

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

**A BILL FOR**

1 An Act relating to and making appropriations involving state  
2 government entities involved with agriculture, natural  
3 resources, and environmental protection, making related  
4 statutory changes, providing for eminent domain procedures,  
5 and including effective and applicability date provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I  
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
GENERAL APPROPRIATION FOR FY 2014-2015

Section 1. 2013 Iowa Acts, chapter 132, section 27, is amended to read as follows:

SEC. 27. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:	\$ 8,790,664
	<u>17,605,492</u>
	FTEs 372.00

2. Of the amount appropriated in subsection 1, the following amount is transferred to Iowa state university of science and technology, to be used for the university's midwest grape and wine industry institute:

	\$ 119,000
	<u>238,000</u>

3. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department's administration, regulation, and programs.

DESIGNATED APPROPRIATIONS  
MISCELLANEOUS FUNDS



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GENERAL FUND

Sec. 4. 2013 Iowa Acts, chapter 132, section 30, is amended to read as follows:

SEC. 30. DAIRY REGULATION. 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, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of performing functions pursuant to section 192.109, including conducting a survey of grade "A" milk and certifying the results to the secretary of agriculture:

.....	\$	94,598
		<u>189,196</u>

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

Sec. 5. 2013 Iowa Acts, chapter 132, section 31, is amended to read as follows:

SEC. 31. LOCAL FOOD AND FARM 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, 2014, and ending June 30, 2015, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of supporting the local food and farm program pursuant to chapter 267A:

.....	\$	37,500
		<u>75,000</u>

2. The department shall enter into a cost-sharing agreement with Iowa state university to support the local food and farm program coordinator position as part of the university's cooperative extension service in agriculture and home economics

1 pursuant to chapter 267A.

2 3. Notwithstanding section 8.33, moneys appropriated in  
3 this section that remain unencumbered or unobligated at the  
4 close of the fiscal year shall not revert but shall remain  
5 available to be used for the purposes designated until the  
6 close of the succeeding fiscal year.

7 Sec. 6. 2013 Iowa Acts, chapter 132, section 32, is amended  
8 to read as follows:

9 SEC. 32. AGRICULTURAL EDUCATION. There is appropriated  
10 from the general fund of the state to the department of  
11 agriculture and land stewardship for the fiscal year beginning  
12 July 1, 2014, and ending June 30, 2015, the following amount,  
13 or so much thereof as is necessary, to be used for the purposes  
14 designated:

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

18 .....	\$	<del>12,500</del>
19		<u>25,000</u>

20 2. Notwithstanding section 8.33, moneys appropriated for  
21 the fiscal year beginning July 1, 2014, in this section that  
22 remain unencumbered or unobligated at the close of the fiscal  
23 year shall not revert but shall remain available to be used  
24 for the purposes designated until the close of the succeeding  
25 fiscal year.

26 Sec. 7. 2013 Iowa Acts, chapter 132, section 33, is amended  
27 to read as follows:

28 SEC. 33. FARMERS WITH DISABILITIES PROGRAM.

29 1. There is appropriated from the general fund of the state  
30 to the department of agriculture and land stewardship for the  
31 fiscal year beginning July 1, 2014, and ending June 30, 2015,  
32 the following amount, or so much thereof as is necessary, to be  
33 used for the purposes designated:

34 For purposes of supporting a program for farmers with  
35 disabilities:

1 .....	\$	<del>65,000</del>
2		<u>130,000</u>

3 2. The moneys appropriated in subsection 1 shall be used for  
4 the public purpose of providing a grant to a national nonprofit  
5 organization with over 80 years of experience in assisting  
6 children and adults with disabilities and special needs.

7 a. The moneys shall be used to support a nationally  
8 recognized program that began in 1986 and has been replicated  
9 in at least 30 other states, but which is not available through  
10 any other entity in this state, and that provides assistance  
11 to farmers with disabilities in all 99 counties to allow the  
12 farmers to remain in their own homes and be gainfully engaged  
13 in farming through provision of agricultural worksite and home  
14 modification consultations, peer support services, services  
15 to families, information and referral, and equipment loan  
16 services.

17 b. Notwithstanding section 8.33, moneys appropriated in  
18 this section that remain unencumbered or unobligated at the  
19 close of the fiscal year shall not revert but shall remain  
20 available for expenditure for the purposes designated until the  
21 close of the succeeding fiscal year.

22 DIVISION II

23 GENERAL FUND

24 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

25 WATER QUALITY

26 APPROPRIATIONS FOR FY 2014-2015

27 Sec. 8. 2013 Iowa Acts, chapter 132, section 34, is amended  
28 to read as follows:

29 SEC. 34. WATER QUALITY INITIATIVE — GENERAL.

30 1. There is appropriated from the general fund of the state  
31 to the department of agriculture and land stewardship for the  
32 fiscal year beginning July 1, 2014, and ending June 30, 2015,  
33 the following amount, or so much thereof as is necessary, to be  
34 used for the purposes designated:

35 For deposit in the water quality initiative fund created

1 in section 466B.45, as enacted by this Act, for purposes of  
2 supporting the water quality initiative administered by the  
3 soil conservation division as provided in section 466B.42, as  
4 enacted by this Act, including salaries, support, maintenance,  
5 miscellaneous purposes, and for not more than the following  
6 full-time equivalent positions:

7	.....	\$	4,400,000
8	.....	FTEs	<del>1.00</del>
9			<u>2.00</u>

10 2. a. The moneys appropriated in subsection 1 shall be  
11 used to support ~~reducing nutrients~~ projects in subwatersheds  
12 as designated by the division that are part of high-priority  
13 watersheds identified by the water resources coordinating  
14 council established pursuant to section 466B.3. ~~In supporting~~  
15 ~~reducing nutrients~~

16 b. The moneys appropriated in subsection 1 shall be used to  
17 support projects in watersheds generally, including regional  
18 watersheds, as designated by the division and high-priority  
19 watersheds identified by the water resources coordinating  
20 council established pursuant to section 466B.3.

21 2A. In supporting projects in subwatersheds, the division  
22 shall establish and administer demonstration projects as  
23 follows and watersheds as provided in subsection 2, all of the  
24 following shall apply:

25 a. The demonstration projects shall utilize water quality  
26 practices as described in the latest revision of the document  
27 entitled "Iowa Nutrient Reduction Strategy" initially presented  
28 in November 2012 by the department of agriculture and land  
29 stewardship, the department of natural resources, and Iowa  
30 state university of science and technology.

31 b. The division shall implement demonstration projects as  
32 provided in paragraph "a" by providing for participation by  
33 persons who hold a legal interest in agricultural land used in  
34 farming. To every extent practical, the division shall provide  
35 for collaborative participation by such persons who hold a

1 legal interest in agricultural land located within the same  
2 subwatershed.

3 c. The division shall implement a demonstration project on  
4 a cost-share basis as determined by the division. However, the  
5 state's share of the amount shall not exceed 50 percent of the  
6 estimated cost of establishing the practice as determined by  
7 the division or 50 percent of the actual cost of establishing  
8 the practice, whichever is less.

9 d. The demonstration projects shall be used to educate other  
10 persons about the feasibility and value of establishing similar  
11 water quality practices. The division shall promote field day  
12 events for purposes of allowing interested persons to establish  
13 water quality practices on their agricultural land.

14 e. The division shall conduct water quality evaluations  
15 within supported subwatersheds. Within a reasonable period  
16 after accumulating information from such evaluations, the  
17 division shall create an aggregated database of water quality  
18 practices. Any information identifying a person holding a  
19 legal interest in agricultural land or specific agricultural  
20 land shall be a confidential record under section 22.7.

21 3. The moneys appropriated in subsection 1 shall be used  
22 to support education and outreach in a manner that encourages  
23 persons who hold a legal interest in agricultural land used for  
24 farming to implement water quality practices, including the  
25 establishment of such practices in watersheds generally, and  
26 not limited to subwatersheds or high-priority watersheds.

