

APR 24 1989

APPROPRIATIONS CALENDAR

HOUSE FILE 778

BY COMMITTEE ON
APPROPRIATIONS

Passed House, Date 2-26-89 (P.2028) Passed Senate, Date 5-2-89 (P.1845)
Vote: Ayes 91 Nays 9 Vote: Ayes 41 Nays 3
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the department of
2 agriculture and land stewardship, to the department of natural
4232-3 resources, to an environmental fund, providing for
4211-4 environmental protection, and the control of certain
5 vegetation, and providing effective dates.

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

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HF 778

1 Section 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

2 There is appropriated from the general fund of the state and
3 the trust funds indicated to the department of agriculture and
4 land stewardship for the fiscal year beginning July 1, 1989,
5 and ending June 30, 1990, the following amounts, or so much
6 thereof as is necessary, to be used for the purposes desig-
7 nated:

8 1. ADMINISTRATIVE DIVISION

9 a. From the general fund for salaries, support,
10 maintenance, and miscellaneous purposes:

11 \$ 1,113,777

12 b. From the fertilizer fund to be transferred to the
13 administration division:

14 \$ 51,100

15 c. From the dairy trade practice fund to be transferred to
16 the administration division:

17 \$ 93,003

18 d. From the commercial feed fund to be transferred to the
19 administration division:

20 \$ 51,100

21 e. The department of agriculture and land stewardship
22 shall establish annual subscription fees for the regular and
23 periodic publications of the department. Fees collected from
24 subscribers shall be deposited in the general fund of the
25 state.

26 f. Funds appropriated by this subsection are for the
27 salaries and support of not more than the following full-time
28 equivalent positions:

29 FTEs 42.24

30 g. Of the amount appropriated from the general fund under
31 paragraph "a" of this subsection, \$55,459 shall be allocated
32 to reimburse the auditor of state for costs related to
33 performing the annual audit of the department. However, if
34 for the fiscal year beginning July 1, 1989, and ending June
35 30, 1990, the auditor of state is appropriated additional

1 moneys from the general fund for reimbursement of costs
2 related to performing the audit, the amount under this
3 paragraph shall be reduced by the amount of the additional
4 appropriation.

5 h. Of the amount appropriated from the general fund under
6 paragraph "a" of this subsection, \$50,000 shall be allocated
7 to the statistics bureau for the purpose of conducting the
8 horticultural census.

9 2. FARM COMMODITY DIVISION

10 a. From the general fund for salaries, support,
11 maintenance, miscellaneous purposes, and for the following
12 full-time equivalent positions:

13	\$	1,028,381
14	FTEs	23.00

15 b. Of the amount appropriated from the general fund of the
16 state under paragraph "a" of this subsection, \$346,379 shall
17 be allocated to the horticultural division for the
18 continuation of the agricultural diversification program as
19 enacted by 1986 Iowa Acts, chapter 1246, section 501,
20 subsection 1, paragraph "e".

21 3. FARMER'S MARKET COUPON PROGRAM

22 From the general fund for salaries, support, maintenance,
23 and miscellaneous purposes, to be used by the department to
24 continue and expand the farmer's market coupon program by
25 providing federal special supplemental food program recipients
26 with coupons redeemable at farmer's markets, and for the
27 following full-time equivalent positions:

28	\$	198,333
29	FTEs	2.50

30 4. REGULATORY DIVISION

31 a. From the general fund for salaries, support,
32 maintenance, miscellaneous purposes, and for the following
33 full-time equivalent positions:

34	\$	4,041,648
35	FTEs	149.20

1 b. Of the amount appropriated from the general fund under
2 paragraph "a" of this subsection, \$11,250 shall be allocated
3 for the support of the assistant attorney general assigned to
4 the grain warehouse bureau. However, if for the fiscal year
5 beginning July 1, 1989, and ending June 30, 1990, the attorney
6 general is appropriated moneys from the general fund for
7 reimbursement of costs related to supporting the assistant
8 attorney general the amount under this paragraph shall be
9 reduced by the amount of the additional appropriation.

10 5. LABORATORY DIVISION

11 a. From the general fund for salaries, support,
12 maintenance, and miscellaneous purposes:
13 \$ 778,571

14 b. From the commercial feed fund to be transferred to the
15 laboratory division:
16 \$ 810,903

17 c. From the pesticide fund to be transferred to the
18 laboratory division:
19 \$ 756,802

20 d. From the fertilizer fund to be transferred to the
21 laboratory division:
22 \$ 802,871

23 e. Of the amount appropriated from the general fund under
24 paragraph "a" of this subsection, \$150,000 shall be allocated
25 for the training of commercial pesticide applicators.

26 f. Funds appropriated by this subsection are for the
27 salaries and support of not more than the following full-time
28 equivalent positions:
29 FTEs 90.00

30 6. SOIL CONSERVATION DIVISION

31 a. From the general fund for salaries, support,
32 maintenance, assistance to soil conservation districts,
33 miscellaneous purposes, and for not more than the following
34 full-time equivalent positions:
35 \$ 4,742,210

1 FTEs 175.78

2 b. Of the amount appropriated from the general fund of the
3 state under paragraph "a" of this subsection, \$303,436 shall
4 be used to conduct soil surveys in conjunction with federal,
5 state, and local agencies in Iowa.

6 c. Of the amount appropriated from the general fund under
7 paragraph "a" of this subsection, \$150,000 shall be allocated
8 as follows: \$100,000 shall be used to support field office
9 programs to develop long-range, natural resource management
10 plans; and \$50,000 shall be used to support district
11 commissioners if matched on a dollar-for-dollar basis by
12 counties for the payment of meeting dues and travel for the
13 district commissioners' staff.

14 d. To provide financial incentives for soil conservation
15 practices in accordance with the provisions of paragraph "e"
16 of this subsection:

17 \$ 6,789,972

18 e. The following requirements apply to the funds appropri-
19 ated by paragraph "d":

20 (1) Not more than five percent may be allocated for cost
21 sharing to abate complaints filed under section 467A.47 and
22 467A.48.

23 (2) Not more than ten percent may be allocated for finan-
24 cial incentives not exceeding seventy-five percent of the ap-
25 proved cost of permanent soil conservation practices under
26 chapter 467A on watersheds above publicly owned lakes in ac-
27 cordance with the priority list required in section 12 of this
28 Act.

29 (3) The soil conservation district commissioners may al-
30 locate financial incentives not exceeding sixty percent of the
31 cost of permanent soil conservation practices for special
32 watershed practices or summer construction incentives under
33 section 467A.7, subsections 17 and 19.

34 (4) Except for the allocations subject to subparagraphs
35 (1), (2), and (3), these funds shall not be used alone or in

1 combination with other public funds to provide a financial
2 incentive payment greater than fifty percent of the approved
3 cost for voluntary permanent soil conservation practices and
4 priority shall be given to family-operated farms.

5 (5) The soil conservation committee may allocate funds to
6 conduct research and demonstration projects to promote conser-
7 vation tillage and nonpoint sources pollution control
8 practices.

9 (6) Not more than thirty percent of a district's alloca-
10 tion may be allocated by the soil conservation district com-
11 missioners for the establishment of management practices to
12 control soil erosion on land that is now row cropped.

13 (7) The financial incentive payments may be used in com-
14 bination with department of natural resources funds.

15 f. The provisions of section 8.33 shall not apply to the
16 funds appropriated by paragraph "d". Unencumbered or unobli-
17 gated funds remaining on June 30, 1993, from funds
18 appropriated for the fiscal year beginning July 1, 1989, shall
19 revert to the general fund on September 30, 1993.

20 Sec. 2. There is appropriated from the funds available
21 under section 99D.13 to the department of agriculture and land
22 stewardship for the fiscal year beginning July 1, 1989, and
23 ending June 30, 1990, the following amount, or so much thereof
24 as necessary, to be used for the salaries, support,
25 maintenance, and miscellaneous purposes, and for not more than
26 the following full-time equivalent positions for the
27 administration of section 99D.22:

28	\$	157,281
29	FTEs	4.0

30 Of the amount appropriated under this section, \$39,748
31 shall be allocated for the salary and support of a livestock
32 inspector.

33 Sec. 3. The department shall not make transfers from the
34 funds established in chapter 192A, 198, 200, or 206, to be
35 used for purposes not authorized in those chapters without

1 notifying the chairpersons and ranking members of the
2 agriculture and natural resources appropriations subcommittee
3 in writing prior to the proposed transfer of funds. The
4 notice from the department shall include information
5 concerning the amount of the proposed transfer, the funds
6 affected by the proposed transfer, and the reasons for the
7 proposed transfer. Chairpersons and ranking members notified
8 shall be given at least two weeks to review and comment on the
9 proposed transfer before the transfer of funds is made.

10 Sec. 4. For the fiscal year beginning July 1, 1988, and
11 ending June 30, 1989, and for the fiscal year beginning July
12 1, 1989, and ending June 30, 1990, the increased fee revenues
13 resulting to the fertilizer fund and to the pesticide fund
14 during each fiscal year, from the increases in fees and
15 expansion of coverage of fee requirements, are appropriated
16 for that fiscal year to the department of agriculture and land
17 stewardship for the administration and implementation of
18 chapters 200 and 206, Code 1989.

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19 Sec. 5. MULTIFLORA ROSE.

424820

20 1. There is appropriated from the general fund of the
21 state for the fiscal year beginning July 1, 1989, and ending
22 June 30, 1990, the following amount, or so much thereof as is
23 necessary, to be used for purposes relating to the control or
24 eradicating the multiflora rose:

25 \$ 62,400

424826

26 2. Of the amount appropriated from the general fund under
27 subsection 1, \$37,400 shall be used by the department of plant
28 pathology at Iowa state university of science and technology
29 for purposes related to researching the multiflora rose virus.

424830

30 3. a. Of the amount appropriated from the general fund
31 under subsection 1, \$25,000 shall be used for the purpose of
32 partially reimbursing agricultural landowners or tenants for
33 the cost of herbicide for controlling or eradicating the
34 multiflora rose which has severely infested their agricultural
35 land. Not more than five percent of the funds appropriated

1 under this paragraph shall be used for administrative
2 expenses.

3 b. A county board of supervisors desiring a share of the
4 amount appropriated under paragraph "a" of this subsection
5 shall, in conjunction with the county weed commissioner and
6 the county soil conservation district commissioners, develop a
7 plan to combat severe infestations of multiflora rose on
8 privately owned land within the county. The plan shall be
9 based upon partial reimbursement of individual landowner's
10 costs for the purchase of herbicide from both state and county
11 appropriations; however, the share of costs reimbursed by
12 state funds shall not exceed one-fourth. The plan shall be
13 submitted to the secretary of agriculture for approval or
14 recommendations for modification.

15 c. A landowner or tenant whose agricultural land is
16 severely infested by multiflora roses may apply to the soil
17 conservation district commissioners of the county for partial
18 reimbursement, according to the approved plan, of the cost of
19 herbicide for controlling or eradicating the multiflora rose
20 on the agricultural land. The county weed commissioner shall
21 assist the soil conservation district commissioners in
22 investigating the application and determining if the
23 infestation is severe. The soil conservation district
24 commissioners shall review and approve each application for
25 partial cost reimbursement if the infestation is severe on the
26 applicant's agricultural land. If the soil conservation
27 district commissioners find the amount of reimbursement
28 claimed to be excessive, the district commissioners may
29 approve a lesser amount. The reasons for disapproval of an
30 application or reduction of the amount of reimbursement shall
31 be sent in writing to the applicant. The amount of
32 reimbursement certified by the secretary shall be paid by
33 warrant issued by the director of revenue and finance.

34 d. Federal lands and federal land tenants are not eligible
35 for reimbursement under this subsection.

1 Sec. 6. DEPARTMENT OF NATURAL RESOURCES. There is
2 appropriated from the general fund of the state to the
3 department of natural resources for the fiscal year beginning
4 July 1, 1989, and ending June 30, 1990, the following amounts,
5 or so much thereof as may be necessary, to be used for the
6 purposes designated:

7 1. a. For salaries, support, maintenance, miscellaneous
8 purposes, and for not more than the following full-time
9 equivalent positions:

10	\$ 12,200,534
11	FTEs 973.10

12 b. Of the amount appropriated under paragraph "a" of this
13 subsection, \$30,000 shall be allocated for the position of
14 environmental specialist II for the development of preserves
15 management plans.

