

CHAPTER 260
APPROPRIATIONS TO AGRICULTURAL, ENERGY
AND NATURAL RESOURCES AGENCIES
H.F. 476

AN ACT relating to and making appropriations to various departments, boards, agencies, and commissions of the state relating to agricultural affairs, energy, and natural resources management.

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

Section 1. DEPARTMENT OF AGRICULTURE. There is appropriated from the general fund of the state and the trust funds indicated to the department of agriculture for the fiscal year beginning July 1, 1985 and ending June 30, 1986 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1985-1986 <u>Fiscal Year</u>
1. GENERAL ADMINISTRATION	
a. From the general fund for salaries, support, maintenance, and miscellaneous purposes	\$ 1,460,076
b. From the fertilizer fund to be transferred to the administration division	\$ 43,296
c. From the dairy trade practice fund to be transferred to the administration division	\$ 73,368
d. From the commercial feed fund to be transferred to the administration division	\$ 43,296
e. The department of agriculture shall establish annual subscription fees for the regular and periodic publications of the department. Fees collected from subscribers shall be deposited in the general fund of the state.	
It is the intent of the general assembly that the department of agriculture continue the agricultural diversification program.	
2. REGULATORY DIVISION	
From the general fund for salaries, support, maintenance, and miscellaneous purposes	\$ 3,318,858
It is a condition of the funds appropriated by this subsection that the department of agriculture is required to inspect a food service establishment only once a year, notwithstanding the provisions of section 170A.3 requiring an inspection twice a year.	
3. LABORATORY DIVISION	
a. From the general fund for salaries, support, maintenance, and miscellaneous purposes	\$ 632,924

b. From the commercial feed fund to be transferred to the laboratory division	\$	734,610
c. From the pesticide fund to be transferred to the laboratory division	\$	450,323
d. From the fertilizer fund to be transferred to the laboratory division	\$	776,305

Sec. 2. MULTIFLORA ROSE ERADICATION COST REIMBURSEMENT.

1. There is appropriated from the general fund of the state to the state department of agriculture for the fiscal year beginning July 1, 1985 and ending June 30, 1986, the sum of seventy-five thousand (75,000) dollars, or as much thereof as may be necessary, to be used for the purpose of partially reimbursing agricultural landowners or tenants for the cost of herbicide for controlling or eradicating the multiflora rose which has severely infested their agricultural land. Not more than five percent of the funds appropriated under this subsection shall be used for administrative expenses.

2. A county board of supervisors desiring a share of the appropriation shall, in conjunction with the county weed commissioner and the county soil conservation district commissioners, develop a plan to combat severe infestations of multiflora rose on privately-owned land within the county. The plan shall be based upon partial reimbursement of individual landowner's costs for the purchase of herbicide from both state and county appropriations, however the share of costs reimbursed by state funds shall not exceed one fourth. The plan shall be submitted to the secretary of agriculture for approval or recommendations for modification.

3. A landowner or tenant whose agricultural land is severely infested by multiflora roses may apply to the soil conservation district commissioners of the county for partial reimbursement, according to the approved plan, of the cost of herbicide for controlling or eradicating the multiflora rose on the agricultural land. The county weed commissioner shall assist the soil conservation district commissioners in investigating the application and determining if the infestation is severe. The soil conservation district commissioners shall review and approve each application for partial cost reimbursement if the infestation is severe on the applicant's agricultural land. If the soil conservation district commissioners find the amount of reimbursement claimed to be excessive, the district commissioners may approve a lesser amount. The reasons for disapproval of an application or reduction of the amount of reimbursement shall be sent in writing to the applicant. The amount of reimbursement certified by the secretary shall be paid by warrant issued by the state comptroller.

4. Federal lands and federal land tenants are not eligible for reimbursement under this section.

Sec. 3. STATE CONSERVATION COMMISSION. There is appropriated from the general fund of the state and the funds indicated to the state conservation commission and its divisions for the fiscal year beginning July 1, 1985 and ending June 30, 1986 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1985-1986
Fiscal Year

1. DIVISION OF LANDS AND WATERS

For deposit in the state conservation fund from the general fund of the state for salaries, support, maintenance, equipment, and miscellaneous purposes and for maintenance of state parks, waters, and forests, and including

not more than one million five hundred forty-one thousand one hundred seventy-five (1,541,175) dollars during the fiscal year beginning July 1, 1985 which shall be available for the administration fund from the state conservation fund in compliance with the provisions of section 107.17