27 4. The moneys appropriated in subsection 1 may be used  
28 to contract with persons to coordinate the implementation of  
29 efforts provided in this section. Not more than \$150,000 shall  
30 be used to support the administration of this section by a  
31 full-time equivalent position.

32 5. Notwithstanding any other provision of law to the  
33 contrary, the department may use moneys appropriated in  
34 subsection 1 to carry out the provisions of this section on a  
35 cost-share basis in combination with other moneys appropriated

1 available to the department from ~~the environment first~~  
2 ~~fund created in section 8.57A for cost sharing to match the~~  
3 ~~United States department of agriculture, natural resources~~  
4 ~~conservation service, wetland reserve enhancement program a~~  
5 state or federal source.

6 Sec. 9. 2013 Iowa Acts, chapter 132, section 35, is amended  
7 to read as follows:

8 SEC. 35. IOWA NUTRIENT RESEARCH CENTER.

9 1. There is appropriated from the general fund of the state  
10 to Iowa state university of science and technology for the  
11 fiscal year beginning July 1, 2014, and ending June 30, 2015,  
12 the following amount, or so much thereof as is necessary, to be  
13 used for the purposes designated:

14 For purposes of supporting an Iowa nutrient research center  
15 as established in section 466B.47, as enacted in this Act:

16 .....	\$ 750,000
17 .....	<u>1,500,000</u>

18 2. Notwithstanding section 8.33, moneys appropriated in  
19 this section that remain unencumbered or unobligated at the  
20 close of the fiscal year shall not revert but shall remain  
21 available for expenditure for the purposes designated until the  
22 close of the fiscal year beginning July 1, 2015.

23 Sec. 10. 2013 Iowa Acts, chapter 132, section 36, is amended  
24 to read as follows:

25 SEC. 36. WATER QUALITY INITIATIVE APPROPRIATIONS — FEDERAL  
26 MONEYS. The department of agriculture and land stewardship,  
27 and its soil conservation division, may use moneys appropriated  
28 in this division of this Act to support the water quality  
29 initiative, including its projects, as provided in this  
30 division of this Act, in combination with other moneys provided  
31 by the United States government.

32 DIVISION III

33 DEPARTMENT OF NATURAL RESOURCES

34 GENERAL APPROPRIATIONS FOR FY 2014-2015

35 Sec. 11. 2013 Iowa Acts, chapter 132, section 37, is amended

1 to read as follows:

2 SEC. 37. GENERAL FUND — DEPARTMENT.

3 1. There is appropriated from the general fund of the state  
4 to the department of natural resources for the fiscal year  
5 beginning July 1, 2014, and ending June 30, 2015, the following  
6 amount, or so much thereof as is necessary, to be used for the  
7 purposes designated:

8	For purposes of supporting the department, including its	
9	divisions, for administration, regulation, and programs; for	
10	salaries, support, maintenance, and miscellaneous purposes; and	
11	for not more than the following full-time equivalent positions:	
12	.....	\$ <del>6,383,350</del>
13		<u>12,862,307</u>
14	..... FTEs	1,145.95

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

22 3. The department shall submit a report each quarter of the  
23 fiscal year to the legislative services agency, the department  
24 of management, the members of the joint appropriations  
25 subcommittee on agriculture and natural resources, and the  
26 chairpersons and ranking members of the senate and house  
27 committees on appropriations. The report shall describe in  
28 detail the expenditure of moneys appropriated under this  
29 section to support the department's administration, regulation,  
30 and programs.

31 Sec. 12. 2013 Iowa Acts, chapter 132, section 38, is amended  
32 to read as follows:

33 SEC. 38. STATE FISH AND GAME PROTECTION FUND — REGULATION  
34 AND ADVANCEMENT OF OUTDOOR ACTIVITIES.

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

1 protection fund to the department of natural resources for the  
2 fiscal year beginning July 1, 2014, and ending June 30, 2015,  
3 the following amount, or so much thereof as is necessary, to be  
4 used for the purposes designated:

5 For purposes of supporting the regulation or advancement of  
6 hunting, fishing, or trapping, or the protection, propagation,  
7 restoration, management, or harvest of fish or wildlife,  
8 including for administration, regulation, law enforcement, and  
9 programs; and for salaries, support, maintenance, equipment,  
10 and miscellaneous purposes:  
11 ..... \$ 20,539,117  
12 41,223,225

13 2. Notwithstanding section 455A.10, the department may use  
14 the unappropriated balance remaining in the state fish and game  
15 protection fund to provide for the funding of health and life  
16 insurance premium payments from unused sick leave balances of  
17 conservation peace officers employed in a protection occupation  
18 who retire, pursuant to section 97B.49B.

19 3. Notwithstanding section 455A.10, the department of  
20 natural resources may use the unappropriated balance remaining  
21 in the state fish and game protection fund for the fiscal  
22 year beginning July 1, 2014, and ending June 30, 2015, as is  
23 necessary to fund salary adjustments for departmental employees  
24 which the general assembly has made an operating budget  
25 appropriation for in subsection 1.

26 Sec. 13. 2013 Iowa Acts, chapter 132, section 39, is amended  
27 to read as follows:

28 SEC. 39. GROUNDWATER PROTECTION FUND — WATER QUALITY.

29 There is appropriated from the groundwater protection fund  
30 created in section 455E.11 to the department of natural  
31 resources for the fiscal year beginning July 1, 2014,  
32 and ending June 30, 2015, from those moneys which are not  
33 allocated pursuant to that section, the following amount, or  
34 so much thereof as is necessary, to be used for the purposes  
35 designated:

1 For purposes of supporting the department's protection  
2 of the state's groundwater, including for administration,  
3 regulation, and programs, and for salaries, support,  
4 maintenance, equipment, and miscellaneous purposes:

5 ..... \$ 1,727,916  
6 3,455,832

7 DESIGNATED APPROPRIATIONS

8 MISCELLANEOUS FUNDS

9 Sec. 14. 2013 Iowa Acts, chapter 132, section 40, is amended  
10 to read as follows:

11 SEC. 40. SPECIAL SNOWMOBILE FUND — SNOWMOBILE PROGRAM.

12 There is appropriated from the special snowmobile fund created  
13 under section 321G.7 to the department of natural resources for  
14 the fiscal year beginning July 1, 2014, and ending June 30,  
15 2015, the following amount, or so much thereof as is necessary,  
16 to be used for the purpose designated:

17 For purposes of administering and enforcing the state  
18 snowmobile programs:

19 ..... \$ 50,000  
20 100,000

21 Sec. 15. 2013 Iowa Acts, chapter 132, section 41, is amended  
22 to read as follows:

23 SEC. 41. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE

24 TANK SECTION EXPENSES. There is appropriated from the  
25 unassigned revenue fund administered by the Iowa comprehensive  
26 underground storage tank fund board to the department of  
27 natural resources for the fiscal year beginning July 1, 2014,  
28 and ending June 30, 2015, the following amount, or so much  
29 thereof as is necessary, to be used for the purpose designated:

30 For purposes of paying for administration expenses of the  
31 department's underground storage tank section:

32 ..... \$ 100,000  
33 200,000

34 SPECIAL APPROPRIATIONS

35 GENERAL FUND

1 Sec. 16. 2013 Iowa Acts, chapter 132, section 42, is amended  
2 to read as follows:

3 SEC. 42. FLOODPLAIN MANAGEMENT AND DAM SAFETY.

4 1. There is appropriated from the general fund of the state  
5 to the department of natural resources for the fiscal year  
6 beginning July 1, 2014, and ending June 30, 2015, the following  
7 amount, or so much thereof as is necessary, to be used for the  
8 purpose designated:

9 For purposes of supporting floodplain management and dam  
10 safety:

11 .....	\$	<del>1,000,000</del>
12 .....		<u>2,000,000</u>

13 2. Of the amount appropriated in subsection 1, up to  
14 ~~\$340,000~~ \$400,000 may be used by the department to acquire or  
15 install stream gages for purposes of tracking and predicting  
16 flood events and for compiling necessary data to improve flood  
17 frequency analysis.

