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SENATE FILE 2295

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2159)

Passed Senate, ^(p.559) Date 3/4/98 Passed House, ^(p.910) Date 3/24/98
 Vote: Ayes 48 Nays 1 Vote: Ayes 61 Nays 37
 Approved Item May 19, 1998
veloc

A BILL FOR

1 An Act relating to and making appropriations for agriculture and
2 natural resources.

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

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S.F. 2295

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, 1998, and ending June 30, 1999, 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 \$ 1,853,756
14 FTEs 42.78

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 \$55,000 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 in this paragraph "a",
31 \$12,000 shall be used by the agricultural statistics bureau
32 for purposes of collecting, summarizing, and publishing
33 marketing information on a monthly basis, regarding finished
34 cattle in cooperation with the Iowa cattlemen's association,
35 including unfinished cattle for market, cattle placed on feed,

1 and cattle on hand under marketing arrangements.

2 (5) Of the amount appropriated in this paragraph "a",
3 \$24,000 shall be used by the domestic marketing bureau through
4 an existing federal and state cooperative agreement to develop
5 accurate, reliable market information regarding segregated
6 early-weaned pigs and alternate feeder pigs marketing systems.

7 (6) Of the amount appropriated and the number of full-time
8 equivalent positions authorized in this paragraph "a", at
9 least \$38,000 shall be used for livestock market news
10 reporting.

11 (7) Of the full-time equivalent positions authorized in
12 paragraph "a", 1.33 of the FTE positions relate to the
13 transition of personnel services contractors to FTE positions.
14 The merit system provisions of Code chapter 19A and the
15 provisions of the state or union collective bargaining
16 agreements shall not govern movement into these FTE positions
17 until September 1, 1998. This subparagraph shall no longer
18 apply after September 1, 1998.

19 b. For the operations of the dairy trade practices bureau:
20 \$ 69,984

21 c. For the purpose of performing commercial feed audits:
22 \$ 67,807

23 d. For the purpose of performing fertilizer audits:
24 \$ 67,807

25 2. REGULATORY DIVISION

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

29 \$ 4,057,274

30 FTEs 125.50

31 (1) Of the amount appropriated in this paragraph "a",
32 \$10,000 shall be used by the regulatory division for purposes
33 of inspecting livestock exhibited at the Iowa state fair, with
34 particular attention to the inspection of livestock for club-
35 lamb fungus.

1 (2) Of the full-time equivalent positions authorized in
2 paragraph "a", 1.00 FTE position relates to the transition of
3 personnel services contractors to FTE positions. The merit
4 system provisions of Code chapter 19A and the provisions of
5 the state or union collective bargaining agreements shall not
6 govern movement into these FTE positions until September 1,
7 1998. This subparagraph shall no longer apply after September
8 1, 1998.

9 b. For the costs of inspection, sampling, analysis, and
10 other expenses necessary for the administration of chapters
11 192, 194, and 195:

12 \$ 670,796

13 3. LABORATORY DIVISION

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

18 \$ 1,028,161

19 FTEs 86.10

20 (1) Of the amount appropriated in this paragraph "a",
21 \$110,000 shall be used to administer a program relating to the
22 detection, surveillance, and eradication of the gypsy moth.
23 The department shall allocate and use the appropriation made
24 in this paragraph before moneys other than those appropriated
25 in this paragraph are used to support the program.

26 (2) Of the amount appropriated and the authorized full-
27 time equivalent positions in this paragraph "a", \$136,022 and
28 2.00 FTEs shall be used to administer a certification program
29 to assure that organic foods sold commercially within the
30 state comply with federal and state regulations relating to
31 organic foods.

32 b. For the operations of the commercial feed programs:

33 \$ 787,906

34 c. For the operations of the pesticide programs:

35 \$ 1,257,056

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

4 d. For the operations of the fertilizer programs:
5 \$ 671,854

6 4. SOIL CONSERVATION DIVISION

7 a. For salaries, support, maintenance, assistance to soil
8 conservation districts, miscellaneous purposes, and for not
9 more than the following full-time equivalent positions:
10 \$ 6,600,518
11 FTEs 171.28

12 Of the amount appropriated in this paragraph "a", \$418,376
13 shall be used to reimburse commissioners of soil and water
14 conservation districts for administrative expenses, including
15 but not limited to, travel expenses and technical training.
16 Moneys used for the payment of meeting dues by counties shall
17 be matched on a dollar-for-dollar basis by the soil
18 conservation division.

19 b. To provide financial incentives for soil conservation
20 practices under chapter 161A:
21 \$ 6,469,850

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

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

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

32 (3) Not more than 30 percent of a district's allocation of
33 moneys as financial incentives may be provided for the purpose
34 of establishing management practices to control soil erosion
35 on land that is row cropped, including but not limited to no-

1 till planting, ridge-till planting, contouring, and contour
2 strip-cropping as provided in section 161A.73.

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

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

9 d. The provisions of section 8.33 shall not apply to the
10 moneys appropriated in paragraph "b". Unencumbered or
11 unobligated moneys remaining on June 30, 2002, from moneys
12 appropriated in paragraph "b" for the fiscal year beginning
13 July 1, 1998, shall revert to the general fund of the state on
14 August 31, 2002.

15 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is
16 appropriated from the general fund of the state to the
17 department of agriculture and land stewardship for the fiscal
18 year beginning July 1, 1998, and ending June 30, 1999, the
19 following amount, or so much thereof as is necessary, to be
20 used for the purposes designated:

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

27	\$	258,995
28	FTEs	1.00

29 DEPARTMENT OF NATURAL RESOURCES

30 Sec. 3. GENERAL APPROPRIATION. There is appropriated from
31 the general fund of the state to the department of natural
32 resources for the fiscal year beginning July 1, 1998, and
33 ending June 30, 1999, the following amounts, or so much
34 thereof as is necessary, to be used for the purposes
35 designated:

1 1. ADMINISTRATIVE AND SUPPORT SERVICES

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

5	\$	2,101,715
6	FTEs	119.25

7 b. Of the amount appropriated in paragraph "a", \$12,000
8 shall be allocated to pay dues for membership in the upper
9 Mississippi river basin commission.

10 c. Of the amount appropriated and the number of full-time
11 equivalent positions authorized in paragraph "a", at least
12 \$150,000 and 3.00 FTEs shall be used by administrative and
13 support services to support a compliance and permit assistance
14 team to facilitate cooperation between the department and
15 persons regulated by the department in order to ensure
16 efficient compliance with applicable legal requirements.

17 d. Of the amount appropriated and the number of full-time
18 equivalent positions authorized in paragraph "a", not less
19 than \$34,000 and 1.00 FTE shall be used by administrative and
20 support services to support the inspection and oversight of
21 manure management plans associated with confinement feeding
22 operations regulated by the department.

23 2. PARKS AND PRESERVES DIVISION

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

27	\$	5,993,308
28	FTEs	195.73

29 Of the amount appropriated in this subsection 2, at least
30 \$50,000 shall be allocated for the replacement of maintenance
31 equipment used by the division.

32 3. FORESTS AND FORESTRY DIVISION

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

1 \$ 1,653,846

2 FTEs 48.71

3 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

7 \$ 1,854,059

8 FTEs 54.00

9 b. Of the amount appropriated and the number of full-time
10 equivalent positions authorized in paragraph "a", not less
11 than \$76,000 and 2.00 FTEs shall be used by the energy and
12 geological resources division to review soil and hydrology
13 data for construction permits and manure management plans
14 associated with confinement feeding operations regulated by
15 the department.

16 5. ENVIRONMENTAL PROTECTION DIVISION

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

20 \$ 3,616,627

21 FTEs 236.50

22 b. Of the amount appropriated and the number of full-time
23 equivalent positions authorized in paragraph "a", at least
24 \$424,600 and 9.00 FTEs shall be used to support the regulation
25 of animal feeding operations.

26 c. Of the amount appropriated and the number of full-time
27 equivalent positions authorized in paragraph "a", at least
28 \$700,467 and 10.00 FTEs shall be used to support the
29 regulation of wastewater treatment systems, including issuing
30 permits and conducting inspections.

31 d. Of the amount appropriated and the number of full-time
32 equivalent positions authorized in paragraph "a", at least
33 \$270,000 and 6.00 FTEs shall be used to support on-site
34 inspections and the oversight of manure management plans
35 associated with confinement feeding operations regulated by

1 the department.

2 6. WATER QUALITY PROTECTION FUND

3 a. For deposit in the administration account of the water
4 quality protection fund established pursuant to section
5 455B.183A, to carry out the purpose of that account:

6 \$ 729,000

7 (1) Of the number of full-time equivalent positions
8 authorized in subsection 5, paragraph "a", 32.50 FTEs shall be
9 dedicated to carrying out the provisions of chapter 455B
10 relating to the administration, regulation, and enforcement of
11 the federal Safe Drinking Water Act and to support the program
12 to assist water supply systems as provided in section
13 455B.183B. However, the limitation on full-time equivalent
14 positions provided in subsection 5, paragraph "a", shall not
15 limit the number of additional full-time equivalent positions
16 supported by moneys deposited in the water quality protection
17 fund as provided in section 455B.183A, in order to carry out
18 the provisions of division III of chapter 455B relating to the
19 administration, regulation, and enforcement of the federal
20 Safe Drinking Water Act, and the administration of the program
21 to assist water supply systems pursuant to section 455B.183B.

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

27 b. Of the amount appropriated to the administration
28 account of the water quality protection fund as provided in
29 paragraph "a", \$300,000 shall be allocated to Iowa state
30 university of science and technology for purposes of
31 conducting studies regarding groundwater and surface water
32 contamination in this state. The identity of a site selected
33 in conducting testing shall remain confidential and shall not
34 be subject to disclosure under chapter 22. The findings of
35 the testing shall not be used in a case or proceeding brought

1 against a person based upon a violation of state law. The
2 university shall cooperate with the department of natural
3 resources in designing, implementing, and conducting the
4 studies. The university shall report all results of the
5 studies to the department, the legislative fiscal bureau, and
6 the members of the joint appropriations subcommittee on
7 agriculture and natural resources.

8 c. Of the amount appropriated to the administration
9 account of the water quality protection fund as provided in
10 paragraph "a", \$15,000 shall be allocated to support a grant
11 to local sponsors of the Lewis and Clark rural water system in
12 order to construct a system to provide safe and adequate
13 municipal and rural water supplies for residential,
14 commercial, agricultural, and industrial uses, to preserve
15 wetlands, and to mitigate water conservation efforts.

16 7. FISH AND WILDLIFE DIVISION

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

19 FTEs 344.18

20 8. WASTE MANAGEMENT ASSISTANCE DIVISION

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

23 FTEs 17.75

24 Sec. 4. STATE FISH AND GAME PROTECTION FUND --
25 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

26 1. a. There is appropriated from the state fish and game
27 protection fund to the division of fish and wildlife of the
28 department of natural resources for the fiscal year beginning
29 July 1, 1998, and ending June 30, 1999, the following amount,
30 or so much thereof as is necessary, to be used for the
31 purposes designated:

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

34 \$ 23,128,434

35 b. Of the amount appropriated in paragraph "a", \$105,000

1 may be used for purposes of providing compensation to
2 conservation peace officers employed in a protection
3 occupation who retire, pursuant to section 97B.49.

4 c. Of the amount appropriated in paragraph "a", \$300,000
5 shall be used by the division for the replacement of worn
6 boats, motors, and trailers used by fish and wildlife water
7 patrol officers.

8 2. The department shall not expend more moneys from the
9 fish and game protection fund than provided in this section,
10 unless the expenditure derives from contributions made by a
11 private entity, or a grant or moneys received from the federal
12 government, and is approved by the natural resource
13 commission. The department of natural resources shall
14 promptly notify the legislative fiscal bureau and the
15 chairpersons and ranking members of the joint appropriations
16 subcommittee on agriculture and natural resources concerning
17 the commission's approval.

18 Sec. 5. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT
19 PURPOSES. There is transferred on July 1, 1998, from the fees
20 deposited under section 321G.7 to the fish and game protection
21 fund and appropriated to the department of natural resources
22 for the fiscal year beginning July 1, 1998, and ending June
23 30, 1999, the following amount, or so much thereof as is
24 necessary, to be used for the purpose designated:

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

28 \$ 100,000

29 Sec. 6. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.
30 There is transferred on July 1, 1998, from the fees deposited
31 under section 462A.52 to the fish and game protection fund and
32 appropriated to the natural resource commission for the fiscal
33 year beginning July 1, 1998, and ending June 30, 1999, the
34 following amount, or so much thereof as is necessary, to be
35 used for the purpose designated:

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

3 \$ 1,600,000

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

9 2. Notwithstanding section 8.33, moneys transferred and
10 appropriated pursuant to this section which are unencumbered
11 or unobligated on June 30, 1999, shall be transferred on July
12 1, 1999, to the special conservation fund established by
13 section 462A.52 to be used as provided in that section, and
14 shall not revert as provided in section 8.33.

15 Sec. 7. MARINE FUEL TAX RECEIPTS -- BOATING FACILITIES.

16 There is appropriated from the marine fuel tax receipts
17 deposited in the general fund of the state to the department
18 of natural resources for the fiscal year beginning July 1,
19 1998, and ending June 30, 1999, the following amount, or so
20 much thereof as is necessary, to be used for the purposes
21 designated:

22 For purposes of maintaining and developing boating
23 facilities and access to public waters by the parks and
24 preserves division:

25 \$ 411,311

26 RESOURCES ENHANCEMENT AND PROTECTION

27 Sec. 8. GENERAL APPROPRIATION. Notwithstanding the amount
28 of the standing appropriation from the general fund of the
29 state under section 455A.18, subsection 3, there is
30 appropriated from the general fund of the state to the Iowa
31 resources enhancement and protection fund, in lieu of the
32 appropriation made in section 455A.18, for the fiscal year
33 beginning July 1, 1998, and ending June 30, 1999, the sum of
34 \$9,000,000, of which all moneys shall be allocated as provided
35 in section 455A.19.

1 ANIMAL HEALTH AND INDUSTRY

2 Sec. 9. HORSE AND DOG RACING.

3 1. There is appropriated from the moneys available under
4 section 99D.13 to the regulatory division of the department of
5 agriculture and land stewardship for the fiscal year beginning
6 July 1, 1998, and ending June 30, 1999, the following amount,
7 or so much thereof as is necessary, to be used for the
8 purposes designated:

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

11	\$	250,211
12	FTE	1.00

13 2. Of the amount appropriated and FTE authorized in
14 subsection 1, \$42,752 is allocated and 1.00 FTE shall be used
15 for purposes of supporting an additional livestock inspector
16 to inspect horses and dogs involved in racing under chapter
17 99D.

18 Sec. 10. PSEUDORABIES ERADICATION PROGRAM.

19 1. There is appropriated from the general fund of the
20 state to the department of agriculture and land stewardship
21 for the fiscal year beginning July 1, 1998, and ending June
22 30, 1999, the following amount, or so much thereof as is
23 necessary, to be used for the purpose designated:

24 For support of the pseudorabies eradication program:

25 \$ 900,500

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

31 Sec. 11. PORCINE REPRODUCTIVE AND RESPIRATORY SYNDROME.

32 There is appropriated from the general fund of the state to
33 Iowa state university of science and technology for the fiscal
34 year beginning July 1, 1998, and ending June 30, 1999, the
35 following amount, or so much thereof as is necessary, to be

1 used for the purpose designated:

2 For the purpose of supporting research to manage or
3 eradicate porcine reproductive and respiratory syndrome:

4 \$ 50,000

5 1. As a condition of the appropriation made in this
6 section, each dollar from the appropriation expended under
7 this section must be matched by one dollar contributed by a
8 nonstate source.

