

APR 22 1975

HOUSE FILE 780

APPROPRIATIONS CALENDAR, *Pass 4/22* BY COMMITTEE ON APPROPRIATIONS
See " 4/30, Pass for 3678 5/1

Passed House, Date 4-25-75(1364) Passed Senate, Date 5-5-75(1215)

Vote: Ayes 84 Nays 2 Vote: Ayes 43 Nays 2

Approved 6-3-75

Passed House for Senate amendment
5-15-75 (1782)
92-0

A BILL FOR

1 An Act making an appropriation to the department of soil
2 conservation and department of agriculture, from the
3 general fund of the state and various trust funds,
4 and providing for changes in certain fees by the
5 department of agriculture to provide funds sufficient
6 to meet expenses of a program under the department of
7 agriculture.

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

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1 Section 1. There is appropriated from the general fund
2 of the state for the department of soil conservation, the
3 following amounts, or so much thereof as is necessary, for
4 the fiscal year designated to be used for the following
5 purposes:

| | 1975-76 |
|--|--------------------|
| | <u>Fiscal Year</u> |
| 6 | |
| 7 1. DEPARTMENT OF SOIL CONSERVATION | |
| 8 a. General office. For salaries, support | |
| 9 maintenance, and miscellaneous purposes | |
| 10 including expenses necessary to discharge duties | |
| 11 under chapter four hundred sixty-seven D(467D) | |
| 12 of the Code | \$284,452 |
| 13 b. State Soil Conservation Committee | |
| 14 (1) To carry on soil conservation work in soil | |
| 15 conservation districts organized under the soil | |
| 16 conservation districts laws of the state; for | |
| 17 aid to soil conservation districts for district | |
| 18 commissioners' expenses, stationery, postage and | |
| 19 other uses as they may be authorized by the state | |
| 20 soil conservation committee, to be allocated on a | |
| 21 need basis: | \$137,500 |
| 22 (2) For personnel, technicians and clerical | |
| 23 salaries and their necessary expenses, equipment, | |
| 24 and materials to be assigned to the soil conservation | |
| 25 districts by the state soil conservation committee on | |
| 26 a need basis: | \$1,221,079 |
| 27 (3) For participation in and conjunction with the | |
| 28 federal government or any of its agencies in joint | |
| 29 operations of watershed planning and development | |
| 30 within this state | \$60,000 |
| 31 (4) For use and expenditures in participation and | |
| 32 conjunction with the soil conservation service, United | |
| 33 States department of agriculture, and state agencies | |
| 34 in joint operations in conducting soil surveys on lands | |
| 35 within this state | \$240,000 |

1 (5) For support for conservancy district planning ..\$5,750
 2 2. DEPARTMENT OF AGRICULTURE
 3 a. General administration.
 4 (1) For salaries, support, maintenance, and
 5 miscellaneous purposes\$727,813
 6 (2) For state aid to the state horticulture
 7 society\$19,000
 8 b. Regulatory division
 9 (1) For salaries, support, maintenance, and
 10 miscellaneous purposes\$1,759,115
 11 (2) For payment of indemnities for hogs destroyed under ^{27,000}_{1,732} 115
 12 the hog cholera eradication program in accordance with
 13 chapter one hundred sixty-six B (166B) of the Code\$25,000
 14 c. Laboratory division
 15 For salaries, support, maintenance, and miscellaneous
 16 purposes\$358,012
 17 Sec. 2. There is appropriated from the various specified
 18 trust funds for the following divisions of the department
 19 of agriculture, the following amounts or so much thereof as
 20 is necessary, for the fiscal year designated to be used in
 21 the manner designated:
 22
 23 1975-76
Fiscal Year
 24 1. a. From the commercial feed fund to be
 25 transferred to the laboratory division \$407,695
 26 b. From the commercial feed fund to be
 27 transferred to the administration division for
 28 auditing\$17,577
 29 2. From the hotel and restaurant fund to be
 30 transferred to the regulatory division\$207,385
 31 3. From the pesticide fund to be transferred
 32 to the laboratory division\$108,678
 33 4. a. From the fertilizer fund to be transferred
 34 to the laboratory division\$439,259
 35 b. From the fertilizer fund to be transferred to the