18 3. Notwithstanding section 8.33, moneys appropriated in  
19 subsection 1 that remain unencumbered or unobligated at the  
20 close of the fiscal year shall not revert but shall remain  
21 available for expenditure for the purposes designated until the  
22 close of the succeeding fiscal year.

23 Sec. 17. 2013 Iowa Acts, chapter 132, section 43, is amended  
24 to read as follows:

25 SEC. 43. FORESTRY HEALTH MANAGEMENT.

26 1. There is appropriated from the general fund of the state  
27 to the department of natural resources for the fiscal year  
28 beginning July 1, 2014, and ending June 30, 2015, the following  
29 amount, or so much thereof as is necessary, to be used for the  
30 purposes designated:

31 For purposes of providing for forestry health management  
32 programs:

33 .....	\$	<del>100,000</del>
34 .....		<u>200,000</u>

35 2. Notwithstanding section 8.33, moneys appropriated in

1 this section that remain unencumbered or unobligated at the  
2 close of the fiscal year shall not revert but shall remain  
3 available to be used for the purposes designated until the  
4 close of the succeeding fiscal year.

5 Sec. 18. 2013 Iowa Acts, chapter 132, section 44, is amended  
6 to read as follows:

7 SEC. 44. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND.

8 1. There is transferred from the general fund of the state  
9 to the loess hills development and conservation fund created in  
10 section 161D.2 for the fiscal year beginning July 1, 2014, and  
11 ending June 30, 2015, the following amount, or so much thereof  
12 as is necessary, to be used for the purposes designated:

13 For supporting the purposes of the fund:

14 .....	\$ 37,500
15	<u>75,000</u>

16 2. a. Of the amount transferred in subsection 1, ~~\$28,125~~  
17 \$56,250 shall be allocated to the fund's hungry canyons  
18 account.

19 b. Not more than 10 percent of the moneys allocated to the  
20 hungry canyons account as provided in paragraph "a" may be used  
21 for administrative costs.

22 3. a. Of the amount transferred in subsection 1, ~~\$9,375~~  
23 \$18,750 shall be allocated to the fund's loess hills alliance  
24 account.

25 b. Not more than 10 percent of the moneys allocated to the  
26 loess hills alliance account as provided in paragraph "a" may  
27 be used for administrative costs.

28 4. Moneys deposited to the loess hills development and  
29 conservation fund and its accounts for the fiscal year are  
30 appropriated to the authority to be used as provided by law.

31 DIVISION IV

32 IOWA STATE UNIVERSITY

33 SPECIAL GENERAL FUND APPROPRIATION FOR FY 2014-2015

34 Sec. 19. 2013 Iowa Acts, chapter 132, section 45, is amended  
35 to read as follows:

1 SEC. 45. VETERINARY DIAGNOSTIC LABORATORY.

2 1. There is appropriated from the general fund of the state  
3 to Iowa state university of science and technology for the  
4 fiscal year beginning July 1, 2014, and ending June 30, 2015,  
5 the following amount, or so much thereof as is necessary, to be  
6 used for the purposes designated:

7 For purposes of supporting the college of veterinary  
8 medicine for the operation of the veterinary diagnostic  
9 laboratory and for not more than the following full-time  
10 equivalent positions:

11 .....	\$	1,881,318
12 .....		<u>4,000,000</u>
13 .....	FTEs	50.00
14 .....		<u>51.00</u>

15 2. a. Iowa state university of science and technology  
16 shall not reduce the amount that it allocates to support the  
17 college of veterinary medicine from any other source due to the  
18 appropriation made in this section.

19 b. Paragraph "a" does not apply to a reduction made to  
20 support the college of veterinary medicine, if the same  
21 percentage of reduction imposed on the college of veterinary  
22 medicine is also imposed on all of Iowa state university's  
23 budget units.

24 3. If by June 30, 2015, Iowa state university of science and  
25 technology fails to allocate the moneys appropriated in this  
26 section to the college of veterinary medicine in accordance  
27 with this section, the moneys appropriated in this section for  
28 that fiscal year shall revert to the general fund of the state.

29 DIVISION V

30 ENVIRONMENT FIRST FUND

31 GENERAL APPROPRIATIONS FOR FY 2014-2015

32 Sec. 20. 2013 Iowa Acts, chapter 132, section 47, is amended  
33 to read as follows:

34 SEC. 47. DEPARTMENT OF AGRICULTURE AND LAND

35 STEWARDSHIP. There is appropriated from the environment first

1 fund created in section 8.57A to the department of agriculture  
2 and land stewardship for the fiscal year beginning July 1,  
3 2014, and ending June 30, 2015, the following amounts, or so  
4 much thereof as is necessary, to be used for the purposes  
5 designated:

6 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

7 a. For the conservation reserve enhancement program to  
8 restore and construct wetlands for the purposes of intercepting  
9 tile line runoff, reducing nutrient loss, improving water  
10 quality, and enhancing agricultural production practices:

11 ..... \$ 500,000  
12 1,000,000

13 b. Not more than 10 percent of the moneys appropriated  
14 in paragraph "a" may be used for costs of administration and  
15 implementation of soil and water conservation practices.

16 c. Notwithstanding any other provision in law, the  
17 department may provide state resources from this appropriation,  
18 in combination with other appropriate environment first  
19 fund appropriations, for cost sharing to match United States  
20 department of agriculture, natural resources conservation  
21 service, wetlands reserve enhancement program (WREP) funding  
22 available to Iowa.

23 2. WATERSHED PROTECTION

24 a. For continuation of a program that provides  
25 multiobjective resource protections for flood control, water  
26 quality, erosion control, and natural resource conservation:

27 ..... \$ 450,000  
28 900,000

29 b. Not more than 10 percent of the moneys appropriated  
30 in paragraph "a" may be used for costs of administration and  
31 implementation of soil and water conservation practices.

32 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

33 a. For continuation of a statewide voluntary farm  
34 management demonstration program to demonstrate the  
35 effectiveness and adaptability of emerging practices in

1 agronomy that protect water resources and provide other  
2 environmental benefits:

3 ..... \$ 312,500  
4 625,000

5 b. Not more than 10 percent of the moneys appropriated  
6 in paragraph "a" may be used for costs of administration and  
7 implementation of soil and water conservation practices.

8 c. Of the amount appropriated in paragraph "a", ~~\$200,000~~  
9 \$400,000 shall be allocated to an organization representing  
10 soybean growers to provide for an agriculture and environment  
11 performance program in order to carry out the purposes of this  
12 subsection as specified in paragraph "a".

13 4. SOIL AND WATER CONSERVATION — ADMINISTRATION

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

16 ..... \$ ~~1,275,000~~  
17 2,550,000

18 5. CONSERVATION RESERVE PROGRAM (CRP)

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

23 ..... \$ 500,000  
24 1,000,000

25 b. Not more than 10 percent of the moneys appropriated  
26 in paragraph "a" may be used for costs of administration and  
27 implementation of soil and water conservation practices.

28 6. SOIL AND WATER CONSERVATION

29 a. For use by the department in providing for soil and  
30 water conservation administration, the conservation of soil and  
31 water resources, or the support of soil and water conservation  
32 district commissioners:

33 ..... \$ ~~3,325,000~~  
34 7,375,000

35 b. Not more than 5 percent of the moneys appropriated in

1 paragraph "a" may be allocated for cost sharing to address  
2 complaints filed under section 161A.47.