9 2. Moneys appropriated in this section shall be expended
10 in accordance with the direction of the livestock health
11 advisory council established pursuant to section 267.2.

12 Sec. 12. LEGISLATIVE STUDY. The legislative council is
13 requested to establish an interim study committee consisting
14 of members of both political parties from both houses of the
15 general assembly to review and consider the need for
16 improvements in the division of responsibilities regarding on-
17 site inspections of animal feeding operations between the
18 department of natural resources and the department of
19 agriculture and land stewardship. The legislative council is
20 requested to authorize one day for a meeting regarding the
21 issues. The committee shall submit its findings, together
22 with any recommendations, in a report to the general assembly
23 which convenes in January 1999.

24 RELATED APPROPRIATIONS

25 Sec. 13. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE
26 UNDERGROUND STORAGE TANK FUND BOARD. There is appropriated
27 from the unassigned revenue fund administered by the Iowa
28 comprehensive underground storage tank fund board, to the
29 department of natural resources for the fiscal year beginning
30 July 1, 1998, and ending June 30, 1999, the following amount,
31 or so much thereof as is necessary, to be used for the purpose
32 designated:

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

35 \$ 75,000

1 Sec. 14. PRIVATE WELL TESTING. Notwithstanding section
2 455E.11, subsection 2, paragraph "b", prior to any
3 appropriation from the agriculture management account of the
4 groundwater protection fund, as provided in section 455E.11,
5 subsection 2, paragraph "b", the following amount is
6 appropriated for use as provided in this section during the
7 fiscal period beginning July 1, 1998, and ending June 30,
8 1999, as follows:

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

14 \$ 50,000

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

1 the department of agricultural biosystems engineering within
2 the college of agriculture and the college of engineering at
3 Iowa state university. All moneys appropriated in this
4 section shall only be used for the following purposes:

5 1. Analyzing test samples by the state hygienic
6 laboratory.

7 2. Performing tests in counties. However, not more than
8 \$50 of the moneys appropriated in this section shall be used
9 to pay for administering testing within any test area,
10 including labor and equipment costs, regardless of the number
11 of tests performed within the test area.

12 Sec. 15. TRANSFERS OF MONEYS REQUIRED TO BE DEPOSITED IN
13 THE WATER PROTECTION FUND. Notwithstanding section 161C.4 and
14 the reversion and allocation provisions in section 455A.19,
15 subsection 1, paragraph "c", of the unencumbered and
16 unobligated moneys remaining at the close of the fiscal year
17 ending June 30, 1998, which are required to be deposited in
18 the water protection fund created in section 161C.4, as
19 provided in section 455A.19, subsection 1, paragraph "c", the
20 following amount shall be transferred first from moneys
21 required to be deposited in the water protection practices
22 account, and if necessary from moneys required to be deposited
23 in the water quality protection projects account, which shall
24 be used for the following purposes:

25 To the Loess Hills development and conservation authority,
26 for deposit in the Loess Hills development and conservation
27 fund created in section 161D.2 to be used for the purposes
28 specified in section 161D.1:

29 \$ 400,000

30 MISCELLANEOUS

31 Sec. 16. Notwithstanding the provision of section
32 455B.103A, subsection 4, for the fiscal year beginning July 1,
33 1998, the department of natural resources may use additional
34 funds for the staffing of two additional full-time staff
35 members to reduce the department's flood plain permit backlog.

1 Sec. 17. TRANSFER OF MONEYS OR POSITIONS -- CHANGES IN
2 TABLES OF ORGANIZATION -- NOTIFICATION. In addition to the
3 requirements of section 8.39, in each fiscal quarter, the
4 department of agriculture and land stewardship and the
5 department of natural resources shall notify the chairpersons,
6 vice chairpersons, and ranking members of the joint
7 appropriations subcommittee on agriculture and natural
8 resources for the previous fiscal quarter of any transfer of
9 moneys or full-time equivalent positions made by either
10 department which is not authorized in this Act, or any
11 permanent position added to or deleted from either
12 department's table of organization.

13 Sec. 18. TRANSFER -- AIR QUALITY. For the fiscal year
14 beginning July 1, 1998, and ending June 30, 1999, the
15 department of natural resources may transfer up to \$775,000
16 for the fiscal year from the hazardous substance remedial fund
17 created pursuant to section 455B.423 to support purposes
18 related to carrying out the duties of the commission under
19 section 455B.133, or the director under section 455B.134, or
20 for carrying out the provisions of chapter 455B, division II.

21 Notwithstanding section 455B.133B, the department may use
22 moneys deposited in the air contaminant source fund created in
23 section 455B.133B during the fiscal year for any purpose
24 related to carrying out the duties of the commission under
25 section 455B.133 or the director under section 455B.134, or
26 for carrying out the provisions of chapter 455B, division II.

27 Sec. 19. 1997 Iowa Acts, chapter 213, section 21,
28 subsection 3, is amended by striking the subsection.

29 Sec. 20. Section 455E.11, subsection 2, paragraph b,
30 subparagraph (3), subparagraph subdivision (d), Code 1997, is
31 amended to read as follows:

32 (d) Thirteen percent of the moneys is appropriated
33 annually to the department of agriculture and land stewardship
34 for financial incentive programs related to agricultural
35 drainage wells and sinkholes, for studies and administrative

1 costs relating to sinkholes and agricultural drainage wells
2 programs. ~~Of the thirteen percent allocated for financial~~
3 ~~incentive programs, not more than fifty thousand dollars is~~
4 ~~appropriated for the fiscal year beginning July 1, 1987, and~~
5 ~~ending June 30, 1988, to the department of natural resources~~
6 ~~for grants to county conservation boards for the development~~
7 ~~and implementation of projects regarding alternative practices~~
8 ~~in the remediation of noxious weeds or other vegetation within~~
9 ~~highway rights-of-way. Any remaining balance of the~~
10 ~~appropriation made for the purpose of funding of projects~~
11 ~~regarding alternative practices in the remediation of noxious~~
12 ~~weeds or other vegetation within highway rights-of-way for the~~
13 ~~fiscal year beginning July 1, 1987, and ending June 30, 1988,~~
14 ~~shall not revert to the account, notwithstanding section 8.23,~~
15 ~~but shall remain available for the purpose of funding the~~
16 ~~projects during the fiscal period beginning July 1, 1988, and~~
17 ~~ending June 30, 1990. Of the moneys allocated for financial~~
18 ~~incentive programs, the department may reimburse landowners~~
19 ~~for engineering costs associated with voluntarily closing~~
20 ~~agricultural drainage wells. The financial incentives~~
21 ~~allocated for voluntary closing of agricultural drainage wells~~
22 ~~shall be provided on a cost-share basis which shall not exceed~~
23 ~~fifty percent of the estimated cost or fifty percent of the~~
24 ~~actual cost, whichever is less. Engineering costs do not~~
25 ~~include construction costs, including costs associated with~~
26 ~~earth moving.~~

27 Sec. 21. 1997 Iowa Acts, chapter 213, section 21,
28 subsection 3, as amended by this Act, takes effect on January
29 1, 1999.

30 EXPLANATION

31 This bill appropriates moneys to the department of
32 agriculture and land stewardship and the department of natural
33 resources. The bill appropriates moneys to various divisions
34 of the departments, supports the farmers market coupon
35 program, provides for the transfer of fees, supports programs

1 related to the natural environment, animal health and
2 industry, and conservation efforts. The bill amends Code
3 section 455E.11 to provide for providing cost-share moneys to
4 reimburse landowners in closing agricultural drainage wells.

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SENATE FILE 2295

5122

Amend Senate File 2295 as follows:

1. Page 15, by inserting after line 29 the following:

"Sec. ____ . WATERSHED 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, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$	400,000
..... FTEs	2.00

Notwithstanding section 8.33, moneys appropriated in this section which remain unexpended or unobligated on June 30, 1999, shall not revert to the general fund of the state but shall remain available for the purposes designated for the fiscal year beginning July 1, 1999."

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

"Sec. ____ . NEW SECTION. 161C.7 WATERSHED PROGRAM.

The division shall develop and implement a watershed program to address, examine, and provide possible suggestions for issues involving soil conservation, water quality protection, and flood control objectives in all watersheds in the state. The information resulting from this program shall be used by soil and water conservation districts to develop and implement water quality and watershed projects in the state."

3. By renumbering as necessary.

By PATTY JUDGE

S-5122 FILED MARCH 3, 1998

Lost 3/4/98 (p. 558)
SENATE FILE 2295

S-5123

Amend Senate File 2295 as follows:

1. Page 11, line 34, by striking the figure "9,000,000" and inserting the following:
"12,000,000".

By BILL FINK

ROBERT E. DVORSKY
ROD HALVORSON

MIKE CONNOLLY

TOM FLYNN
PATTY JUDGE

-5123 FILED MARCH 3, 1998

ST

(p. 530)

SENATE FILE 2295

S-5116

1 Amend Senate File 2295 as follows:

2 1. Page 15, by inserting after line 11 the
3 following:

4 "Sec. ____ . SURFACE WATER AND GROUNDWATER
5 MONITORING. There is appropriated from the general
6 fund of the state to the department of natural
7 resources for the fiscal year beginning July 1, 1998,
8 and ending June 30, 1999, the following amount, or so
9 much thereof as is necessary, to be used for the
10 purposes designated:

11 For the surface water and groundwater monitoring
12 programs, including salaries, support, maintenance,
13 miscellaneous purposes, and for not more than the
14 following full-time equivalent positions:

15	\$	1,000,000
16	FTEs	2.00

17 Notwithstanding section 8.33, moneys appropriated
18 in this section which remain unexpended or unobligated
19 on June 30, 1999, shall not revert to the general fund
20 of the state but shall remain available for the
21 purposes designated for the fiscal year beginning July
22 1, 1999."

23 2. Page 16, by inserting after line 28 the
24 following:

25 "Sec. ____ . NEW SECTION. 455B.282 SURFACE WATER
26 AND GROUNDWATER MONITORING.

27 1. The commission shall establish and administer a
28 long-term surface water monitoring program which
29 includes, at a minimum, all of the following elements:

30 a. A significant number of fixed monitoring sites
31 selected to include a full array of geographical
32 conditions and watershed sizes.

33 b. Inclusion of lakes, reservoirs, ponds, and
34 wetlands in regular surface water monitoring.

35 c. High frequency of sampling at a significant
36 number of fixed station sites to provide information
37 on contaminant concentration and movement.

38 d. Analysis of samples for common pesticides at
39 all fixed station sites and analysis of pesticide
40 metabolites at all fixed station sites located at
41 large river monitoring sites.

42 e. Implementation of watershed-based rotational
43 monitoring where a portion of the watersheds are
44 intensively monitored on a cyclical basis of one out
45 of every five years.

46 f. Incorporation of biological monitoring into the
47 monitoring for all sites.

48 g. Problem assessment and research.

49 2. The commission shall establish and administer a
50 long-term groundwater monitoring program which

S-5116

5116

File 2

includes, at a minimum, the following elements:

2 a. Fixed station, long-term monitoring to collect
3 baseline data for trend analysis in six major
4 aquifers. Water levels at the aquifer sites shall be
5 monitored and each site shall be regularly sampled for
6 inorganics, common herbicides, and selected volatile
7 organic compounds.

8 b. An ambient rotational groundwater quality
9 monitoring program conducted in cooperation with the
10 United States geological survey and the university of
11 Iowa hygienic laboratory.

12 c. Identification of groundwater quality issues
13 and conducting of research needed to address the
14 issues. The issues shall initially include, but not
15 be limited to, all of the following:

16 (1) Identification of storage and handling of
17 hazardous materials and facilities.

18 (2) The relative contribution of point and
19 nonpoint sources of groundwater contamination.

20 (3) Organic chemicals in unsaturated zones.

21 (4) The effects of large withdrawals on aquifers.

22 (5) Identification of recharge zones for all
23 aquifers."

By TOM VILSACK

S-5116 FILED MARCH 3, 1998

lost 3/4/98 (p. 557)
SENATE FILE 2295

S-5120

1 Amend Senate File 2295 as follows:

2 1. Page 4, line 21, by striking the figure
3 "6,469,850" and inserting the following: "7,469,850".

By PATTY JUDGE

S-5120 FILED MARCH 3, 1998

LOST

(p. 529)

SENATE FILE 2295

S-5127

1 Amend Senate File 2295 as follows:

2 1. Page 13, by inserting after line 23 the
3 following:

4 "Sec. ____ . LIVESTOCK MARKETING. There is
5 appropriated from the general fund of the state to the
6 department of agriculture and land stewardship for the
7 fiscal year beginning July 1, 1998, and ending June
8 30, 1999, the following amount, or so much thereof as
9 is necessary, to be used for the purpose designated:

10 For supporting the regulation of livestock
11 marketing practices as provided in chapter 172C, as
12 enacted in this Act:

13 \$ 50,000"

14 2. Page 16, by inserting after line 28 the
15 following:

16 "Sec. ____ . NEW SECTION. 172C.1 DEFINITIONS.

17 1. "Livestock" means live cattle, swine, or sheep.

18 2. "Packer" means a person who is engaged in the
19 business of slaughtering livestock or receiving,
20 purchasing, or soliciting livestock for slaughtering,
21 the meat products of which are directly or indirectly
22 to be offered for resale or for public consumption.
23 As used in this chapter, "packer" includes an agent of
24 the packer engaged in buying or soliciting livestock
25 for slaughter on behalf of a packer. "Packer" does
26 not include any of the following:

27 a. A cold storage plant regulated under chapter
28 171.

29 b. A frozen food locker plant regulated under
30 chapter 172.

31 c. A livestock market as defined in section
32 455B.161.

33 Sec. ____ . NEW SECTION. 172C.2 PRICE
34 DISCRIMINATION -- PROHIBITION.

35 1. Except as provided in subsection 2, a packer
36 purchasing or soliciting livestock for slaughter in
37 this state shall not discriminate in prices paid or
38 offered to be paid to sellers of that livestock.

39 2. This section shall not apply to any of the
40 following:

41 a. A person exempted from the license and
42 financial responsibility provisions of chapter 172A
43 pursuant to section 172A.6.

44 b. The sale and purchase of livestock if all of
45 the following requirements are met:

46 (1) The price differential is based on one of the
47 following:

48 (a) The quality of the livestock, if the packer
49 purchases or solicits the livestock based upon a
50 payment method specifying prices paid for criteria

S-5127

S-5127

Page 2

1 relating to carcass merit.

2 (b) Actual and quantifiable costs related to
3 transporting and acquiring the livestock by the
4 packer.

5 (c) An agreement for the delivery of livestock at
6 a specified date or time.

7 (2) After making a differential payment to a
8 seller, the packer publishes information relating to
9 the differential pricing, including the payment method
10 for carcass merit, transportation and acquisition
11 pricing, and an offer to enter into an agreement for
12 the delivery of livestock at a specified date or time
13 according to the same terms and conditions offered to
14 other sellers.

15 3. A packer shall provide all sellers with the
16 same terms and conditions offered to a seller who
17 receives a differential price based on any of the
18 criteria described in subsection 2, paragraph "c",
19 subparagraph (1).

20 4. The packer shall, at the beginning of each day
21 in which livestock are purchased, post in a
22 conspicuous place at the point of delivery, all prices
23 for livestock to be paid that day.

24 5. An agreement made by a packer in violation of
25 this section is voidable.

26 6. A packer acting in violation of this section is
27 guilty of a fraudulent practice as provided in chapter
28 714.