1 administration division for auditing\$17,577

2 5. From the dairy trade practice fund to be
3 transferred to the administration division\$41,697

4 Sec. 3. Section one hundred eighty-seven point four
5 (187.4), Code 1975, is amended to read as follows:

6 187.4 RECORDING--FEE. Any person desiring to adopt a
7 brand shall forward to the secretary proper brand application
8 forms of such desired brand, together with a recording fee
9 ~~of fifteen dollars~~ in an amount established by rule of the
10 secretary pursuant to chapter seventeen A (17A) of the Code,
11 which amount shall be based upon the administrative costs
12 of maintaining the brand program provided for by this chapter.

13 Upon receipt of such application and fee, the secretary shall
14 file the same and unless such brand is of record as that of
15 some other person or conflicts with or closely resembles the
16 brand of another person, the secretary shall record the same.
17 If the secretary determines that such brand is of record or
18 conflicts with or closely resembles the brand of another
19 person he shall not record it but shall return such facsimile
20 and fee to the forwarding person. The power of examination,
21 approval, acceptance, or rejection shall be vested in the
22 secretary. It shall be the duty of the secretary to file
23 all brands offered for record pending the examination provided
24 for in this section. The secretary shall make such examination
25 as promptly as possible. If the brand is accepted, the
26 ownership thereof shall vest in the person recording it from
27 the date of filing.

28 Sec. 4. Section one hundred eighty-seven point eight
29 (187.8), Code 1975, is amended to read as follows:

30 187.8 SALE OR ASSIGNMENT OF BRAND. Any brand recorded
31 as provided in section 187.4 shall be the property of the
32 person causing such record to be made and shall be subject
33 to sale, assignment, transfer, devise, and descent as per-
34 sonal property. Instruments of writing, evidencing the sale,
35 assignment, or transfer of such brand shall be recorded by

1 the secretary and the fee for recording such sale, assign-
2 ment, or transfer shall be five-dollars in an amount estab-
3 lished by rule of the secretary pursuant to chapter seventeen
4 A (17A) of the Code, which amount shall be based upon the
5 administrative costs of maintaining the brand program provided
6 for by this chapter.

7 Sec. 5. Section one hundred eighty-seven point thirteen
8 (187.13), Code 1975, is amended to read as follows:

9 187.13 FEE EACH FIFTH YEAR. Each owner of a brand of
10 record beginning on January 1, 1970, shall pay to the secre-
11 tary a fee of five dollars and a renewal fee of-five-dol-
12 lars on January 1 of each fifth year thereafter after the
13 payment of the five dollar fee, or on January 1 of each fifth
14 year following the original recording of a brand recorded
15 after June 30, 1975. The amount of the renewal fee required
16 for January 1, 1976 and each year thereafter shall be
17 established by rule of the secretary pursuant to chapter
18 seventeen A (17A) of the Code. Such amount shall be based
19 upon the administrative costs of maintaining the brand program
20 provided for in this Act. It shall be the duty of the
21 secretary to notify every owner of a brand of record at least
22 thirty days prior to the date of the renewal period. The
23 secretary shall give a receipt for all such payments made
24 and if any owner of a brand of record shall fail, refuse,
25 or neglect to pay such fee by July 1 of each year in which
26 it is due, such brand shall become forfeited and no longer
27 carried in the record. Any such forfeited brand shall not
28 be issued to any other person within a period of less than
29 five years following date of forfeiture.

30 Sec. 6.

31 1. Funds appropriated by paragraph a of subsection one
32 (1) of section one (1) of this Act for the general office
33 of the department of soil conservation shall be used to pay
34 salaries and support for a table of organization of not more
35 than fifteen permanent full-time positions.

1 2. Funds appropriated to the state soil conservation com-
2 mittee pursuant to subparagraph two (2) of paragraph b of
3 subsection one (1) of section one (1) of this Act shall be
4 used to pay salaries and support for a table of organiza-
5 tion of not more than one hundred sixty-eight permanent full-
6 time positions.