16 c. Of the amount appropriated under paragraph "a" of this
17 subsection, \$78,000 shall be allocated for the purchase of
18 materials including railroad ties, seed, stone, and other
19 materials, for erosion control and repair of damaged trails in
20 state parks.

21 d. Of the amount appropriated under paragraph "a" of this
22 subsection, \$51,226 shall be allocated for general maintenance
23 in state parks.

24 e. Of the amount appropriated under paragraph "a" of this
25 subsection, \$30,000 shall be allocated for the purchase of
26 computer equipment in forestry division field offices.

27 f. Of the amount appropriated under paragraph "a" of this
28 subsection, \$50,000 shall be allocated for the salary and
29 support of a forestry coordinator and the development of
30 promotional materials for the forest renewal program.

31 g. Of the amount appropriated under paragraph "a" of this
32 subsection, \$37,500 shall be allocated for the salary and
33 support of an environmental engineer II to implement the state
34 flood plain mapping program.

35 h. Of the amount appropriated under paragraph "a" of this

1 subsection, \$23,832 shall be allocated to reimburse the
2 auditor of state for the cost of the annual audit of the
3 department. However, if for the fiscal year beginning July 1,
4 1989, and ending June 30, 1990, the auditor of state is
5 appropriated additional moneys from the general fund for
6 reimbursement of costs related to performing the audit, the
7 amount under this paragraph shall be reduced by the amount of
8 the additional appropriation.

9 2. For reimbursement to federal agencies for cooperative
10 contracts:

11 \$ 185,983

12 3. For the green thumb program for the employment of the
13 elderly in conservation and outdoor recreation related fields
14 in coordination with other agencies as provided by law, and
15 for not more than the following full-time equivalent
16 positions:

17 \$ 200,000

18 FTEs 18.68

19 4. For the salary and support for not more than the
20 following full-time equivalent positions to maintain and
21 manage the Loess Hills area as a state forest:

22 \$ 105,000

23 FTEs 2.0

24 5. To contract for a study to investigate the
25 feasibility of expanding and modernizing the public
26 water supply system of the city of Winterset, in order
27 to increase the supply of water to serve the
28 increasing demand of the city and to serve surrounding
29 communities:

30 \$ 50,000

31 The department shall report the findings and
32 recommendations of the study to the governor and general
33 assembly not later than February 1, 1990.

34 6. For grants to counties for the purpose of conducting
35 programs for properly closing abandoned, rural water supply

1 wells to supplement funds appropriated under section 455E.11,
2 subsection 2, paragraph b, subparagraph (3), subparagraph
3 subdivision (b):

4 \$ 200,000

4250 5 Sec. 7. There is appropriated from the general fund of the
6 state to the department of natural resources for the fiscal
7 year beginning July 1, 1989, and ending June 30, 1990, the
8 following amount, or so much thereof as may be necessary, to
9 be used for the purposes designated:

10 To contract for a study to investigate the feasibility of
11 creating a destination center at a public lake area not less
12 than eleven thousand acres in size:

13 \$ 75,000

4265 14 The department shall report the findings and
15 recommendations of the study to the governor and general
16 assembly not later than February 1, 1990.

4277 17 Sec. 8. As a condition, limitation, and qualification of
18 the appropriation made to the department of natural resources
19 in section 6 of this Act, the department shall by March 1,
4278 20 1990, adopt rules requiring that municipal sewage sludge ash
21 shall not be transported by a person on the highways beyond a
22 fifty mile radius from its point of incineration.

23 Sec. 9. There is appropriated from the state fish and game
24 protection fund to the department of natural resources for the
25 fiscal year beginning July 1, 1989, and ending June 30, 1990,
26 the following amounts, or so much thereof as is necessary, to
27 be used for the purposes designated:

28 DIVISION OF FISH AND GAME

29 1. From the state fish and game protection fund for
30 salaries, support, maintenance, equipment, and miscellaneous
31 purposes including not more than \$2,840,078 during the fiscal
32 year beginning on July 1, 1989, and ending June 30, 1990,
33 which shall be available from the state fish and game
34 protection fund for administrative support:

35 \$ 16,425,088

1 2. From the fees deposited under section 321G.7 to the
2 fish and game protection fund for enforcement of snowmobile
3 laws as part of the state snowmobile program:

4 \$ 150,000

5 3. From the fees deposited under section 106.52 to the
6 fish and game protection fund for administration and
7 enforcement of navigation laws and water safety:

8 \$ 1,000,000

9 4. Funds remaining in the fish and game protection fund
10 during the fiscal year beginning July 1, 1989, which are not
11 specifically appropriated by this section are appropriated and
12 may be used for capital projects and contingencies arising
13 during the fiscal year beginning July 1, 1989. A contingency
14 shall not include any purpose or project which was presented
15 to the general assembly by way of a bill or a proposed bill
16 and which failed to be enacted into law. For the purpose of
17 this subsection, a necessity of additional operating funds may
18 be construed as a contingency. Before any of the funds
19 authorized to be expended by this subsection are allocated for
20 contingencies, it shall be determined by the executive council
21 that a contingency exists and that the contingency was not
22 existent while the general assembly was in session and that
23 the proposed allocation shall be for the best interests of the
24 state. If a contingency arises or could reasonably be
25 foreseen during the time the general assembly is in session,
26 expenditures for the contingency must be authorized by the
27 general assembly.

28 Sec. 10. MARINE FUEL TAX FUND. There is appropriated from
29 the marine fuel tax fund to the department of natural
30 resources for the fiscal year beginning July 1, 1989, and
31 ending June 30, 1990, the following amounts, or so much
32 thereof as is necessary, to be used for the purposes
33 designated:

34 1. For maintenance and development of boating facilities
35 and access to public waters:

1 \$ 400,000

2 2. For deposit in the state fish and game protection fund
3 for the administration and enforcement of navigation laws and
4 boat safety:

5 \$ 150,000

6 The balance of the amount computed as provided in section
7 324.84 for the fiscal year beginning July 1, 1989, and ending
8 June 30, 1990, is appropriated for the purposes provided in
9 section 324.79, subsections 1, 2, 3, and 5. The unencumbered
10 or unobligated balances of funds specifically allocated for
11 such projects for the fiscal year ending June 30, 1990, shall
12 revert to the fund from which appropriated September 30, 1992.

13 Sec. 11. IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND.

14 1. For each fiscal year of the fiscal period beginning
15 July 1, 1990, and ending June 30, 2000, there is appropriated
16 from the general fund, to the Iowa resources enhancement and
17 protection fund, the amount of \$20,000,000 to be used as
18 provided in chapter 455A.

19 Section 8.33 does not apply to moneys appropriated under
20 this section. Notwithstanding section 453.7, interest or
21 earnings on moneys appropriated under this section shall be
22 credited to the Iowa resources enhancement and protection
23 fund.

24 2. This section shall become effective only if House File
25 769 is enacted by the Seventy-third General Assembly.

26 3. The Code editor is directed to codify subsection 1, if
27 House File 769 is enacted by the Seventy-third General
28 Assembly. The Code editor is authorized to include subsection
29 1 within chapter 455A or other sections of chapter 455A as
30 provided in House File 769 or any other chapter or section
31 where provisions of House File 769 are codified.

32 Sec. 12. The natural resources commission shall establish
33 a priority list of watersheds which are of highest importance
34 based on soil loss to be used for the allocation of funds set
35 aside in the appropriations to the department of agriculture

1 and land stewardship for permanent soil conservation
2 practices.

3 Sec. 13. Notwithstanding section 17A.2, subsection 7,
4 paragraph "g", the department shall by rule establish prices
5 of plant material grown at the state forest nurseries to cover
6 all expenses related to the growing of the plants.

7 The department shall develop additional programs to
8 encourage the wise management and preservation of existing
9 woodlands and shall increase its efforts to encourage
10 forestation and reforestation on private and public lands in
11 the state.

12 The department shall encourage a cooperative relationship
13 between the state forest nurseries and private nurseries in
14 the state in order to achieve these goals.

15 Sec. 14. If the department of agriculture and land
16 stewardship or the department of natural resources makes an
17 appropriation transfer between appropriation line-items, the
18 chairpersons and ranking members of the agriculture and
19 natural resources appropriations subcommittee shall be
20 notified in writing prior to the proposed transfer of funds.
21 The notice from the department shall include information
22 concerning the amount of the proposed transfer, the
23 appropriation line-items affected by the proposed transfer,
24 and the reasons for the proposed transfer. Chairpersons and
25 ranking members notified shall be given at least two weeks to
26 review and comment on the proposed transfer before the
27 transfer of funds is made.

28 Sec. 15. The department of natural resources shall provide
29 the legislative fiscal bureau information and financial data
30 by cost center, on at least a monthly basis, relating to the
31 indirect cost accounting procedure, the amount of funding from
32 each funding source for each cost center, and the internal
33 budget system used by the department. The information shall
34 include but is not limited to financial data covering the
35 department's budget by cost center and funding source prior to

1 the start of the fiscal year, and to the department's actual
2 expenditures by cost center and funding source after the
3 accounting system has been closed for that fiscal year.

4 Sec. 16. All federal grants to and the federal receipts,
5 not otherwise appropriated, of the agencies appropriated funds
6 under this Act are appropriated for the purposes set forth in
7 the federal grants or receipts, unless otherwise provided by
8 the general assembly.

9 Sec. 17. 1986 Iowa Acts, chapter 1246, section 505,
10 subsection 7, unnumbered paragraph 3, is amended to read as
11 follows:

12 The department is authorized to utilize from funds
13 appropriated for payments to governing bodies responsible for
14 publicly owned sewage treatment facilities but which are
15 unexpended an amount not to exceed four hundred ninety-three
16 thousand (493,000) dollars for the state share of the AIDEX
17 superfund cleanup. Any funds remaining in the AIDEX superfund
18 account once the final site cleanup work, excluding the
19 ongoing monitoring of the site, has been completed shall
20 revert to the general fund of the state. ~~The moneys used for~~
21 ~~the state share of the AIDEX superfund cleanup shall be repaid~~
22 ~~not later than June 30, 1989.~~ It is the intent of general
23 assembly that the withdrawal of funds from moneys available
24 for publicly owned sewage treatment facilities shall not be
25 used for any other purpose in future years and the department
26 of natural resources shall report to the general assembly not
27 later than January 1, 1987 on methods to increase funds for
28 the state superfund to meet future needs in this state.

29 Sec. 18. Section 455E.11, subsection 2, paragraph b,
30 subparagraph (3), subparagraph subdivision (b), Code 1989, is
31 amended to read as follows:

32 (b) Two percent is appropriated annually to the department
33 of natural resources for the purpose of administering grants
34 to counties and conducting oversight of county-based programs
35 relative to the testing of private water supply wells and the

1 proper closure of private abandoned wells. Not more than
2 twenty-three seventeen and one-half percent of the moneys is
3 appropriated annually to the department of natural resources
4 for grants to counties for the purpose of conducting programs
5 of private, rural water supply testing, not more than six
6 percent of the moneys is appropriated annually to the state
7 hygienic laboratory to assist in well testing, and not more
8 than twelve seventeen and one-half percent of the moneys is
9 appropriated annually to the department of natural resources
10 for grants to counties for the purpose of conducting programs
11 for properly closing abandoned, rural water supply wells.

12 Sec. 19. Sections 4 and 17 of this Act, being deemed of
13 immediate importance, take effect upon enactment.

14 EXPLANATION

15 The bill appropriates funds to the department of
16 agriculture and land stewardship and the department of natural
17 resources for the fiscal year beginning July 1, 1989, and
18 ending June 30, 1990. The bill authorizes certain feasibility
19 studies. The bill provides that moneys used for the state
20 share of the AIDEX superfund cleanup are not required to be
21 repaid. The bill changes percentages of funds allocated in
22 section 455.11 for grants to counties for private rural water
23 supply testing and for properly closing abandoned, rural water
24 supply wells. It provides grants for the purposes of closing
25 water supply wells. The bill appropriates moneys over a ten-
26 year period to the Iowa resources enhancement and protection
27 fund. The bill requires the department of natural resources
28 to adopt rules relating to the transportation of sewage sludge
29 ash.