29 7. The attorney general shall enforce this
30 section. The department shall refer any violations of
31 this chapter to the attorney general. The attorney
32 general or any person injured by a violation of this
33 section may bring an action in district court to
34 restrain a packer from violating this section. A
35 seller who receives a discriminatory price or who is
36 offered only a discriminatory price for livestock
37 based upon a violation of this section by a packer,
38 has a civil cause of action against the packer and, if
39 successful, shall be awarded treble damages.

40 Sec. ____ . NEW SECTION. 172C.3 REPORTING
41 REQUIREMENTS.

42 1. A packer shall make available for publication
43 and to a board of trade approved by the department, a
44 daily report setting forth information regarding
45 prices paid for livestock, under each contract in
46 force, in which the packer and an Iowa resident are
47 parties for the purchase of the livestock by the
48 packer, and which sets a date for delivery more than
49 twenty days after the making of the contract.

50 2. The reports shall be completed on forms

S-5127

-2-

S-5127

Page 3

1 prepared by the department for comparison with cash
2 market prices for livestock according to procedures
3 required by the department. However, a report shall
4 not include information regarding the identity of a
5 seller.

6 3. The failure of a packer to report as required
7 by this section is punishable by a civil penalty not
8 to exceed one thousand dollars for each day that a
9 timely or truthful report is not published. The
10 department shall refer to the attorney general any
11 packer or packer's agent who the department believes
12 is in violation of this section. The attorney general
13 may, upon referral from the department, file an action
14 in district court to enforce this section."

By PATTY JUDGE
JOHN P. KIBBIE

S-5127 FILED MARCH 3, 1998
DEFERRED *Order 3/3/98 (P.530)*

SENATE FILE 2295

S-5128

1 Amend Senate File 2295 as follows:

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

4 " . For support of the state-federal animal
5 health laboratory:

6 \$ 100,000"

7 2. By renumbering as necessary.

By PATTY JUDGE

S-5128 FILED MARCH 3, 1998
LOST

(P.528)

SENATE FILE 2295

S-5125

1 Amend Senate File 2295 as follows:

2 1. Page 13, line 4, by striking the figure
3 "50,000" and inserting the following: "100,000".

By JOHN P. KIBBIE
PATTY JUDGE

S-5125 FILED MARCH 3, 1998
LOST

(P.530)

SENATE FILE 2295

S-5126

1 Amend Senate File 2295 as follows:

2 1. Page 7, line 24, by inserting before the word
3 "used" the following: "primarily".

By TOM VILSACK

-5126 FILED MARCH 3, 1998
DOPTED

(p 529)

SENATE FILE 2295

S-5124

1 Amend Senate File 2295 as follows:

- DIV 2 1. Page 3, line 18, by striking the figure
 B 3 "1,028,161" and inserting the following: "997,161".
 4 2. Page 3, line 31, by inserting after the word
 5 "foods." the following: "However, if Senate File 2332
 6 or other legislation providing for the production,
 7 handling, processing, and sale of organic agricultural
 8 products as provided in Senate File 2332, is not
 9 enacted by the Seventy-seventh General Assembly, 1998
 10 Session, the full-time equivalent positions authorized
 11 and the amount appropriated under this subparagraph
 12 shall be reduced by 1.00 FTE and \$68,011."
-
- DIV 13 3. Page 4, line 21, by striking the figure
 A 14 "6,469,850" and inserting the following: "6,500,850".
-
- DIV 15 4. Page 8, line 34, by inserting after the figure
 B 16 "22." the following: "However, the identity of the
 17 site shall be provided to the department of natural
 18 resources, which shall keep the identity
 19 confidential."
 20 5. Page 12, by striking line 12.
 21 6. Page 15, by inserting after line 29 the
 22 following:
 23 "Sec. 100. Of the amount appropriated to Iowa
 24 state university for supporting odor control
 25 applications for animal feeding operations, as
 26 provided in 1997 Iowa Acts, chapter 213, section 12,
 27 subsection 1, any amount which is unencumbered or
 28 unobligated on June 30, 1998, shall be transferred to
 29 the livestock disease research fund established
 30 pursuant to section 267.8 for use by the Iowa state
 31 university college of veterinary medicine upon
 32 recommendation of the livestock health advisory
 33 council in a manner consistent with the provisions of
 34 chapter 267."
 35 7. Page 17, by striking line 27 and inserting the
 36 following:
 37 "Sec. ____ . EFFECTIVE DATES.
 38 1. 1997 Iowa Acts, chapter 213, section 21,".
 39 8. Page 17, by inserting after line 29 the
 40 following:
 41 "2. Section 100 of this Act takes effect upon
 42 enactment."
 43 9. Title page, line 2, by inserting after the
 44 word "resources" the following: "and providing an
 45 effective date".
 46 10. By renumbering as necessary.

By DERRYL McLAREN
 H. KAY HEDGE

S-5124 FILED MARCH 3, 1998
 DIV A -DEFERRED, DIV B - ADOPTED

A. adopted 3/4/98 (p.559)

SENATE FILE 2295

S-5135

1 Amend Senate File 2295 as follows:

2 1. Page 2, line 29, by striking the figure
3 "4,057,274" and inserting the following: "4,107,274".

4 2. Page 3, by inserting after line 8 the
5 following:

6 "(3) Of the amount appropriated in paragraph "a",
7 \$50,000 shall be used to support the regulation of
8 livestock marketing practices as provided in this
9 subparagraph.

10 (a) As used in this section:

11 (i) "Livestock" means live cattle, swine, or
12 sheep.

13 (ii) "Packer" means a person who is engaged in the
14 business of slaughtering livestock or receiving,
15 purchasing, or soliciting livestock for slaughtering,
16 the meat products of which are directly or indirectly
17 to be offered for resale or for public consumption.
18 As used in this subparagraph, "packer" includes an
19 agent of the packer engaged in buying or soliciting
20 livestock for slaughter on behalf of a packer.

21 "Packer" does not include a cold storage plant
22 regulated under chapter 171; a frozen food locker
23 plant regulated under chapter 172; or a livestock
24 market as defined in section 455B.161.

25 (b) Except as otherwise provided in this
26 subparagraph subdivision, a packer purchasing or
27 soliciting livestock for slaughter in this state shall
28 not discriminate in prices paid or offered to be paid
29 to sellers of that livestock. However, this
30 subparagraph subdivision shall not apply to a person
31 exempted from the license and financial responsibility
32 provisions of chapter 172A pursuant to section 172A.6.
33 This subparagraph subdivision shall also not apply to
34 the sale and purchase of livestock if all of the
35 following requirements are met:

36 (i) The price differential is based on the quality
37 of the livestock, if the packer purchases or solicits
38 the livestock based upon a payment method specifying
39 prices paid for criteria relating to carcass merit;
40 actual and quantifiable costs related to transporting
41 and acquiring the livestock by the packer; or an
42 agreement for the delivery of livestock at a specified
43 date or time.

44 (ii) After making a differential payment to a
45 seller, the packer publishes information relating to
46 the differential pricing, including the payment method
47 for carcass merit, transportation and acquisition
48 pricing, and an offer to enter into an agreement for
49 the delivery of livestock at a specified date or time
50 according to the same terms and conditions offered to

S-5135

S-5135

Page 2

1 other sellers.

2 (c) A packer shall provide all sellers with the
3 same terms and conditions offered to a seller who
4 receives a differential price based on any of the
5 criteria described in subparagraph subdivision (b).

6 (d) A packer shall, at the beginning of each day
7 in which livestock are purchased, post in a
8 conspicuous place at the point of delivery, all prices
9 for livestock to be paid that day.

10 (e) An agreement made by a packer in violation of
11 this subparagraph is voidable.

12 (f) A packer acting in violation of this
13 subparagraph is guilty of a fraudulent practice as
14 provided in chapter 714.

15 (g) The attorney general shall enforce the
16 provisions of this subparagraph and the department
17 shall refer any violations of these provisions to the
18 attorney general. The attorney general or any person
19 injured by a violation of these provisions may bring
20 an action in district court to restrain a packer from
21 violating these provisions. A seller who receives a
22 discriminatory price or who is offered only a
23 discriminatory price for livestock based upon a
24 violation of these provisions by a packer has a civil
25 cause of action against the packer and, if successful,
26 shall be awarded treble damages.

27 (h) A packer shall make available for publication
28 and to a board of trade approved by the department, a
29 daily report setting forth information regarding
30 prices paid for livestock, under each contract in
31 force, in which the packer and an Iowa resident are
32 parties for the purchase of the livestock by the
33 packer, and which sets a date for delivery more than
34 twenty days after the making of the contract.

35 (i) The reports shall be completed on forms
36 prepared by the department for comparison with cash
37 market prices for livestock according to procedures
38 required by the department. The report shall not
39 include information regarding the identity of a
40 seller.

41 (ii) A failure of a packer to report as required
42 by this subparagraph is punishable by a civil penalty
43 not to exceed one thousand dollars for each day that a
44 timely or truthful report is not published. The
45 department shall refer to the attorney general any
46 packer or packer's agent whom the department believes
47 is in violation of the provisions of this
48 subparagraph. The attorney general may, upon referral
49 from the department, file an action in district court
50 to enforce these provisions."

By PATTY JUDGE
JOHN P. KIBBIE
TOM VILSACK

S-5135 FILED MARCH 4, 1998
LOST

(p. 559)

SENATE FILE 2295

S-5134

- 1 Amend Senate File 2295 as follows:
- 2 1. Page 3, line 19 by striking the figure "86.10"
- 3 and inserting the following: "85.10".

By DERRYL McLAREN
H. KAY HEDGE

S-5134 FILED MARCH 4, 1998

ADOPTED

(P. 559)

SENATE FILE 2295

S-5107

- 1 Amend Senate File 2295 as follows:
- 2 1. Page 3, line 18, by striking the figure
- 3 "1,028,161" and inserting the following: "997,161".
- 4 2. Page 4, line 5, by striking the figure
- 5 "671,854" and inserting the following: "702,854".
- 6 3. Page 12, by striking line 12.

By DERRYL McLAREN
H. KAY HEDGE
DENNIS H. BLACK

S-5107 FILED MARCH 2, 1998

O/Order 3/4/98 (P 559)

SENATE FILE 2295

S-5115

- 1 Amend Senate File 2295 as follows:
- 2 1. Page 7, line 24, by inserting before the word
- 3 "used" the following: "exclusively".

By TOM VILSACK

S-5115 FILED MARCH 3, 1998

RULED OUT OF ORDER (P. 529)

SENATE FILE **2295**
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2159)

(AS AMENDED AND PASSED BY THE SENATE MARCH 4, 1998)

~~_____~~ - New Language by the Senate
* - Language Stricken by the Senate

Passed Senate ^(P. 1279) Date 4/15/98 Passed House ^(P. 910) Date 3/24/98
Vote: Ayes 49 Nays 0 Vote: Ayes 61 Nays 37

Approved May 19, 1998 ~~_____~~ ^(P. 1663) Passed 4/15/98
Item retained Rate 80-15

A BILL FOR

1 An Act relating to and making appropriations for agriculture and
2 natural resources and providing an effective date.

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

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Senate Conf. Comm.
4-8-98
Nedge
McLaren
Behm
Block
Judge
(P. 1146)

House Conf. Comm.
4-8-98 *P. 1411*
Greiner
Dalechuck
Klemme
Murphy
Mutz

S.F. 2295

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, 1998, and ending June 30, 1999, 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 \$ 1,853,756
14 FTEs 42.78

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 \$55,000 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 in this paragraph "a",
31 \$12,000 shall be used by the agricultural statistics bureau
32 for purposes of collecting, summarizing, and publishing
33 marketing information on a monthly basis, regarding finished
34 cattle in cooperation with the Iowa cattlemen's association,
35 including unfinished cattle for market, cattle placed on feed,

1 and cattle on hand under marketing arrangements.

2 (5) Of the amount appropriated in this paragraph "a",
3 \$24,000 shall be used by the domestic marketing bureau through
4 an existing federal and state cooperative agreement to develop
5 accurate, reliable market information regarding segregated
6 early-weaned pigs and alternate feeder pigs marketing systems.

7 (6) Of the amount appropriated and the number of full-time
8 equivalent positions authorized in this paragraph "a", at
9 least \$38,000 shall be used for livestock market news
10 reporting.

11 (7) Of the full-time equivalent positions authorized in
12 paragraph "a", 1.33 of the FTE positions relate to the
13 transition of personnel services contractors to FTE positions.
14 The merit system provisions of Code chapter 19A and the
15 provisions of the state or union collective bargaining
16 agreements shall not govern movement into these FTE positions
17 until September 1, 1998. This subparagraph shall no longer
18 apply after September 1, 1998.

19 b. For the operations of the dairy trade practices bureau:
20 \$ 69,984

21 c. For the purpose of performing commercial feed audits:
22 \$ 67,807

23 d. For the purpose of performing fertilizer audits:
24 \$ 67,807

25 2. REGULATORY DIVISION

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

29 \$ 4,057,274
30 FTEs 125.50

31 (1) Of the amount appropriated in this paragraph "a",
32 \$10,000 shall be used by the regulatory division for purposes
33 of inspecting livestock exhibited at the Iowa state fair, with
34 particular attention to the inspection of livestock for club-
35 lamb fungus.

1 (2) Of the full-time equivalent positions authorized in
2 paragraph "a", 1.00 FTE position relates to the transition of
3 personnel services contractors to FTE positions. The merit
4 system provisions of Code chapter 19A and the provisions of
5 the state or union collective bargaining agreements shall not
6 govern movement into these FTE positions until September 1,
7 1998. This subparagraph shall no longer apply after September
8 1, 1998.

9 b. For the costs of inspection, sampling, analysis, and
10 other expenses necessary for the administration of chapters
11 192, 194, and 195:

12 \$ 670,796

13 3. LABORATORY DIVISION

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

18 \$ 997,161
19 FTEs 85.10

20 (1) Of the amount appropriated in this paragraph "a",
21 \$110,000 shall be used to administer a program relating to the
22 detection, surveillance, and eradication of the gypsy moth.
23 The department shall allocate and use the appropriation made
24 in this paragraph before moneys other than those appropriated
25 in this paragraph are used to support the program.

26 (2) Of the amount appropriated and the authorized full-
27 time equivalent positions in this paragraph "a", \$136,022 and
28 2.00 FTEs shall be used to administer a certification program
29 to assure that organic foods sold commercially within the
30 state comply with federal and state regulations relating to
31 organic foods. However, if Senate File 2332 or other
32 legislation providing for the production, handling,
33 processing, and sale of organic agricultural products as
34 provided in Senate File 2332, is not enacted by the Seventy-
35 seventh General Assembly, 1998 Session, the full-time

1 equivalent positions authorized and the amount appropriated
2 under this subparagraph shall be reduced by 1.00 FTE and
3 \$68,011.

4 b. For the operations of the commercial feed programs:
5 \$ 787,906

6 c. For the operations of the pesticide programs:
7 \$ 1,257,056

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

11 d. For the operations of the fertilizer programs:
12 \$ 671,854

13 4. SOIL CONSERVATION DIVISION

14 a. For salaries, support, maintenance, assistance to soil
15 conservation districts, miscellaneous purposes, and for not
16 more than the following full-time equivalent positions:
17 \$ 6,600,518
18 FTEs 171.28

19 Of the amount appropriated in this paragraph "a", \$418,376
20 shall be used to reimburse commissioners of soil and water
21 conservation districts for administrative expenses, including
22 but not limited to, travel expenses and technical training.
23 Moneys used for the payment of meeting dues by counties shall
24 be matched on a dollar-for-dollar basis by the soil
25 conservation division.