7 3. Funds appropriated by subsection two (2) of section
8 one (1) and section two (2) of this Act to the department
9 of agriculture shall be used to pay salaries and support for
10 a table of organization of not more than three hundred two
11 permanent full-time positions.

12 Sec. 7. Funds appropriated by this Act shall not be used
13 for capital improvements.

14 Sec. 8. All federal grants to and the federal receipts
15 of the agencies appropriated funds under this Act are
16 appropriated for the purposes set forth in such federal grants
17 or receipts.

18 Sec. 9. Notwithstanding the provisions of section eight
19 point thirty-three (8.33) of the Code, all unencumbered or
20 unobligated balances of appropriations made by this Act for
21 the fiscal year beginning July 1, 1975 remaining on June 30,
22 1976 shall revert to the general fund on August 31, 1976.
23 In all other respects the provisions of section eight point
24 thirty-three (8.33) of the Code shall apply to this Act.

25 EXPLANATION

26 1. The appropriation for the department of soil con-
27 servation will fund 15 permanent full-time positions. This
28 increase of 3 positions will provide for a mine inspector,
29 an accounting clerk and a drainage engineer. The appropriation
30 of \$137,500 to the state soil conservation committee under
31 subparagraph 1 of paragraph b of subsection 1 of section 1
32 provides an increase of 10% for expenses. The appropriation
33 of \$1,221,079 for personnel and office expenses for the
34 district soil conservation offices represents an increase
35 of \$52,342. No new positions are provided.

1 An appropriation of \$60,000, the same as for 1974-75, is
2 provided for matching funds for state-federal watershed
3 planning and development. An appropriation of \$240,000 is
4 made for soil surveys, which is an increase of \$25,000. This
5 will continue soil survey work at the current level. The
6 amount of \$5750 is provided for materials for conservancy
7 district planning. This is a new expense.

8 2. Funds appropriated to the department of agriculture
9 represent the department's reorganization. The appropriation
10 to the administration division includes funds for a
11 confidential secretary for the division director. An audit
12 unit is established through an appropriation totaling \$23,436.
13 Five new employees will be added and two-thirds of the cost
14 of such employees will be paid from trust funds. The
15 appropriation to the state horticulture society represents
16 an increase of \$1,625. The appropriation to the regulatory
17 division does not provide for any additional employees.

18 The appropriation of \$25,000 for the hog cholera program
19 represents a reduction of \$75,000. There were no indemnities
20 paid during the 1973-1975 period.

21 The appropriation to the laboratory division does not
22 provide for any new programs or employees.

23 The total appropriation to the department of agriculture
24 represents an increase of 12% over 1974-1975.

25 This bill transfers funds from various trust funds to the
26 divisions of the department of agriculture. Auditing of the
27 funds is provided in the case of the commercial feed and
28 fertilizer funds. Laboratory work is also provided. Increases
29 in transfers from the pesticide fund and an addition of three
30 employees are provided to implement the Iowa Pesticide Control
31 Act.

32 Fees are changed in the brand inspection laws to make the
33 program self-supporting.

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H-3657

- 1 Amend House File 780 as follows:
2 1. Page 1, line 2, after the word "conservation"
3 insert the words "and department of agriculture". *a*
4 2. Page 2, line 5, strike the figure "727,813"
5 and insert the figure "737,813". *B*
6 3. Page 2, line 10, by striking the figure
7 "1,759,115" and inserting in lieu thereof the *C*
8 figure "1,732,115".

H-3657 FILED - *a-adopted 4/25 (1362)* BY BRUNOW of Appanoose
APRIL 24, 1975 *B and C-adopt 4/25 (1363)*

S-3678

- 1 Amend House File 780 as amended and passed by the
2 House as follows:
3 1. Page 2, line 18, after the word "funds" insert
4 the words ", except as provided in subsection two (2)
5 of this section,".
6 2. Page 2, line 30, after the word "division"
7 insert the words ", however if House File 785 is
8 enacted by the 1975 session of the Sixty-sixth Gen-
9 eral Assembly the following amount shall be appro-
10 priated from the general fund of the state to the
11 regulatory division in addition to funds appropriated
12 by section one (1) of this Act".