..... \$ 6,222,644

2. DIVISION OF FISH AND GAME

a. From the state fish and game protection fund for salaries, support, maintenance, equipment, and miscellaneous purposes including not more than two million sixty-five thousand four hundred fifteen (2,065,415) dollars during the fiscal year beginning on July 1, 1985 which shall be available from the state fish and game protection fund for the administration fund in compliance with the provisions of section 107.17

..... \$ 13,211,122

b. From the fees deposited under section 321G.7 to the fish and game protection fund for enforcement of snowmobile laws as part of the state snowmobile program

..... \$ 67,000

c. From the fees deposited under section 106.52 to the fish and game protection fund for administration and enforcement of navigation laws and water safety

..... \$ 905,600

d. Funds remaining in the fish and game protection fund during fiscal year 1985-1986 which are not specifically appropriated by section 3 of this Act are appropriated and may be used for capital projects and contingencies arising during the fiscal year beginning July 1, 1985. A contingency shall not include any purpose or project which was presented to the general assembly by way of a bill or a proposed bill and which failed to be enacted into law. For the purpose of this subsection, a necessity of additional operating funds may be construed as a contingency. Before any of the funds authorized to be expended by this subsection are allocated for contingencies, it shall be determined by the executive council that a contingency exists and that the contingency was not existent while the general assembly was in session and that the proposed allocation shall be for the best interests of the state. If a contingency arises or could reasonably be foreseen during the time the general assembly is in session, expenditures for the contingency must be authorized by the general assembly.

3. STATE ADVISORY BOARD FOR PRESERVES

From the general fund of the state for salaries, support, maintenance, and miscellaneous purposes for carrying out the duties of the board

..... \$ 51,484

4. GREEN THUMB PROGRAM

From the general fund for deposit in the green thumb fund for the employment of persons under the green thumb program established pursuant to chapter 601H

..... \$ 145,742

Sec. 4. MARINE FUEL TAX FUND. There is appropriated from the marine fuel tax fund to the state conservation commission and its divisions for the fiscal year beginning July 1, 1985 and ending June 30, 1986 the following amounts, or so much thereof as is necessary, to be used for the following purposes:

	1985-1986 Fiscal Year
1. For deposit in the state conservation fund for maintenance and development of boating facilities and access to public waters	\$ 364,730
2. For deposit in the state fish and game protection fund for the administration and enforcement of navigation laws and boat safety	\$ 100,000

The balance of the amount computed as provided in section 324.84 for the fiscal year beginning July 1, 1985 and ending June 30, 1986 is appropriated for the purposes provided in section 324.79, subsections 1, 2, 3 and 5. The unencumbered or unobligated balances of funds specifically allocated for such projects for the fiscal year ending June 30, 1986, shall revert to the fund from which appropriated June 30, 1988.

Sec. 5. ADMINISTRATION FUND.

1. The transfer of funds from the state conservation fund and the state fish and game protection fund to the administration funds shall not exceed the amounts specified in subsections 1 and 2 of section 3 of this Act.

2. All receipts and refunds and reimbursements related to activities funded by the administration fund are appropriated to the administration fund. All refunds and reimbursements relating to activities of the state fish and game protection fund shall be credited to the state fish and game protection fund.

3. The state conservation commission shall establish a priority list of watersheds above publicly-owned lakes and areas within those watersheds which are of highest importance based on soil loss to be used for the allocation of funds set aside in subsection 3 of section 11 of this Act for permanent soil conservation practices on watersheds above publicly-owned lakes.

Sec. 6. OPEN SPACES SCHOOL TAX PAYMENT. There is appropriated from the general fund of the state to the state conservation commission the amount of forty-one thousand one hundred sixty (41,160) dollars to pay school taxes for the fiscal year beginning July 1, 1985 on the lands acquired under the open spaces acquisition program, commenced in Acts of the Sixty-fifth General Assembly, 1973 Session, chapter 74, which would otherwise be subject to the levy of school taxes. The assessed value of the open spaces land shall be that determined pursuant to section 427.1, subsection 31, and the commission may protest the assessed value in the manner provided by law for any property owner to protest an assessment. For the purposes of chapter 442, the assessed value of the open spaces land shall be included in the valuation base of the school district and the payments made pursuant to this section shall be considered as property tax revenues and not as miscellaneous income. The county treasurer shall certify the taxes due to the commission. If the total amount of taxes due certified to the commission exceeds the amount appropriated, the taxes due shall be reduced proportionately so that the total amount equals the amount appropriated.

