

includes a confinement feeding operation structure that was constructed prior to March 1, 2003, if any of the following apply:

a. One or more unformed manure storage structures that is part of the confinement feeding operation is replaced with one or more formed manure storage structures on or after the effective date of this Act, and all of the following apply:

(1) The animal weight capacity or animal unit capacity, whichever is applicable, is not increased for that portion of the confinement feeding operation that utilizes all replacement formed manure storage structures.

(2) The use of each replaced unformed manure storage structure is discontinued within one year after the construction of the replacement formed manure storage structure.

(3) The capacity of all replacement formed manure storage structures does not exceed the amount required to store manure produced by that portion of the confinement feeding operation utilizing the formed manure storage structures during any eighteen-month period.

(4) No portion of the replacement formed manure storage structure is closer to the location or object from which separation is required under subsection 1 than any other confinement feeding operation structure which is part of the operation.

(5) The formed manure storage structure meets or exceeds the requirements of section 459.307.

b. A formed manure storage structure that is part of the confinement feeding operation is constructed on or after the effective date of this Act pursuant to a variance granted by the department. In granting the variance, the department shall make a finding of all of the following:

(1) The replacement formed manure storage structure replaces the confinement feeding operation's existing manure storage and handling facilities.

(2) The replacement formed manure storage structure complies with standards adopted pursuant to section 459.307.

(3) The replacement formed manure storage structure more likely than not provides a higher degree of environmental protection than the confinement feeding operation's existing manure storage and handling facilities.

If the formed manure storage structure will replace any existing manure storage structure, the department shall, as a condition of granting the variance, require that the replaced manure storage structure be properly closed.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 28, 2003

CHAPTER 85

DEER HUNTING

S.F. 397

AN ACT relating to the issuance of hunting licenses for antlerless deer, providing for the disposition of harvested deer meat to public institutions, requiring a report, and providing a penalty.

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

Section 1. Section 483A.8, Code 2003, is amended by adding the following new subsection: **NEW SUBSECTION.** 6. The commission shall provide, by rule, for the issuance to a nonres-

ident, of a nonresident antlerless deer hunting license that is valid for use only during the period beginning on December 24, 2003, and ending at sunset on January 2, 2004, and costs fifty dollars. A nonresident hunting deer with a license issued under this subsection shall be otherwise qualified to hunt deer in this state and shall have a nonresident hunting license and pay the wildlife habitat fee. Pursuant to this subsection, the commission shall make available for issuance only the remaining nonresident antlerless deer hunting licenses allocated under subsection 3 that have not yet been issued for the 2003-2004 antlerless deer hunting seasons.

Sec. 2. NEW SECTION. 483A.24A HARVESTED DEER.

1. INTENT. It is the intent of the general assembly in enacting this section, to express its concern to the natural resource commission about the burgeoning deer population in this state, by requiring the natural resource commission to make additional antlerless deer hunting licenses available to encourage hunters in this state to assist the commission in bringing the state's deer population under control.

2. DEFINITIONS. As used in this section:

a. "Department of corrections" means the Iowa department of corrections.

b. "Establishment" means an establishment as defined in section 189A.2 where animals or poultry are prepared for food purposes or where wild deer may be processed or dressed for human consumption.

c. "Public institution" means a state institution listed under section 904.102, subsections 1 through 10, that is administered by the department of corrections.

3. The natural resource commission shall provide, by rule, for the distribution of antlerless deer hunting licenses, annually to resident hunters and to applicants qualified under section 483A.24. The licenses shall be in addition to deer hunting licenses otherwise allocated in this chapter to resident hunters and applicants qualified under section 483A.24 and shall be equivalent to the least restrictive license issued pursuant to section 481A.38. Pursuant to this section, the department shall make available for issuance at least an additional eighteen thousand antlerless deer hunting licenses for resident hunters for 2003-2004 antlerless deer hunting seasons than were available for the 2002-2003 antlerless deer hunting seasons.

4. A resident hunter or an applicant qualified under section 483A.24, who receives an antlerless deer hunting license under this section may deliver the deer harvested with the license to an establishment designated by the department of corrections for processing, packaging, and delivery to locations designated by the department of corrections. Each antlerless deer hunting license issued under this section shall be accompanied by a list of establishments that will accept deer harvested with the license.

5. Each resident hunter or applicant qualified under section 483A.24 shall be otherwise qualified to hunt deer in this state. A wildlife habitat fee shall not be required. The commission shall establish, by rules adopted pursuant to chapter 17A, the procedures for allocating the antlerless deer hunting licenses.

6. The department of corrections, may, in cooperation with the commission, contract with one or more establishments to receive, process, package, and deliver the harvested deer meat to the public institutions in the manner specified by the department of corrections and at a cost to the department of corrections that is competitive with the cost of obtaining similar meat products in the private sector.

7. A person violating a provision of this section or a rule adopted pursuant to this section is guilty of a simple misdemeanor punishable as a scheduled violation as provided in section 483A.42.

Sec. 3. REPORT. The natural resource commission, in consultation with the department of corrections, shall evaluate the results of the deer harvesting program created in section 483A.24A, and shall make recommendations suggesting improvements to the program and whether the program should be expanded to allow receipt of harvested deer meat by other governmental agencies and nonprofit entities. The natural resource commission and the depart-

ment of corrections shall file a joint report containing their findings and recommendations with the legislative service bureau by February 1, 2004, for distribution to the general assembly.

Approved April 28, 2003

CHAPTER 86

COMMERCIAL PESTICIDE APPLICATORS — FINANCIAL RESPONSIBILITY

H.F. 547

AN ACT providing for evidence of financial responsibility filed by commercial pesticide applicators, and providing an effective date.

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

Section 1. Section 206.2, Code 2003, is amended by adding the following new subsections:
NEW SUBSECTION. 8A. "Department" means the department of agriculture and land stewardship.

NEW SUBSECTION. 10A. "Financial institution" means a bank or savings and loan association authorized by this state or by the laws of the United States, which is a member of the federal deposit insurance corporation or the federal savings and loan insurance corporation.

Sec. 2. Section 206.13, Code 2003, is amended to read as follows:

206.13 ~~SURETY BOND OR INSURANCE EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED OF BY COMMERCIAL APPLICATOR.~~

The ~~secretary~~ department shall not issue a commercial applicator's license as required in section 206.6 until the applicant has furnished evidence of financial responsibility with the ~~secretary~~ department. ~~The evidence of financial responsibility shall consist of a surety bond, or a liability insurance policy, or an irrevocable letter of credit issued by a financial institution. The department may accept a certification thereof of the evidence of financial responsibility. Such surety bond or liability insurance policy. The evidence of financial responsibility shall provide coverage to pay on behalf of the insured all sums which the insured shall become amount that the beneficiary is legally obligated to pay as damages as a result of caused by the pesticide operations of the applicant. However, the surety bond or liability insurance policy will evidence of financial responsibility does not apply to damages or an injury which are either is expected or intended from the standpoint of the insured beneficiary. Any such A liability insurance policy shall be subject to the insurer's policy provisions filed with and approved by the commissioner of insurance. The surety bond or liability insurance policy submitted as evidence of financial responsibility need not apply to damages or injury to agricultural crops, plants, or land being worked upon by the applicant.~~

The amount of the ~~surety bond or liability insurance~~ evidence of financial responsibility as provided for in this section shall be not less than fifty thousand dollars for property damage and public liability insurance, each separately. ~~Such surety bond or liability insurance. The evidence of financial responsibility shall be maintained at not less than that sum amount at all times during the licensed period. The secretary~~ department shall be notified ten days prior to