

Senate Amendment 5222

Amendment Text

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1 1 Amend [Senate File 2037](#) as follows:
1 2 #1. Page 1, by inserting before line 29 the
1 3 following:
1 4 "DIVISION VI
1 5 SWINE ODOR CONTROL RESEARCH
1 6 Sec. _____. NEW SECTION. 266.50 DEFINITIONS.
1 7 As used in this chapter:
1 8 1. "Assessment" means an excise tax on the sale of
1 9 porcine animals as provided in this division.
1 10 2. "Department" means the department of
1 11 agriculture and land stewardship.
1 12 3. "First purchaser" means a person who buys
1 13 porcine animals from a producer in the first instance.
1 14 4. "Porcine animals" means swine raised for
1 15 slaughter, feeder pigs, or swine seedstock.
1 16 5. "Producer" means a person engaged in this state
1 17 in the business of producing and selling porcine
1 18 animals in the previous calendar year, if at any time
1 19 during that year the person owns twenty-five thousand
1 20 or more porcine animals.
1 21 Sec. _____. NEW SECTION. 266.51 ODOR CONTROL
1 22 RESEARCH FUND.
1 23 1. An odor control research fund is created as a
1 24 separate fund in the state treasury under the control
1 25 of Iowa state university. The fund consists of moneys
1 26 from an assessment and moneys as provided in this
1 27 division, and any other contributions from public or
1 28 private sources.
1 29 2. Moneys in the fund are appropriated to Iowa
1 30 state university for purposes of supporting research
1 31 relating to methods to reduce and eliminate odor
1 32 created by porcine animals, including but not limited
1 33 to manure in confinement feeding operation structures,
1 34 or as applied to land. Moneys in the fund shall not
1 35 be subject to or expended for any other purpose.
1 36 3. The treasurer of state shall act as custodian
1 37 of the fund and amounts contained in the fund shall be
1 38 expended as directed by Iowa state university.
1 39 4. The treasurer of state may invest the moneys
1 40 deposited into the fund. Section 8.33 does not apply
1 41 to moneys deposited into the fund. Notwithstanding
1 42 section 12C.7, interest or earnings on investments or
1 43 time deposits of the moneys in the fund shall be
1 44 credited to the fund. The fund shall be administered
1 45 by Iowa state university which shall make expenditures
1 46 from the fund consistent with the purposes set out in
1 47 this section. The moneys in the fund shall be
1 48 disbursed upon warrants drawn by the director of
1 49 revenue and finance pursuant to the order of the
1 50 university. The auditor of state shall regularly
2 1 perform audits of the fund.
2 2 Sec. _____. NEW SECTION. 266.52 ASSESSMENT.
2 3 There shall be an assessment on the sale of porcine
2 4 animals. The amount of the assessment shall be two
2 5 cents of the gross sale price of a porcine animal for
2 6 deposit in the odor control research fund each fiscal
2 7 year as provided in this division. The assessment

2 8 shall be deducted by the first purchaser from the
2 9 price paid to the producer. The first purchaser, at
2 10 the time of sale, shall make and deliver to the seller
2 11 an invoice for each purchase showing the names and
2 12 addresses of the producer and the first purchaser, the
2 13 number and kind of animals sold, the date of sale, and
2 14 the assessment made on the sale. The first purchaser
2 15 shall pay an assessment to the department or its
2 16 designated agent at a time prescribed by the
2 17 department, but not later than the last day of the
2 18 month following the month in which the porcine animal
2 19 was purchased.

2 20 Sec. _____. NEW SECTION. 266.53 REPORT.
2 21 Iowa state university shall prepare and submit a
2 22 report to the governor, the department of revenue and
2 23 finance, and the general assembly not later than March
2 24 1 of each year, summarizing the activities of the
2 25 university under this chapter. The university, in
2 26 cooperation with the department of natural resources,
2 27 shall conduct an annual survey of producer-supported
2 28 pilot projects under section 266.54. The report shall
2 29 analyze approaches which promise to successfully
2 30 reduce or eliminate swine odor, and all income,
2 31 expenses, and other relevant information concerning
2 32 moneys deposited in the odor control research fund
2 33 appropriated and expended during the previous fiscal
2 34 year under the provisions of this division.

2 35 Sec. _____. NEW SECTION. 266.54 PRODUCER-SPONSORED
2 36 PROJECTS.

2 37 Each producer shall annually support projects
2 38 designed to reduce and eliminate odor created by
2 39 porcine animals confined by the producer. The amount
2 40 expended each year by the producer to support the
2 41 projects shall be at least equal to the total number
2 42 or porcine animals confined by the producer during a
2 43 calendar year multiplied by three cents. Two or more
2 44 producers may cooperate in order to carry out the
2 45 projects.

2 46 Sec. _____. NEW SECTION. 266.55 PENALTY.
2 47 A person who violates or assists in the violation
2 48 of section 266.52 is guilty of a simple misdemeanor.

2 49 Sec. _____. NEW SECTION. 266.56 REPEAL.
2 50 This division is repealed on June 30, 2001.

3 1 However, the odor control research fund shall continue
3 2 to exist and Iowa state university shall continue to
3 3 perform research as provided in this division until
3 4 remaining moneys in the fund have been expended."

3 5 #2. By renumbering as necessary.

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