Sec. 7. ENERGY POLICY COUNCIL. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1985 and ending June 30, 1986, to the energy policy council the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1985-1986</u> <u>Fiscal Year</u>
ENERGY POLICY COUNCIL	
1. OPERATIONS	
For salaries, support, maintenance, and for miscellaneous purposes	\$ 373,500
2. INSTITUTIONAL CONSERVATION PROGRAM	
For salaries, support, maintenance, and for miscellaneous purposes	\$ 98,054
3. STATE BUILDINGS ENERGY MANAGEMENT PROGRAM	
For salaries, support, maintenance, and for miscellaneous purposes	\$ 450,000

By January 2, 1986 the energy policy council shall file with the chief clerk of the house of representatives and the secretary of the senate a report of the expenditures made under the institutional conservation program and the state buildings energy management program during the fiscal year beginning July 1, 1983 and ending June 30, 1984 and the energy savings realized by virtue of those expenditures during that fiscal year.

Sec. 8. **GEOLOGICAL SURVEY.** There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1985 and ending June 30, 1986 to the Iowa geological survey the amounts specified, or so much thereof as is necessary, to be used for the following purposes:

	<u>1985-1986</u> <u>Fiscal Year</u>
1. For salaries, support, maintenance, and for miscellaneous purposes for the general office	\$ 1,217,663
2. For reimbursement to federal agencies for cooperative contracts	\$ 257,576

Sec. 9. **HERBERT HOOVER BIRTHPLACE FOUNDATION.** There is appropriated from the general fund of the state to the Herbert Hoover birthplace foundation for the fiscal year beginning July 1, 1985 and ending June 30, 1986 the following amount, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1985-1986</u> <u>Fiscal Year</u>
For assistance with capital improvements	\$ 1,350

Sec. 10. **MISSISSIPPI RIVER PARKWAY COMMISSION.** There is appropriated from the general fund of the state to the Mississippi river parkway commission for the fiscal year beginning July 1, 1985 and ending June 30, 1986 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1985-1986</u> <u>Fiscal Year</u>
For support, maintenance, and miscellaneous purposes	\$ 15,702

Sec. 11. **DEPARTMENT OF SOIL CONSERVATION.** There is appropriated from the general fund of the state to the department of soil conservation for the fiscal year beginning

July 1, 1985 and ending June 30, 1986, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1985-1986 Fiscal Year
1. For salaries, support, maintenance, assistance to soil conservation districts, and for miscellaneous purposes	\$ 3,854,553
It is the intent of the general assembly that if full-time equivalent positions must be reduced, the department shall first consider staff reductions in the central office.	
2. For soil conservation grants which shall be allocated by the state soil conservation committee as follows:	
a. To conduct soil surveys in conjunction with federal, state, and local agencies in Iowa	\$ 328,633
b. To finance the state share of the small watershed program known as the Pub. L. 566 program	\$ 23,814
c. For transfer to the conservation practices revolving loan fund	\$ 100,000
d. To provide financial incentives for soil conservation practices in accordance with the provisions of subsection 3 of this section	\$ 8,978,521

3. The following requirements apply to the funds appropriated by subsection 2, paragraph "d":

a. Not more than five percent may be allocated for cost sharing to abate complaints filed under sections 467A.47 and 467A.48.

b. Not more than ten percent may be allocated for financial incentives not exceeding seventy-five percent of the approved cost of permanent soil conservation practices under chapter 467A on watersheds above publicly-owned lakes in accordance with the priority list required in subsection 3 of section 5 of this Act.

c. The committee may allocate funds to conduct research and demonstration projects to promote conservation tillage and nonpoint sources pollution control practices.

d. Not more than ten percent of a district's allocation may be allocated by the soil conservation district commissioners for one-time incentive payments on the per acre basis, but not exceeding ten dollars per acre, to encourage no-till planting methods on Iowa land that is row cropped.

e. Except for the allocation subject to paragraphs "a" and "b", the financial incentives for voluntary permanent soil conservation practices shall not exceed fifty percent of the approved cost and priority shall be given to family-operated farms.

f. Not more than twenty thousand (20,000) dollars may be used for reimbursement of out-of-pocket expenses of fencing authorized by House File 266 if enacted by the Seventy-first General Assembly, 1985 Session.

g. The financial incentive payments may be used in combination with state conservation commission funds.

