, the following amount, or so much thereof as is  
9 necessary, to be used for the purpose designated:

10 For support of the pseudorabies eradication program:

11 .....	\$	900,400
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12 2. Persons, including organizations interested in swine  
13 production in this state and in the promotion of Iowa pork  
14 products who contribute support to the program, are encouraged  
15 to increase financial support for purposes of ensuring the  
16 program's effective continuation.

17 Sec. 4. HORSE AND DOG RACING. There is appropriated from  
18 the moneys available under section 99D.13 to the regulatory  
19 division of the department of agriculture and land stewardship  
20 for the fiscal year beginning July 1, 1997, and ending June  
21 30, 1998, the following amount, or so much thereof as is  
22 necessary, to be used for the purpose designated:

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

25 .....	\$	202,146
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26 DEPARTMENT OF NATURAL RESOURCES

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

33 1. ADMINISTRATIVE AND SUPPORT SERVICES

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

1 positions:

2 ..... \$ 2,105,343

3 ..... FTEs 118.25

4 Of the amount appropriated and the number of full-time  
5 equivalent positions authorized in this subsection 1, at least  
6 \$150,000 and 3.00 FTEs shall be used by administration and  
7 support services to support a compliance and permit assistance  
8 team to facilitate cooperation between the department and  
9 persons regulated by the department in order to ensure  
10 efficient compliance with applicable legal requirements.

11 2. PARKS AND PRESERVES DIVISION

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

15 ..... \$ 5,728,615

16 ..... FTEs 195.73

17 Of the amount appropriated in this subsection 2, at least  
18 \$50,000 shall be allocated for the replacement of maintenance  
19 equipment used by the division.

20 3. FORESTS AND FORESTRY DIVISION

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

24 ..... \$ 1,539,416

25 ..... FTEs 48.71

26 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

30 ..... \$ 1,723,286

31 ..... FTEs 52.00

32 5. a. ENVIRONMENTAL PROTECTION DIVISION

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

1 ..... \$ 2,798,698

2 ..... FTEs 228.50

3 (2) Of the amount appropriated and the number of full-time  
4 equivalent positions authorized in subparagraph (1), at least  
5 \$424,600 and 9.00 FTEs shall be used to support the regulation  
6 of animal feeding operations.

7 (3) Of the amount appropriated and the number of full-time  
8 equivalent positions authorized in subparagraph (1), at least  
9 \$768,620 and 10.00 FTEs shall be used to support the  
10 regulation of wastewater treatment systems, including issuing  
11 permits and conducting inspections.

12 b. WATER QUALITY PROTECTION FUND

13 For allocation to the administrative account of the water  
14 quality protection fund established pursuant to section  
15 455B.183A, to carry out the purpose of that account:

16 ..... \$ 729,000

17 (1) Of the number of full-time equivalent positions  
18 authorized in paragraph "a", 32.50 FTEs shall be dedicated to  
19 carrying out the provisions of chapter 455B relating to the  
20 administration, regulation, and enforcement of the federal  
21 Safe Drinking Water Act and to support the program to assist  
22 water supply systems as provided in section 455B.183B.

23 However, the limitation on full-time equivalent positions  
24 provided in paragraph "a", shall not limit the number of  
25 additional full-time equivalent positions supported by moneys  
26 deposited in the water quality protection fund-as provided in  
27 section 455B.183A, in order to carry out the provisions of  
28 division III of chapter 455B relating to the administration,  
29 regulation, and enforcement of the federal Safe Drinking Water  
30 Act, and the administration of the program to assist water  
31 supply systems pursuant to section 455B.183B.

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

1 serving a population of seven thousand or less.

2 6. FISH AND WILDLIFE DIVISION

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

5 ..... FTEs 342.18

6 7. WASTE MANAGEMENT ASSISTANCE DIVISION

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

9 ..... FTEs 17.75

10 Sec. 6. STATE FISH AND GAME PROTECTION FUND --

11 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

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

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

20 ..... \$ 21,951,394

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

25 2. The department shall not expend more moneys from the  
26 fish and game protection fund than provided in this section,  
27 unless the expenditure derives from contributions made by a  
28 private entity, or a grant or moneys received from the federal  
29 government, and is approved by the natural resource  
30 commission. The department of natural resources shall  
31 promptly notify the legislative fiscal bureau and the  
32 chairpersons and ranking members of the joint appropriations  
33 subcommittee on agriculture and natural resources concerning  
34 the commission's approval.