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HOUSE FILE 778

H-4248

Amend House File 778 as follows:

1. Page 2, by inserting after line 20 the following:

" An amount of not more than \$50,000 that was appropriated by 1988 Iowa Acts, chapter 1272, section 6 1, to the farm commodity division for the year beginning July 1, 1988, and ending June 30, 1989, shall not revert to the general fund pursuant to section 8.33, but shall be available for expenditure in the fiscal year beginning July 1, 1989, and ending June 30, 1990. The amount shall be used to supplement moneys appropriated under subsection 4 of this section to reimburse expenses incurred by the veterinary diagnostic laboratory."

2. Page 3, by inserting after line 9 the following:

" From the general fund to reimburse expenses incurred by the veterinary diagnostic laboratory, college of veterinary medicine at Iowa state university of science and technology, for performing services related to the pseudorabies control program, as provided in Senate File 474:

25,000

Remaining moneys shall be used by the division to carry out the provisions of Senate File 474. This paragraph is effective only upon the enactment of Senate File 474 during the 1989 Session by the Seventy-third General Assembly."

3. Page 6, line 20, by striking the figure "1."

4. Page 6, line 25, by striking the figure "62,400" and inserting the following: "37,400".

5. Page 6, by striking lines 26 and 27 and inserting the following:

"The amount appropriated under this section shall be used by the department of plant".

6. By striking page 6, line 30 through page 7, line 35.

By STUELAND of Clinton

JOHNSON of Winneshiek

VAN MAANEN of Mahaska

JOCHUM of Dubuque

H-4248 FILED APRIL 26, 1989

ADOPTED 4-26-89 (p. 2020)

HOUSE FILE 778

H-4250

Amend House File 778 as follows:

1. Page 10, by striking lines 5 through 16.

2. By renumbering as necessary.

By TYRRELL of Iowa

H-4250 FILED APRIL 26, 1989

OST 4-26-89 (p. 709)

HOUSE FILE 778

H-4232

1 Amend House File 778 as follows:

2 1. Page 6, by inserting after line 18 the
3 following:

4 "Sec. ____ . There is appropriated from the general
5 fund of the state for the fiscal year beginning July
6 1, 1989, and ending June 30, 1990, the following
7 amount, or so much thereof as is necessary, to
8 societies as provided in chapter 174 to be used for
9 conducting county fairs:

10 \$ 150,000
11 Each society shall be allocated \$1,500."

12 2. Title page, line 3, by inserting after the
13 word "resources," the following: "to support county
14 fairs,".

15 3. By renumbering as necessary.

By STUELAND of Clinton
VAN MAANEN of Mahaska

H-4232 FILED APRIL 25, 1989

WST 4-26-89 (p 2023)

HOUSE FILE 778

H-4244

1 Amend House File 778 as follows:

2 1. Page 10, line 20, by inserting after the word
3 "that" the following: "until July 1, 1993,".

By JOHNSON of Winneshiek

H-4244 FILED APRIL 26, 1989

ADOPTED 4-26-89 (p 2025)

HOUSE FILE 778

H-4259

1 Amend House File 778 as follows:
 2 1. Page 9, by inserting before line 34, the
 3 following:
 4 "_____. To contract for a study to investigate the
 5 feasibility of dredging Backbone Lake in Delaware
 6 county:
 7 \$ 50,000
 8 The department shall report the findings and
 9 recommendations of the study to the governor and
 10 general assembly not later than February 1, 1990."
 11 2. By renumbering as necessary.

By HANSON of Delaware

H-4259 FILED APRIL 26, 1989

LOST 4-26-89 (p. 2025)

HOUSE FILE 778

H-4268

1 Amend House File 778 as follows:
 2 1. Page 10, line 14, by inserting after the word
 3 "shall" and inserting the following: "contract with
 4 an Iowa-based consulting firm to conduct the study and
 5 shall".

By BLACK of Jasper

H-4268 FILED APRIL 26, 1989

ADOPTED 4-26-89 (p. 2025)

HOUSE FILE 778

H-4272

1 Amend House File 778 as follows:
 2 1. Page 9, by inserting after line 23, the
 3 following:
 4 "_____. To contract for a study relating to the
 5 value and uses of South Twin Lake in Calhoun county,
 6 and to purchase the lake according to the findings and
 7 recommendations contained in the study:
 8 \$ 50,000
 9 The department shall report the findings and
 10 recommendations of the study and information relating
 11 to the purchase or negotiations to purchase the lake
 12 to the governor and general assembly not later than
 13 February 1, 1990."
 14 2. By renumbering as necessary.

By MAULSBY of Calhoun

H-4272 FILED APRIL 26, 1989

LOST 4-26-89 (p. 2023)

HOUSE FILE 778

H-4255

1 Amend the amendment, H-4248, to House File 778, as
 2 follows:
 3 1. Page 1, by inserting before line 2 the
 4 following:
 5 " . Page 1, line 11, by striking the figure
 6 "1,113,777" and inserting the following: "1,151,177".
 7 . Page 2, by inserting after line 8 the
 8 following:
 9 "i. Of the amount appropriated from the general
 10 fund under paragraph "a" of this subsection, \$37,400
 11 shall be allocated to the statistics bureau for the
 12 salary and support of an information specialist III
 13 position."
 14 2. Page 1, by striking lines 29 through 37 and
 15 inserting the following:
 16 " . By striking page 6, line 19 through page 7,
 17 line 35."
 18 3. Page 1, by inserting after line 37 the
 19 following:
 20 " . Title page, lines 4 and 5, by striking the
 21 words "and the control of certain vegetation,"."
 By SHEARER of Louisa

H-4255 FILED APRIL 26, 1989

LOST 4-26-89 (p. 2020)

HOUSE FILE 778

H-4257

1 Amend House File 778 as follows:
 2 1. Page 5, by inserting after line 32 the
 3 following:
 4 "Sec. ____ . There is appropriated from the general
 5 fund of the state to the department of agriculture and
 6 land stewardship, for the fiscal year beginning July
 7 1, 1989, and ending June 30, 1990, the following
 8 amount, or so much thereof as is necessary, to be used
 9 for reconstruction of the grandstand on the Franklin
 10 county fairgrounds:
 11 \$ 50,000
 12 However, as a condition of the appropriation, the
 13 Franklin county fair board must certify to the
 14 department of management that each dollar appropriated
 15 under this section is matched by private
 16 contributions."
 17 2. By renumbering as necessary.
 By STROMER of Hancock

H-4257 FILED APRIL 26, 1989

LOST 4-26-89 (p. 2012)

HOUSE FILE 778

H-4279

- 1 Amend House File 778 as follows:
- 2 1. Page 12, line 15, by striking the figure
- 3 "1990" and inserting the following: "1989".
- 4 2. Page 12, line 15, by striking the figure
- 5 "2000" and inserting the following: "1999".

By PELLETT of Cass

H-4279 FILED APRIL 26, 1989

LOST

4-26-89 (p. 2028)

HOUSE FILE 778

H-4282

- 1 Amend House File 778 as follows:
- 2 1. Page 8, line 34, by inserting after the word
- 3 "program" the following: "and other responsibilities
- 4 as determined by the director".

By BLACK of Jasper

H-4282 FILED APRIL 26, 1989

ADOPTED

4-26-89 (p. 2028)

HOUSE FILE 778

H-4277

- 1 Amend House File 778 as follows:
- 2 1. Page 10, by striking lines 17 through 22.
- 3 2. Title page, line 4, by striking the words
- 4 "environmental protection, and".

By LUNDBY of Linn

H-4277 FILED APRIL 26, 1989

LOST 4-26-89 (p. 225)

HOUSE FILE 778

H-4278

- 1 Amend House File 778 as follows:
- 2 1. Page 12, line 17, by striking the figure
- 3 "20,000,000" and inserting the following:
- 4 "5,000,000".
- 5 2. Page 12, by inserting after line 18 the
- 6 following:
- 7 "For each fiscal year of the fiscal period
- 8 beginning July 1, 1989, and ending June 30, 1999,
- 9 there is appropriated from the general fund, to the
- 10 Iowa resources enhancement and protection fund, the
- 11 amount collected and paid to the department of revenue
- 12 and finance pursuant to section 98.6, subsection 2,
- 13 from the tax based on one and one-half mills on each
- 14 cigarette used or otherwise disposed of in this state
- 15 for any purpose. However, the amount appropriated
- 16 under this paragraph shall not exceed \$7,000,000 for
- 17 each fiscal year."
- 18 3. Page 14, by inserting after line 28 the
- 19 following:
- 20 "Sec. ____ . Section 98.6, subsection 2, Code 1989,
- 21 is amended to read as follows:
- 22 2. Notwithstanding subsection 1, there is imposed
- 23 and shall be collected and paid to the department a
- 24 tax on all cigarettes used or otherwise disposed of in
- 25 this state for any purpose at the rate of seventeen
- 26 mills on each cigarette ~~for the period beginning March~~
- 27 ~~1, 1988, and ending June 30, 1989, and at the rate of~~
- 28 ~~fifteen and one-half mills on each cigarette beginning~~
- 29 ~~July 1, 1989.~~ There is appropriated for each fiscal
- 30 year of the fiscal period beginning July 1, 1989, and
- 31 ending June 30, 1999, to the Iowa resources
- 32 enhancement and protection fund, an amount from the
- 33 tax based on one and one-half mills on each cigarette.
- 34 However, the amount shall not exceed seven million
- 35 dollars for each fiscal year."

By LUNDBY of Linn

H-4278 FILED APRIL 26, 1989

NOT GERMANE

4-26-89 (p. 2027)

Senate Approps
Do pass + Amend. - 4045 5-1-89 (p.1807)

HOUSE FILE 778
BY COMMITTEE ON
APPROPRIATIONS

(As Amended and Passed by the House April 26, 1989)

Passed House, Date 2-26-89 (p.2008) Passed Senate, Date 5-2-89 (p.1845)
Vote: Ayes 91 Nays 9 Vote: Ayes 41 Nays 3

Approved Item Voted 5/13/89

Passed for Conference Committee Report
House 5/6/89 (p.2672) Senate 5/6/89
90-13 A BILL FOR

1 An Act relating to and making appropriations to the department of
2 agriculture and land stewardship, to the department of natural
3 resources, to an environmental fund, providing for
4 environmental protection, and the control of certain
5 vegetation, and providing effective dates.

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

House Amendments _____
Deleted Language *

Conference Committee Appointed -
Senate Members -

Directors - Riordan, Chair; Husak, Scott,
Rife, + Dettler.

House Members -

Rep's - Johnson, Chair; Diemer, Black, Schrader,
Steward.

1 Section 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.
2 There is appropriated from the general fund of the state and
3 the trust funds indicated to the department of agriculture and
4 land stewardship for the fiscal year beginning July 1, 1989,
5 and ending June 30, 1990, the following amounts, or so much
6 thereof as is necessary, to be used for the purposes desig-
7 nated:

8 1. ADMINISTRATIVE DIVISION

9 a. From the general fund for salaries, support,
10 maintenance, and miscellaneous purposes:

4045-11 \$ 1,113,777

12 b. From the fertilizer fund to be transferred to the
13 administration division:

14 \$ 51,100

15 c. From the dairy trade practice fund to be transferred to
16 the administration division:

17 \$ 93,003

18 d. From the commercial feed fund to be transferred to the
19 administration division:

20 \$ 51,100

21 e. The department of agriculture and land stewardship
22 shall establish annual subscription fees for the regular and
23 periodic publications of the department. Fees collected from
24 subscribers shall be deposited in the general fund of the
25 state.