3 c. Of the moneys appropriated in paragraph "a", 5 percent  
4 shall be allocated for financial incentives to establish  
5 practices to protect watersheds above publicly owned lakes of  
6 the state from soil erosion and sediment as provided in section  
7 161A.73.

8 d. Not more than 30 percent of a soil and water conservation  
9 district's allocation of moneys as financial incentives may be  
10 provided for the purpose of establishing management practices  
11 to control soil erosion on land that is row cropped, including  
12 but not limited to no-till planting, ridge-till planting,  
13 contouring, and contour strip-cropping as provided in section  
14 161A.73.

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

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

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

26 h. In lieu of moneys appropriated in section 466A.5,  
27 not more than ~~\$25,000~~ \$50,000 of the moneys appropriated in  
28 paragraph "a" shall be used by the soil conservation division  
29 of the department of agriculture and land stewardship to  
30 provide administrative support to the watershed improvement  
31 review board established in section 466A.3.

32 i. The department may use not more than \$375,000 of the  
33 moneys appropriated in paragraph "a" to support urban soil  
34 and water conservation efforts, which may include but is not  
35 limited to management practices related to bio-retention,

1 landscaping, the use of permeable pavement, and soil quality  
2 restoration. The moneys shall be allocated on a cost-share  
3 basis as provided in chapter 161A.

4 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

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

7 ..... \$ 262,500  
8 800,000

9 b. (1) Of the amount appropriated in paragraph "a",  
10 ~~\$196,875~~ \$600,000 shall be allocated to the fund's hungry  
11 canyons account.

12 (2) Not more than 10 percent of the moneys allocated to the  
13 hungry canyons account as provided in subparagraph (1) may be  
14 used for administrative costs.

15 c. (1) Of the amount appropriated in paragraph "a", ~~\$65,625~~  
16 \$200,000 shall be allocated to the fund's loess hills alliance  
17 account.

18 (2) Not more than 10 percent of the moneys allocated to the  
19 loess hills alliance account as provided in subparagraph (1)  
20 may be used for administrative costs.

21 8. AGRICULTURAL DRAINAGE WELL WATER QUALITY ASSISTANCE FUND

22 For deposit in the agricultural drainage well water quality  
23 assistance fund created in section 460.303 to be used for  
24 purposes of supporting the agricultural drainage well water  
25 quality assistance program as provided in section 460.304:

26 ..... \$ 550,000

27 9. SILOS AND SMOKESTACKS

28 For purposes of supporting the silos and smokestacks  
29 national heritage area to provide continued agricultural  
30 education and preservation:

31 ..... \$ 200,000

32 Sec. 21. 2013 Iowa Acts, chapter 132, section 48, is amended  
33 to read as follows:

34 SEC. 48. DEPARTMENT OF NATURAL RESOURCES. There is  
35 appropriated from the environment first fund created in section

1 8.57A to the department of natural resources for the fiscal  
2 year beginning July 1, 2014, and ending June 30, 2015, the  
3 following amounts, or so much thereof as is necessary, to be  
4 used for the purposes designated:

5 1. KEEPERS OF THE LAND

6 For statewide coordination of volunteer efforts under the  
7 water quality and keepers of the land programs:

8 ..... \$ ~~50,000~~  
9 100,000

10 2. STATE PARKS MAINTENANCE AND OPERATIONS

11 For regular maintenance and operations of state parks and  
12 staff time associated with these activities:

13 ..... \$ ~~3,180,000~~  
14 4,610,000

15 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)

16 To provide local watershed managers with geographic  
17 information system data for their use in developing,  
18 monitoring, and displaying results of their watershed work:

19 ..... \$ ~~97,500~~  
20 195,000

21 4. WATER QUALITY MONITORING

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

24 ..... \$ ~~1,477,500~~  
25 2,955,000

26 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

27 For deposit in the public water supply system account of the  
28 water quality protection fund created in section 455B.183A:

29 ..... \$ ~~250,000~~  
30 500,000

31 6. REGULATION OF ANIMAL FEEDING OPERATIONS

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

34 ..... \$ ~~660,000~~  
35 1,320,000

1 7. AMBIENT AIR QUALITY

2 For the abatement, control, and prevention of ambient  
3 air pollution in this state, including measures as necessary  
4 to assure attainment and maintenance of ambient air quality  
5 standards from particulate matter:

6 ..... \$ 212,500  
7 425,000

8 8. WATER QUANTITY REGULATION

9 For regulating water quantity from surface and subsurface  
10 sources by providing for the allocation and use of water  
11 resources, the protection and management of water resources,  
12 and the preclusion of conflicts among users of water resources,  
13 including as provided in chapter 455B, division III, part 4:

14 ..... \$ 247,500  
15 495,000

16 9. GEOLOGICAL AND WATER SURVEY

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

21 ..... \$ 100,000  
22 200,000

23 10. KEEP IOWA BEAUTIFUL INITIATIVE

24 For purposes of supporting a keep Iowa beautiful initiative  
25 in order to assist communities in developing and implementing  
26 beautification and community development plans:

27 ..... \$ 100,000  
28 200,000

29 Sec. 22. 2013 Iowa Acts, chapter 132, section 49, is amended  
30 to read as follows:

31 SEC. 49. REVERSION.

32 1. Notwithstanding Except as provided in subsection 2,  
33 and notwithstanding section 8.33, moneys appropriated for the  
34 fiscal year beginning July 1, 2014, in this division of this  
35 Act that remain unencumbered or unobligated at the close of the

1 fiscal year shall not revert but shall remain available to be  
2 used for the purposes designated until the close of the fiscal  
3 year beginning July 1, 2015, or until the project for which the  
4 appropriation was made is completed, whichever is earlier.

5 2. Notwithstanding section 8.33, moneys appropriated for  
6 the fiscal year beginning July 1, 2014, in this division of  
7 this Act to the department of agriculture and land stewardship  
8 to provide financial assistance for the establishment of  
9 permanent soil and water conservation practices that remain  
10 unencumbered or unobligated at the close of the fiscal year  
11 shall not revert but shall remain available for expenditure  
12 for the purposes designated until the close of the fiscal year  
13 beginning July 1, 2017.

14 DIVISION VI

15 ENVIRONMENT FIRST FUND

16 SPECIAL APPROPRIATION FOR FY 2014-2015

17 Sec. 23. 2013 Iowa Acts, chapter 132, is amended by adding  
18 the following new section:

19 NEW SECTION. SEC. 64. REAP — IN LIEU OF GENERAL FUND  
20 APPROPRIATION. Notwithstanding the amount of the standing  
21 appropriation from the general fund of the state to the Iowa  
22 resources enhancement and protection fund as provided in  
23 section 455A.18, there is appropriated from the environment  
24 first fund created in section 8.57A to the Iowa resources  
25 enhancement and protection fund, in lieu of the appropriation  
26 made in section 455A.18, for the fiscal year beginning July 1,  
27 2014, and ending June 30, 2015, the following amount, to be  
28 allocated as provided in section 455A.19:

29 ..... \$ 16,000,000

30 DIVISION VII

31 SOIL AND WATER CONSERVATION PRACTICES

32 REVERSION OF APPROPRIATIONS FOR FY 2013-2014

33 Sec. 24. 2013 Iowa Acts, chapter 132, section 25, is amended  
34 to read as follows:

35 SEC. 25. REVERSION.

1 1. Notwithstanding Except as provided in subsection 2,  
2 and notwithstanding section 8.33, moneys appropriated for the  
3 fiscal year beginning July 1, 2013, in this division of this  
4 Act that remain unencumbered or unobligated at the close of  
5 the fiscal year shall not revert but shall remain available  
6 to be used for the purposes designated until the close of the  
7 succeeding fiscal year or until the project for which the  
8 appropriation was made is completed, whichever is earlier.