S-3678 FILED - *Adopted 5/5* BY WILLIAM D. PALMER
MAY 1, 1975 *(page 1214)*

Senate Amendment to House File 780

H-3778

- 1 Amend House File 780 as amended and passed by the
2 House as follows:
3 1. Page 2, line 18, after the word "funds" insert
4 the words ", except as provided in subsection two (2)
5 of this section,".
6 2. Page 2, line 30, after the word "division"
7 insert the words ", however if House File 785 is
8 enacted by the 1975 session of the Sixty-sixth Gen-
9 eral Assembly the following amount shall be appro-
10 priated from the general fund of the state to the
11 regulatory division in addition to funds appropriated
12 by section one (1) of this Act".

H-3778 FILED, RECEIVED FROM THE SENATE
MAY 7, 1975

House concurred 5/15 (1782)

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF SOIL CONSERVATION AND DEPARTMENT OF AGRICULTURE, FROM THE GENERAL FUND OF THE STATE AND VARIOUS TRUST FUNDS, AND PROVIDING FOR CHANGES IN CERTAIN FEES BY THE DEPARTMENT OF AGRICULTURE TO PROVIDE FUNDS SUFFICIENT TO MEET EXPENSES OF A PROGRAM UNDER THE DEPARTMENT OF AGRICULTURE.

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

Section 1. There is appropriated from the general fund of the state for the department of soil conservation and department of agriculture, the following amounts, or so much thereof as is necessary, for the fiscal year designated to be used for the following purposes:

| | 1975-76 |
|---|--------------------|
| | <u>Fiscal Year</u> |
| 1. DEPARTMENT OF SOIL CONSERVATION | |
| a. General office. For salaries, support, maintenance, and miscellaneous purposes including expenses necessary to discharge duties under chapter four hundred sixty-seven D(467D) of the Code | \$284,452 |
| b. State Soil Conservation Committee | |
| (1) To carry on soil conservation work in soil conservation districts organized under the soil conservation districts laws of the state; for aid to soil conservation districts for district commissioners' expenses, stationery, postage and other uses as they may be authorized by the state soil conservation committee, to be allocated on a need basis: | \$137,500 |

(2) For personnel, technicians and clerical salaries and their necessary expenses, equipment, and materials to be assigned to the soil conservation districts by the state soil conservation committee on a need basis:\$1,221,079

(3) For participation in and conjunction with the federal government or any of its agencies in joint operations of watershed planning and development within this state\$60,000

(4) For use and expenditures in participation and conjunction with the soil conservation service, United States department of agriculture, and state agencies in joint operations in conducting soil surveys on lands within this state\$240,000

(5) For support for conservancy district planning ..\$5,750

2. DEPARTMENT OF AGRICULTURE

a. General administration

(1) For salaries, support, maintenance, and miscellaneous purposes\$727,813

(2) For state aid to the state horticulture society\$19,000

b. Regulatory division

(1) For salaries, support, maintenance, and miscellaneous purposes\$1,759,115

(2) For payment of indemnities for hogs destroyed under the hog cholera eradication program in accordance with chapter one hundred sixty-six B (166B) of the Code\$25,000

c. Laboratory division

For salaries, support, maintenance, and miscellaneous purposes\$358,012

Sec. 2. There is appropriated from the various specified trust funds, except as provided in subsection two (2) of this section, for the following divisions of the department of

agriculture, the following amounts or so much thereof as is necessary, for the fiscal year designated to be used in the manner designated:

1975-76
Fiscal Year

- 1. a. From the commercial feed fund to be transferred to the laboratory division \$407,695
- b. From the commercial feed fund to be transferred to the administration division for auditing\$17,577
- 2. From the hotel and restaurant fund to be transferred to the regulatory division, however if House File 785 is enacted by the 1975 session of the Sixty-sixth General Assembly the following amount shall be appropriated from the general fund of the state to the regulatory division in addition to funds appropriated by section one (1) of this Act\$207,385
- 3. From the pesticide fund to be transferred to the laboratory division\$108,673
- 4. a. From the fertilizer fund to be transferred to the laboratory division\$439,259
- b. From the fertilizer fund to be transferred to the administration division for auditing\$17,577
- 5. From the dairy trade practice fund to be transferred to the administration division\$41,697