26 f. Funds appropriated by this subsection are for the
27 salaries and support of not more than the following full-time
28 equivalent positions:

4045-29 FTEs 42.24

30 g. Of the amount appropriated from the general fund under
31 paragraph "a" of this subsection, \$55,459 shall be allocated
32 to reimburse the auditor of state for costs related to
33 performing the annual audit of the department. However, if
34 for the fiscal year beginning July 1, 1989, and ending June
35 30, 1990, the auditor of state is appropriated additional

1 moneys from the general fund for reimbursement of costs
2 related to performing the audit, the amount under this
3 paragraph shall be reduced by the amount of the additional
4 appropriation.

4045-5 h. Of the amount appropriated from the general fund under
6 paragraph "a" of this subsection, \$50,000 shall be allocated
7 to the statistics bureau for the purpose of conducting the
8 horticultural census.

4045-9 2. FARM COMMODITY DIVISION

10 a. From the general fund for salaries, support,
11 maintenance, miscellaneous purposes, and for the following
12 full-time equivalent positions:

13	.....	\$	1,028,381
14	.....	FTEs	23.00

4045-15 b. Of the amount appropriated from the general fund of the
16 state under paragraph "a" of this subsection, \$346,379 shall
17 be allocated to the horticultural division for the
18 continuation of the agricultural diversification program as
19 enacted by 1986 Iowa Acts, chapter 1246, section 501,
20 subsection 1, paragraph "e".

4045-21 c. An amount of not more than \$50,000 that was
22 appropriated by 1988 Iowa Acts, chapter 1272, section 1, to
23 the farm commodity division for the year beginning July 1,
24 1988, and ending June 30, 1989, shall not revert to the
25 general fund pursuant to section 8.33, but shall be available
26 for expenditure in the fiscal year beginning July 1, 1989, and
27 ending June 30, 1990. The amount shall be used to supplement
28 moneys appropriated under subsection 4 of this section to
29 reimburse expenses incurred by the veterinary diagnostic
30 laboratory.

4045-31 3. FARMER'S MARKET COUPON PROGRAM

32 From the general fund for salaries, support, maintenance,
33 and miscellaneous purposes, to be used by the department to
34 continue and expand the farmer's market coupon program by
35 providing federal special supplemental food program recipients

4045-1 with coupons redeemable at farmer's markets, and for the
2 following full-time equivalent positions:

3 \$ 198,333
4 FTEs 2.50

5 4. REGULATORY DIVISION

6 a. From the general fund for salaries, support,
7 maintenance, miscellaneous purposes, and for the following
8 full-time equivalent positions:

9 \$ 4,041,648
10 FTEs 149.20

4045-11 b. Of the amount appropriated from the general fund under
12 paragraph "a" of this subsection, \$11,250 shall be allocated
13 for the support of the assistant attorney general assigned to
14 the grain warehouse bureau. However, if for the fiscal year
15 beginning July 1, 1989, and ending June 30, 1990, the attorney
16 general is appropriated moneys from the general fund for
17 reimbursement of costs related to supporting the assistant
18 attorney general the amount under this paragraph shall be
19 reduced by the amount of the additional appropriation.

4045-20 c. From the general fund to reimburse expenses incurred by
21 the veterinary diagnostic laboratory, college of veterinary
22 medicine at Iowa state university of science and technology,
23 for performing services related to the pseudorabies control
24 program, as provided in Senate File 474:

25 \$ 25,000

26 Remaining moneys shall be used by the division to carry out
27 the provisions of Senate File 474. This paragraph is
28 effective only upon the enactment of Senate File 474 during
29 the 1989 Session by the Seventy-third General Assembly.

30 5. LABORATORY DIVISION

31 a. From the general fund for salaries, support,
32 maintenance, and miscellaneous purposes:

33 \$ 778,571

34 b. From the commercial feed fund to be transferred to the
35 laboratory division:

1 \$ 810,903

2 c. From the pesticide fund to be transferred to the
3 laboratory division:

4 \$ 756,802

5 d. From the fertilizer fund to be transferred to the
6 laboratory division:

7 \$ 802,871

4045-8 e. Of the amount appropriated from the general fund under
9 paragraph "a" of this subsection, \$150,000 shall be allocated
10 for the training of commercial pesticide applicators.

11 f. Funds appropriated by this subsection are for the
12 salaries and support of not more than the following full-time
13 equivalent positions:

14 FTEs 90.00

15 6. SOIL CONSERVATION DIVISION

16 a. From the general fund for salaries, support,
17 maintenance, assistance to soil conservation districts,
18 miscellaneous purposes, and for not more than the following
19 full-time equivalent positions:

20 \$ 4,742,210

21 FTEs 175.78

4045-22 b. Of the amount appropriated from the general fund of the
23 state under paragraph "a" of this subsection, \$303,436 shall
24 be used to conduct soil surveys in conjunction with federal,
25 state, and local agencies in Iowa.

4045-26 c. Of the amount appropriated from the general fund under
27 paragraph "a" of this subsection, \$150,000 shall be allocated
28 as follows: \$100,000 shall be used to support field office
29 programs to develop long-range, natural resource management
30 plans; and \$50,000 shall be used to support district
31 commissioners if matched on a dollar-for-dollar basis by
32 counties for the payment of meeting dues and travel for the
33 district commissioners' staff.

34 d. To provide financial incentives for soil conservation
35 practices in accordance with the provisions of paragraph "e"

1 of this subsection:

2 \$ 6,789,972

4045- 3 e. The following requirements apply to the funds appropri-
4 ated by paragraph "d":

5 (1) Not more than five percent may be allocated for cost
6 sharing to abate complaints filed under section 467A.47 and
7 467A.48.

8 (2) Not more than ten percent may be allocated for finan-
9 cial incentives not exceeding seventy-five percent of the ap-
10 proved cost of permanent soil conservation practices under
11 chapter 467A on watersheds above publicly owned lakes in ac-
12 cordance with the priority list required in section 12 of this
13 Act.

14 (3) The soil conservation district commissioners may al-
15 locate financial incentives not exceeding sixty percent of the
16 cost of permanent soil conservation practices for special
17 watershed practices or summer construction incentives under
18 section 467A.7, subsections 17 and 19.

19 (4) Except for the allocations subject to subparagraphs
20 (1), (2), and (3), these funds shall not be used alone or in
21 combination with other public funds to provide a financial
22 incentive payment greater than fifty percent of the approved
23 cost for voluntary permanent soil conservation practices and
24 priority shall be given to family-operated farms.

25 (5) The soil conservation committee may allocate funds to
26 conduct research and demonstration projects to promote conser-
27 vation tillage and nonpoint sources pollution control
28 practices.

29 (6) Not more than thirty percent of a district's alloca-
30 tion may be allocated by the soil conservation district com-
31 missioners for the establishment of management practices to
32 control soil erosion on land that is now row cropped.

33 (7) The financial incentive payments may be used in com-
34 bination with department of natural resources funds.

35 f. The provisions of section 8.33 shall not apply to the

1 funds appropriated by paragraph "d". Unencumbered or unobli-
2 gated funds remaining on June 30, 1993, from funds
3 appropriated for the fiscal year beginning July 1, 1989, shall
4 revert to the general fund on September 30, 1993.

5 Sec. 2. There is appropriated from the funds available
6 under section 99D.13 to the department of agriculture and land
7 stewardship for the fiscal year beginning July 1, 1989, and
8 ending June 30, 1990, the following amount, or so much thereof
9 as necessary, to be used for the salaries, support,
10 maintenance, and miscellaneous purposes, and for not more than
11 the following full-time equivalent positions for the
12 administration of section 99D.22:

13	.....	\$	157,281
14	.....	FTEs	4.0

405-15 Of the amount appropriated under this section, \$39,748
16 shall be allocated for the salary and support of a livestock
17 inspector.

18 Sec. 3. The department shall not make transfers from the
19 funds established in chapter 192A, 198, 200, or 206, to be
20 used for purposes not authorized in those chapters without
21 notifying the chairpersons and ranking members of the
22 agriculture and natural resources appropriations subcommittee
23 in writing prior to the proposed transfer of funds. The
24 notice from the department shall include information
25 concerning the amount of the proposed transfer, the funds
26 affected by the proposed transfer, and the reasons for the
27 proposed transfer. Chairpersons and ranking members notified
28 shall be given at least two weeks to review and comment on the
29 proposed transfer before the transfer of funds is made.

30 Sec. 4. For the fiscal year beginning July 1, 1988, and
31 ending June 30, 1989, and for the fiscal year beginning July
32 1, 1989, and ending June 30, 1990, the increased fee revenues
33 resulting to the fertilizer fund and to the pesticide fund
34 during each fiscal year, from the increases in fees and
35 expansion of coverage of fee requirements, are appropriated

1 for that fiscal year to the department of agriculture and land
2 stewardship for the administration and implementation of
3 chapters 200 and 206, Code 1989.

4 Sec. 5. MULTIFLORA ROSE.

* 5 There is appropriated from the general fund of the state
6 for the fiscal year beginning July 1, 1989, and ending June
7 30, 1990, the following amount, or so much thereof as is
8 necessary, to be used for purposes relating to the control or
9 eradicating the multiflora rose:

4045 10 \$ 37,400.

11 The amount appropriated under this section shall be used by
12 the department of plant pathology at Iowa state university of
13 science and technology for purposes related to researching the
14 multiflora rose virus.

* 15 Sec. 6. DEPARTMENT OF NATURAL RESOURCES. There is
16 appropriated from the general fund of the state to the
17 department of natural resources for the fiscal year beginning
18 July 1, 1989, and ending June 30, 1990, the following amounts,
19 or so much thereof as may be necessary, to be used for the
20 purposes designated:

21 1. a. For salaries, support, maintenance, miscellaneous
22 purposes, and for not more than the following full-time
23 equivalent positions:

4045 24 \$ 12,200,534

25 FTEs 973.10

26 b. Of the amount appropriated under paragraph "a" of this
27 subsection, \$30,000 shall be allocated for the position of
28 environmental specialist II for the development of preserves
29 management plans.

4045 30 c. Of the amount appropriated under paragraph "a" of this
31 subsection, \$78,000 shall be allocated for the purchase of
32 materials including railroad ties, seed, stone, and other
33 materials, for erosion control and repair of damaged trails in
34 state parks.

4045 35 d. Of the amount appropriated under paragraph "a" of this

1 subsection, \$51,226 shall be allocated for general maintenance
2 in state parks.

4045-3 e. Of the amount appropriated under paragraph "a" of this
4 subsection, \$30,000 shall be allocated for the purchase of
5 computer equipment in forestry division field offices.

4045-6 f. Of the amount appropriated under paragraph "a" of this
7 subsection, \$50,000 shall be allocated for the salary and
8 support of a forestry coordinator and the development of
9 promotional materials for the forest renewal program.

4045-10 g. Of the amount appropriated under paragraph "a" of this
11 subsection, \$37,500 shall be allocated for the salary and
12 support of an environmental engineer II to implement the state
13 flood plain mapping program and other responsibilities as
14 determined by the director.

4045-15 h. Of the amount appropriated under paragraph "a" of this
16 subsection, \$23,832 shall be allocated to reimburse the
17 auditor of state for the cost of the annual audit of the
18 department. However, if for the fiscal year beginning July 1,
19 1989, and ending June 30, 1990, the auditor of state is
20 appropriated additional moneys from the general fund for
21 reimbursement of costs related to performing the audit, the
22 amount under this paragraph shall be reduced by the amount of
23 the additional appropriation.

4045, 3196

24 2. For reimbursement to federal agencies for cooperative
25 contracts:

26 \$ 185,983

27 3. For the green thumb program for the employment of the
28 elderly in conservation and outdoor recreation related fields
29 in coordination with other agencies as provided by law, and
30 for not more than the following full-time equivalent
31 positions:

32 \$ 200,000

33 FTEs 18.68

34 4. For the salary and support for not more than the
35 following full-time equivalent positions to maintain and

1 manage the Loess Hills area as a state forest:
 2 \$ 105,000
 3 FTEs 2.0

4 5. To contract for a study to investigate the
 5 feasibility of expanding and modernizing the public
 6 water supply system of the city of Winterset, in order
 7 to increase the supply of water to serve the
 8 increasing demand of the city and to serve surrounding
 9 communities:

10 \$ 50,000

11 The department shall report the findings and
 12 recommendations of the study to the governor and general
 13 assembly not later than February 1, 1990.