9 2. Notwithstanding section 8.33, moneys appropriated for  
10 the fiscal year beginning July 1, 2013, in this division of  
11 this Act to the department of agriculture and land stewardship  
12 to provide financial assistance for the establishment of  
13 permanent soil and water conservation practices that remain  
14 unencumbered or unobligated at the close of the fiscal year  
15 shall not revert but shall remain available for expenditure  
16 for the purposes designated until the close of the fiscal year  
17 beginning July 1, 2016.

18 DIVISION VIII

19 REAP — OPEN SPACES ACCOUNT

20 SPECIAL APPROPRIATION FOR FY 2013-2014

21 Sec. 25. 2013 Iowa Acts, chapter 132, is amended by adding  
22 the following new section:

23 NEW SECTION. SEC. 65. SPECIAL APPROPRIATION.

24 1. Notwithstanding section 455A.19, subsection 1, paragraph  
25 "a", there is appropriated from the open spaces account of  
26 the Iowa resources enhancement and protection fund to the  
27 department of natural resources for the fiscal year beginning  
28 July 1, 2013, and ending June 30, 2014, the following amount,  
29 or so much thereof as is necessary, to be used for the purposes  
30 designated:

31 For purposes of supporting the regular maintenance and  
32 operations of state parks and staff time associated with these  
33 activities:

34 ..... \$ 250,000

35 2. The moneys appropriated in subsection 1 shall be expended

1 on or after the effective date of this division of this Act  
2 prior to the expenditure of any unobligated moneys remaining in  
3 the open spaces account.

4 3. Notwithstanding section 455A.19, subsection 2, any  
5 moneys appropriated in this section that remain unexpended  
6 or unobligated at the close of the fiscal year beginning  
7 July 1, 2013, shall revert to the Iowa resources enhancement  
8 and protection fund created pursuant to section 455A.18 for  
9 allocation to accounts other than the open spaces account as  
10 provided in section 455A.19.

11 Sec. 26. EFFECTIVE UPON ENACTMENT. This division of this  
12 Act, being deemed of immediate importance, takes effect upon  
13 enactment.

14 DIVISION IX

15 REAP — OPEN SPACES ACCOUNT

16 SPECIAL APPROPRIATIONS FOR FY 2014-2015

17 Sec. 27. 2013 Iowa Acts, chapter 132, is amended by adding  
18 the following new section:

19 NEW SECTION. SEC. 66. SPECIAL APPROPRIATIONS.

20 1. Notwithstanding section 455A.19, subsection 1, paragraph  
21 "a", there is appropriated from the open spaces account of  
22 the Iowa resources enhancement and protection fund to the  
23 department of natural resources for the fiscal year beginning  
24 July 1, 2014, and ending June 30, 2015, the following amount,  
25 or so much thereof as is necessary, to be used for the purposes  
26 designated:

27 a. For purposes of supporting the regular maintenance and  
28 operations of state parks and staff time associated with these  
29 activities:  
30 ..... \$ 1,000,000

31 b. For purposes of providing for forestry health management  
32 programs:  
33 ..... \$ 300,000

34 2. The moneys appropriated in subsection 1 shall be expended  
35 on or after the effective date of this division of this Act

1 prior to the expenditure or obligation of any moneys allocated  
2 to the account on or after the effective date of this division  
3 of this Act.

4 3. Notwithstanding section 455A.19, subsection 2, any  
5 moneys appropriated in this section that remain unexpended  
6 or unobligated at the close of the fiscal year beginning  
7 July 1, 2014, shall revert to the Iowa resources enhancement  
8 and protection fund created pursuant to section 455A.18 for  
9 allocation to accounts other than the open spaces account as  
10 provided in section 455A.19.

11 DIVISION X

12 RELATED STATUTORY CHANGES

13 DNR — PURCHASE OF RADIOS

14 Sec. 28. 2011 Iowa Acts, chapter 128, section 19, subsection  
15 1, as amended by 2012 Iowa Acts, chapter 1135, section 15, as  
16 amended by 2013 Iowa Acts, chapter 132, section 51, is amended  
17 to read as follows:

18 SEC. 19. USE OF MONEYS — RADIOS.

19 1. Notwithstanding 2010 Iowa Acts, chapter 1191, section 7,  
20 the department of natural resources may use the unappropriated  
21 balance remaining in the state fish and game protection fund  
22 for the fiscal year beginning July 1, 2010, and ending June  
23 30, 2011, to purchase mobile radios to meet federal and state  
24 requirements for homeland security and public safety. This  
25 section applies to those moneys in the fund that are not  
26 otherwise used, obligated, or encumbered for payment of health  
27 and life insurance premium payments for conservation peace  
28 officer retirements for that fiscal year. The department may  
29 use such moneys until June 30, ~~2014~~ 2015.

30 Sec. 29. EFFECTIVE UPON ENACTMENT. This division of this  
31 Act, being deemed of immediate importance, takes effect upon  
32 enactment.

33 DIVISION XI

34 RELATED STATUTORY CHANGES

35 DNR — MANURE MANAGEMENT CERTIFICATION

1 Sec. 30. 2013 Iowa Acts, chapter 132, section 17, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 2A. Notwithstanding section 8.33, moneys  
4 appropriated in subsection 1 that remain unencumbered or  
5 unobligated at the close of the fiscal year beginning July  
6 1, 2013, shall not revert but shall remain available for  
7 expenditure for the purposes designated until the close of the  
8 fiscal year beginning July 1, 2014.

9 Sec. 31. EFFECTIVE UPON ENACTMENT. This division of this  
10 Act, being deemed of immediate importance, takes effect upon  
11 enactment.

12 DIVISION XII

13 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2014

14 REAP RESTRICTIONS ON OPEN SPACES ACCOUNT

15 Sec. 32. Section 455A.19, subsection 1, paragraph a, Code  
16 2014, is amended by adding the following new subparagraph:

17 NEW SUBPARAGRAPH. (4) The department shall not acquire  
18 any interest in land using moneys allocated to the open spaces  
19 account under this paragraph "a" by exercising the power of  
20 eminent domain, including as provided in chapters 6A and 6B.

21 Sec. 33. PENDING EMINENT DOMAIN PROCEEDINGS

22 TERMINATED. Any proceeding commenced by the state and pending  
23 on the effective date of this division of this Act to acquire  
24 any interest in land using moneys allocated to the open spaces  
25 account under section 455A.19, subsection 1, paragraph "a", by  
26 exercising the power of eminent domain, including as provided  
27 in chapters 6A and 6B, shall be immediately terminated.

28 Sec. 34. APPROPRIATION MADE CONTINGENT. All unencumbered  
29 and unobligated moneys appropriated to the department of  
30 natural resources from the general fund of the state under  
31 2013 Iowa Acts, chapter 132, section 37, as amended in this  
32 2014 Iowa Act, shall immediately revert to the general fund of  
33 the state if the department uses moneys allocated to the open  
34 spaces account under section 455A.19, subsection 1, paragraph  
35 "a", to acquire any interest in land by exercising the power of

1 eminent domain, including as provided in chapters 6A and 6B.

2 Sec. 35. EFFECTIVE UPON ENACTMENT. This division of this  
3 Act, being deemed of immediate importance, takes effect upon  
4 enactment.

5 DIVISION XIII

6 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2014 — LOESS  
7 HILLS ALLIANCE

8 Sec. 36. NEW SECTION. 161D.9 **Oversee or manage public or**  
9 **private land — referendum.**

10 1. The loess hills development and conservation authority  
11 or the board of directors of the loess hills alliance shall not  
12 execute any agreement with a local government or the state or  
13 federal government, if the agreement allows the authority or  
14 alliance to oversee or manage public or private land situated  
15 within the loess hills area, unless the question to oversee or  
16 manage such land is approved by a referendum of eligible voters  
17 asked to answer either "yes" or "no". An eligible voter must  
18 be an individual who is a citizen of the United States, not  
19 less than eighteen years of age, and the owner of land located  
20 within twenty-five miles from the borders of the land that the  
21 authority or alliance proposes to oversee or manage.