26 b. To provide financial incentives for soil conservation
27 practices under chapter 161A:
28 \$ 6,500,850

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

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

34 (2) Of the moneys appropriated in paragraph "b", 5 percent
35 shall be allocated for financial incentives to establish

1 practices to protect watersheds above publicly owned lakes of
2 the state from soil erosion and sediment as provided in
3 section 161A.73.

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

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

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

16 d. The provisions of section 8.33 shall not apply to the
17 moneys appropriated in paragraph "b". Unencumbered or
18 unobligated moneys remaining on June 30, 2002, from moneys
19 appropriated in paragraph "b" for the fiscal year beginning
20 July 1, 1998, shall revert to the general fund of the state on
21 August 31, 2002.

22 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is
23 appropriated from the general fund of the state to the
24 department of agriculture and land stewardship for the fiscal
25 year beginning July 1, 1998, and ending June 30, 1999, the
26 following amount, or so much thereof as is necessary, to be
27 used for the purposes designated:

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

34	\$	258,995
35	FTEs	1.00

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DEPARTMENT OF NATURAL RESOURCES

Sec. 3. 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, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE AND SUPPORT SERVICES

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

.....	\$	2,101,715
.....	FTEs	119.25

b. Of the amount appropriated in paragraph "a", \$12,000 shall be allocated to pay dues for membership in the upper Mississippi river basin commission.

c. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", 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.

d. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", not less than \$34,000 and 1.00 FTE shall be used by administrative and support services to support the inspection and oversight of manure management plans associated with confinement feeding operations regulated by the department.

2. PARKS AND PRESERVES DIVISION

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

.....	\$	5,993,308
.....	FTEs	195.73

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

4 3. FORESTS AND FORESTRY DIVISION

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

8	\$	1,653,846
9	FTEs	48.71

10 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

14	\$	1,854,059
15	FTEs	54.00

16 b. Of the amount appropriated and the number of full-time
17 equivalent positions authorized in paragraph "a", not less
18 than \$76,000 and 2.00 FTEs shall be used by the energy and
19 geological resources division to review soil and hydrology
20 data for construction permits and manure management plans
21 associated with confinement feeding operations regulated by
22 the department.

23 5. ENVIRONMENTAL PROTECTION DIVISION

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

27	\$	3,616,627
28	FTEs	236.50

29 b. Of the amount appropriated and the number of full-time
30 equivalent positions authorized in paragraph "a", at least
31 \$424,600 and 9.00 FTEs shall be primarily used to support the
32 regulation of animal feeding operations.

33 c. Of the amount appropriated and the number of full-time
34 equivalent positions authorized in paragraph "a", at least
35 \$700,467 and 10.00 FTEs shall be used to support the

1 regulation of wastewater treatment systems, including issuing
2 permits and conducting inspections.

3 d. Of the amount appropriated and the number of full-time
4 equivalent positions authorized in paragraph "a", at least
5 \$270,000 and 6.00 FTEs shall be used to support on-site
6 inspections and the oversight of manure management plans
7 associated with confinement feeding operations regulated by
8 the department.

9 6. WATER QUALITY PROTECTION FUND

10 a. For deposit in the administration account of the water
11 quality protection fund established pursuant to section
12 455B.183A, to carry out the purpose of that account:

13 \$ 729,000

14 (1) Of the number of full-time equivalent positions
15 authorized in subsection 5, paragraph "a", 32.50 FTEs shall be
16 dedicated to carrying out the provisions of chapter 455B
17 relating to the administration, regulation, and enforcement of
18 the federal Safe Drinking Water Act and to support the program
19 to assist water supply systems as provided in section
20 455B.183B. However, the limitation on full-time equivalent
21 positions provided in subsection 5, paragraph "a", shall not
22 limit the number of additional full-time equivalent positions
23 supported by moneys deposited in the water quality protection
24 fund as provided in section 455B.183A, in order to carry out
25 the provisions of division III of chapter 455B relating to the
26 administration, regulation, and enforcement of the federal
27 Safe Drinking Water Act, and the administration of the program
28 to assist water supply systems pursuant to section 455B.183B.

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

34 b. Of the amount appropriated to the administration
35 account of the water quality protection fund as provided in

1 paragraph "a", \$300,000 shall be allocated to Iowa state
2 university of science and technology for purposes of
3 conducting studies regarding groundwater and surface water
4 contamination in this state. The identity of a site selected
5 in conducting testing shall remain confidential and shall not
6 be subject to disclosure under chapter 22. However, the
7 identity of the site shall be provided to the department of
8 natural resources, which shall keep the identity confidential.
9 The findings of the testing shall not be used in a case or
10 proceeding brought against a person based upon a violation of
11 state law. The university shall cooperate with the department
12 of natural resources in designing, implementing, and
13 conducting the studies. The university shall report all
14 results of the studies to the department, the legislative
15 fiscal bureau, and the members of the joint appropriations
16 subcommittee on agriculture and natural resources.

17 c. Of the amount appropriated to the administration
18 account of the water quality protection fund as provided in
19 paragraph "a", \$15,000 shall be allocated to support a grant
20 to local sponsors of the Lewis and Clark rural water system in
21 order to construct a system to provide safe and adequate
22 municipal and rural water supplies for residential,
23 commercial, agricultural, and industrial uses, to preserve
24 wetlands, and to mitigate water conservation efforts.

25 7. FISH AND WILDLIFE DIVISION

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

28 FTEs 344.18

29 8. WASTE MANAGEMENT ASSISTANCE DIVISION

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

32 FTEs 17.75

33 Sec. 4. STATE FISH AND GAME PROTECTION FUND --

34 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

35 1. a. There is appropriated from the state fish and game

1 protection fund to the division of fish and wildlife of the
2 department of natural resources for the fiscal year beginning
3 July 1, 1998, and ending June 30, 1999, the following amount,
4 or so much thereof as is necessary, to be used for the
5 purposes designated:

6 For administrative support, and for salaries, support,
7 maintenance, equipment, and miscellaneous purposes:
8 \$ 23,128,434

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

13 c. Of the amount appropriated in paragraph "a", \$300,000
14 shall be used by the division for the replacement of worn
15 boats, motors, and trailers used by fish and wildlife water
16 patrol officers.

17 2. The department shall not expend more moneys from the
18 fish and game protection fund than provided in this section,
19 unless the expenditure derives from contributions made by a
20 private entity, or a grant or moneys received from the federal
21 government, and is approved by the natural resource
22 commission. The department of natural resources shall
23 promptly notify the legislative fiscal bureau and the
24 chairpersons and ranking members of the joint appropriations
25 subcommittee on agriculture and natural resources concerning
26 the commission's approval.

27 Sec. 5. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT
28 PURPOSES. There is transferred on July 1, 1998, from the fees
29 deposited under section 321G.7 to the fish and game protection
30 fund and appropriated to the department of natural resources
31 for the fiscal year beginning July 1, 1998, and ending June
32 30, 1999, the following amount, or so much thereof as is
33 necessary, to be used for the purpose designated:

34 For enforcing snowmobile laws as part of the state
35 snowmobile program administered by the department of natural

1 resources:

2 \$ 100,000

3 Sec. 6. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.

4 There is transferred on July 1, 1998, from the fees deposited
5 under section 462A.52 to the fish and game protection fund and
6 appropriated to the natural resource commission for the fiscal
7 year beginning July 1, 1998, and ending June 30, 1999, the
8 following amount, or so much thereof as is necessary, to be
9 used for the purpose designated:

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

12 \$ 1,600,000

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

18 2. Notwithstanding section 8.33, moneys transferred and
19 appropriated pursuant to this section which are unencumbered
20 or unobligated on June 30, 1999, shall be transferred on July
21 1, 1999, to the special conservation fund established by
22 section 462A.52 to be used as provided in that section, and
23 shall not revert as provided in section 8.33.

24 Sec. 7. MARINE FUEL TAX RECEIPTS -- BOATING FACILITIES.

25 There is appropriated from the marine fuel tax receipts
26 deposited in the general fund of the state to the department
27 of natural resources for the fiscal year beginning July 1,
28 1998, and ending June 30, 1999, the following amount, or so
29 much thereof as is necessary, to be used for the purposes
30 designated:

31 For purposes of maintaining and developing boating
32 facilities and access to public waters by the parks and
33 preserves division:

34 \$ 411,311

35 RESOURCES ENHANCEMENT AND PROTECTION

1 Sec. 8. GENERAL APPROPRIATION. Notwithstanding the amount
2 of the standing appropriation from the general fund of the
3 state under section 455A.18, subsection 3, there is
4 appropriated from the general fund of the state to the Iowa
5 resources enhancement and protection fund, in lieu of the
6 appropriation made in section 455A.18, for the fiscal year
7 beginning July 1, 1998, and ending June 30, 1999, the sum of
8 \$9,000,000, of which all moneys shall be allocated as provided
9 in section 455A.19.

10 ANIMAL HEALTH AND INDUSTRY

11 Sec. 9. HORSE AND DOG RACING.

12 1. There is appropriated from the moneys available under
13 section 99D.13 to the regulatory division of the department of
14 agriculture and land stewardship for the fiscal year beginning
15 July 1, 1998, and ending June 30, 1999, the following amount,
16 or so much thereof as is necessary, to be used for the
17 purposes designated:

18 For salaries, support, maintenance, and miscellaneous
19 purposes for the administration of section 99D.22:
20 \$ 250,211

*21 2. Of the amount appropriated and FTE authorized in
22 subsection 1, \$42,752 is allocated and 1.00 FTE shall be used
23 for purposes of supporting an additional livestock inspector
24 to inspect horses and dogs involved in racing under chapter
25 99D.

26 Sec. 10. PSEUDORABIES ERADICATION PROGRAM.

27 1. There is appropriated from the general fund of the
28 state to the department of agriculture and land stewardship
29 for the fiscal year beginning July 1, 1998, and ending June
30 30, 1999, the following amount, or so much thereof as is
31 necessary, to be used for the purpose designated:

32 For support of the pseudorabies eradication program:
33 \$ 900,500

34 2. Persons, including organizations interested in swine
35 production in this state and in the promotion of Iowa pork

1 products who contribute support to the program, are encouraged
2 to increase financial support for purposes of ensuring the
3 program's effective continuation.

4 Sec. 11. PORCINE REPRODUCTIVE AND RESPIRATORY SYNDROME.

5 There is appropriated from the general fund of the state to
6 Iowa state university of science and technology for the fiscal
7 year beginning July 1, 1998, and ending June 30, 1999, the
8 following amount, or so much thereof as is necessary, to be
9 used for the purpose designated:

10 For the purpose of supporting research to manage or
11 eradicate porcine reproductive and respiratory syndrome:

12 \$ 50,000

13 1. As a condition of the appropriation made in this
14 section, each dollar from the appropriation expended under
15 this section must be matched by one dollar contributed by a
16 nonstate source.

17 2. Moneys appropriated in this section shall be expended
18 in accordance with the direction of the livestock health
19 advisory council established pursuant to section 267.2.

20 Sec. 12. LEGISLATIVE STUDY. The legislative council is
21 requested to establish an interim study committee consisting
22 of members of both political parties from both houses of the
23 general assembly to review and consider the need for
24 improvements in the division of responsibilities regarding on-
25 site inspections of animal feeding operations between the
26 department of natural resources and the department of
27 agriculture and land stewardship. The legislative council is
28 requested to authorize one day for a meeting regarding the
29 issues. The committee shall submit its findings, together
30 with any recommendations, in a report to the general assembly
31 which convenes in January 1999.

32 RELATED APPROPRIATIONS

33 Sec. 13. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE
34 UNDERGROUND STORAGE TANK FUND BOARD. There is appropriated
35 from the unassigned revenue fund administered by the Iowa

1 comprehensive underground storage tank fund board, to the
2 department of natural resources for the fiscal year beginning
3 July 1, 1998, and ending June 30, 1999, the following amount,
4 or so much thereof as is necessary, to be used for the purpose
5 designated:

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

8 \$ 75,000

9 Sec. 14. PRIVATE WELL TESTING. Notwithstanding section
10 455E.11, subsection 2, paragraph "b", prior to any
11 appropriation from the agriculture management account of the
12 groundwater protection fund, as provided in section 455E.11,
13 subsection 2, paragraph "b", the following amount is
14 appropriated for use as provided in this section during the
15 fiscal period beginning July 1, 1998, and ending June 30,
16 1999, as follows:

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

22 \$ 50,000

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

1 collaboration with the local board of health. The testing may
2 be performed with volunteer assistance. However, all testing
3 shall be performed under the supervision of a county
4 sanitarian. The samples of the testing shall be analyzed by
5 the state hygienic laboratory at the state university of Iowa
6 or an environmental laboratory for drinking water analysis
7 certified by the department of natural resources. The samples
8 shall be evaluated in accordance with standards established by
9 the department of agricultural biosystems engineering within
10 the college of agriculture and the college of engineering at
11 Iowa state university. All moneys appropriated in this
12 section shall only be used for the following purposes:

13 1. Analyzing test samples by the state hygienic
14 laboratory.

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

20 Sec. 15. TRANSFERS OF MONEYS REQUIRED TO BE DEPOSITED IN
21 THE WATER PROTECTION FUND. Notwithstanding section 161C.4 and
22 the reversion and allocation provisions in section 455A.19,
23 subsection 1, paragraph "c", of the unencumbered and
24 unobligated moneys remaining at the close of the fiscal year
25 ending June 30, 1998, which are required to be deposited in
26 the water protection fund created in section 161C.4, as
27 provided in section 455A.19, subsection 1, paragraph "c", the
28 following amount shall be transferred first from moneys
29 required to be deposited in the water protection practices
30 account, and if necessary from moneys required to be deposited
31 in the water quality protection projects account, which shall
32 be used for the following purposes:

33 To the Loess Hills development and conservation authority,
34 for deposit in the Loess Hills development and conservation
35 fund created in section 161D.2 to be used for the purposes

1 specified in section 161D.1:

2 \$ 400,000

3 Sec. 16. Of the amount appropriated to Iowa state
4 university for supporting odor control applications for animal
5 feeding operations, as provided in 1997 Iowa Acts, chapter
6 213, section 12, subsection 1, any amount which is
7 unencumbered or unobligated on June 30, 1998, shall be
8 transferred to the livestock disease research fund established
9 pursuant to section 267.8 for use by the Iowa state university
10 college of veterinary medicine upon recommendation of the
11 livestock health advisory council in a manner consistent with
12 the provisions of chapter 267.

13 MISCELLANEOUS

14 Sec. 17. Notwithstanding the provision of section
15 455B.103A, subsection 4, for the fiscal year beginning July 1,
16 1998, the department of natural resources may use additional
17 funds for the staffing of two additional full-time staff
18 members to reduce the department's flood plain permit backlog.

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

31 Sec. 19. TRANSFER -- AIR QUALITY. For the fiscal year
32 beginning July 1, 1998, and ending June 30, 1999, the
33 department of natural resources may transfer up to \$775,000
34 for the fiscal year from the hazardous substance remedial fund
35 created pursuant to section 455B.423 to support purposes

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

4 Notwithstanding section 455B.133B, the department may use
5 moneys deposited in the air contaminant source fund created in
6 section 455B.133B during the fiscal year for any purpose
7 related to carrying out the duties of the commission under
8 section 455B.133 or the director under section 455B.134, or
9 for carrying out the provisions of chapter 455B, division II.