4. The provisions of section 8.33 shall not apply to the funds appropriated by subsection 2. Unencumbered or unobligated funds remaining on June 30, 1989 from funds appropriated for the fiscal year beginning July 1, 1985 shall revert to the general fund on September 30, 1989.

Sec. 12. DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1985 and ending June 30, 1986, to the department of water, air and waste management the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1985-1986 Fiscal Year
1. For salaries, support, maintenance, and for miscellaneous purposes	\$ 2,652,978
2. For salaries, support, maintenance and for miscellaneous purposes for the river coordinator	\$ 41,106
3. For the state's contribution to the AIDEX superfund	\$ 250,000

Notwithstanding section 8.33 funds appropriated for the state's contribution to the AIDEX superfund by 1984 Iowa Acts, chapter 1303, section 18, subsection 3, which are unexpended or unencumbered shall carry forward into the 1985-1986 fiscal year for the same purpose as originally appropriated. During the fiscal year for which funds are appropriated by this section the department of water, air and waste management shall not require the installation or use of equipment to control the emission of dust or other particulate matter on facilities for the storage of grain which are located within the ambient air quality attainment areas for suspended particulates.

4. For payments to the governing bodies responsible for publicly-owned sewage treatment facilities which are eligible for grants under section 202 of the federal Water Pollution Control Act, 33 U.S.C. 466 et seq., as amended by the federal Clean Water Act of 1977, Pub. L. 95-217, in an amount equal to five percent of the amount approved as the eligible cost of the project by the water, air and waste management commission	\$ 1,960,000
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Notwithstanding the provisions of unnumbered paragraph 1, of this subsection, not more than ten thousand (10,000) dollars of the funds appropriated by this subsection may be used for payments to governing bodies of local governments to reimburse up to fifty percent of expenses incurred since January 1, 1985 for alternative solid waste disposal projects.

The provisions of section 8.33 shall not apply to the funds appropriated by this subsection. Unencumbered or unobligated funds remaining on June 30, 1989 from funds appropriated for the fiscal year beginning July 1, 1985, shall revert to the general fund on September 30, 1989.

5. It is the intention of the general assembly in adopting the appropriation under subsection 1 and this subsection to cease funding for the department's implementation of the federal Resource Conservation and Recovery Act permit program for hazardous waste facilities in this state. Section 455B.411, subsections 5, 8 and 9, section 455B.412, subsections 2 through 4, and sections 455B.413 through 455B.421 are suspended and do not apply as they pertain to that permit program, but are not suspended and do apply as they pertain to abandoned and uncontrolled sites, used oil and site licensing under chapter 455B, division IV, part 6. The suspension provided by this subsection begins July 1, 1985 and ends July 1, 1987.

Sec. 13. There is appropriated from the general fund of the state to the Iowa state water resources research institute for the fiscal year beginning July 1, 1985 and ending June 30, 1986, the sum of one hundred thirty-five thousand (135,000) dollars, or so much thereof as is necessary, for research approved by the panel created in 1984 Iowa Acts, chapter 1303, section 20.

Sec. 14. The amount of the funds appropriated under section 1, subsection 1, paragraph "a", subsection 2, and subsection 3, paragraph "a" of this Act for the fiscal year beginning July 1, 1985 and ending June 30, 1986 shall be reduced by one percent, rounded to the nearest whole dollar, and the provisions of this section shall prevail over any other provisions of this Act.

The amount of the funds appropriated under section 3, subsection 1, and subsections 3 and 4 of this Act for the fiscal year beginning on July 1, 1985 and ending June 30, 1986 shall be reduced by one percent, rounded to the nearest whole dollar, and the provisions of this section shall prevail over any other provisions of this Act.

The amount of the funds appropriated under sections 2, 6, 7, 8, 9, 10, 11, 12, and 13 of this Act for the fiscal year beginning July 1, 1985 and ending June 30, 1986 shall be reduced by one percent, rounded to the nearest whole dollar, and the provisions of this section shall prevail over any other provisions of this Act.

Sec. 15. Total appropriations specified in this Act for the fiscal year beginning July 1, 1985 and ending June 30, 1986 shall not be exceeded in the fiscal year beginning July 1, 1986 and ending June 30, 1987 unless revenue growth as estimated by the legislative fiscal bureau in its December 31, 1985 quarterly report exceeds four and one-half percent.

Sec. 16. All federal grants to and the federal receipts, not otherwise appropriated, of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts, unless otherwise provided by the general assembly.

Approved May 3, 1985