22 2. a. The board of directors of the alliance shall provide  
23 notice of the referendum to eligible voters by publication in  
24 the same manner provided in section 331.305. A copy of the  
25 notice shall also be sent by ordinary mail to the last known  
26 mailing address of each eligible voter. The notice shall  
27 provide eligible voters with all information necessary to cast  
28 a vote at a reasonable time and a reasonable manner.

29 b. The board of directors of the alliance may conduct the  
30 referendum by mail, electronic means, or a general meeting of  
31 eligible voters. The board of directors shall conduct the  
32 referendum and count and tabulate the ballots cast during  
33 the referendum within thirty days following the close of the  
34 referendum.

35 c. If the voters disapprove the question, an additional

1 referendum on the same question shall not be conducted.

2 3. This section shall not be construed to increase the  
3 authority of the alliance provided in this chapter.

4 Sec. 37. NEW SECTION. 161D.10 Rules.

5 The board of directors of the alliance shall adopt all rules  
6 necessary to administer this subchapter.

7 Sec. 38. EFFECTIVE UPON ENACTMENT. This division of this  
8 Act, being deemed of immediate importance, takes effect upon  
9 enactment.

10 DIVISION XIV

11 EMINENT DOMAIN

12 Sec. 39. NEW SECTION. 6A.15 Property on state historic  
13 registry.

14 1. Property listed on the state register of historic places  
15 maintained by the historical division of the department of  
16 cultural affairs shall not be removed from the register solely  
17 for the purpose of allowing acquisition of the property by  
18 condemnation, unless such condemnation is undertaken by the  
19 department of transportation.

20 2. Property listed on the state register of historic places  
21 maintained by the historical division of the department of  
22 cultural affairs shall not be condemned by the state or a  
23 political subdivision unless a joint resolution authorizing  
24 commencement of the condemnation proceedings is approved by a  
25 vote of at least two-thirds of the members of both chambers of  
26 the general assembly and signed by the governor. The approval  
27 requirements of this subsection shall not apply to condemnation  
28 undertaken by the department of transportation.

29 Sec. 40. Section 6A.19, Code 2014, is amended to read as  
30 follows:

31 **6A.19 Interpretative clause.**

32 A grant in this chapter of right to take private property  
33 for a public use shall not be construed as limiting a like  
34 grant elsewhere in the Code for another and different use.  
35 Unless specifically provided by law, this chapter shall not

1 be construed to limit or otherwise affect the application of  
2 chapters 478 and 479 to the eminent domain authority of the  
3 utilities division of the department of commerce.

4 Sec. 41. Section 6A.22, subsection 2, paragraph c,  
5 subparagraph (1), Code 2014, is amended to read as follows:

6 (1) (a) If private property is to be condemned for  
7 development or creation of a lake, only that number of acres  
8 justified as reasonable and necessary for a surface drinking  
9 water source, and not otherwise acquired, may be condemned.  
10 In addition, the acquiring agency shall conduct a review of  
11 prudent and feasible alternatives to provision of a drinking  
12 water source prior to making a determination that such  
13 lake development or creation is reasonable and necessary.

14 Development or creation of a lake as a surface drinking water  
15 source includes all of the following:

16 (i) Construction of the dam, including sites for suitable  
17 borrow material and the auxiliary spillway.

18 (ii) The water supply pool.

19 (iii) The sediment pool.

20 (iv) The flood control pool.

21 (v) The floodwater retarding pool.

22 (vi) The surrounding area upstream of the dam no higher in  
23 elevation than the top of the dam's elevation.

24 (vii) The appropriate setback distance required by state or  
25 federal laws and regulations to protect drinking water supply.

26 (b) For purposes of this subparagraph (1), "*number of acres*  
27 *justified as reasonable and necessary for a surface drinking*  
28 *water source*" means according to guidelines of the United  
29 States natural resource conservation service and according to  
30 analyses of ~~surfaee~~ drinking water capacity needs conducted by  
31 one or more registered professional engineers. The registered  
32 professional engineers may, if appropriate, employ standards  
33 or guidelines other than the guidelines of the United States  
34 natural resource conservation service when determining the  
35 number of acres justified as reasonable and necessary for

1 a surface drinking water source. The data and information  
2 used by the registered professional engineers shall include  
3 data and information relating to population and commercial  
4 enterprise activity for the area from the two most recent  
5 federal decennial censuses unless the district court of the  
6 county in which the property is situated has determined by  
7 a preponderance of the evidence that such data would not  
8 accurately predict the population and commercial enterprise  
9 activity of the area in the future.

10 (c) A second review or analysis of the drinking water  
11 capacity needs shall be performed upon receipt by the acquiring  
12 agency of a petition signed by not less than twenty-five  
13 percent of the affected property owners. The registered  
14 professional engineer to perform the second review or analysis  
15 shall be selected by a committee appointed by the affected  
16 property owners and whose membership is comprised of at  
17 least fifty percent property owners affected by the proposed  
18 condemnation action. The acquiring agency shall be responsible  
19 for paying the fees and expenses of such an engineer.

20 (d) If private property is to be condemned for development  
21 or creation of a lake, the plans, analyses, applications,  
22 including any application for funding, and other planning  
23 activities of the acquiring agency shall not include or provide  
24 for the use of the lake for recreational purposes.

25 Sec. 42. Section 6B.54, subsection 10, paragraph a, Code  
26 2014, is amended by adding the following new subparagraph:

27 NEW SUBPARAGRAPH. (3) Reasonable attorney fees and  
28 reasonable costs not to exceed one hundred thousand dollars,  
29 attributable to a determination that the creation of a lake  
30 through condemnation includes a future recreational use or that  
31 a violation of section 6A.22, subsection 2, paragraph "c",  
32 subparagraph (1), subparagraph division (d), has occurred, if  
33 such fees and costs are not otherwise provided under section  
34 6B.33.

35 Sec. 43. NEW SECTION. 6B.56B Disposition of condemned

1 **property — two-year time period.**

2 1. When two years have elapsed since property was condemned  
3 for the creation of a lake according to the requirements of  
4 section 6A.22, subsection 2, paragraph "c", subparagraph (1),  
5 and the property has not been used for or construction has  
6 not progressed substantially from the date the property was  
7 condemned for the purpose stated in the application filed  
8 pursuant to section 6B.3, and the acquiring agency has not  
9 taken action to dispose of the property pursuant to section  
10 6B.56, the acquiring agency shall, within sixty days, adopt a  
11 resolution offering the property for sale to the prior owner  
12 at a price as provided in section 6B.56. If the resolution  
13 adopted approves an offer of sale to the prior owner, the offer  
14 shall be made in writing and mailed by certified mail to the  
15 prior owner. The prior owner has one hundred eighty days after  
16 the offer is mailed to purchase the property from the acquiring  
17 agency.

18 2. If the acquiring agency has not adopted a resolution  
19 described in subsection 1 within the sixty-day time period, the  
20 prior owner may, in writing, petition the acquiring agency to  
21 offer the property for sale to the prior owner at a price as  
22 provided in section 6B.56. Within sixty days after receipt of  
23 such a petition, the acquiring agency shall adopt a resolution  
24 described in subsection 1. If the acquiring agency does not  
25 adopt such a resolution within sixty days after receipt of the  
26 petition, the acquiring agency is deemed to have offered the  
27 property for sale to the prior owner.

28 3. The acquiring agency shall give written notice to the  
29 owner of the right to purchase the property under this section  
30 at the time damages are paid to the owner.