14 6. For grants to counties for the purpose of conducting
 15 programs for properly closing abandoned, rural water supply
 16 wells to supplement funds appropriated under section 455E.11,
 17 subsection 2, paragraph b, subparagraph (3), subparagraph
 18 subdivision (b):

19 \$ 200,000

20 Sec. 7. There is appropriated from the general fund of the
 21 state to the department of natural resources for the fiscal
 22 year beginning July 1, 1989, and ending June 30, 1990, the
 23 following amount, or so much thereof as may be necessary, to
 24 be used for the purposes designated:

25 To contract for a study to investigate the feasibility of
 26 creating a destination center at a public lake area not less
 27 than eleven thousand acres in size:

28 \$ 75,000

29 The department shall contract with an Iowa-based consulting
 30 firm to conduct the study and shall report the findings and
 31 recommendations of the study to the governor and general
 32 assembly not later than February 1, 1990.

33 311- Sec. 8. As a condition, limitation, and qualification of
 34 the appropriation made to the department of natural resources
 35 in section 6 of this Act, the department shall by March 1,

1 1990. adopt rules requiring that until July 1, 1993, municipal
2 sewage sludge ash shall not be transported by a person on the
3 highways beyond a fifty mile radius from its point of
4 incineration.

5 Sec. 9. There is appropriated from the state fish and game
6 protection fund to the department of natural resources for the
7 fiscal year beginning July 1, 1989, and ending June 30, 1990,
8 the following amounts, or so much thereof as is necessary, to
9 be used for the purposes designated:

10 DIVISION OF FISH AND GAME

11 1. From the state fish and game protection fund for:
12 salaries, support, maintenance, equipment, and miscellaneous
13 purposes including not more than \$2,840,078 during the fiscal
14 year beginning on July 1, 1989, and ending June 30, 1990,
15 which shall be available from the state fish and game
16 protection fund for administrative support:

17 \$ 16,425,088

18 2. From the fees deposited under section 321G.7 to the
19 fish and game protection fund for enforcement of snowmobile
20 laws as part of the state snowmobile program:

21 \$ 150,000

22 3. From the fees deposited under section 106.52 to the
23 fish and game protection fund for administration and
24 enforcement of navigation laws and water safety:

25 \$ 1,000,000

4045- 26 4. Funds remaining in the fish and game protection fund
27 during the fiscal year beginning July 1, 1989, which are not
28 specifically appropriated by this section are appropriated and
29 may be used for capital projects and contingencies arising
30 during the fiscal year beginning July 1, 1989. A contingency
31 shall not include any purpose or project which was presented
32 to the general assembly by way of a bill or a proposed bill
33 and which failed to be enacted into law. For the purpose of
34 this subsection, a necessity of additional operating funds may
35 be construed as a contingency. Before any of the funds

1 authorized to be expended by this subsection are allocated for
2 contingencies, it shall be determined by the executive council
3 that a contingency exists and that the contingency was not
4 existent while the general assembly was in session and that
5 the proposed allocation shall be for the best interests of the
6 state. If a contingency arises or could reasonably be
7 foreseen during the time the general assembly is in session,
8 expenditures for the contingency must be authorized by the
9 general assembly.

10 Sec. 10. MARINE FUEL TAX FUND. There is appropriated from
11 the marine fuel tax fund to the department of natural
12 resources for the fiscal year beginning July 1, 1989, and
13 ending June 30, 1990, the following amounts, or so much
14 thereof as is necessary, to be used for the purposes
15 designated:

- 16 1. For maintenance and development of boating facilities
17 and access to public waters:
18 \$ 400,000
- 19 2. For deposit in the state fish and game protection fund
20 for the administration and enforcement of navigation laws and
21 boat safety:
22 \$ 150,000

4045- 23 The balance of the amount computed as provided in section
24 324.84 for the fiscal year beginning July 1, 1989, and ending
25 June 30, 1990, is appropriated for the purposes provided in
26 section 324.79, subsections 1, 2, 3, and 5. The unencumbered
27 or unobligated balances of funds specifically allocated for
28 such projects for the fiscal year ending June 30, 1990, shall
29 revert to the fund from which appropriated September 30, 1992.

4046 30 Sec. 11. IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND.

31 1. For each fiscal year of the fiscal period beginning
32 July 1, 1990, and ending June 30, 2000, there is appropriated
33 from the general fund, to the Iowa resources enhancement and
34 protection fund, the amount of \$20,000,000 to be used as
35 provided in chapter 455A.

1 Section 8.33 does not apply to moneys appropriated under
2 this section. Notwithstanding section 453.7, interest or
3 earnings on moneys appropriated under this section shall be
4 credited to the Iowa resources enhancement and protection
5 fund.

6 2. This section shall become effective only if House File
7 769 is enacted by the Seventy-third General Assembly.

8 3. The Code editor is directed to codify subsection 1, if
9 House File 769 is enacted by the Seventy-third General
10 Assembly. The Code editor is authorized to include subsection
11 1 within chapter 455A or other sections of chapter 455A as
12 provided in House File 769 or any other chapter or section
13 where provisions of House File 769 are codified.

45117

14 Sec. 12. The natural resources commission shall establish
15 a priority list of watersheds which are of highest importance
16 based on soil loss to be used for the allocation of funds set
17 aside in the appropriations to the department of agriculture
18 and land stewardship for permanent soil conservation
19 practices.

20 Sec. 13. Notwithstanding section 17A.2, subsection 7,
21 paragraph "g", the department shall by rule establish prices
22 of plant material grown at the state forest nurseries to cover
23 all expenses related to the growing of the plants.

24 The department shall develop additional programs to
25 encourage the wise management and preservation of existing
26 woodlands and shall increase its efforts to encourage
27 forestation and reforestation on private and public lands in
28 the state.

29 The department shall encourage a cooperative relationship
30 between the state forest nurseries and private nurseries in
31 the state in order to achieve these goals.

32 Sec. 14. If the department of agriculture and land
33 stewardship or the department of natural resources makes an
34 appropriation transfer between appropriation line-items, the
35 chairpersons and ranking members of the agriculture and

1 natural resources appropriations subcommittee shall be
2 notified in writing prior to the proposed transfer of funds.
3 The notice from the department shall include information
4 concerning the amount of the proposed transfer, the
5 appropriation line-items affected by the proposed transfer,
6 and the reasons for the proposed transfer. Chairpersons and
7 ranking members notified shall be given at least two weeks to
8 review and comment on the proposed transfer before the
9 transfer of funds is made.

10 Sec. 15. The department of natural resources shall provide
11 the legislative fiscal bureau information and financial data
12 by cost center, on at least a monthly basis, relating to the
13 indirect cost accounting procedure, the amount of funding from
14 each funding source for each cost center, and the internal
15 budget system used by the department. The information shall
16 include but is not limited to financial data covering the
17 department's budget by cost center and funding source prior to
18 the start of the fiscal year, and to the department's actual
19 expenditures by cost center and funding source after the
20 accounting system has been closed for that fiscal year.

21 Sec. 16. All federal grants to and the federal receipts,
22 not otherwise appropriated, of the agencies appropriated funds
23 under this Act are appropriated for the purposes set forth in
24 the federal grants or receipts, unless otherwise provided by
25 the general assembly.

26 Sec. 17. 1986 Iowa Acts, chapter 1246, section 505,
27 subsection 7, unnumbered paragraph 3, is amended to read as
28 follows:

29 The department is authorized to utilize from funds
30 appropriated for payments to governing bodies responsible for
31 publicly owned sewage treatment facilities but which are
32 unexpended an amount not to exceed four hundred ninety-three
33 thousand (493,000) dollars for the state share of the AIDEX
34 superfund cleanup. Any funds remaining in the AIDEX superfund
35 account once the final site cleanup work, excluding the

1 ongoing monitoring of the site, has been completed shall
2 revert to the general fund of the state. ~~The moneys used for~~
3 ~~the state share of the AIBEX superfund cleanup shall be repaid~~
4 ~~not later than June 30, 1989.~~ It is the intent of general
5 assembly that the withdrawal of funds from moneys available
6 for publicly owned sewage treatment facilities shall not be
7 used for any other purpose in future years and the department
8 of natural resources shall report to the general assembly not
9 later than January 1, 1987 on methods to increase funds for
10 the state superfund to meet future needs in this state.

4045.

11 Sec. 18. Section 455E.11, subsection 2, paragraph b,
12 subparagraph (3), subparagraph subdivision (b), Code 1989, is
13 amended to read as follows:

14 (b) Two percent is appropriated annually to the department
15 of natural resources for the purpose of administering grants
16 to counties and conducting oversight of county-based programs
17 relative to the testing of private water supply wells and the
18 proper closure of private abandoned wells. Not more than
19 twenty-three seventeen and one-half percent of the moneys is
20 appropriated annually to the department of natural resources
21 for grants to counties for the purpose of conducting programs
22 of private, rural water supply testing, not more than six
23 percent of the moneys is appropriated annually to the state
24 hygienic laboratory to assist in well testing, and not more
25 than twelve seventeen and one half percent of the moneys is
26 appropriated annually to the department of natural resources
27 for grants to counties for the purpose of conducting programs
28 for properly closing abandoned, rural water supply wells.

4045

29 Sec. 19. Sections 4 and 17 of this Act, being deemed of
30 immediate importance, take effect upon enactment.

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32
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34
35

HOUSE FILE 778

S-3996

1 Amend House File 778 as follows:
 2 1. Page 8, by inserting before line 24, the
 3 following:
 4 " To contract for a study to investigate the
 5 feasibility of dredging Backbone Lake in Delaware
 6 county:
 7 S 50,000
 8 The department shall report the findings and
 9 recommendations of the study to the governor and
 10 general assembly not later than February 1, 1990."
 11 2. By renumbering as necessary.

By PAUL D. PATE

S-3996 FILED APRIL 28, 1989

lost 52-59 (p.1841)

HOUSE FILE 778

S-3977

1 Amend House File 778, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. By striking page 9, line 33, through page 10,
 4 line 4.

By RICHARD VARN

S-3977 FILED APRIL 27, 1989

withdrewn 52-59 (p.1841)

HOUSE FILE 778

S-4045

1 Amend House File 778, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 11, by striking the figure
4 "1,113,777" and inserting the following: "1,259,777".

5 2. Page 1, line 29, by striking the figure
6 "42.24" and inserting the following: "45.24".

7 3. Page 1, by striking lines 30 and 31 and
8 inserting the following:

9 "g. As a condition, limitation, and qualification
10 of the appropriation from the general fund under
11 paragraph "a" of this subsection, \$55,459 shall be
12 allocated from the appropriation".

13 4. Page 2, by striking lines 5 and 6 and
14 inserting the following:

15 "h. As a condition, limitation, and qualification
16 of the appropriation from the general fund under
17 paragraph "a" of this subsection, \$50,000 shall be
18 allocated from the appropriation".

19 5. Page 2, by inserting after line 8 the
20 following:

21 " . As a condition, limitation, and
22 qualification of the appropriation from the general
23 fund under paragraph "a" of this subsection, \$96,000
24 shall be allocated from the appropriation for the
25 salary and support of three information specialist
26 positions.

27 " . As a condition, limitation, and qualification
28 of the appropriation from the general fund under
29 paragraph "a" of this subsection, \$50,000 shall be
30 allocated from the appropriation to the state 4-H
31 foundation to foster the development of Iowa's youth
32 and to encourage them to study the subject of
33 agriculture."

34 6. Page 2, by striking lines 15 through 17 and
35 inserting the following:

36 "b. As a condition, limitation, and qualification
37 of the appropriation from the general fund under
38 paragraph "a" of this subsection, \$346,379 shall be
39 allocated from the appropriation to the horticulture
40 division for the".

41 7. Page 2, line 21, by striking the word "An" and
42 inserting the following:

43 " . As a condition, limitation, and
44 qualification of the appropriation from the general
45 fund under this section, an".

46 8. Page 2, by striking lines 27 through 30, and
47 inserting the following: "ending June 30, 1990. The
48 amount shall be allocated to the state 4-H foundation
49 to foster the development of Iowa's youth and to
50 encourage them to study the subject of agriculture."