10 Sec. 20. 1997 Iowa Acts, chapter 213, section 21,
11 subsection 3, is amended by striking the subsection.

12 Sec. 21. Section 455E.11, subsection 2, paragraph b,
13 subparagraph (3), subparagraph subdivision (d), Code 1997, is
14 amended to read as follows:

15 (d) Thirteen percent of the moneys is appropriated
16 annually to the department of agriculture and land stewardship
17 for financial incentive programs related to agricultural
18 drainage wells and sinkholes, for studies and administrative
19 costs relating to sinkholes and agricultural drainage wells
20 programs. ~~Of the thirteen percent allocated for financial
21 incentive programs, not more than fifty thousand dollars is
22 appropriated for the fiscal year beginning July 1, 1987, and
23 ending June 30, 1988, to the department of natural resources
24 for grants to county conservation boards for the development
25 and implementation of projects regarding alternative practices
26 in the remediation of noxious weeds or other vegetation within
27 highway rights-of-way. Any remaining balance of the
28 appropriation made for the purpose of funding of projects
29 regarding alternative practices in the remediation of noxious
30 weeds or other vegetation within highway rights-of-way for the
31 fiscal year beginning July 1, 1987, and ending June 30, 1988,
32 shall not revert to the account, notwithstanding section 8.33,
33 but shall remain available for the purpose of funding the
34 projects during the fiscal period beginning July 1, 1988, and
35 ending June 30, 1990.~~ Of the moneys allocated for financial

1 incentive programs, the department may reimburse landowners
2 for engineering costs associated with voluntarily closing
3 agricultural drainage wells. The financial incentives
4 allocated for voluntary closing of agricultural drainage wells
5 shall be provided on a cost-share basis which shall not exceed
6 fifty percent of the estimated cost or fifty percent of the
7 actual cost, whichever is less. Engineering costs do not
8 include construction costs, including costs associated with
9 earth moving.

10 Sec. 22. EFFECTIVE DATES.

11 1. 1997 Iowa Acts, chapter 213, section 21, subsection 3,
12 as amended by this Act, takes effect on January 1, 1999.

13 2. Section 16 of this Act takes effect upon enactment.
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SENATE FILE 2295

H-8520

1 Amend the amendment, H-8454, to Senate File 2295,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 21, by inserting after the word
 5 "difference." the following: "However, the amount of
 6 the difference shall be allocated in the same manner
 7 as other moneys which are reallocated to soil and
 8 water conservation districts after the moneys are
 9 returned by a district to the soil conservation
 10 division."

By GREINER of Washington

H-8520 FILED MARCH 19, 1998

adopted 3/24/98 (p. 897)

SENATE FILE 2295

H-8591

1 Amend Senate File 2295, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 7, line 27, by striking the figure
 4 "3,616,627" and inserting the following: "3,730,627".
 5 2. Page 7, line 28, by striking the figure
 6 "236.50" and inserting the following: "239.50".

By MASCHER of Johnson

H-8591 FILED MARCH 23, 1998

order 3/24/98

SENATE FILE 2295

H-8592

1 Amend Senate File 2295, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 7, line 27, by striking the figure
 4 "3,616,627" and inserting the following: "3,730,627".
 5 2. Page 7, line 28, by striking the figure
 6 "236.50" and inserting the following: "239.50".
 7 3. Page 8, line 5, by striking the figure
 8 "270,000" and inserting the following: "384,000".
 9 4. Page 8, line 5, by striking the figure "6.00"
 10 and inserting the following: "9.00".

By MASCHER of Johnson

H-8592 FILED MARCH 23, 1998

*o/o 3/24/98**(p. 894)*

SENATE FILE 2295

H-8498

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 15, by inserting after line 19 the
4 following:

5 "Sec. ____ . SURFACE WATER AND GROUNDWATER
6 MONITORING. There is appropriated from the general
7 fund of the state to the department of natural
8 resources for the fiscal year beginning July 1, 1998,
9 and ending June 30, 1999, the following amount, or so
10 much thereof as is necessary, to be used for the
11 purposes designated:

12 For the surface water and groundwater monitoring
13 programs, including salaries, support, maintenance,
14 miscellaneous purposes, and for not more than the
15 following full-time equivalent positions:

16	\$	1,000,000
17	FTEs	2.00

18 Notwithstanding section 8.33, moneys appropriated
19 in this section which remain unexpended or unobligated
20 on June 30, 1999, shall not revert to the general fund
21 of the state but shall remain available for the
22 purposes designated for the fiscal year beginning July
23 1, 1999."

24 2. Page 17, by inserting after line 11 the
25 following:

26 "Sec. ____ . NEW SECTION. 455B.282 SURFACE WATER
27 AND GROUNDWATER MONITORING.

28 1. The commission shall establish and administer a
29 long-term surface water monitoring program which
30 includes, at a minimum, all of the following elements:

31 a. A significant number of fixed monitoring sites
32 selected to include a full array of geographical
33 conditions and watershed sizes.

34 b. Inclusion of lakes, reservoirs, ponds, and
35 wetlands in regular surface water monitoring.

36 c. High frequency of sampling at a significant
37 number of fixed station sites to provide information
38 on contaminant concentration and movement.

39 d. Analysis of samples for common pesticides at
40 all fixed station sites and analysis of pesticide
41 metabolites at all fixed station sites located at
42 large river monitoring sites.

43 e. Implementation of watershed-based rotational
44 monitoring where a portion of the watersheds are
45 intensively monitored on a cyclical basis of one out
46 of every five years.

47 f. Incorporation of biological monitoring into the
48 monitoring for all sites.

49 g. Problem assessment and research.

50 2. The commission shall establish and administer a

H-8498

H-8498

Page 2

1 long-term groundwater monitoring program which
2 includes, at a minimum, the following elements:
3 a. Fixed station, long-term monitoring to collect
4 baseline data for trend analysis in six major
5 aquifers. Water levels at the aquifer sites shall be
6 monitored and each site shall be regularly sampled for
7 inorganics, common herbicides, and selected volatile
8 organic compounds.
9 b. An ambient rotational groundwater quality
10 monitoring program conducted in cooperation with the
11 United States geological survey and the university of
12 Iowa hygienic laboratory.
13 c. Identification of groundwater quality issues
14 and conducting of research needed to address the
15 issues. The issues shall initially include, but not
16 be limited to, all of the following:
17 (1) Identification of storage and handling of
18 hazardous materials and facilities.
19 (2) The relative contribution of point and
20 nonpoint sources of groundwater contamination.
21 (3) Organic chemicals in unsaturated zones.
22 (4) The effects of large withdrawals on aquifers.
23 (5) Identification of recharge zones for all
24 aquifers."

By WITT of Black Hawk

H-8498 FILED MARCH 19, 1998

Lost 3/24/98 (p.915)

SENATE FILE 2295

H-8513

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 9, by striking lines 4 through 11 and
4 inserting the following: "contamination in the state.
5 The university shall cooperate with the department".

By MURPHY of Dubuque

H-8513 FILED MARCH 19, 1998

Lost 3/24/98 (p.901)

SENATE FILE 2295

H-8514

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 9, lines 1 and 2, by striking the words
4 "Iowa state university of science and technology" and
5 inserting the following: "the center for health
6 effects of environmental contamination established
7 under section 263.17".
8 2. Page 9, line 11, by striking the word
9 "university" and inserting the following: "center".
10 3. Page 9, line 13, by striking the word
11 "university" and inserting the following: "center".

By WITT of Black Hawk

H-8514 FILED MARCH 19, 1998

Lost 3/24/98 (p.901)

SENATE FILE 2295

H-8454

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 9, by striking lines 17 through 24.

A 4 2. By striking page 15, line 20, through page 16,
5 line 2.

6 3. Page 16, by inserting after line 18, the
7 following:

8 "Sec. ____ . REDUCTION OF APPROPRIATIONS. This
9 section shall apply to each appointed nonelected
10 position which is supported by moneys appropriated in
11 sections 1 and 3 of this Act. If the amount of moneys
12 to be used for a salary during the fiscal year
13 beginning July 1, 1998, and ending June 30, 1999, is
14 more than the amount actually required to pay that
15 salary for the fiscal year, the amount of the relevant
16 appropriation shall be reduced by the amount equal to
17 the difference. The amount appropriated in section 1,
18 subsection 4, of this Act, to support financial
B 19 incentives for soil conservation practices under
20 chapter 161A shall be increased by the amount of the
21 difference."

22 4. By renumbering, relettering, or redesignating
23 and correcting internal references as necessary.

By COMMITTEE ON APPROPRIATIONS
MILLAGE of Scott, Chairperson

H-8454 FILED MARCH 17, 1998

A. adopted 3/21/98 (p. 898)

B. adopted 3/24/98 (p. 897)

SENATE FILE 2295

H-8495

1 Amend the amendment, H-8454, to Senate File 2295,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking line 3.

By MERTZ of Kossuth

H-8495 FILED MARCH 18, 1998

Adopted
3/24/98 (p. 897)

SENATE FILE 2295

H-8535

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 16, by inserting after line 18 the
4 following:

5 "Sec. ____ . LOESS HILLS STUDY CONFERENCE. The
6 legislative council is requested to establish an
7 interim study conference to analyze and develop
8 proposals for the designation and protection of loess
9 soil areas which possess outstanding cultural and
10 natural values, such as scenic, forest, prairie,
11 mineral, geological, historic, archaeological,
12 recreational, educational, water quality, or flood
13 protection values. The legislative council may
14 authorize the loess hills development authority to
15 coordinate the study and develop recommendations
16 relating to the protection, preservation, and uses of
17 land in the loess hills areas of this state.

18 The interim study conference shall report its
19 findings and recommendations to the legislative
20 council and to the members of the general assembly."

21 2. By renumbering as necessary.

By WARNSTADT of Woodbury

H-8535 FILED MARCH 23, 1998

lost 3/24/98 (p.908)

SENATE FILE 2295

H-8581

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, line 28, by striking the figure
4 "\$6,500,850" and inserting the following:

5 "\$7,500,850".

By WISE of Lee

H-8581 FILED MARCH 23, 1998

lost 3/24/98

(p.900)

SENATE FILE 2295

H-8589

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, line 8, by striking the figure
- 4 "\$9,000,000" and inserting the following:
- 5 "\$12,000,000".

By MASCHER of Johnson	DOTZLER of Black Hawk
BURNETT of Story	MERTZ of Kossuth
FOEGE of Linn	HOLVECK of Polk
JOCHUM of Dubuque	FALLON of Polk
DODERER of Johnson	MUNDIE of Webster
BUKTA of Clinton	SCHERRMAN of Dubuque
BERNAU of Story	DREES of Carroll
REYNOLDS-KNIGHT of Van Buren	SCHRADER of Marion
WITT of Black Hawk	THOMAS of Clayton
FALCK of Fayette	

H-8589 FILED MARCH 23, 1998

Lost 3/24/98 (p.903)

SENATE FILE 2295

H-8590

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, by inserting after line 12, the
- 4 following:
- 5 "Sec. ____ . MARINE FUEL TAX RECEIPTS -- CAPITAL
- 6 PROJECTS -- LAKE DREDGING. From any moneys
- 7 appropriated from the marine fuel tax receipts
- 8 deposited in the general fund of the state to the
- 9 department of natural resources for the fiscal year
- 10 beginning July 1, 1998, and ending June 30, 1999, for
- 11 purposes of funding capital projects traditionally
- 12 funded from marine fuel tax receipts for the purposes
- 13 specified in section 452A.79, the department of
- 14 natural resources shall allocate the following amount
- 15 for the purpose designated:
- 16 To local sponsors of a dredging operation at
- 17 crystal lake in Hancock county for purposes of
- 18 performing the dredging operations:
- 19 \$ 250,000
- 20 Moneys allocated under this section shall be
- 21 available upon a match by local sponsors of one dollar
- 22 for each one dollar of state moneys."
- 23 2. By renumbering as necessary.

By MERTZ of Kossuth

H-8590 FILED MARCH 23, 1998

*Lost
3/24/98
(p.906)*

SENATE FILE 2295

H-8586

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 16, by inserting after line 18 the
4 following:

5 "Sec. ____ . DEPUTY SECRETARY OF AGRICULTURE --
6 POSITION ELIMINATED, USE OF OFFICE SPACE.

7 1. The position of deputy secretary of agriculture
8 is eliminated.

9 2. The office from which the position of deputy
10 secretary of agriculture performed duties on January
11 1, 1996, shall remain vacated until January 1, 1999.
12 After that date, the office may be used in any manner
13 determined appropriate by the secretary of agriculture
14 in conformity with the powers and duties of the
15 secretary.

16 3. The position of administrative assistant VI is
17 created within the department of agriculture and land
18 stewardship. The duties of the position shall not
19 include any matter relating to personnel or the
20 administration of or budgeting for the department or
21 its administrative units, including divisions within
22 the department. The position shall not have
23 jurisdiction over the heads of the department's
24 administrative units, including division directors.
25 Notwithstanding chapter 19A, the person appointed to
26 fill the position shall serve at the pleasure of the
27 secretary of agriculture."

28 2. Page 17, by inserting before line 10 the
29 following:

30 "Sec. ____ . Section 14A.1, Code 1997, is amended to
31 read as follows:

32 14A.1 DEPUTIES.

33 The secretary, auditor, and treasurer of state ~~and~~
34 ~~secretary-of-agriculture~~ may each appoint, in writing,
35 any person, except one holding a state office, as
36 deputy, for whose acts the appointing officer shall be
37 responsible, and from whom the appointing officer
38 shall require bond, which appointment and bond must be
39 approved by the officer having the approval of the
40 principal's bond, and such appointment may be revoked
41 in the same manner. The appointment and revocation
42 shall be filed with and kept by the secretary of
43 state. The state shall pay the reasonable cost of the
44 bonds required by this section.

45 Sec. ____ . Section 159.14, Code 1997, is amended to
46 read as follows:

47 159.14 BONDS.

48 The secretary shall require every inspector or
49 employee who collects fees or handles funds belonging
50 to the state to give an official bond, properly

H-8586

H-8586

Page 2

1 conditioned and signed by sufficient sureties, in a
 2 sum to be fixed by the secretary, which bond shall be
 3 approved by the secretary and filed in the office of
 4 the secretary of state. ~~This section shall not apply~~
 5 ~~to the deputy secretary of agriculture.~~ The state
 6 shall pay the reasonable cost of the bonds required by
 7 this section."

8 3. By renumbering as necessary.

By KOENIGS of Mitchell

H-8586 FILED MARCH 23, 1998

WITHDRAWN 3/24/98 (p. 908)

SENATE FILE 2295

H-8534

1 Amend Senate File 2295, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 16, by inserting after line 18 the
 4 following:

5 "Sec. ____ . STUDY -- COMMERCIAL FERTILIZERS AND
 6 SOIL CONDITIONERS. The department of agriculture and
 7 land stewardship shall conduct a study regarding the
 8 use of ingredients by manufacturers of commercial
 9 fertilizers and soil conditioners to determine the
 10 extent to which more effective controls should be
 11 placed upon the use of commercial fertilizers and soil
 12 conditioners containing heavy metals derived from
 13 industrial waste materials. The department shall
 14 consider the extent to which the use of the heavy
 15 metals poses a risk to human health and the
 16 environment. The department shall consider the need
 17 for more stringent labeling requirements and
 18 standards. The department shall consult with other
 19 state agencies and agencies of the federal government
 20 in conducting this study. The department shall report
 21 the findings and any recommendations to the general
 22 assembly not later than January 1, 1999."

23 2. By renumbering as necessary.