31 Sec. 44. Section 403.7, subsection 1, unnumbered paragraph  
32 1, Code 2014, is amended to read as follows:

33 A municipality shall have the right to acquire by  
34 condemnation any interest in real property, including a fee  
35 simple title thereto, which it may deem necessary for or in

1 connection with an urban renewal project under this chapter,  
2 subject to the limitations on eminent domain authority  
3 in ~~chapter~~ chapters 6A and 6B. However, a municipality  
4 shall not condemn agricultural land included within an  
5 economic development area for any use unless the owner of  
6 the agricultural land consents to condemnation or unless the  
7 municipality determines that the land is necessary or useful  
8 for any of the following:

9     Sec. 45. NEW SECTION.   **423B.11 Use of revenues —**  
10 **limitation.**

11     The revenue raised by a local sales and services tax imposed  
12 under this chapter by a county shall not be expended for any  
13 purpose related to a project that includes the condemnation of  
14 private property for the creation of a lake according to the  
15 requirements of section 6A.22, subsection 2, paragraph "c",  
16 subparagraph (1), if the local sales and services tax has not  
17 been approved at election in the area where the property to be  
18 condemned is located.

19     Sec. 46. Section 455A.5, Code 2014, is amended by adding the  
20 following new subsection:

21     NEW SUBSECTION.   7. The authority granted to the commission  
22 to acquire real property for purposes of carrying out a  
23 duty related to development or maintenance of the recreation  
24 resources of the state, including planning, acquisition, and  
25 development of recreational projects, and areas and facilities  
26 related to such projects, shall not include the authority to  
27 acquire real property by eminent domain.

28     Sec. 47. Section 456A.24, subsection 2, unnumbered  
29 paragraph 1, Code 2014, is amended to read as follows:

30     Acquire by purchase, ~~condemnation~~, lease, agreement,  
31 gift, and devise lands or waters suitable for the purposes  
32 hereinafter enumerated, and rights-of-way thereto, and to  
33 maintain the same for the following purposes, ~~to wit~~:

34     Sec. 48. Section 456A.24, Code 2014, is amended by adding  
35 the following new subsection:

1 NEW SUBSECTION. 15. The authority granted the department  
2 to acquire real property for any statutory purpose relating to  
3 the development or maintenance of the recreation resources of  
4 the state, including planning, acquisition, and development  
5 of recreational projects, and areas and facilities related to  
6 such projects, shall not include the authority to acquire real  
7 property by eminent domain.

8 Sec. 49. Section 461A.7, Code 2014, is amended to read as  
9 follows:

10 **461A.7 ~~Eminent domain~~ Purchase of lands — public parks.**

11 The commission may purchase ~~or condemn~~ lands from willing  
12 sellers for public parks. ~~No~~ A contract for the purchase of  
13 such public parks shall not be made to an amount in excess of  
14 funds appropriated therefor by the general assembly.

15 Sec. 50. Section 461A.10, Code 2014, is amended to read as  
16 follows:

17 **461A.10 Title to lands.**

18 The title to all lands purchased, ~~condemned,~~ or donated,  
19 hereunder, for park ~~or highway~~ purposes and the title to all  
20 lands purchased, condemned, or donated hereunder for highway  
21 purposes, shall be taken in the name of the state and if  
22 thereafter it shall be deemed advisable to sell any portion of  
23 the land so purchased or condemned, the proceeds of such sale  
24 shall be placed to the credit of the ~~said~~ public state parks  
25 fund to be used for such park purposes.

26 Sec. 51. Section 463C.8, subsection 1, paragraph k, Code  
27 2014, is amended to read as follows:

28 *k.* The power to acquire, own, hold, administer, and dispose  
29 of property, except that such power is not a grant of authority  
30 to acquire property by eminent domain.

31 Sec. 52. 2013 Iowa Acts, chapter 132, is amended by adding  
32 the following new section:

33 NEW SECTION. SEC. 75. REPEAL. Sections 461A.9 and 461A.75,  
34 Code 2014, are repealed.

35 Sec. 53. SEVERABILITY. If any provision of this division of

1 this Act is held invalid, the invalidity shall not affect other  
2 provisions or applications of this division of this Act which  
3 can be given effect without the invalid provision, and to this  
4 end the provisions of this division of this Act are severable  
5 as provided in section 4.12.

6 Sec. 54. EFFECTIVE UPON ENACTMENT. This division of this  
7 Act, being deemed of immediate importance, takes effect upon  
8 enactment.

9 Sec. 55. APPLICABILITY. Except as otherwise provided in  
10 this division of this Act, this division of this Act applies to  
11 projects or condemnation proceedings pending or commenced on or  
12 after the effective date of this division of this Act.

13 Sec. 56. RETROACTIVE APPLICABILITY. Notwithstanding any  
14 provision of law to the contrary, the following provision or  
15 provisions of this division of this Act apply retroactively to  
16 projects or condemnation proceedings pending or commenced on or  
17 after February 15, 2013:

18 1. The section of this division of this Act amending section  
19 6A.22.

20 2. The section of this division of this Act enacting section  
21 6B.56B.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with  
24 the explanation's substance by the members of the general assembly.

25 GENERAL. This bill relates to agriculture and natural  
26 resources by making appropriations for the 2014-2015 fiscal  
27 year to support related entities, including the department of  
28 agriculture and land stewardship (DALs), the department of  
29 natural resources (DNR), and Iowa state university (ISU).

30 DALs — GENERAL FUND APPROPRIATION. For DALs, moneys are  
31 appropriated from the general fund in order to support its  
32 administrative divisions. Moneys are transferred to Iowa state  
33 university to support its midwest grape and wine institute.

34 DALs — MISCELLANEOUS FUNDS APPROPRIATIONS. The bill  
35 appropriates moneys from a number of sources to support DALs

1 in order to support designated purposes, including moneys  
2 derived from unclaimed winnings from horse and dog races,  
3 for administration and enforcement of racing regulations  
4 (Code section 99D.22); and moneys from the renewable fuel  
5 infrastructure fund, for purposes of motor fuel inspection and  
6 auditing biofuel processing and production (Code chapter 214A).

7 DALS — SPECIAL GENERAL FUND APPROPRIATIONS. The bill makes  
8 special appropriations from the general fund to DALS in order  
9 to support specific purposes including milk inspection (Code  
10 section 192.109), the local food and farm program (Code chapter  
11 267A), an agricultural education organization, and assistance  
12 to farmers with disabilities.

13 DALS — WATER QUALITY INITIATIVE. Moneys are appropriated  
14 from the general fund for deposit in a water quality initiative  
15 fund for purposes of supporting a water quality initiative  
16 administered by DALS' soil conservation division and ISU.

17 DNR — GENERAL FUND AND OTHER MAJOR FUNDS APPROPRIATIONS.  
18 The bill makes appropriations from a number of funds to DNR in  
19 order to support its administrative divisions involving natural  
20 resources and environmental protection from the general fund  
21 of the state, the state fish and game protection fund, and the  
22 groundwater protection fund.

23 DNR — DESIGNATED MISCELLANEOUS FUNDS APPROPRIATIONS. The  
24 bill appropriates moneys to DNR from a number of sources to  
25 support designated purposes, including moneys deposited in the  
26 special snowmobile fund (Code section 321G.7) to provide for  
27 administering and enforcing the state snowmobile programs; and  
28 moneys deposited in the unassigned revenue fund for purposes  
29 of paying for administration of the department's underground  
30 storage tank section.

31 DNR — SPECIAL GENERAL FUND APPROPRIATIONS. The bill also  
32 makes special appropriations from the general fund to DNR  
33 in order to support specific purposes including floodplain  
34 management and dam safety, and forestry health management  
35 programs. Moneys are also transferred from the general fund to

1 the loess hills development and conservation fund.

2 ISU — SPECIAL GENERAL FUND APPROPRIATIONS. The bill  
3 appropriates moneys from the general fund to ISU to support the  
4 operation of its veterinary diagnostic laboratory.

