

Withdrawn 4/22/03

AGRICULTURE

FILED FEB 13 '03

SENATE FILE
BY SIEVERS

147

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for the administration of funds for animal
2 agriculture, including moneys transferred from and deposited
3 into these funds, and providing an effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 147
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1 Section 1. Section 459.102, subsection 26, Code 2003, is
2 amended to read as follows:

3 26. "Indemnity fee" means ~~the~~ a fee provided in section
4 459.502 or 459.503.

5 Sec. 2. Section 459.501, subsection 2, Code 2003, is
6 amended to read as follow:

7 2. The fund consists of moneys from indemnity fees
8 remitted by permittees to the department as provided in
9 section 459.502; moneys from indemnity fees remitted by
10 persons required to submit manure management plans to the
11 department pursuant to section 459.503; sums collected on
12 behalf of the fund by the department through legal action or
13 settlement; moneys required to be repaid to the department by
14 a county pursuant to this subchapter; ~~civil-penalties-assessed~~
15 ~~and-collected-by-the-department-or-the-attorney-general~~
16 ~~pursuant-to-chapter-455B,-against-animal-feeding-operations,~~
17 ~~moneys-paid-as-a-settlement-involving-an-enforcement-action~~
18 ~~for-a-civil-penalty-subject-to-assessment-and-collection~~
19 ~~against-permittees-by-the-department-or-the-attorney-general~~
20 ~~pursuant-to-chapter-455B;~~ interest, property, and securities
21 acquired through the use of moneys in the fund; or moneys
22 contributed to the fund from other sources.

23 Sec. 3. Section 459.501, subsection 5, paragraph a, Code
24 2003, is amended by striking the paragraph.

25 Sec. 4. NEW SECTION. 459.503A INDEMNITY FEE -- WAIVER
26 AND REINSTATEMENT.

27 The indemnity fee required under sections 459.502 and
28 459.503 shall be waived and the fee shall not be assessable or
29 owing if at the end of any three-month period, unobligated and
30 unencumbered moneys in the manure storage indemnity fund, not
31 counting the department's estimate of the cost to the fund for
32 pending or unsettled claims, exceed three million dollars.
33 The department shall reinstate the indemnity fee under those
34 sections if unobligated and unencumbered moneys in the fund,
35 not counting the department's estimate of the cost to the fund

1 including a variable annual compliance fee paid by owners of
2 confinement feeding operations required to submit updated
3 manure management plans, and a number of one-time filing fees
4 such as a construction permit application filing fee and an
5 original manure management plan fee.

6 TRANSFER OF MONEYS. Since S.F. 2293 provides that the
7 annual compliance fees required to be deposited into the new
8 animal agriculture compliance fund is effective on and after
9 March 1, 2003, S.F. 2293 authorized the department to
10 temporarily transfer moneys from the manure storage indemnity
11 fund into the general account of the animal agriculture
12 compliance fund. The department must return the amount
13 transferred according to a schedule established by the
14 department. The bill prohibits the department from
15 transferring any amount of the balance of the manure storage
16 indemnity fund to the animal agriculture compliance fund on or
17 after the effective date of the bill.

18 DEPOSIT OF MONEYS. The bill eliminates an obsolete
19 provision which provides for the deposit of moneys collected
20 through enforcement actions. Such moneys are deposited into
21 the animal agriculture compliance fund pursuant to Code
22 section 459.401. The bill eliminates a provision in Code
23 section 459.501 that requires that moneys in the fund in
24 excess of \$3 million be deposited in the organic nutrient
25 management fund created in Code section 161C.5 for purposes of
26 supporting an organic nutrient management program. The bill
27 also provides that if moneys in the fund exceed \$3 million the
28 indemnity fees are waived. The department must reinstate the
29 fees if the balance of the fund is \$2 million or less.

30 EFFECTIVE DATE. The bill takes effect upon enactment.

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