By JOCHUM of Dubuque

H-8534 FILED MARCH 23, 1998

Lost
3/24/98
(p. 906)

SENATE FILE 2295

H-8587

- 1 Amend Senate File 2295, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 17, by striking the figure
 4 "6,600,518" and inserting the following: "6,880,518".
 5 2. Page 4, line 18, by striking the figure
 6 "171.28" and inserting the following: "177.28".
 7 3. Page 4, line 19, by inserting before the word
 8 "Of" the following: "(1)".
 9 4. Page 4, by inserting after line 25 the
 10 following:
 11 "(2) Of the amount appropriated in this paragraph
 12 "a", \$280,000 and 6.00 FTEs shall be used by the
 13 division for purposes of cooperating with the
 14 department of natural resources in the process of
 15 reviewing and approving permits related to the
 16 construction of animal feeding operation structures
 17 associated with confinement feeding operations as
 18 provided in chapter 455B."
 19 5. Page 7, line 11, by striking the word "a."
 20 6. Page 7, line 14, by striking the figure
 21 "1,854,059" and inserting the following: "1,778,059".
 22 7. Page 7, line 15, by striking the figure
 23 "54.00" and inserting the following: "52.00".
 24 8. Page 7, by striking lines 16 through 22.
 25 9. Page 7, line 27, by striking the figure
 26 "3,616,627" and inserting the following: "3,412,627".
 27 10. Page 7, line 28, by striking the figure
 28 "236.50" and inserting the following: "232.50".
 29 11. Page 8, line 5, by striking the figure
 30 "\$270,000" and inserting the following: "\$66,000".
 31 12. Page 8, line 5, by striking the figure "6.00"
 32 and inserting the following: "2.00".
 33 13. Page 16, by inserting after line 18, the
 34 following:
 35 "Sec. __. AGREEMENT BETWEEN DEPARTMENTS. The
 36 department of natural resources and the division of
 37 soil conservation of the department of agriculture and
 38 land stewardship shall execute an agreement under
 39 chapter 28E under which the soil conservation division
 40 of the department of agriculture and land stewardship
 41 shall cooperate with the department of natural
 42 resources in the process of reviewing and approving
 43 permits related to the construction of animal feeding
 44 operation structures associated with confinement
 45 feeding operations as provided in chapter 455B. The
 46 governor's office shall serve to facilitate the
 47 negotiation and execution of the agreement."
 48 14. By renumbering as necessary.

By GREIG of Emmet
 THOMAS of Clayton

H-8587 FILED MARCH 23, 1998

adopted - Motion to R/c by Hering - motion lost 3/24/98
 3/24/98

(P. 899)

SENATE FILE 2295

H-8588

1 Amend Senate File 2295 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, line 10, by striking the letter "a."

4 2. Page 8, line 14, by striking the figure "(1)"
5 and inserting the following: "a."

6 3. Page 8, line 29, by striking the figure "(2)"
7 and inserting the following: "b."

8 4. By striking page 8, line 34, through page 9,
9 line 16.

10 5. Page 16, by inserting before line 3 the
11 following:

12 "Sec. ____ . WATER QUALITY STUDIES. There is
13 appropriated from the general fund of the state to the
14 state board of regents for the fiscal year beginning
15 July 1, 1998, and ending June 30, 1999, the following
16 amount, or so much thereof as is necessary, to be used
17 for the purpose designated:

18 For allocation to Iowa state university of science
19 and technology for purposes of conducting studies
20 regarding groundwater and surface water contamination
21 in this state:

22 \$ 300,000

23 The identity of a site selected in conducting
24 testing pursuant to a study shall remain confidential
25 and shall not be subject to disclosure under chapter
26 22. However, the identity of the site shall be
27 provided to the department of natural resources, which
28 shall keep the identity confidential. The findings of
29 the testing shall not be used in a case or proceeding
30 brought against a person based upon a violation of
31 state law. The university shall cooperate with the
32 department of natural resources in designing,
33 implementing, and conducting the studies. The
34 university shall report all results of the studies to
35 the department, the legislative fiscal bureau, and the
36 members of the joint appropriations subcommittee on
37 agriculture and natural resources of the general
38 assembly."

39 6. By renumbering as necessary.

By KOENIGS of Mitchell

H-8588 FILED MARCH 23, 1998

*Lost
3/24/98
(p. 901)*

SENATE FILE 2295

H-8602

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 9, line 26, by inserting before the word
4 "For" the following: "a."

5 2. Page 9, by inserting after line 28 the
6 following:

7 "b. The department of natural resources shall
8 conduct a study of the populations of various mussel
9 species in the waters of this state with emphasis on
10 the sublegal population of washboard mussels in the
11 waters of the state. The department shall conduct
12 independent field investigations of the various mussel
13 beds in boundary waters of this state. The department
14 shall fund up to fifty percent of the cost of the
15 field investigations with the commercial mussel
16 industry contributing the remainder. The department
17 shall contract with a malacologist who is acceptable
18 to the commercial mussel industry and the department
19 to conduct the study and investigation. The
20 department shall review current scientific studies
21 conducted by other state natural resource agencies,
22 federal wildlife and natural resource agencies, and
23 private parties including commercial fishers, shell
24 buyers, and shell exporters.

25 The department shall report its findings to the
26 chairpersons and ranking members of the house
27 committee on natural resources and the senate
28 committee on natural resources and environment not
29 later than January 15, 2000. Notwithstanding
30 paragraph "c", if the data in the report supports a
31 closed season for washboard mussels, the natural
32 resource commission may consider closing the season
33 for washboard mussels.

34 c. Notwithstanding sections 481A.38, 481A.39,
35 482.1, and 482.12, for the year beginning January 1,
36 1998, and ending December 31, 1999, the open season
37 for taking washboard mussels shall be from April 1 to
38 August 31. Washboard mussels shall be taken only
39 during the hours between sunrise and sunset. The
40 minimum size limit for the taking of washboard mussels
41 shall be four inches."

42 3. Page 18, by inserting after line 12 the
43 following:

44 "____. Section 3, subsection 7, paragraph "c", of
45 this Act, being deemed of immediate importance, takes
46 effect upon enactment."

By HAHN of Muscatine

H-8602 FILED MARCH 24, 1998

lost
3/24/98

SENATE FILE 2295

H-8432

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 11, line 12, by striking the figure
4 "1,600,000" and inserting the following: "1,630,000".

5 2. Page 11, by inserting after line 17 the
6 following:

7 "_____. Of the amount appropriated in this section,
8 not more than \$30,000 shall be used by the department
9 to carry out the provisions of 1998 Iowa Acts, Senate
10 File 429, if enacted by the Seventy-seventh General
11 Assembly, 1998 Session. However, if Senate File 429
12 is not enacted, the amount appropriated under this
13 section for the administration and enforcement of
14 navigation laws and water safety shall be reduced by
15 \$30,000."

16 3. By renumbering as necessary.

By DOLECHECK of Ringgold

H-8432 FILED MARCH 16, 1998

Adopted 3/24/98 (R902)

HOUSE AMENDMENT TO
SENATE FILE 2295

S-5365

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 17, by striking the figure
4 "6,600,518" and inserting the following: "6,880,518".
5 2. Page 4, line 18, by striking the figure
6 "171.28" and inserting the following: "177.28".
7 3. Page 4, line 19, by inserting before the word
8 "Of" the following: "(1)".
9 4. Page 4, by inserting after line 25 the
10 following:
11 "(2) Of the amount appropriated in this paragraph
12 "a", \$280,000 and 5.00 FTEs shall be used by the
13 division for purposes of cooperating with the
14 department of natural resources in the process of
15 reviewing and approving permits related to the
16 construction of animal feeding operation structures
17 associated with confinement feeding operations as
18 provided in chapter 455B."
19 5. Page 7, line 11, by striking the word "a."
20 6. Page 7, line 14, by striking the figure
21 "1,854,059" and inserting the following: "1,778,059".
22 7. Page 7, line 15, by striking the figure
23 "54.00" and inserting the following: "52.00".
24 8. Page 7, by striking lines 16 through 22.
25 9. Page 7, line 27, by striking the figure
26 "3,616,627" and inserting the following: "3,412,627".
27 10. Page 7, line 28, by striking the figure
28 "236.50" and inserting the following: "232.50".
29 11. Page 8, line 5, by striking the figure
30 "\$270,000" and inserting the following: "\$66,000".
31 12. Page 8, line 5, by striking the figure "6.00"
32 and inserting the following: "2.00".
33 13. Page 11, line 12, by striking the figure
34 "1,600,000" and inserting the following: "1,630,000".
35 14. Page 11, by inserting after line 17 the
36 following:
37 "____. Of the amount appropriated in this section,
38 not more than \$30,000 shall be used by the department
39 to carry out the provisions of 1998 Iowa Acts, Senate
40 File 429, if enacted by the Seventy-seventh General
41 Assembly, 1998 Session. However, if Senate File 429
42 is not enacted, the amount appropriated under this
43 section for the administration and enforcement of
44 navigation laws and water safety shall be reduced by
45 \$30,000."
46 15. By striking page 15, line 20, through page
47 16, line 2.
48 16. Page 16, by inserting after line 18, the
49 following:
50 "Sec. ____ . REDUCTION OF APPROPRIATIONS. This
S-5365

S-5365

Page 2

1 section shall apply to each appointed nonelected
 2 position which is supported by moneys appropriated in
 3 sections 1 and 3 of this Act. If the amount of moneys
 4 to be used for a salary during the fiscal year
 5 beginning July 1, 1998, and ending June 30, 1999, is
 6 more than the amount actually required to pay that
 7 salary for the fiscal year, the amount of the relevant
 8 appropriation shall be reduced by the amount equal to
 9 the difference. The amount appropriated in section 1,
 10 subsection 4, of this Act, to support financial
 11 incentives for soil conservation practices under
 12 chapter 161A shall be increased by the amount of the
 13 difference. However, the amount of the difference
 14 shall be allocated in the same manner as other moneys
 15 which are reallocated to soil and water conservation
 16 districts after the moneys are returned by a district
 17 to the soil conservation division."

18 17. Page 16, by inserting after line 18, the
 19 following:

20 "Sec. __. AGREEMENT BETWEEN DEPARTMENTS. The
 21 department of natural resources and the division of
 22 soil conservation of the department of agriculture and
 23 land stewardship shall execute an agreement under
 24 chapter 28E under which the soil conservation division
 25 of the department of agriculture and land stewardship
 26 shall cooperate with the department of natural
 27 resources in the process of reviewing and approving
 28 permits related to the construction of animal feeding
 29 operation structures associated with confinement
 30 feeding operations as provided in chapter 455B. The
 31 governor's office shall serve to facilitate the
 32 negotiation and execution of the agreement."

33 18. By renumbering, relettering, or redesignating
 34 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5365 FILED MARCH 24, 1998

Senate Refused
 3/31/98

(p. 973)

Insists

House
 4-8-98
 (p. 1411)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2295

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2295, a bill for an Act relating to and making appropriations for agriculture and natural resources and providing an effective date, respectfully make the following report:

1. That the House recedes from its amendment, S-5365.
2. That Senate File 2295, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 11, line 12, by striking the figure "1,600,000"

CCS-2295

Page 2

and inserting the following: "1,630,000".

2. Page 11, by inserting after line 17 the following:

"____. Of the amount appropriated in this section, not more than \$30,000 shall be used by the department to carry out the provisions of 1998 Iowa Acts, Senate File 429, if enacted by the Seventy-seventh General Assembly, 1998 Session. However, if Senate File 429 is not enacted, the amount appropriated under this section for the administration and enforcement of navigation laws and water safety shall be reduced by \$30,000."

3. By striking page 15, line 20, through page 16, line 2.

4. Page 16, by inserting after line 18, the following:

"Sec. ____ . REDUCTION OF APPROPRIATIONS. This section shall apply to each appointed nonelected position which is supported by moneys appropriated in sections 1 and 3 of this Act. If the amount of moneys to be used for a salary during the fiscal year beginning July 1, 1998, and ending June 30, 1999, is more than the amount actually required to pay that salary for the fiscal year, the amount of the relevant appropriation shall be reduced by the amount equal to the difference. The amount appropriated in section 1, subsection 4, of this Act, to support financial incentives for soil conservation practices under chapter 161A shall be increased by the amount of the difference. However, the amount of the difference shall be allocated in the same manner as other moneys which are reallocated to soil and water conservation districts after the moneys are returned by a district to the soil conservation division."

5. Page 16, by inserting after line 18, the following:

"Sec. ____ . COOPERATION BETWEEN DEPARTMENTS. It is the intent of the general assembly that the division of soil conservation of the department of agriculture and land stewardship may provide technical assistance to the department of natural resources regarding the design and engineering of unformed manure storage structures pursuant to chapter 455B. As used in this section an unformed manure storage structure

CCS-2295

Page 3

means the same as defined in section 455B.161, as amended by 1998 Iowa Acts, House File 2494."

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

H. KAY HEDGE, Chairperson

SANDRA GREINER, Chairperson

JERRY BEHN

CECIL DOLECHECK

DENNIS H. BLACK

RALPH KLEMME

PATTY JUDGE

PAT MURPHY

DERRYL McLAREN

DELORES MERTZ

CCS-2295 FILED APRIL 15, 1998

ADOPTED

(P. H. H. 3)
1279

a dopted 4/15/98
(1663)



OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

315 281-5211

TERRY E BRANSTAD
GOVERNOR

May 19, 1998

MAY 20 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2295, an act relating to and making appropriations for agriculture and natural resources and providing an effective date.

Senate File 2295 is, therefore, approved on this date with the following exception, which I hereby disapprove.

I am unable to approve the item designated as Section 17, in its entirety. This item redirects salary savings from the turnover of appointed non-elected positions to other purposes. Such a practice is administratively cumbersome and would result in one-time savings being used to finance ongoing expenses.

For the above reason, I hereby respectfully disapprove this items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2295 are hereby approved as of this date.

Sincerely,

Terry E. Branstad
Governor

TEB/ps

cc Secretary of the Senate
Chief Clerk of the House

Hedge
McLaren
Black

SSB 2159

Appropriations
Successed by
SF HF 2295

SENATE/HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY JOINT
APPROPRIATIONS SUBCOMMITTEE
ON AGRICULTURE AND NATURAL
RESOURCES BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to and making appropriations for agriculture and
2 natural resources.

3 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, 1998, and ending June 30, 1999, 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	\$ 1,853,756
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 \$55,000 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 in this paragraph "a",
31 \$12,000 shall be used by the agricultural statistics bureau
32 for purposes of collecting, summarizing, and publishing
33 marketing information on a monthly basis, regarding finished
34 cattle in cooperation with the Iowa cattlemen's association,
35 including unfinished cattle for market, cattle placed of feed,

1 and cattle on hand under marketing arrangements.

2 (5) Of the amount appropriated in this paragraph "a",
3 \$24,000 shall be used by the domestic marketing bureau through
4 an existing federal and state cooperative agreement to develop
5 accurate, reliable market information regarding segregated
6 early-weened pigs and alternate feeder pigs marketing systems.

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

11 b. For the operations of the dairy trade practices bureau:
12 \$ 69,984

13 c. For the purpose of performing commercial feed audits:
14 \$ 67,807

15 d. For the purpose of performing fertilizer audits:
16 \$ 67,807

17 2. REGULATORY DIVISION

18 a. For salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-time
20 equivalent positions:
21 \$ 4,057,274
22 FTEs 124.50

23 Of the amount appropriated in this paragraph "a", \$10,000
24 shall be used by the regulatory division for purposes of
25 inspecting livestock exhibited at the Iowa state fair, with
26 particular attention to the inspection of livestock for club-
27 lamb fungus.