5 DALS AND DNR — GENERAL ENVIRONMENT FIRST FUND. The bill  
6 appropriates moneys from the environment first fund to DALS  
7 and DNR. For DALS, moneys are appropriated to support the  
8 conservation reserve enhancement program, a farm management  
9 demonstration program, the conservation reserve program; soil  
10 and water conservation efforts, the loess hills development and  
11 conservation fund, and the agricultural drainage well water  
12 quality assistance fund. For DNR, moneys are appropriated to  
13 support keepers of the land; the maintenance of state parks;  
14 geographic information systems; water quality monitoring; the  
15 public water supply system account; the regulation of animal  
16 feeding operations; ambient air quality regulation; water  
17 quality regulation; the operation of DNR's geological and water  
18 survey; the keep Iowa beautiful initiative; and the silos and  
19 smokestacks national heritage area.

20 The bill provides that moneys appropriated to DALS for FY  
21 2014 and FY 2015 to support soil and water conservation do not  
22 revert until the close of the fourth fiscal year after the  
23 appropriation was made.

24 RESOURCE ENHANCEMENT AND PROTECTION (REAP). The amount  
25 of \$16 million is appropriated from the environment first  
26 fund for FY 2014-2015 in lieu of the \$20 million standing  
27 appropriation from the general fund (Code section 455A.18). A  
28 special appropriation is made from REAP's open spaces account  
29 for FY 2013-2014 and FY 2014-2015. The appropriation for FY  
30 2013-2014 is for purposes of supporting regular maintenance  
31 and operations of state parks and the appropriation for  
32 FY 2014-2015 is made for purposes of supporting regular  
33 maintenance and operations of state parks forestry health  
34 management programs.

35 DNR PURCHASE OF RADIOS. The bill extends the period for

1 one year that DNR is authorized to purchase radios using the  
2 unappropriated balance remaining in the state fish and game  
3 fund.

4     **MANURE MANAGEMENT CERTIFICATION.** The bill extends for  
5 another fiscal year the period when DNR may expend money  
6 appropriated for FY 2013-2014 in order to implement an online  
7 certification program for manure applicators. The provision is  
8 effective upon enactment.

9     **STATUTORY CHANGES — REAP'S OPEN SPACES ACCOUNT.** The bill  
10 prohibits DNR from exercising eminent domain power in acquiring  
11 land using moneys allocated to REAP's open spaces account.

12     **STATUTORY CHANGES — LOESS HILLS DEVELOPMENT AND**  
13 **CONSERVATION.** The bill prohibits the loess hills development  
14 and conservation authority or board of directors of the loess  
15 hills alliance from executing any agreement with a local  
16 government or the state or federal government that allows the  
17 authority or alliance to oversee or manage public or private  
18 land unless approved by a referendum of persons holding land  
19 in proximity to the land proposed to be overseen or managed.  
20 The board is also required to adopt rules to administer its  
21 responsibilities.

22     **STATUTORY CHANGES — EMINENT DOMAIN PROCEDURES.**

23     **GENERAL.** The bill includes a division that makes changes  
24 relating to eminent domain authority and procedures.

25     **STATE REGISTER OF HISTORIC PLACES.** The bill provides that  
26 property listed on the state register of historic places shall  
27 not be removed from the register solely for the purpose of  
28 allowing the property to be acquired by condemnation unless the  
29 condemnation is undertaken by the department of transportation.  
30 The bill also provides that property on the state register  
31 of historic places shall not be condemned unless a joint  
32 resolution authorizing the condemnation is approved by a vote  
33 of at least two-thirds of each chamber of the general assembly  
34 and signed by the governor. This approval procedure, however,  
35 does not apply to a condemnation undertaken by the department

1 of transportation.

2 UTILITIES DIVISION. The bill specifies that Code chapter  
3 6A, unless specifically provided by law, is not to be construed  
4 to limit or otherwise affect the application of Code chapters  
5 478 and 479 providing eminent domain authority to the utilities  
6 division of the department of commerce.

7 LAKES — GENERAL. The bill makes changes relating to eminent  
8 domain authority in relation to development or creation of  
9 a lake. The bill provides that when determining the number  
10 of acres justified as reasonable and necessary for a surface  
11 drinking water source, the registered professional engineers  
12 may, if appropriate, employ standards or guidelines other  
13 than the guidelines of the United States natural resource  
14 conservation service. The bill requires the data and  
15 information used by the registered professional engineers  
16 to include data and information relating to population and  
17 commercial enterprise activity for the area from the two most  
18 recent federal decennial censuses unless the district court of  
19 the county in which the property is situated has determined  
20 by a preponderance of the evidence that such data would not  
21 accurately predict the population and commercial enterprise  
22 activity of the area in the future.

23 LAKES — DRINKING WATER. The bill also provides that a  
24 second review or analysis of the drinking water capacity needs  
25 shall be performed upon receipt by the acquiring agency of a  
26 petition signed by not less than 25 percent of the affected  
27 property owners. The registered professional engineer to  
28 perform the second review or analysis shall be selected by  
29 a committee appointed by the affected property owners and  
30 comprised of at least 50 percent property owners affected by  
31 the proposed condemnation action. The bill further provides  
32 that the acquiring agency shall pay for the services of such  
33 an engineer.

34 LAKES — RECREATIONAL PURPOSES LIMITED. The bill provides  
35 that if private property is to be condemned for development

1 or creation of a lake, the plans, analyses, applications,  
2 including any application for funding, and other planning  
3 activities of the acquiring agency shall not include or provide  
4 for the use of the lake for recreational purposes.

5 LAKES — ATTORNEY FEES. The bill adds reasonable attorney  
6 fees and reasonable costs that are attributable to certain  
7 condemnation proceedings relating to the creation of a lake,  
8 up to \$100,000, to the list of expenses reimbursable by an  
9 acquiring agency to a property owner.

10 LAKES — RESALE TO PRIOR OWNER. The bill provides that  
11 when two years have elapsed since property was condemned for  
12 the creation of a lake and the property has not been used  
13 for or construction has not progressed substantially for the  
14 purpose stated in the application, and the acquiring agency  
15 has not taken action to dispose of the property pursuant to  
16 Code section 6B.56, the acquiring agency shall, within 60  
17 days, adopt a resolution offering the property for sale to the  
18 prior owner at a price as provided in Code section 6B.56. If  
19 the acquiring agency has not adopted a resolution within the  
20 60-day time period, the prior owner may petition the acquiring  
21 agency to offer the property for sale to the prior owner at a  
22 price as provided in Code section 6B.56. The bill requires the  
23 acquiring agency to give written notice to the owner at the  
24 time damages are paid to the owner of the right to purchase the  
25 property under such circumstances.

26 LAKES — LOCAL SALES AND SERVICES TAX. The bill provides  
27 that the revenue raised by a local sales and services tax  
28 imposed under Code chapter 423B by a county shall not be  
29 expended for any purpose related to a project that includes  
30 the condemnation of private property for the creation of a  
31 lake if the local sales and services tax has not been approved  
32 at election in the area where the property to be condemned is  
33 located.

34 URBAN RENEWAL. The bill also amends urban renewal law  
35 relating to the circumstances in which a municipality may

1 condemn agricultural land within an economic development urban  
2 renewal area to provide that condemnation may occur if viable  
3 alternatives do not exist and the acquisition of the land is  
4 necessary for the purposes stated in current law.

5 RECREATIONAL USES LIMITED. The bill provides that the  
6 department of natural resources and the natural resource  
7 commission shall not exercise eminent domain authority to  
8 acquire real property for purposes of carrying out a duty  
9 related to development or maintenance of the recreation  
10 resources of the state, including planning, acquisition, and  
11 development of recreational projects, and areas and facilities  
12 related to such projects. The bill retains the department's  
13 authority to acquire property through condemnation for highway  
14 purposes.

15 The division takes effect upon enactment and the provisions  
16 amending Code section 6A.22 and enacting Code section 6B.56B  
17 apply retroactively to projects or condemnation proceedings  
18 pending or commenced on or after February 15, 2013.