35 Sec. 7. MARINE FUEL TAX RECEIPTS -- BOATING FACILITIES AND

1 ACCESS. There is appropriated from the marine fuel tax  
2 receipts deposited in the general fund of the state to the  
3 department of natural resources for the fiscal year beginning  
4 July 1, 1997, and ending June 30, 1998, the following amount,  
5 or so much thereof as is necessary, to be used for the purpose  
6 designated:

7 For maintaining and developing boating facilities and  
8 access to public waters by the parks and preserves division:  
9 ..... \$ 411,311

10 Sec. 8. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT

11 PURPOSES. There is transferred on July 1, 1997, from the fees  
12 deposited under section 321G.7 to the fish and game protection  
13 fund and appropriated to the department of natural resources  
14 for the fiscal year beginning July 1, 1997, and ending June  
15 30, 1998, the following amount, or so much thereof as is  
16 necessary, to be used for the purpose designated:

17 For enforcing snowmobile laws as part of the state  
18 snowmobile program administered by the department of natural  
19 resources:  
20 ..... \$ 100,000

21 Sec. 9. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.

22 There is transferred on July 1, 1997, from the fees deposited  
23 under section 462A.52 to the fish and game protection fund and  
24 appropriated to the natural resource commission for the fiscal  
25 year beginning July 1, 1997, and ending June 30, 1998, the  
26 following amount, or so much thereof as is necessary, to be  
27 used for the purpose designated:

28 For the administration and enforcement of navigation laws  
29 and water safety:  
30 ..... \$ 1,300,000

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

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

7 RESOURCES ENHANCEMENT AND PROTECTION

8 Sec. 10. GENERAL APPROPRIATION. Notwithstanding the  
9 amount of the standing appropriation from the general fund of  
10 the state under section 455A.18, subsection 3, there is  
11 appropriated from the general fund of the state to the Iowa  
12 resources enhancement and protection fund, in lieu of the  
13 appropriation made in section 455A.18, for the fiscal year  
14 beginning July 1, 1997, and ending June 30, 1998, the sum of  
15 \$9,000,000, of which all moneys shall be allocated as provided  
16 in section 455A.19.

17 RELATED APPROPRIATIONS

18 Sec. 11. ANIMAL FEEDING OPERATIONS. Notwithstanding  
19 section 455E.11, subsection 2, paragraph "b", prior to any  
20 appropriation from the agriculture management account of the  
21 groundwater protection fund, as provided in section 455E.11,  
22 subsection 2, paragraph "b", the following amount is  
23 appropriated to the state board of regents for Iowa state  
24 university for the fiscal year beginning July 1, 1997, and  
25 ending June 30, 1998, to be used for the purpose designated:

26 For purposes of supporting Iowa state university in  
27 conducting a study of anaerobic lagoons and earthen manure  
28 storage basins which are part of animal feeding operations:  
29 ..... \$ 150,000

30 1. The moneys appropriated in this section shall be used  
31 to determine the extent to which manure stored in the  
32 structures contribute to point and nonpoint pollution in this  
33 state. Iowa state university shall submit a report, including  
34 standards, criteria, and protocols used to conduct the testing  
35 of anaerobic lagoons and earthen manure storage basins, to the

1 general assembly regarding the findings of the study not later  
2 than January 1, 1999.

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

6 Sec. 12. TRANSFER FROM ORGANIC NUTRIENT MANAGEMENT FUND.

7 There is transferred from the organic nutrient management  
8 fund, as created in section 161C.5, for the fiscal year  
9 beginning July 1, 1997, and ending June 30, 1998, the  
10 following amounts, or so much thereof as is necessary, to be  
11 used for the purposes designated:

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

16 ..... \$ 400,000

17 2. To the state board of regents for Iowa state university  
18 for the fiscal year beginning July 1, 1997, and ending June  
19 30, 1998, to be used for the purpose designated:

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

25 ..... \$ 50,000

26 Moneys appropriated in subsection shall support testing  
27 programs administered by counties which may submit an  
28 application to the extension service to participate in the  
29 state assistance program, as provided by the extension  
30 service. The county shall perform testing within a test area.  
31 As used in this section, "test area" means an area within a  
32 two-mile radius of any structure used to store manure which is  
33 part of a confinement feeding operation. Iowa state  
34 university of science and technology shall adopt necessary  
35 standards, protocols, and criteria for the establishment of



1 baselines for testing by counties. The program shall be  
2 administered within each participating county by the county  
3 agricultural extension district serving that county in  
4 collaboration with the local board of health. The testing may  
5 be performed with volunteer assistance. However, all testing  
6 shall be performed under the supervision of a county  
7 sanitarian. The samples of the testing shall be analyzed by  
8 the state hygienic laboratory at the state university of Iowa  
9 and evaluated in accordance with standards established by the  
10 department of agricultural biosystems engineering within the  
11 college of agriculture and the college of engineering at Iowa  
12 state university. All moneys available under this subsection  
13 shall only be used for the following purposes:

14 a. Analyzing test samples by the state hygienic  
15 laboratory.