28 b. For the costs of inspection, sampling, analysis, and
29 other expenses necessary for the administration of chapters
30 192, 194, and 195:
31 \$ 673,039

32 3. LABORATORY DIVISION

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

1 equivalent positions:

2	\$	997,161
3	FTEs	85.10

4 (1) Of the amount appropriated in this paragraph "a",
 5 \$110,000 shall be used to administer a program relating to the
 6 detection, surveillance, and eradication of the gypsy moth.
 7 The department shall allocate and use the appropriation made
 8 in this paragraph before moneys other than those appropriated
 9 in this paragraph are used to support the program.

10 (2) Of the amount appropriated and the authorized full-
 11 time equivalent positions in this paragraph "a", \$136,022 and
 12 2.00 FTEs shall be used to administer a program to assure that
 13 organic foods sold commercially within the state comply with
 14 federal and state regulations relating to organic foods.

15 b. For the operations of the commercial feed programs:
 16 \$ 787,906

17 c. For the operations of the pesticide programs:
 18 \$ 1,257,056

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

22 d. For the operations of the fertilizer programs:
 23 \$ 671,854

24 4. SOIL CONSERVATION DIVISION

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

28	\$	6,606,736
29	FTEs	171.28

30 Of the amount appropriated in this paragraph "a", \$437,376
 31 shall be used to reimburse commissioners of soil and water
 32 conservation districts for administrative expenses, including
 33 but not limited to, travel expenses and technical training.
 34 Moneys used for the payment of meeting dues by counties shall
 35 be matched on a dollar-for-dollar basis by the soil

1 conservation division.

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

4 \$ 6,500,850

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

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

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

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

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

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

27 d. The provisions of section 8.33 shall not apply to the
28 moneys appropriated in paragraph "b". Unencumbered or
29 unobligated moneys remaining on June 30, 2002, from moneys
30 appropriated in paragraph "b" for the fiscal year beginning
31 July 1, 1998, shall revert to the general fund of the state on
32 August 31, 2002.

33 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is
34 appropriated from the general fund of the state to the
35 department of agriculture and land stewardship for the fiscal

1 year beginning July 1, 1998, and ending June 30, 1999, 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:

10	.....	\$	258,995
11	.....	FTEs	1.00

DEPARTMENT OF NATURAL RESOURCES

Sec. 3. 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, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE AND SUPPORT SERVICES

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

23	.....	\$	2,101,715
24	.....	FTEs	119.25

b. Of the amount appropriated in paragraph "a", \$12,000 shall be allocated to pay dues for membership in the organization upper Mississippi river system.

c. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", 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.

d. Of the amount appropriated and the number of full-time

1 equivalent positions authorized in paragraph "a", not less
2 than \$34,000 and 1.00 FTE shall be used by administrative and
3 support services to support the inspection and oversight of
4 manure management plans associated with confinement feeding
5 operations regulated by the department.

6 2. PARKS AND PRESERVES DIVISION

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

10	.....	\$	5,993,308
11	.....	FTEs	195.73

12 Of the amount appropriated in this subsection 2, at least
13 \$50,000 shall be allocated for the replacement of maintenance
14 equipment used by the division.

15 3. FORESTS AND FORESTRY DIVISION

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

19	.....	\$	1,653,846
20	.....	FTEs	48.71

21 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

25	.....	\$	1,854,059
26	.....	FTEs	54.00

27 b. Of the amount appropriated and the number of full-time
28 equivalent positions authorized in paragraph "a", not less
29 than \$76,000 and 2.00 FTEs shall be used by the energy and
30 geological resources division to review soil and hydrology
31 data for construction permits and manure management plans
32 associated with confinement feeding operations regulated by
33 the department.

34 5. ENVIRONMENTAL PROTECTION DIVISION

35 a. For salaries, support, maintenance, miscellaneous

1 purposes, and for not more than the following full-time
2 equivalent positions:

3 \$ 3,616,627
4 FTEs 236.50

5 b. Of the amount appropriated and the number of full-time
6 equivalent positions authorized in paragraph "a", at least
7 \$424,600 and 9.00 FTEs shall be used to support the regulation
8 of animal feeding operations.

9 c. Of the amount appropriated and the number of full-time
10 equivalent positions authorized in paragraph "a", at least
11 \$700,467 and 10.00 FTEs shall be used to support the
12 regulation of wastewater treatment systems, including issuing
13 permits and conducting inspections.

14 d. Of the amount appropriated and the number of full-time
15 equivalent positions authorized in paragraph "a", at least
16 \$270,000 and 6.00 FTEs shall be used to support on-site
17 inspections and the oversight of manure management plans
18 associated with confinement feeding operations regulated by
19 the department.

20 6. WATER QUALITY PROTECTION FUND

21 a. For deposit in the administration account of the water
22 quality protection fund established pursuant to section
23 455B.183A, to carry out the purpose of that account:

24 \$ 729,000

25 (1) Of the number of full-time equivalent positions
26 authorized in subsection 5, paragraph "a", 32.50 FTEs shall be
27 dedicated to carrying out the provisions of chapter 455B
28 relating to the administration, regulation, and enforcement of
29 the federal Safe Drinking Water Act and to support the program
30 to assist water supply systems as provided in section
31 455B.183B. However, the limitation on full-time equivalent
32 positions provided in subsection 5, paragraph "a", shall not
33 limit the number of additional full-time equivalent positions
34 supported by moneys deposited in the water quality protection
35 fund as provided in section 455B.183A, in order to carry out

2159

1 the provisions of division III of chapter 455B relating to the
2 administration, regulation, and enforcement of the federal
3 Safe Drinking Water Act, and the administration of the program
4 to assist water supply systems pursuant to section 455B.183B.

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

10 b. Of the amount appropriated to the administration
11 account of the water quality protection fund as provided in
12 paragraph "a", \$300,000 shall be allocated to Iowa state
13 university of science and technology for purposes of
14 conducting studies regarding groundwater and surface water
15 contamination in this state. The identity of a site selected
16 in conducting testing shall remain confidential and shall not
17 be subject to disclosure under chapter 22. The findings of
18 the testing shall not be used in a case or proceeding brought
19 against a person based upon a violation of state law. The
20 university shall cooperate with the department of natural
21 resources in designing, implementing, and conducting the
22 studies. The university shall report all results of the
23 studies to the department, the legislative fiscal bureau, and
24 the members of the joint appropriations subcommittee on
25 agriculture and natural resources.

26 c. Of the amount appropriated to the administration
27 account of the water quality protection fund as provided in
28 paragraph "a", \$15,000 shall be allocated to support a grant
29 to local sponsors of the Lewis and Clark rural water system in
30 order to construct a system to provide safe and adequate
31 municipal and rural water supplies for residential,
32 commercial, agricultural, and industrial uses, to preserve
33 wetlands, and to mitigate water conservation efforts.

34 7. FISH AND WILDLIFE DIVISION

35 For not more than the following full-time equivalent

1 positions:

2 FTEs 344.18

3 8. WASTE MANAGEMENT ASSISTANCE DIVISION

4 For not more than the following full-time equivalent

5 positions:

6 FTEs 17.75

7 Sec. 4. STATE FISH AND GAME PROTECTION FUND --

8 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

9 1. a. There is appropriated from the state fish and game
10 protection fund to the division of fish and wildlife of the
11 department of natural resources for the fiscal year beginning
12 July 1, 1998, and ending June 30, 1999, the following amount,
13 or so much thereof as is necessary, to be used for the
14 purposes designated:

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

17 \$ 23,128,434

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

22 c. Of the amount appropriated in paragraph "a", \$300,000
23 shall be used by the division for the replacement of worn
24 boats, motors, and trailers used by fish and wildlife water
25 patrol officers.

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

1 Sec. 5. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT
 2 PURPOSES. There is transferred on July 1, 1998, from the fees
 3 deposited under section 321G.7 to the fish and game protection
 4 fund and appropriated to the department of natural resources
 5 for the fiscal year beginning July 1, 1998, and ending June
 6 30, 1999, the following amount, or so much thereof as is
 7 necessary, to be used for the purpose designated:

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

11 \$ 100,000

12 Sec. 6. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.
 13 There is transferred on July 1, 1998, from the fees deposited
 14 under section 462A.52 to the fish and game protection fund and
 15 appropriated to the natural resource commission for the fiscal
 16 year beginning July 1, 1998, and ending June 30, 1999, the
 17 following amount, or so much thereof as is necessary, to be
 18 used for the purpose designated:

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

21 \$ 1,600,000

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

27 2. Notwithstanding section 8.33, moneys transferred and
 28 appropriated pursuant to this section which are unencumbered
 29 or unobligated on June 30, 1999, shall be transferred on July
 30 1, 1999, to the special conservation fund established by
 31 section 462A.52 to be used as provided in that section, and
 32 shall not revert as provided in section 8.33.

33 Sec. 7. MARINE FUEL TAX RECEIPTS -- BOATING FACILITIES.

34 There is appropriated from the marine fuel tax receipts
 35 deposited in the general fund of the state to the department

1 of natural resources for the fiscal year beginning July 1,
2 1998, and ending June 30, 1999, the following amount, or so
3 much thereof as is necessary, to be used for the purposes
4 designated:

5 For purposes of maintaining and developing boating
6 facilities and access to public waters by the parks and
7 preserves division:

8 \$ 411,311

9 RESOURCES ENHANCEMENT AND PROTECTION

10 Sec. 8. GENERAL APPROPRIATION. Notwithstanding the amount
11 of the standing appropriation from the general fund of the
12 state under section 455A.18, subsection 3, there is
13 appropriated from the general fund of the state to the Iowa
14 resources enhancement and protection fund, in lieu of the
15 appropriation made in section 455A.18, for the fiscal year
16 beginning July 1, 1998, and ending June 30, 1999, the sum of
17 \$9,000,000, of which all moneys shall be allocated as provided
18 in section 455A.19.

19 ANIMAL HEALTH AND INDUSTRY

20 Sec. 9. HORSE AND DOG RACING.

21 1. There is appropriated from the moneys available under
22 section 99D.13 to the regulatory division of the department of
23 agriculture and land stewardship for the fiscal year beginning
24 July 1, 1998, and ending June 30, 1999, the following amount,
25 or so much thereof as is necessary, to be used for the
26 purposes designated:

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

29 \$ 244,898

30 FTE 1.00

31 2. Of the amount appropriated and FTE authorized in
32 subsection 1, \$24,752 is allocated and 1.00 FTE shall be used
33 for purposes of supporting a livestock inspector to inspect
34 horses and dogs involved in racing under chapter 99D.

35 Sec. 10. PSEUDORABIES ERADICATION PROGRAM.

1 1. There is appropriated from the general fund of the
2 state to the department of agriculture and land stewardship
3 for the fiscal year beginning July 1, 1998, and ending June
4 30, 1999, the following amount, or so much thereof as is
5 necessary, to be used for the purpose designated:

6 For support of the pseudorabies eradication program:
7 \$ 900,500

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

13 Sec. 11. PORCINE REPRODUCTIVE AND RESPIRATORY SYNDROME.

14 There is appropriated from the general fund of the state to
15 Iowa state university of science and technology for the fiscal
16 year beginning July 1, 1998, and ending June 30, 1999, the
17 following amount, or so much thereof as is necessary, to be
18 used for the purpose designated:

19 For the purpose of supporting research to manage or
20 eradicate porcine reproductive and respiratory syndrome:
21 \$ 50,000

22 1. As a condition of the appropriation made in this
23 section, each dollar from the appropriation expended under
24 this section must be matched by one dollar contributed by a
25 nonstate source.

26 2. Moneys appropriated in this section shall be expended
27 in accordance with the direction of the livestock health
28 advisory council established pursuant to section 267.2.

29 Sec. 12. LEGISLATIVE STUDY. The legislative council is
30 requested to establish an interim study committee consisting
31 of members of both political parties from both houses of the
32 general assembly to review and consider the need for
33 improvements in the division of responsibilities regarding on-
34 site inspections of animal feeding operations between the
35 department of natural resources and the department of

1 agriculture and land stewardship. The legislative council is
2 requested to authorize one day for a meeting regarding the
3 issues. The committee shall submit its findings, together
4 with any recommendations, in a report to the general assembly
5 which convenes in January 1999.

6 RELATED APPROPRIATIONS

7 Sec. 13. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE
8 UNDERGROUND STORAGE TANK FUND BOARD. There is appropriated
9 from the unassigned revenue fund administered by the Iowa
10 comprehensive underground storage tank fund board, to the
11 department of natural resources for the fiscal year beginning
12 July 1, 1998, and ending June 30, 1999, the following amount,
13 or so much thereof as is necessary, to be used for the purpose
14 designated:

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

17 \$ 75,000

18 Sec. 14. PRIVATE WELL TESTING. Notwithstanding section
19 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 for use as provided in this section during the
24 fiscal period beginning July 1, 1998, and ending June 30,
25 1999, as follows:

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

31 \$ 50,000

32 Moneys appropriated in this section shall be used to
33 support testing programs administered by counties which may
34 submit an application to the extension service to participate
35 in the state assistance program, as provided by the extension

1 service. The county shall perform testing within a test area.
 2 As used in this section, "test area" means an area within a
 3 two-mile radius of any structure used to store manure which is
 4 part of a confinement feeding operation. Iowa state
 5 university of science and technology shall adopt necessary
 6 standards, protocols, and criteria for the establishment of
 7 baselines for testing by counties. The program shall be
 8 administered within each participating county by the county
 9 agricultural extension district serving that county in
 10 collaboration with the local board of health. The testing may
 11 be performed with volunteer assistance. However, all testing
 12 shall be performed under the supervision of a county
 13 sanitarian. The samples of the testing shall be analyzed by
 14 the state hygienic laboratory at the state university of Iowa
 15 or an environmental laboratory for drinking water analysis
 16 certified by the department of natural resources. The samples
 17 shall be evaluated in accordance with standards established by
 18 the department of agricultural biosystems engineering within
 19 the college of agriculture and the college of engineering at
 20 Iowa state university. All moneys appropriated in this
 21 section shall only be used for the following purposes:

- 22 1. Analyzing test samples by the state hygienic
 23 laboratory.
- 24 2. Performing tests in counties. However, not more than
 25 \$50 of the moneys appropriated in this section shall be used
 26 to pay for administering testing within any test area,
 27 including labor and equipment costs, regardless of the number
 28 of tests performed within the test area.

29 Sec. 15. EXCESS LOTTERY REVENUES -- FISCAL YEAR 1994-1995.
 30 Lottery revenues received during the fiscal year beginning
 31 July 1, 1994, which remain in the lottery fund shall be
 32 transferred to the Iowa resources enhancement and protection
 33 fund for the fiscal year beginning July 1, 1998, and ending
 34 June 30, 1999, to be allocated as provided in section 455A.19.

35

MISCELLANEOUS

1 Sec. 16. Notwithstanding the provision of section
2 455B.103A, subsection 4, for the fiscal year beginning July 1,
3 1998, the department of natural resources may use additional
4 funds for the staffing of two additional full-time staff
5 members to reduce the department's flood plain permit backlog.

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

18 Sec. 18. TRANSFER -- AIR QUALITY. For the fiscal year
19 beginning July 1, 1998, and ending June 30, 1999, the
20 department of natural resources may transfer up to \$775,000
21 for the fiscal year from the hazardous substance remedial fund
22 created pursuant to section 455B.423 to support purposes
23 related to carrying out the duties of the commission under
24 section 455B.133, or the director under section 455B.134, or
25 for 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 for any purpose
29 related to carrying out the duties of the commission under
30 section 455B.133 or the director under section 455B.134, or
31 for carrying out the provisions of chapter 455B, division II.