Sec. 3. Section one hundred eighty-seven point four (187.4), Code 1975, is amended to read as follows:

187.4 RECORDING--FEE. Any person desiring to adopt a brand shall forward to the secretary proper brand application forms of such desired brand, together with a recording fee of fifteen dollars in an amount established by rule of the secretary pursuant to chapter seventeen A (17A) of the Code, which amount shall be based upon the administrative costs

of maintaining the brand program provided for by this chapter. Upon receipt of such application and fee, the secretary shall file the same and unless such brand is of record as that of some other person or conflicts with or closely resembles the brand of another person, the secretary shall record the same. If the secretary determines that such brand is of record or conflicts with or closely resembles the brand of another person he shall not record it but shall return such facsimile and fee to the forwarding person. The power of examination, approval, acceptance, or rejection shall be vested in the secretary. It shall be the duty of the secretary to file all brands offered for record pending the examination provided for in this section. The secretary shall make such examination as promptly as possible. If the brand is accepted, the ownership thereof shall vest in the person recording it from the date of filing.

Sec. 4. Section one hundred eighty-seven point eight (187.8), Code 1975, is amended to read as follows:

187.8 SALE OR ASSIGNMENT OF BRAND. Any brand recorded as provided in section 187.4 shall be the property of the person causing such record to be made and shall be subject to sale, assignment, transfer, devise, and descent as personal property. Instruments of writing, evidencing the sale, assignment, or transfer of such brand shall be recorded by the secretary and the fee for recording such sale, assignment, or transfer shall be five dollars in an amount established by rule of the secretary pursuant to chapter seventeen A (17A) of the Code, which amount shall be based upon the administrative costs of maintaining the brand program provided for by this chapter.

Sec. 5. Section one hundred eighty-seven point thirteen (187.13), Code 1975, is amended to read as follows:

187.13 FEE EACH FIFTH YEAR. Each owner of a brand of

record beginning on January 1, 1970, shall pay to the secretary a fee of five dollars and a renewal fee of five dollars on January 1 of each fifth year thereafter after the payment of the five dollar fee, or on January 1 of each fifth year following the original recording of a brand recorded after June 30, 1975. The amount of the renewal fee required for January 1, 1976 and each year thereafter shall be established by rule of the secretary pursuant to chapter seventeen A (17A) of the Code. Such amount shall be based upon the administrative costs of maintaining the brand program provided for in this Act. It shall be the duty of the secretary to notify every owner of a brand of record at least thirty days prior to the date of the renewal period. The secretary shall give a receipt for all such payments made and if any owner of a brand of record shall fail, refuse, or neglect to pay such fee by July 1 of each year in which it is due, such brand shall become forfeited and no longer carried in the record. Any such forfeited brand shall not be issued to any other person within a period of less than five years following date of forfeiture.

Sec. 6.

1. Funds appropriated by paragraph a of subsection one (1) of section one (1) of this Act for the general office of the department of soil conservation shall be used to pay salaries and support for a table of organization of not more than fifteen permanent full-time positions.

2. Funds appropriated to the state soil conservation committee pursuant to subparagraph two (2) of paragraph b of subsection one (1) of section one (1) of this Act shall be used to pay salaries and support for a table of organization of not more than one hundred sixty-eight permanent full-time positions.

3. Funds appropriated by subsection two (2) of section

one (1) and section two (2) of this Act to the department of agriculture shall be used to pay salaries and support for a table of organization of not more than three hundred two permanent full-time positions.

Sec. 7. Funds appropriated by this Act shall not be used for capital improvements.

Sec. 8. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts.

Sec. 9. Notwithstanding the provisions of section eight point thirty-three (8.33) of the Code, all unencumbered or unobligated balances of appropriations made by this Act for the fiscal year beginning July 1, 1975 remaining on June 30, 1976 shall revert to the general fund on August 31, 1976. In all other respects the provisions of section eight point thirty-three (8.33) of the Code shall apply to this Act.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 780, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 6/3, 1975

ROBERT D. RAY
Governor