16 b. Performing tests in counties. However, not more than  
17 \$50 of the moneys available under this section shall be used  
18 to pay for administering testing within any test area,  
19 including labor and equipment costs, regardless of the number  
20 of tests performed within the test area.

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

25 ..... \$ 99,000

26 Sec. 13. NONREVERSION OF MONEYS ALLOCATED TO IOWA GRAIN  
27 QUALITY INITIATIVE. Notwithstanding 1995 Iowa Acts, chapter  
28 216, section 19, subsection 2, moneys allocated pursuant to  
29 1995 Iowa Acts, chapter 216, section 19, subsection 1,  
30 paragraph "f", subparagraph (1), which remain unencumbered or  
31 unobligated on June 30, 1997, shall not revert pursuant to  
32 section 8.33, but shall remain available to Iowa state  
33 university for purposes of supporting the Iowa cooperative  
34 extension service in agriculture and home economics in  
35 establishing and administering an Iowa grain quality

1 initiative in subsequent fiscal years.

2 Sec. 14. TRANSFERS OF MONEYS REQUIRED TO BE DEPOSITED IN  
3 THE WATER PROTECTION FUND. Notwithstanding section 161C.4 and  
4 the reversion and allocation provisions in section 455A.19,  
5 subsection 1, paragraph "c", of the unencumbered and  
6 unobligated moneys remaining, which are required to be  
7 deposited in the water protection fund created in section  
8 161C.4, as provided in section 455A.19, subsection 1,  
9 paragraph "c", the following amount shall be transferred first  
10 from moneys required to be deposited in the water protection  
11 practices account, and if necessary from moneys required to be  
12 deposited in the water quality protection projects account,  
13 which shall be used for the following purposes:

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

18 ..... \$ 400,000

19 Sec. 15. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE  
20 UNDERGROUND STORAGE TANK FUND BOARD -- TRANSFER. There is  
21 appropriated from the unassigned revenue fund administered by  
22 the Iowa comprehensive underground storage tank fund board, to  
23 the department of natural resources for the fiscal year  
24 beginning July 1, 1997, and ending June 30, 1998, the  
25 following amount, or so much thereof as is necessary, to be  
26 used for the purpose designated:

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

29 ..... \$ 75,000

30 Sec. 16. TRANSFER -- AIR QUALITY. For the fiscal year  
31 beginning July 1, 1997, and ending June 30, 1998, the  
32 department of natural resources may transfer up to \$430,000  
33 from the hazardous substance remedial fund created pursuant to  
34 section 455B.423, to support purposes related to carrying out  
35 the duties of the commission under section 455B.133, or the

1 director under section 455B.134, or for carrying out the  
2 provisions of chapter 455B, division II.

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

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

14 ..... \$ 15,000

15 MISCELLANEOUS

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

28 Sec. 19. GENERAL ASSEMBLY -- DECLARATION OF INTENTION NOT  
29 TO SUPPORT CERTAIN PROJECTS IN SUBSEQUENT FISCAL YEARS FROM  
30 THE GENERAL FUND.

31 The general assembly declares its intention that for the  
32 fiscal year beginning July 1, 1998, and ending June 30, 1999,  
33 and for subsequent fiscal years, all of the following shall  
34 apply:

35 1. Moneys appropriated from the general fund of the state

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

10 2. Moneys appropriated from the water protection fund as  
11 created in section 161C.4 shall not be used to support the  
12 Loess Hills development and conservation fund created in  
13 section 161D.1. The general assembly intends that alternative  
14 funding sources shall be substituted in lieu of state moneys  
15 appropriated for use by the Loess Hills development and  
16 conservation authority to carry out the purposes specified in  
17 section 161D.1.

18 Sec. 20. AIR QUALITY PROGRAM -- NONGENERAL FUND SUPPORT.  
19 The department of natural resources for the fiscal year  
20 beginning July 1, 1997, and ending June 30, 1998, shall not  
21 use moneys appropriated from the general fund of the state  
22 pursuant to this Act, to support any purpose related to  
23 carrying out the duties of the commission under section  
24 455B.133 or the director under section 455B.134, or for  
25 carrying out the provisions of chapter 455B, division II.

26 Notwithstanding section 455B.133B, the department may use  
27 moneys deposited in the air contaminant source fund created in  
28 section 455B.133B during the fiscal year beginning July 1,  
29 1997, and ending June 30, 1998, for any purpose related to  
30 carrying out the duties of the commission under section  
31 455B.133 or the director under section 455B.134, or for  
32 carrying out the provisions of chapter 455B, division II.