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- 1 9. Page 2, line 31, by striking the word
- 2 "FARMER'S" and inserting the following: "FARMERS".
- 3 10. Page 2, line 34, by striking the word
- 4 "farmer's" and inserting the following: "farmers".
- 5 11. Page 3, line 1, by striking the word
- 6 "farmer's" and inserting the following: "farmers".
- 7 12. Page 3, by striking lines 11 and 12 and
- 8 inserting the following:
- 9 "b. As a condition, limitation, and qualification
- 10 of the appropriation from the general fund under
- 11 paragraph "a" of this subsection, \$11,250 shall be
- 12 allocated from the appropriation".
- 13 13. Page 3, by striking lines 20 through 29.
- 14 14. Page 4, by striking lines 8 and 9 and
- 15 inserting the following:
- 16 "e. As a condition, limitation, and qualification
- 17 of the appropriation from the general fund under
- 18 paragraph "a" of this subsection, \$150,000 shall be
- 19 allocated from the appropriation".
- 20 15. Page 4, by striking lines 22 and 23, and
- 21 inserting the following:
- 22 "b. As a condition, limitation, and qualification
- 23 of the appropriation from the general fund under
- 24 paragraph "a" of this subsection, \$303,436 shall be
- 25 allocated from the appropriation to".
- 26 16. Page 4, by striking lines 26 and 27 and
- 27 inserting the following:
- 28 "c. As a condition, limitation, and qualification
- 29 of the appropriation from the general fund under
- 30 paragraph "a" of this subsection, \$150,000 shall be
- 31 allocated from the appropriation".
- 32 17. Page 5, by striking lines 3 and 4 and
- 33 inserting the following:
- 34 "e. As a condition, limitation, and qualification
- 35 of the appropriation from the general fund under
- 36 paragraph "d" of this subsection, the following
- 37 requirements apply to the funds appropriated by
- 38 paragraph "d":
- 39 18. Page 6, by striking lines 15 and 16, and
- 40 inserting the following:
- 41 "As a condition, limitation, and qualification of
- 42 the appropriation under this section, \$39,748 shall be
- 43 allocated from the appropriation for the salary and
- 44 support of a livestock".
- 45 19. Page 7, line 10, by striking the figure
- 46 "37,400" and inserting the following: "62,400".
- 47 20. Page 7, by striking lines 11 through 14, and
- 48 inserting the following:
- 49 "1. As a condition, limitation, and qualification
- 50 of the appropriation from the general fund under this

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1 section, \$37,400 from the appropriation shall be
2 transferred to the state board of regents for the use
3 of the department of plant pathology at Iowa state
4 university of science and technology for purposes
5 related to researching the multiflora rose virus.

6 2. a. As a condition, limitation, and
7 qualification of the appropriation from the general
8 fund under this section, \$25,000 shall be used from
9 the appropriation by the department of agriculture and
10 land stewardship for the purpose of partially
11 reimbursing agricultural landowners or tenants for the
12 cost of herbicide for controlling or eradicating the
13 multiflora rose which has severely infested their
14 agricultural land. Not more than five percent of the
15 funds appropriated under this paragraph shall be used
16 for administrative expenses.

17 b. A county board of supervisors desiring a share
18 of the amount appropriated under paragraph "a" of this
19 subsection shall, in conjunction with the county weed
20 commissioner and the county soil conservation district
21 commissioners, develop a plan to combat severe
22 infestations of multiflora rose on privately owned
23 land within the county. The plan shall be based upon
24 partial reimbursement of individual landowner's costs
25 for the purchase of herbicide from both state and
26 county appropriations; however, the share of costs
27 reimbursed by state funds shall not exceed one-fourth.
28 The plan shall be submitted to the secretary of
29 agriculture for approval or recommendations for
30 modification.

31 c. A landowner or tenant whose agricultural land
32 is severely infested by multiflora roses may apply to
33 the soil conservation district commissioners of the
34 county for partial reimbursement, according to the
35 approved plan, of the cost of herbicide for
36 controlling or eradicating the multiflora rose on the
37 agricultural land. The county weed commissioner shall
38 assist the soil conservation district commissioners in
39 investigating the application and determining if the
40 infestation is severe. The soil conservation district
41 commissioners shall review and approve each
42 application for partial cost reimbursement if the
43 infestation is severe on the applicant's agricultural
44 land. If the soil conservation district commissioners
45 find the amount of reimbursement claimed to be
46 excessive, the district commissioners may approve a
47 lesser amount. The reasons for disapproval of an
48 application or reduction of the amount of
49 reimbursement shall be sent in writing to the
50 applicant. The amount of reimbursement certified by

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1 the secretary shall be paid by warrant issued by the
2 director of revenue and finance.

3 d. Federal lands and federal land tenants are not
4 eligible for reimbursement under this subsection."

5 21. Page 7, line 24, by striking the figure
6 "12,200,534" and inserting the following:

7 "12,841,534".

8 22. Page 7, line 25, by striking the figure
9 "973.10" and inserting the following: "970.10".

10 23. Page 7, by striking lines 26 and 27, and
11 inserting the following:

12 "b. As a condition, limitation, and qualification of
13 the appropriation under paragraph "a" of this
14 subsection, \$30,000 shall be allocated from the
15 appropriation for the position of".

16 24. Page 7, line 29, by inserting after the word
17 "plans." the following: "Three information specialist
18 positions shall be transferred to the department of
19 agriculture and land stewardship. Persons holding the
20 positions within the department may transfer with the
21 positions."

22 25. Page 7, by striking lines 30 and 31, and
23 inserting the following:

24 "c. As a condition, limitation, and qualification
25 of the appropriation under paragraph "a" of this
26 subsection, \$78,000 shall be allocated from the
27 appropriation for the purchase of".

28 26. By striking page 7, line 35, through page 8,
29 line 1, and inserting the following:

30 "d. As a condition, limitation, and qualification
31 of the appropriation under paragraph "a" of this
32 subsection, \$51,226 shall be allocated from the
33 appropriation for general maintenance".

34 27. Page 8, by striking lines 3 and 4, and
35 inserting the following:

36 "e. As a condition, limitation, and qualification
37 of the appropriation under paragraph "a" of this
38 subsection, \$30,000 shall be allocated for the
39 purchase of".

40 28. Page 8, by striking lines 6 and 7, and
41 inserting the following:

42 "f. As a condition, limitation, and qualification
43 of the appropriation under paragraph "a" of this
44 subsection, \$50,000 shall be allocated from the
45 appropriation for the salary and".

46 29. Page 8, by striking lines 10 and 11, and
47 inserting the following:

48 "g. As a condition, limitation, and qualification
49 of the appropriation under paragraph "a" of this
50 subsection, \$37,500 shall be allocated from the

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1 appropriation for the salary and".

2 30. Page 8, by striking lines 15 and 16, and
3 inserting the following:

4 "h. As a condition, limitation, and qualification
5 of the appropriation under paragraph "a" of this
6 subsection, \$23,832 shall be allocated from the
7 appropriation to reimburse the".

8 31. Page 8, by inserting after line 23 the
9 following:

10 " . As a condition, limitation, and
11 qualification of the appropriation under paragraph "a"
12 of this subsection, not more than the following
13 amounts from the appropriation and full-time
14 equivalent positions shall be expended and authorized
15 for the purposes designated:

16 (1) Office of director		
17	\$	59,817
18	FTEs	5.95
19 (2) Administrative services division		
20	\$	1,441,376
21	FTEs	126.15
22 (3) Coordination and information division		
23	\$	808,340
24	FTEs	41.45
25 (4) Energy and geological resources division		
26	\$	1,216,580
27	FTEs	59.12
28 (5) Environmental protection division		
29	\$	2,175,061
30	FTEs	147.50
31 (6) Forests and forestry division		
32	\$	1,441,438
33	FTEs	54.64
34 (7) Parks, recreation and preserves division		
35	\$	5,199,572
36	FTEs	206.05

37 If an amount is expended in excess of the amount
38 designated for any purpose, including any division
39 specified under this paragraph, the department shall
40 notify the legislative fiscal bureau, the chairpersons
41 of the standing appropriations committees of the
42 senate and house of representatives, and the
43 chairpersons of the agriculture and natural resources
44 appropriations subcommittee pursuant to section 8.39.

45 . As a condition, limitation, and qualification
46 of the appropriation under paragraph "a" of this
47 subsection, \$250,000 shall be allocated from the
48 appropriation to restore and repair the dam on the
49 Cedar river in the city of Nashua. However, this
50 paragraph shall not take effect and the appropriation

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1 under paragraph "a" of this subsection shall be
2 reduced by \$250,000, if money is appropriated from the
3 "Jobs Now" account provided in section 99E.31 for the
4 purposes of restoration and repair of the dam,
5 pursuant to an enactment in 1989 by the Seventy-third
6 General Assembly.

7 _____. As a condition, limitation, and qualification
8 of the appropriation under paragraph "a" of this
9 subsection, \$50,000 shall be allocated from the
10 appropriation to restore and repair the dam at the
11 city of Oxford Mills.

12 _____. As a condition, limitation, and qualification
13 of the appropriation under paragraph "a" of this
14 subsection, \$50,000 shall be allocated from the
15 appropriation to contract for a study to investigate
16 the feasibility of expanding and modernizing the
17 public water supply system in Winterset, in order to
18 increase the supply of water to serve the increasing
19 demand of the city and to serve surrounding
20 communities. The department shall report the findings
21 and recommendations of the study to the governor and
22 general assembly not later than February 1, 1990.

23 _____. As a condition, limitation, and qualification
24 of the appropriation under paragraph "a" of this
25 subsection, \$75,000 shall be allocated from the
26 appropriation to contract with an Iowa-based
27 consulting firm to investigate the feasibility of
28 creating a destination center at a public lake area
29 not less than eleven thousand acres in size. The
30 department shall report the findings and
31 recommendations of the study to the governor and
32 general assembly not later than February 1, 1990.

33 _____. As a condition, limitation, and qualification
34 of the appropriation under paragraph "a" of this
35 subsection, \$300,000 shall be allocated from the
36 appropriation for grants to counties for the purpose
37 of conducting programs for properly closing abandoned
38 rural water supply wells to supplement funds
39 appropriated under section 455E.11, subsection 2,
40 paragraph "b", subparagraph (3), subparagraph
41 subdivision (b)."

42 32. By striking page 9, line 4, through page 10,
43 line 4.

44 33. Page 10, line 26, by striking the word
45 "Funds" and inserting the following:

46 "As a condition, limitation, and qualification of
47 the appropriations under this section, funds".

48 34. Page 11, line 23, by striking the word "The"
49 and inserting the following:

50 "As a condition, limitation, and qualification of

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1 the appropriations made under this section, the".
2 35. By striking page 11, line 30 through page 12,
3 line 13.

4 36. Page 14, by inserting after line 10, the
5 following:

4061 6 "Sec. _____. The department of natural resources for
7 the period beginning July 1, 1989, and ending June 30,
8 1991, shall not construct or erect a dam or other
9 structure creating a new artificial lake or water
10 impoundment at Brushy Creek state recreation area or
11 at the Lost Grove area.

12 Sec. _____. 1987 Iowa Acts, chapter 233, section
13 204, subsection 5, is amended to read as follows:

14 5. It is the intention of the general assembly in
15 adopting the appropriation under subsection 1 and this
16 subsection to cease funding for the department's
17 implementation of the federal Resource Conservation
18 and Recovery Act permit program for hazardous waste
19 facilities in this state. Section 455B.411,
20 subsections 6, 9, and 10, section 455B.412,
21 subsections 2 through 4, and sections 455B.413 through
22 455B.421 are suspended and do not apply as they
23 pertain to that permit program, but are not suspended
24 and do apply as they pertain to abandoned and
25 uncontrolled sites, used oil, and site licensing under
26 chapter 455B, division IV, part 6. The suspension
27 provided by this subsection begins July 1, 1987 and
28 ends June 30, ~~1989~~ 1990.