32 Sec. 19. 1997 Iowa Acts, chapter 213, section 21,
33 subsection 3, is amended by striking the subsection.

34 Sec. 20. Section 455E.11, subsection 2, paragraph b,
35 subparagraph (3), subparagraph subdivision (d), Code 1997, is

1 amended to read as follows:

2 (d) Thirteen percent of the moneys is appropriated
3 annually to the department of agriculture and land stewardship
4 for financial incentive programs related to agricultural
5 drainage wells and sinkholes, for studies and administrative
6 costs relating to sinkholes and agricultural drainage wells
7 programs. ~~Of the thirteen percent allocated for financial~~
8 ~~incentive programs, not more than fifty thousand dollars is~~
9 ~~appropriated for the fiscal year beginning July 1, 1987, and~~
10 ~~ending June 30, 1988, to the department of natural resources~~
11 ~~for grants to county conservation boards for the development~~
12 ~~and implementation of projects regarding alternative practices~~
13 ~~in the remediation of noxious weeds or other vegetation within~~
14 ~~highway rights of way. Any remaining balance of the~~
15 ~~appropriation made for the purpose of funding of projects~~
16 ~~regarding alternative practices in the remediation of noxious~~
17 ~~weeds or other vegetation within highway rights of way for the~~
18 ~~fiscal year beginning July 1, 1987, and ending June 30, 1988,~~
19 ~~shall not revert to the account, notwithstanding section 8.33,~~
20 ~~but shall remain available for the purpose of funding the~~
21 ~~projects during the fiscal period beginning July 1, 1988, and~~
22 ~~ending June 30, 1990.~~ Of the moneys allocated for financial
23 incentive programs, the department may reimburse landowners
24 for engineering costs associated with voluntarily closing
25 agricultural drainage wells. The financial incentives
26 allocated for voluntary closing of agricultural drainage wells
27 shall be provided on a cost-share basis which shall not exceed
28 fifty percent of the estimated cost or fifty percent of the
29 actual cost, whichever is less. Engineering costs do not
30 include construction costs, including costs associated with
31 earth moving.

32 Sec. 21. 1997 Iowa Acts, chapter 213, section 21,
33 subsection 3, as amended by this Act, takes effect on January
34 1, 1999.

35 EXPLANATION

1 This bill appropriates moneys to the department of
2 agriculture and land stewardship and the department of natural
3 resources. The bill appropriates moneys to various divisions
4 of the departments, supports the farmers market coupon
5 program, provides for the transfer of fees, supports programs
6 related to the natural environment, and animal health and
7 industry. The bill amends Code section 455E.11 to provide for
8 providing cost-share moneys to reimburse landowners in closing
9 agricultural drainage wells.

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SENATE FILE 2295

AN ACT

RELATING TO AND MAKING APPROPRIATIONS FOR AGRICULTURE AND NATURAL RESOURCES 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, 1998, and ending June 30, 1999, 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:

.....	\$	1,853,756
.....	PTEs	42.78

(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", \$55,000 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

(3) Of the amount appropriated 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 in this paragraph "a", \$12,000 shall be used by the agricultural statistics bureau for purposes of collecting, summarizing, and publishing marketing information on a monthly basis, regarding finished cattle in cooperation with the Iowa cattlemen's association, including unfinished cattle for market, cattle placed on feed, and cattle on hand under marketing arrangements.

(5) Of the amount appropriated in this paragraph "a", \$24,000 shall be used by the domestic marketing bureau through an existing federal and state cooperative agreement to develop accurate, reliable market information regarding segregated early-weaned pigs and alternate feeder pigs marketing systems.

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

(7) Of the full-time equivalent positions authorized in paragraph "a", 1.33 of the FTE positions relate to the transition of personnel services contractors to FTE positions. The merit system provisions of Code chapter 19A and the provisions of the state or union collective bargaining agreements shall not govern movement into these FTE positions until September 1, 1998. This subparagraph shall no longer apply after September 1, 1998.

b. For the operations of the dairy trade practices bureau:	\$	69,984
c. For the purpose of performing commercial feed audits:	\$	67,807
d. For the purpose of performing fertilizer audits:	\$	67,807

2. REGULATORY DIVISION

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

.....	\$	4,057,274
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..... FTEs 125.50

(1) Of the amount appropriated in this paragraph "a", \$10,000 shall be used by the regulatory division for purposes of inspecting livestock exhibited at the Iowa state fair, with particular attention to the inspection of livestock for club-lamb fungus.

(2) Of the full-time equivalent positions authorized in paragraph "a", 1.00 FTE position relates to the transition of personnel services contractors to FTE positions. The merit system provisions of Code chapter 19A and the provisions of the state or union collective bargaining agreements shall not govern movement into these FTE positions until September 1, 1998. This subparagraph shall no longer apply after September 1, 1998.

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

..... \$ 670,796

3. LABORATORY DIVISION

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

..... \$ 997,161

..... FTEs 85.10

(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 gypsay 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 amount appropriated and the authorized full-time equivalent positions in this paragraph "a", \$136,022 and 2.00 FTEs shall be used to administer a certification program to assure that organic foods sold commercially within the state comply with federal and state regulations relating to organic foods. However, if Senate File 2332 or other

legislation providing for the production, handling, processing, and sale of organic agricultural products as provided in Senate File 2332, is not enacted by the Seventy-seventh General Assembly, 1998 Session, the full-time equivalent positions authorized and the amount appropriated under this subparagraph shall be reduced by 1.00 FTE and \$68,011.

b. For the operations of the commercial feed programs:

..... \$ 787,906

c. For the operations of the pesticide programs:

..... \$ 1,257,056

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:

..... \$ 671,854

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:

..... \$ 6,600,518

..... FTEs 171.28

Of the amount appropriated in this paragraph "a", \$418,376 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:

..... \$ 6,500,850

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, 2002, from moneys appropriated in paragraph "b" for the fiscal year beginning July 1, 1998, shall revert to the general fund of the state on August 31, 2002.

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, 1998, and ending June 30, 1999, 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:
..... \$ 258,995
..... FTEs 1.00

DEPARTMENT OF NATURAL RESOURCES

Sec. 3. 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, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE AND SUPPORT SERVICES

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 2,101,715
..... FTEs 119.25

b. Of the amount appropriated in paragraph "a", \$12,000 shall be allocated to pay dues for membership in the upper Mississippi river basin commission.

c. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", 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.

d. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", not less than \$34,000 and 1.00 FTE shall be used by administrative and support services to support the inspection and oversight of manure management plans associated with confinement feeding operations regulated by the department.

2. PARKS AND PRESERVES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 5,993,308
..... 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 FORRSTRY DIVISION

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

..... \$ 1,653,846
 FTEs 48.71

4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

..... \$ 1,854,059
 FTEs 54.00

b. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", not less than \$76,000 and 2.00 FTEs shall be used by the energy and geological resources division to review soil and hydrology data for construction permits and manure management plans associated with confinement feeding operations regulated by the department.

5. ENVIRONMENTAL PROTECTION DIVISION

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

..... \$ 3,616,627
 FTEs 236.50

b. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", at least \$424,600 and 9.00 FTEs shall be primarily used to support the regulation of animal feeding operations.

c. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", 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.

d. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", at least \$270,000 and 6.00 FTEs shall be used to support on-site inspections and the oversight of manure management plans

associated with confinement feeding operations regulated by the department.

6. WATER QUALITY PROTECTION FUND

a. For deposit in 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 subsection 5, 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 subsection 5, 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 give 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.

b. Of the amount appropriated to the administration account of the water quality protection fund as provided in paragraph "a", \$300,000 shall be allocated to Iowa state university of science and technology for purposes of conducting studies regarding groundwater and surface water contamination in this state. The identity of a site selected in conducting testing shall remain confidential and shall not be subject to disclosure under chapter 22. However, the identity of the site shall be provided to the department of natural resources, which shall keep the identity confidential.

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. The university shall cooperate with the department of natural resources in designing, implementing, and conducting the studies. The university shall report all results of the studies to the department, the legislative fiscal bureau, and the members of the joint appropriations subcommittee on agriculture and natural resources.

c. Of the amount appropriated to the administration account of the water quality protection fund as provided in paragraph "a", \$15,000 shall be allocated to support a grant to local sponsors of the Lewis and Clark rural water system in order to construct a system to provide safe and adequate municipal and rural water supplies for residential, commercial, agricultural, and industrial uses, to preserve wetlands, and to mitigate water conservation efforts.

7. FISH AND WILDLIFE DIVISION

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

..... FTEs 344.18

8. WASTE MANAGEMENT ASSISTANCE DIVISION

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

..... FTEs 17.75

Sec. 4. 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, 1998, and ending June 30, 1999, 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:

..... \$ 23,128,434

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.

c. Of the amount appropriated in paragraph "a", \$300,000 shall be used by the division for the replacement of worn boats, motors, and trailers used by fish and wildlife water patrol officers.

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. 5. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1998, 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, 1998, and ending June 30, 1999, 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. 6. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1998, 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, 1998, and ending June 30, 1999, 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:

..... \$ 1,630,000

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

2. Of the amount appropriated in this section, not more than \$30,000 shall be used by the department to carry out the provisions of 1998 Iowa Acts, Senate File 429, if enacted by the Seventy-seventh General Assembly, 1998 Session. However, if Senate File 429 is not enacted, the amount appropriated under this section for the administration and enforcement of navigation laws and water safety shall be reduced by \$30,000.

3. Notwithstanding section 8.33, moneys transferred and appropriated pursuant to this section which are unencumbered or unobligated on June 30, 1999, shall be transferred on July 1, 1999, 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.

Sec. 7. MARINE FUEL TAX RECEIPTS -- BOATING FACILITIES. 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, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

RESOURCES ENHANCEMENT AND PROTECTION

Sec. 8. 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, 1998, and ending June 30, 1999, the sum of

\$9,000,000, of which all moneys shall be allocated as provided in section 455A.19.

ANIMAL HEALTH AND INDUSTRY

Sec. 9. HORSE AND DOG RACING.

1. 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, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the administration of section 99D.22:
..... \$ 250,211

2. Of the amount appropriated and FTE authorized in subsection 1, \$42,752 is allocated and 1.00 FTE shall be used for purposes of supporting an additional livestock inspector to inspect horses and dogs involved in racing under chapter 99D.

Sec. 10. 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, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the pseudorabies eradication program:
..... \$ 900,500

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. 11. PORCINE REPRODUCTIVE AND RESPIRATORY SYNDROME. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of supporting research to manage or eradicate porcine reproductive and respiratory syndrome: \$ 50,000

1. As a condition of the appropriation made in this section, each dollar from the appropriation expended under this section must be matched by one dollar contributed by a nonstate source.

2. Moneys appropriated in this section shall be expended in accordance with the direction of the livestock health advisory council established pursuant to section 267.2.

Sec. 12. LEGISLATIVE STUDY. The legislative council is requested to establish an interim study committee consisting of members of both political parties from both houses of the general assembly to review and consider the need for improvements in the division of responsibilities regarding on-site inspections of animal feeding operations between the department of natural resources and the department of agriculture and land stewardship. The legislative council is requested to authorize one day for a meeting regarding the issues. The committee shall submit its findings, together with any recommendations, in a report to the general assembly which convenes in January 1999.

RELATED APPROPRIATIONS

Sec. 13. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE UNDERGROUND STORAGE TANK FUND BOARD. 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, 1998, and ending June 30, 1999, 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. 14. PRIVATE WELL TESTING. Notwithstanding section 455R.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 amount is appropriated for use as provided in this section during the fiscal period beginning July 1, 1998, and ending June 30, 1999, as follows:

To Iowa state university 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 this section shall be used to 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 appropriated in this section shall only be used for the following purposes:

1. Analyzing test samples by the state hygienic laboratory.

2. Performing tests in counties. However, not more than \$50 of the moneys appropriated in 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.

Sec. 15. Of the amount appropriated to Iowa state university for supporting odor control applications for animal feeding operations, as provided in 1997 Iowa Acts, chapter 213, section 12, subsection 1, any amount which is unencumbered or unobligated on June 30, 1998, shall be transferred to the livestock disease research fund established pursuant to section 267.8 for use by the Iowa state university college of veterinary medicine upon recommendation of the livestock health advisory council in a manner consistent with the provisions of chapter 267.

MISCELLANEOUS

Sec. 16. Notwithstanding the provision of section 455B.103A, subsection 4, for the fiscal year beginning July 1, 1998, the department of natural resources may use additional funds for the staffing of two additional full-time staff members to reduce the department's flood plain permit backlog.

Sec. 17. REDUCTION OF APPROPRIATIONS. This section shall apply to each appointed nonelected position which is supported by moneys appropriated in sections 1 and 3 of this Act. If the amount of moneys to be used for a salary during the fiscal year beginning July 1, 1998, and ending June 30, 1999, is more than the amount actually required to pay that salary for the fiscal year, the amount of the relevant appropriation shall be reduced by the amount equal to the difference. The amount appropriated in section 1, subsection 4, of this Act, to support financial incentives for soil conservation practices under chapter 161A shall be increased by the amount of the difference. However, the amount of the difference shall be allocated in the same manner as other moneys which are reallocated to soil and water conservation districts after the

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moneys are returned by a district to the soil conservation division.

Sec. 18. COOPERATION BETWEEN DEPARTMENTS. It is the intent of the general assembly that the division of soil conservation of the department of agriculture and land stewardship may provide technical assistance to the department of natural resources regarding the design and engineering of unformed manure storage structures pursuant to chapter 455B. As used in this section an unformed manure storage structure means the same as defined in section 455B.161, as amended by 1998 Iowa Acts, House File 2494.

Sec. 19. 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. 20. TRANSFER -- AIR QUALITY. For the fiscal year beginning July 1, 1998, and ending June 30, 1999, the department of natural resources may transfer up to \$775,000 for the fiscal year 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.

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 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. 1997 Iowa Acts, chapter 213, section 21, subsection 3, is amended by striking the subsection.

Sec. 22. Section 455B.11, subsection 2, paragraph b, subparagraph (3), subparagraph subdivision (d), Code 1997, is amended to read as follows:

(d) Thirteen percent of the moneys is appropriated annually to the department of agriculture and land stewardship for financial incentive programs related to agricultural drainage wells and sinkholes, for studies and administrative costs relating to sinkholes and agricultural drainage wells programs. ~~Of the thirteen percent allocated for financial incentive programs, not more than fifty thousand dollars is appropriated for the fiscal year beginning July 1, 1987 and ending June 30, 1988, to the department of natural resources for grants to county conservation boards for the development and implementation of projects regarding alternative practices in the remediation of noxious weeds or other vegetation within highway rights-of-way. Any remaining balance of the appropriation made for the purpose of funding of projects regarding alternative practices in the remediation of noxious weeds or other vegetation within highway rights-of-way for the fiscal year beginning July 1, 1987 and ending June 30, 1988, shall not revert to the account, notwithstanding section 8.337 but shall remain available for the purpose of funding the projects during the fiscal period beginning July 1, 1988 and ending June 30, 1998.~~ Of the moneys allocated for financial incentive programs, the department may reimburse landowners for engineering costs associated with voluntarily closing agricultural drainage wells. The financial incentives allocated for voluntary closing of agricultural drainage wells shall be provided on a cost-share basis which shall not exceed fifty percent of the estimated cost or fifty percent of the actual cost, whichever is less. Engineering costs do not include construction costs, including costs associated with earth moving.

Sec. 23. EFFECTIVE DATES.

1. 1997 Iowa Acts, chapter 213, section 21, subsection 3, as amended by this Act, takes effect on January 1, 1999.
2. Section 15 of this Act takes effect upon enactment.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2295, Seventy-seventh General Assembly.

Steph Vetro
5/19/98
Approved _____, 1998

MARY PAT GUNDERSON
Secretary of the Senate

TERRY E. BRANSTAD
Governor