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

1 1. One position in the information bureau of the  
2 administrative division.

3 2. The position of interim assistant secretary of  
4 agriculture as created in 1996 Iowa Acts, chapter 1214,  
5 section 27.

6 3. The position of deputy secretary of agriculture as  
7 provided in 1996 Iowa Acts, chapter 1214, sections 25 and 33.

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

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

17 2. The position of administrative assistant VI shall not  
18 perform duties relating to personnel, administration, or  
19 budgeting for the department, or have jurisdiction over the  
20 heads of the department's administrative units, as provided by  
21 1996 Iowa Acts, chapter 1214, section 26, as amended by this  
22 Act.

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

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

34 2. If the department of natural resources denies the  
35 federal agency a depredation permit the department shall

1 notify the chairpersons, vice-chairpersons, and the minority  
2 party ranking members of the general assembly's standing  
3 committee on natural resources, environment, and energy and  
4 the standing committee on natural resources within ten days  
5 from the date that denial occurred.

6 Sec. 24. 1996 Iowa Acts, chapter 1214, section 26, is  
7 amended to read as follows:

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

27

CODIFIED CHANGES

28 Sec. 25. NEW SECTION. 455A.12 GIFT CERTIFICATES FOR  
29 SPECIAL PRIVILEGE FEES ON STATE PARKS AND RECREATION AREAS.

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

1 for camping and special privileges pursuant to section  
2 461A.47.

3 Sec. 26. NEW SECTION. 455A.13 STATE NURSERIES.

4 Notwithstanding section 17A.2, subsection 10, paragraph  
5 "g", the department of natural resources shall adopt  
6 administrative rules establishing a range of prices of plant  
7 material grown at the state forest nurseries to cover all  
8 expenses related to the growing of the plants.

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

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

16 REPEALS

17 Sec. 27. 1996 Iowa Acts, chapter 1214, section 33, is  
18 amended to read as follows:

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

21 Sec. 28. 1995 Iowa Acts, section 13, subsection 3, is  
22 amended by striking the subsection.

23 Sec. 29. 1995 Iowa Acts, chapter 195, section 41, is  
24 repealed.

25 Sec. 30. 1996 Iowa Acts, chapter 1214, section 27, is  
26 repealed.

27 EFFECTIVE DATE

28 Sec. 31. EFFECTIVE DATE. Section 23 of this Act, being  
29 deemed of immediate importance, takes effect upon enactment.

30 EXPLANATION

31 This bill relates to agriculture and natural resources by  
32 appropriating moneys and providing for full-time equivalent  
33 positions to the department of agriculture and land  
34 stewardship and the department of natural resources. The bill  
35 provides appropriations from the state fish and game

1 protection fund and provides for the transfer of moneys from  
2 other funds administered by the department of natural  
3 resources. It appropriates moneys from the resources  
4 enhancement and protection fund. It also provides for moneys  
5 to support the Iowa grain quality initiative, odor control  
6 applications for animal feeding operations, the Loess Hills  
7 development and conservation fund, water quality testing, a  
8 study of the impact of manure storage structures on water  
9 quality, the Lewis and Clark rural water system, the Iowa  
10 comprehensive underground storage tank fund board, and the  
11 environmental protection division of the department of natural  
12 resources. The bill requires that the department of natural  
13 resources execute a letter of understanding with the United  
14 States department of agriculture and land stewardship for the  
15 control of wild animals. The bill includes other provisions  
16 which provide for prices charged by state forest nurseries,  
17 information required to be submitted to the joint  
18 appropriations subcommittee on agriculture and natural  
19 resources, and the elimination of positions within the  
20 department of agriculture and land stewardship.

21 The bill codifies a provision allowing the department of  
22 natural resources to provide general public gift certificates  
23 for free camping and other special privileges at state parks  
24 and recreation areas. The bill codifies a provision requiring  
25 the department of natural resources to adopt rules  
26 establishing prices of plant material grown at the state  
27 forest nurseries.

28 The bill eliminates provisions enacted in prior years which  
29 refers to the interim assistant secretary of agriculture, and  
30 an appropriation of moneys to study animal feeding operations  
31 and their structures.

32  
33  
34  
35





OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD  
GOVERNOR

May 27, 1997

MAY 28 1997

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
LOCAL

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

TEB/ps

cc: Secretary of the Senate  
Chief Clerk of the House

*Item Veto*

HOUSE FILE 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

HF 708

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.

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 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.

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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.

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RON J. CORBETT  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 708, Seventy-seventh General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

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*rets*  
Approved May 27, 1997

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TERRY E. BRANSTAD  
Governor