404629 Sec. _____. Section 111.3, Code 1989, is amended by
30 adding the following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. On or after the
32 effective date of this Act, an anaerobic lagoon or
33 disposal system, as defined in section 455B.171, shall
34 not be constructed within ten thousand five hundred
35 sixty feet of a state park under the jurisdiction of
36 the department unless the natural resource commission
37 approves the construction. The natural resource
38 commission shall adopt rules pursuant to chapter 17A
39 delineating the criteria to be used to evaluate the
40 impact of an anaerobic lagoon or disposal system on
41 the public use and enjoyment of a state park. The
42 criteria may include, but are not limited to,
43 aesthetic considerations, odors, and facility and
44 building design.

45 Sec. _____. Section 172C.4, subsection 2, Code 1989,
46 is amended by striking the subsection and inserting in
47 lieu thereof the following:

48 2. Agricultural land acquired for research or
49 experimental purposes. Agricultural land is used for
50 research or experimental purposes if any of the

1 following apply:

2 a. Research and experimental activities are under-
3 taken on the agricultural land and commercial sales of
4 products produced from farming the agricultural land
5 do not occur or are incidental to the research or
6 experimental purposes of the corporation. Commercial
7 sales are incidental to the research or experimental
8 purposes of the corporation when such sales are less
9 than twenty-five percent of the gross sales of the
10 primary product of the research.

4070 11 b. The agricultural land is used by a corporation,
12 including any trade or business which is under common
13 control, as provided in 26 U.S.C. § 414 for the
14 primary purpose of testing, developing, or producing
15 seeds, animals, or plants for sale or resale to
16 farmers as seed stock or breeding stock. However,
17 after the effective date of this Act, to qualify under
18 this paragraph, the following conditions must be
19 satisfied:

20 (1) The corporation must not hold the agricultural
21 land other than as a lessee. The term of the lease
22 must be for not more than twelve years. The
23 corporation shall not renew a lease. The corporation
24 shall not enter into a lease under this paragraph, if
25 the corporation has ever entered into another lease
26 under this paragraph, whether or not the lease is in
27 effect. However, this subparagraph does not apply to
28 a domestic corporation organized under chapter 504 or
29 504A.

4070 30 (2) A term or condition of sale, including resale,
31 or seed stock or breeding stock must not relate to the
32 direct or indirect control by the corporation of the
33 breeding stock, breeding stock progeny, or seed stock
34 subsequent to the sale.

35 (3) The number of acres of agricultural land held
36 by the corporation must not exceed six hundred forty
37 acres.

38 (4) The corporation must deliver a copy of the
39 lease to the secretary of state. The secretary of
40 state shall notify the lessee of receipt of the copy
41 of the lease. However, this subparagraph does not
42 apply to a domestic corporation organized under
43 chapter 504 or 504A.

4070 44 Culls, test animals, seeds, or plants may be sold
45 under this paragraph "b". For a three-year period
46 beginning on the date that the corporation acquires an
47 interest in the agricultural land, the gross sales for
48 any year shall not be greater than five hundred
49 thousand dollars. After the three-year period ends,
50 the gross sales for any year shall not be greater than

1 twenty-five percent of the gross sales for that year
4070 2 of the seed stock or breeding stock, or five hundred
3 thousand dollars, whichever is less.

4 Sec. ____ . NEW SECTION. 172C.6 LESSEES CONDUCTING
5 RESEARCH OR EXPERIMENTS.

6 Lessees of agricultural land under section 172C.4,
7 subsection 2, paragraph "b", for research or
8 experimental purposes, shall file a report with the
9 secretary of state on or before March 31 of each year
10 on forms adopted pursuant to chapter 17A and supplied
11 by the secretary of state. The report shall contain
12 the following information for the last year:

13 1. The name and principal place of business of the
14 lessee.

15 2. The location of the agricultural land used for
16 research or experimental purposes.

17 3. The date that the lease became effective.

18 4. The name and address of each person purchasing
4070 19 seed stock or breeding stock produced on the
20 agricultural land.

4070 21 5. The number or volume of breeding stock or seed
22 stock purchased by each person purchasing seed stock
23 or breeding stock produced on the agricultural land.

24 Sec. ____ . Section 173.16, Code 1989, is amended by
25 adding the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. In order to efficiently
27 administer facilities and events on the state
28 fairgrounds, and to promote Iowa's conservation ethic,
29 the Iowa state fair board shall handle or dispose of
30 waste generated on the state fair grounds under
31 supervision of the waste management authority
32 established under section 455B.483.

33 Sec. ____ . Section 206.2, Code 1989, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 30. "Animal health pesticide"
36 means a pesticide applied internally or externally to
37 an animal or applied to the premises where an animal
38 is kept to preserve or protect the health of the
39 animal as provided by departmental rule. As used in
40 this subsection, "animal" means a living vertebrate
41 animal and includes a bird, fish, or mammal but
42 excludes a human being.

43 Sec. ____ . Section 206.12, subsection 3, Code 1989,
44 is amended to read as follows:

45 3. The registrant, before selling or offering for
46 sale any pesticide for use in this state, shall
47 register each brand and grade of such pesticide with
48 the secretary upon forms furnished by the secretary,
49 and the secretary shall set the registration fee
50 annually at one-fifth of one percent of gross sales

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1 within this state with a minimum fee of two hundred
2 fifty dollars and a maximum fee of three thousand
3 dollars for each and every brand and grade to be
4 offered for sale in this state except as otherwise
5 provided. The annual registration fee for products
6 with gross annual sales in this state of less than one
7 million five hundred thousand dollars shall be the
8 greater of two hundred fifty dollars or one-fifth of
9 one percent of the gross annual sales as established
10 by affidavit of the registrant. The secretary shall
11 adopt by rule exemptions to the minimum fee. An
12 animal health pesticide may be exempted from payment
13 of the minimum fee, if the secretary determines that
14 the specific animal health pesticide is not likely to
15 contaminate the groundwater. The secretary shall
16 adopt rules by July 1, 1990, for exempting payment of
17 the minimum fee for animal health pesticides. If an
18 animal health pesticide is exempted from the minimum
19 fee under this subsection, a registrant shall pay a
20 fee of twenty dollars for each and every brand and
21 grade of such pesticide offered for sale in this
22 state. Fifty An amount of up to fifty dollars of
23 each fee collected shall be deposited in the treasury
24 to the credit of the pesticide fund to be used only
25 for the purpose of enforcing the provisions of this
26 chapter and the remainder of each fee collected shall
27 be placed in the agriculture management account of the
28 groundwater protection fund.

29 Sec. ____ . Section 206.12, subsection 7, paragraph
30 d, Code 1989, is amended by adding the following new
31 unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. A licensee under section
33 206.8 who offers for sale an animal health pesticide
34 exempted under subsection 3 from the payment of the
35 minimum fee shall not be required to report
36 information relating to such pesticide as required
37 under this subsection.

4046 38 Sec. ____ . Section 455B.134, subsection 3,
39 paragraph e, subparagraph (1), unnumbered paragraph 1,
40 Code 1989, is amended to read as follows:

41 Notwithstanding any other provision of division II
42 of this chapter, and subject to section 111.3, the
43 following siting requirements shall apply to anaerobic
44 lagoons:"

45 37. Page 14, by inserting after line 28 the
46 following:

47 "Sec. ____ . Section 511.8, subsection 10, paragraph
48 b, Code 1989, is amended to read as follows:

49 b. Any real estate acquired through foreclosure,
50 or in settlement or satisfaction of any indebtedness.

1 Any company or association may improve real estate so
2 acquired or remodel existing improvements and exchange
3 such real estate for other real estate or securities,
4 and real estate acquired by such exchange may be
5 improved or the improvements remodeled. ~~Any farm-real~~
6 ~~estate-acquired-under-this-paragraph-shall-be-sold~~
7 ~~within-five-years-from-the-date-of-acquisition-unless~~
8 ~~the-commissioner-of-insurance-shall-extend-the-time~~
9 ~~for-such-period-or-periods-as-seem-warranted-by-the~~
10 ~~circumstances.~~

11 Sec. ____ . NEW SECTION. 511.8A AGRICULTURAL LAND.

12 Agricultural land, as defined in section 172C.1,
13 acquired as provided in section 511.8, subsection 10,
14 paragraph "b", by a life insurance company or
15 association incorporated by or organized under the
16 laws of this or any other state, shall be sold or
17 otherwise disposed of by the company or association
18 within five years after title is vested in the company
19 or association. A life insurance company or
20 association is a corporation for purposes of chapter
21 172C.

22 Sec. ____ . Section 567.3, subsection 3, paragraph
23 d, Code 1989, is amended by striking the paragraph and
24 inserting in lieu thereof the following:

25 d. Agricultural land acquired for research or
26 experimental purposes. Agricultural land is used for
27 research or experimental purposes if any of the
28 following apply:

29 (1) Research and experimental activities are
30 undertaken on the agricultural land and commercial
31 sales of products produced from farming the
32 agricultural land do not occur or are incidental to
33 the research or experimental purposes of the
34 corporation. Commercial sales are incidental to the
35 research or experimental purposes of the corporation
36 when such sales are less than twenty-five percent of
37 the gross sales of the primary product of the
38 research.

4070 39 (2) The agricultural land is used for the primary
40 purpose of testing, developing, or producing seeds,
41 animals, or plants for sale or resale to farmers as
42 seed stock or breeding stock. However, after the
43 effective date of this Act, to qualify under this
44 paragraph, the following conditions must be satisfied:

45 (a) The nonresident alien, foreign business, or
46 foreign government or an agent, trustee, or fiduciary
47 of the alien, business, or government must not hold
48 the agricultural land other than as a lessee. The
49 term of the lease must be for not more than twelve
50 years. A lessee shall not renew a lease entered into

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1 under this subparagraph (2). The lessee shall not
2 enter into a lease under this paragraph, if another
3 lease under this paragraph has been entered into by
4 the lessee.

5 (b) A term or condition of sale, including resale,
6 of seed stock or breeding stock must not relate to the
7 direct or indirect control by the lessee of the
4670 8 breeding stock, the breeding stock progeny, or seed
9 stock subsequent to the sale.

10 (c) The number of acres of agricultural land held
11 by the lessee must not exceed six hundred forty acres.

12 (d) The lessee must deliver a copy of the lease to
13 the secretary of state. The secretary of state shall
14 notify the lessee of receipt of the copy of the lease.

4670 15 Culls, test animals, seeds, or plants may be sold
16 under this subparagraph (2). For a three-year period
17 beginning on the date that the lease takes effect, the
18 gross sales for any year shall not be greater than
19 five hundred thousand dollars. After the three-year
20 period ends, the gross sales for any year shall not be
21 greater than twenty-five percent of the gross sales
22 for that year of the seed stock or breeding stock, or
23 five hundred thousand dollars, whichever is less. As
24 used in this subparagraph (2), "lessee" means a
25 nonresident alien, foreign business, or foreign
26 government, or an agent, trustee, or fiduciary acting
27 on behalf of the nonresident alien, foreign business,
28 or foreign government, or any other trade or business
29 which is under the lessee's common control as provided
30 in 26 U.S.C. § 414.

31 Sec. ____ . NEW SECTION. 567.8A LESSEES CONDUCTING
32 RESEARCH OR EXPERIMENTS.

33 Lessees of agricultural land under section 567.3,
34 subsection 3, paragraph "d", subparagraph (2), for
35 research or experimental purposes, shall file a report
36 with the secretary of state on or before March 31 of
37 each year on forms adopted pursuant to chapter 17A and
38 supplied by the secretary of state. The report shall
39 contain the following information for the last year:

40 1. The name and principal place of business of the
41 lessee.

42 2. The location of the agricultural land used for
43 research or experimental purposes.

44 3. The date that the lease became effective.

45 4. The name and address of each person purchasing
46 46 seed stock or breeding stock produced on the
47 agricultural land.

4670 48 5. The number or volume of breeding stock or seed
49 stock purchased by each person purchasing seed stock
50 or breeding stock produced on the agricultural land."

SENATE 37
MAY 2, 1989

S-4045 - Page 13

- 1 38. Title page, line 3, by striking the words "to
- 2 an environmental fund,".
- 3 39. Title page, line 4, by inserting after the
- 4 word "protection," the following: "the acquisition
- 5 and use of land,".
- 6 40. By renumbering as necessary.

