

I am unable to approve the item designated as Section 5, subsection 1, in its entirety. This item appropriates \$2.0 million for improvements at the facilities of the community colleges. While I continue to support additional technology funding for community colleges, capital funding should remain a responsibility of the community college district, not the state.

I am unable to approve the item designated as Section 15, in its entirety. This item would require the Department of General Services to establish a system for comparative evaluation and rating of all state vertical infrastructure needs, including the Board of Regents' institutions. I am disappointed the legislature chose not to establish a citizen board as I recommended, and failed to provide adequate staffing and support to allow the state to become more systematic in its approach to prioritizing infrastructure needs. I believe the board and the additional staffing are necessary to developing a comparative evaluation methodology.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2381 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, Governor

CHAPTER 1220

APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES

S.F. 2295

AN ACT relating to and making appropriations for agriculture and natural resources and providing an effective date.

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

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Section 1. **GENERAL APPROPRIATION.** There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

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

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

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

(2) Of the amount appropriated in this paragraph "a", \$55,000 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

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

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

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

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

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

b. For the operations of the dairy trade practices bureau:

.....	\$	69,984
c. For the purpose of performing commercial feed audits:		
.....	\$	67,807
d. For the purpose of performing fertilizer audits:		
.....	\$	67,807

2. REGULATORY DIVISION

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

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

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

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

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

.....	\$	670,796
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3. LABORATORY DIVISION

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

.....	\$	997,161
.....	FTEs	85.10

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

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

* Chapter 1205 herein

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

b. For the operations of the commercial feed programs:

..... \$ 787,906

c. For the operations of the pesticide programs:

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

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

d. For the operations of the fertilizer programs:

..... \$ 671,854

4. SOIL CONSERVATION DIVISION

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

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

..... FTEs 171.28

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

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

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

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

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

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

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

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

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

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

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

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

..... \$ 258,995

..... FTEs 1.00

DEPARTMENT OF NATURAL RESOURCES

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

1. ADMINISTRATIVE AND SUPPORT SERVICES

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

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

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

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

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

2. PARKS AND PRESERVES DIVISION

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

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

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

3. FORESTS AND FORESTRY DIVISION

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

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

4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

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

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

5. ENVIRONMENTAL PROTECTION DIVISION

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

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

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

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

tion of wastewater treatment systems, including issuing permits and conducting inspections.

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

6. WATER QUALITY PROTECTION FUND

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

..... \$ 729,000

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

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

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

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

7. FISH AND WILDLIFE DIVISION

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

..... FTEs 344.18

8. WASTE MANAGEMENT ASSISTANCE DIVISION

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

..... FTEs 17.75

Sec. 4. STATE FISH AND GAME PROTECTION FUND — APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

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

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

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

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

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

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

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

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

..... \$ 100,000

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

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

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

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

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

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

Sec. 7. MARINE FUEL TAX RECEIPTS — BOATING FACILITIES. There is appropriated from the marine fuel tax receipts deposited in the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 411,311

* Senate File 429 not enacted

RESOURCES ENHANCEMENT AND PROTECTION

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

ANIMAL HEALTH AND INDUSTRY

Sec. 9. HORSE AND DOG RACING.

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

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

..... \$ 250,211

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

Sec. 10. PSEUDORABIES ERADICATION PROGRAM.

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

For support of the pseudorabies eradication program:

..... \$ 900,500

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

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

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

..... \$ 50,000

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

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

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

RELATED APPROPRIATIONS

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

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

..... \$ 75,000

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

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

..... \$ 50,000

Moneys appropriated in this section shall be used to support testing programs administered by counties which may submit an application to the extension service to participate in the state assistance program, as provided by the extension service. The county shall perform testing within a test area. As used in this section, "test area" means an area within a two-mile radius of any structure used to store manure which is part of a confinement feeding operation. Iowa state university of science and technology shall adopt necessary standards, protocols, and criteria for the establishment of baselines for testing by counties. The program shall be administered within each participating county by the county agricultural extension district serving that county in collaboration with the local board of health. The testing may be performed with volunteer assistance. However, all testing shall be performed under the supervision of a county sanitarian. The samples of the testing shall be analyzed by the state hygienic laboratory at the state university of Iowa or an environmental laboratory for drinking water analysis certified by the department of natural resources. The samples shall be evaluated in accordance with standards established by the department of agricultural biosystems engineering within the college of agriculture and the college of engineering at Iowa state university. All moneys appropriated in this section shall only be used for the following purposes:

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

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

MISCELLANEOUS

Sec. 16. Notwithstanding the provision of section 455B.103A, subsection 4, for the fiscal year beginning July 1, 1998, the department of natural resources may use additional funds

for the staffing of two additional full-time staff members to reduce the department's flood plain permit backlog.

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

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

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

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

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

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

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

(d) Thirteen percent of the moneys is appropriated annually to the department of agriculture and land stewardship for financial incentive programs related to agricultural drainage wells and sinkholes, for studies and administrative costs related to sinkholes and agricultural drainage wells programs. ~~Of the thirteen percent allocated for financial incentive programs, not more than fifty thousand dollars is appropriated for the fiscal year beginning July 1, 1987, and ending June 30, 1988, to the department of natural resources for grants to county conservation boards for the development and implementation of projects regarding alternative practices in the remediation of noxious weeds or other vegetation within high-~~

* Item veto; see message at end of the Act

** See chapter 1209, §12 herein

~~way rights of way. Any remaining balance of the appropriation made for the purpose of funding of projects regarding alternative practices in the remediation of noxious weeds or other vegetation within highway rights of way for the fiscal year beginning July 1, 1987, and ending June 30, 1988, shall not revert to the account, notwithstanding section 8.33, but shall remain available for the purpose of funding the projects during the fiscal period beginning July 1, 1988, and ending June 30, 1990. Of the moneys allocated for financial incentive programs, the department may reimburse landowners for engineering costs associated with voluntarily closing agricultural drainage wells. The financial incentives allocated for voluntary closing of agricultural drainage wells shall be provided on a cost-share basis which shall not exceed fifty percent of the estimated cost or fifty percent of the actual cost, whichever is less. Engineering costs do not include construction costs, including costs associated with earth moving.~~

Sec. 23. EFFECTIVE DATES.

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

2. Section 15 of this Act takes effect upon enactment.

Approved May 19, 1998, except the item which I hereby disapprove and which is designated as Section 17, in its entirety. My reasons for vetoing this item are delineated in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, *Governor*

Dear Mr. Secretary:

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

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

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

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

Sincerely,
TERRY E. BRANSTAD, *Governor*