

In administering the fund the division may:

1. Contract, sue and be sued, and adopt rules necessary to carry out the provisions of this section, but the division or committee shall not in any manner directly or indirectly pledge the credit of this state.
2. Authorize payment from the water protection fund, from fees and from any income received by investments of money in the fund for costs, commissions, attorney fees, and other reasonable expenses related to and necessary for making and protecting direct loans under this section, and for the recovery of moneys loaned or the management of property acquired in connection with the loans.

Approved May 9, 1988

CHAPTER 1190

EMERGENCY RESPONSE AND ENVIRONMENTAL PROTECTION FUNDING

H.F. 2338

AN ACT relating to environmental quality by creating an emergency response fund and by establishing and increasing fines and penalties.

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

Section 1. Section 29C.8, subsection 3, Code 1987, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. d. Implement planning and training for emergency response teams as mandated by the federal government under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq.

Sec. 2. **NEW SECTION. 29C.8A EMERGENCY RESPONSE FUND CREATED.**

1. An emergency response fund is created in the state treasury. The first one hundred thousand dollars received annually by the treasurer of state for the civil penalties and fines imposed by the court pursuant to sections 455B.146, 455B.191, 455B.386, 455B.417, 455B.454, 455B.466, and 455B.477 shall be deposited in the general fund of the state. The next hundred thousand dollars shall be deposited in the emergency response fund and any additional moneys shall be deposited in the household hazardous waste account. All moneys received annually by the treasurer of the state for the fines imposed by sections 716B.2, 716B.3, and 716B.4 shall also be deposited in the emergency response fund.

2. The emergency response fund shall be administered by the disaster services division to carry out planning and training for the emergency response teams.

Sec. 3. Section 455E.11, subsection 2, paragraph c, Code Supplement 1987, is amended to read as follows:

c. A household hazardous waste account. The moneys collected pursuant to section 455F.7 shall be deposited in the household hazardous waste account. Except for the first one hundred thousand dollars received annually for deposit in the general fund, and the next one hundred thousand dollars received annually for deposit in the emergency response fund, the treasurer of state shall deposit moneys received from civil penalties and fines imposed by the court pursuant to sections 455B.146, 455B.191, 455B.386, 455B.417, 455B.454, 455B.466, and 455B.477, in the household hazardous waste account. Two thousand dollars is appropriated annually to the Iowa department of public health to carry out departmental duties under section 135.11,

subsections 20 and 21, and section 139.35, eighty thousand dollars is appropriated to the department of natural resources for city, county, or service organization project grants relative to recycling and reclamation events, and eight thousand dollars is appropriated to the department of transportation for the period of October 1, 1987 through June 30, 1989 for the purpose of conducting the used oil collection pilot project. The remainder of the account shall be used to fund Toxic Cleanup Days programs, education programs, and other activities pursuant to chapter 455F, including the administration of the household hazardous materials permit program by the department of revenue and finance.

The department shall submit to the general assembly, annually on or before January 1, an itemized report which includes but is not limited to the total amount of moneys collected and the sources of the moneys collected, the amount of moneys expended for administration of the programs funded within the account, and an itemization of any other expenditures made within the previous fiscal year.

Approved May 9, 1988

CHAPTER 1191

AGRICULTURAL PROPERTY HOLDINGS

H.F. 2283

AN ACT relating to agricultural property holdings by providing certain definitions; restricting processors; establishing family farm limited partnerships; restricting the number of acres of agricultural land that other limited partnerships may acquire or otherwise obtain or lease; restricting persons from becoming limited partners, stockholders, or beneficiaries in more than a number of certain limited partnerships, authorized farm corporations, or authorized trusts; providing certain restrictions on family trusts; and requiring reporting of certain agricultural related property and the confidentiality of certain information; and providing penalties.

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

Section 1. Section 172C.1, subsection 11, Code 1987, is amended to read as follows:

11. "Family trust" means a trust:

a. In which a majority interest in the trust is held by and the majority of the beneficiaries are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related; and

b. In which all the beneficiaries are natural persons, who are not acting as a trustee or in a similar capacity for a trust, as defined in subsection 10 of this section, or persons acting in a fiduciary capacity, or nonprofit corporations; and

c. If the trust is established on or after July 1, 1988, the trust must be established for the purpose of farming and sixty percent of the gross revenues of the trust over the last consecutive three-year period must come from farming.

Sec. 2. Section 172C.1, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 18. "Contract feeder" means a person owning in the applicable reporting year, as provided in section 172C.5B, more than two thousand five hundred hogs, or five thousand head of poultry if the hogs or poultry are subject to a contract or contracts for care and feeding by a person or persons other than the owner on land which is not owned, leased, or held by the owner.