S-4045
FILED MAY 4, 1989

Advised 5-289 (p184)

BY COMMITTEE ON APPROPRIATIONS
JOE J. WELSH, CHAIRPERSON

HOUSE FILE 778

S-4050

1 Amend the amendment, S-4045, to House File 778, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 12, by inserting after line 50 the
 5 following:

6 "Sec. ____ . Section 172C.4, subsection 2, as
 7 amended in this Act, and section 172C.6, as enacted in
 8 this Act, are repealed on July 1, 2001. Effective
 9 July 1, 2001, section 172C.4, subsection 2, Code 1989,
 10 is reenacted.

11 Sec. ____ . Section 567.3, subsection 3, paragraph
 12 d, as amended in this Act, and section 567.8A, as
 13 enacted in this Act, are repealed on July 1, 2001.
 14 Effective July 1, 2001, section 567.3, subsection 3,
 15 paragraph d, Code 1989, is reenacted."

By RICHARD VARN

S-4050 FILED MAY 2, 1989

ADOPTED

5-2-89 (p 1840)

HOUSE FILE 778

S-4061

1 Amend amendment, S-4045, to House File 778, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 7, by striking lines 6 through 11.

5 2. By renumbering as necessary.

By C. JOSEPH COLEMAN

S-4061 FILED MAY 2, 1989

LOST

5-2-89 (p 1840)

HOUSE FILE 778

S-4066

1 Amend the amendment, S-4045, to House File 778, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, by striking lines 48 through 50 and
 5 inserting the following: "amount shall be used by the
 6 department.""

By JIM RIORDAN

S-4066 FILED MAY 2, 1989

ADOPTED

5-2-89 (p 1840)

HOUSE FILE 778

S-4046

1 Amend amendment, S-4045, to House File 778, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. Page 7, by striking lines 29 through 44.
- 5 2. Page 10, by striking lines 38 through 44.

By EUGENE FRAISE
DONALD DOYLE
JOHN SCORRÖLTZ
KENNETH SCOTT

JACK HESTER
JOHN KIBBLE
BERL E. PRIEBE
DALE L. TIEDEN

S-4046 FILED MAR 2, 1989

ADMITTED

52-39 (p 1840)

HOUSE FILE 778

S-4070

Amend the amendment, S-1045, to House File 778, as amended, passed, and reprinted by the House as follows:

1. Page 8, by inserting after line 10 the following:

"_____. The agricultural land is used for the primary purpose of testing, developing, or producing seeds or plants for sale or resale to farmers as seed stock. Grain which is not sold as seed stock is an incidental sale and must be less than twenty-five percent of the gross sales of the primary product of the research and experimental activities."
2. Page 8, by striking lines 15 and 16 and inserting the following: "animals for sale or resale to farmers as breeding stock. However,".
3. Page 8, line 31, by striking the words "or seed stock or" and inserting the following: "of".
4. Page 8, by striking line 33, and inserting the following: "breeding stock or breeding stock progeny".
5. Page 8, by striking line 44 and inserting the following:

"Culls and test animals may be sold".
6. Page 9, line 2, by striking the words "seed stock or".
7. Page 9, line 19, by striking the words "seed stock or".
8. Page 9, by striking lines 21 through 23 and inserting the following:

"5. The number or volume of breeding stock purchased by each person purchasing breeding stock produced on the agricultural land."
9. Page 11, by inserting after line 38 the following:

"_____. The agricultural land is used for the primary purpose of testing, developing, or producing seeds or plants for sale or resale to farmers as seed stock. Grain which is not sold as seed stock is an incidental sale and must be less than twenty-five percent of the gross sales of the primary product of the research and experimental activities."
10. Page 11, by striking lines 40 and 41 and inserting the following: "purpose of testing, developing, or producing animals for sale or resale to farmers as".
11. Page 11, line 42, by striking the words "seed stock or".
12. Page 12, by striking lines 8 and 9, and inserting the following: "breeding stock or breeding stock progeny subsequent to the sale."

S-4070

Page 2

- 1 13. Page 12, by striking line 15 and inserting
- 2 the following:
- 3 "Culls and test animals may be sold".
- 4 14. Page 12, line 22, by striking the words "seed
- 5 stock or".
- 6 15. Page 12, line 46, by striking the words "seed
- 7 stock or".
- 8 16. Page 12, by striking lines 48 through 50 and
- 9 inserting the following:
- 10 "5. The number or volume of breeding stock
- 11 purchased by each person purchasing breeding stock
- 12 produced on the agricultural land."

By BERL E. PRIEBE
 JIM RIORDAN
 JACK W. HESTER

S-4070 FILED MAY 2, 1989

ADOPTED

5-2-89 (p. 1841)

HOUSE FILE 778

S-4071

- 1 Amend House File 778, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 12, by inserting before line 14 the
- 4 following:
- 5 "Sec. ____ There is appropriated from the general
- 6 fund of the state for the fiscal year beginning July
- 7 1, 1989, and ending June 30, 1990, the following
- 8 amount, or so much thereof as is necessary, to be used
- 9 to restore and repair the Klondike dam in Lyon county:
- 10 S 50,000".
- 11 2. By renumbering as necessary.

By RICHARD VANDE HOEF

S-4071 FILED MAY 2, 1989

LOST

5-2-89 (p. 1845)

SENATE AMENDMENT TO HOUSE FILE 778

H-4392

1 Amend House File 778, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 11, by striking the figure
4 "1,113,777" and inserting the following: "1,259,777".

5 2. Page 1, line 29, by striking the figure
6 "42.24" and inserting the following: "45.24".

7 3. Page 1, by striking lines 30 and 31 and
8 inserting the following:

9 "g. As a condition, limitation, and qualification
10 of the appropriation from the general fund under
11 paragraph "a" of this subsection, \$55,459 shall be
12 allocated from the appropriation".

13 4. Page 2, by striking lines 5 and 6 and
14 inserting the following:

15 "h. As a condition, limitation, and qualification
16 of the appropriation from the general fund under
17 paragraph "a" of this subsection, \$50,000 shall be
18 allocated from the appropriation".

19 5. Page 2, by inserting after line 8 the
20 following:

21 "_____. As a condition, limitation, and
22 qualification of the appropriation from the general
23 fund under paragraph "a" of this subsection, \$96,000
24 shall be allocated from the appropriation for the
25 salary and support of three information specialist
26 positions.

27 _____. As a condition, limitation, and qualification
28 of the appropriation from the general fund under
29 paragraph "a" of this subsection, \$50,000 shall be
30 allocated from the appropriation to the state 4-H
31 foundation to foster the development of Iowa's youth
32 and to encourage them to study the subject of
33 agriculture."

34 6. Page 2, by striking lines 15 through 17 and
35 inserting the following:

36 "b. As a condition, limitation, and qualification
37 of the appropriation from the general fund under
38 paragraph "a" of this subsection, \$346,379 shall be
39 allocated from the appropriation to the horticulture
40 division for the".

41 7. Page 2, line 21, by striking the word "An" and
42 inserting the following:

43 "_____. As a condition, limitation, and
44 qualification of the appropriation from the general
45 fund under this section, an".

46 8. Page 2, by striking lines 27 through 30, and
47 inserting the following: "ending June 30, 1990. The
48 amount shall be used by the department."

49 9. Page 2, line 31, by striking the word
50 "FARMER'S" and inserting the following: "FARMERS".

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Page 2

- 1 10. Page 2, line 34, by striking the word
2 "farmer's" and inserting the following: "farmers".
3 11. Page 3, line 1, by striking the word
4 "farmer's" and inserting the following: "farmers".
5 12. Page 3, by striking lines 11 and 12 and
6 inserting the following:
7 "b. As a condition, limitation, and qualification
8 of the appropriation from the general fund under
9 paragraph "a" of this subsection, \$11,250 shall be
10 allocated from the appropriation".
11 13. Page 3, by striking lines 20 through 29.
12 14. Page 4, by striking lines 8 and 9 and
13 inserting the following:
14 "e. As a condition, limitation, and qualification
15 of the appropriation from the general fund under
16 paragraph "a" of this subsection, \$150,000 shall be
17 allocated from the appropriation".
18 15. Page 4, by striking lines 22 and 23, and
19 inserting the following:
20 "b. As a condition, limitation, and qualification
21 of the appropriation from the general fund under
22 paragraph "a" of this subsection, \$303,436 shall be
23 allocated from the appropriation to".
24 16. Page 4, by striking lines 26 and 27 and
25 inserting the following:
26 "c. As a condition, limitation, and qualification
27 of the appropriation from the general fund under
28 paragraph "a" of this subsection, \$150,000 shall be
29 allocated from the appropriation".
30 17. Page 5, by striking lines 3 and 4 and
31 inserting the following:
32 "e. As a condition, limitation, and qualification
33 of the appropriation from the general fund under
34 paragraph "d" of this subsection, the following
35 requirements apply to the funds appropriated by
36 paragraph "d":
37 18. Page 6, by striking lines 15 and 16, and
38 inserting the following:
39 "As a condition, limitation, and qualification of
40 the appropriation under this section, \$39,748 shall be
41 allocated from the appropriation for the salary and
42 support of a livestock".
43 19. Page 7, line 10, by striking the figure
44 "37,400" and inserting the following: "62,400".
45 20. Page 7, by striking lines 11 through 14, and
46 inserting the following:
47 "l. As a condition, limitation, and qualification
48 of the appropriation from the general fund under this
49 section, \$37,400 from the appropriation shall be
50 transferred to the state board of regents for the use

1 of the department of plant pathology at Iowa state
2 university of science and technology for purposes
3 related to researching the multiflora rose virus.

4 2. a. As a condition, limitation, and
5 qualification of the appropriation from the general
6 fund under this section, \$25,000 shall be used from
7 the appropriation by the department of agriculture and
8 land stewardship for the purpose of partially
9 reimbursing agricultural landowners or tenants for the
10 cost of herbicide for controlling or eradicating the
11 multiflora rose which has severely infested their
12 agricultural land. Not more than five percent of the
13 funds appropriated under this paragraph shall be used
14 for administrative expenses.

15 b. A county board of supervisors desiring a share
16 of the amount appropriated under paragraph "a" of this
17 subsection shall, in conjunction with the county weed
18 commissioner and the county soil conservation district
19 commissioners, develop a plan to combat severe
20 infestations of multiflora rose on privately owned
21 land within the county. The plan shall be based upon
22 partial reimbursement of individual landowner's costs
23 for the purchase of herbicide from both state and
24 county appropriations; however, the share of costs
25 reimbursed by state funds shall not exceed one-fourth.
26 The plan shall be submitted to the secretary of
27 agriculture for approval or recommendations for
28 modification.

29 c. A landowner or tenant whose agricultural land
30 is severely infested by multiflora roses may apply to
31 the soil conservation district commissioners of the
32 county for partial reimbursement, according to the
33 approved plan, of the cost of herbicide for
34 controlling or eradicating the multiflora rose on the
35 agricultural land. The county weed commissioner shall
36 assist the soil conservation district commissioners in
37 investigating the application and determining if the
38 infestation is severe. The soil conservation district
39 commissioners shall review and approve each
40 application for partial cost reimbursement if the
41 infestation is severe on the applicant's agricultural
42 land. If the soil conservation district commissioners
43 find the amount of reimbursement claimed to be
44 excessive, the district commissioners may approve a
45 lesser amount. The reasons for disapproval of an
46 application or reduction of the amount of
47 reimbursement shall be sent in writing to the
48 applicant. The amount of reimbursement certified by
49 the secretary shall be paid by warrant issued by the
50 director of revenue and finance.

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Page 4

1 d. Federal lands and federal land tenants are not
2 eligible for reimbursement under this subsection."

3 21. Page 7, line 24, by striking the figure
4 "12,200,534" and inserting the following:

5 "12,841,534".

6 22. Page 7, line 25, by striking the figure
7 "973.10" and inserting the following: "970.10".

8 23. Page 7, by striking lines 26 and 27, and
9 inserting the following:

10 "b. As a condition, limitation, and qualification
11 of the appropriation under paragraph "a" of this
12 subsection, \$30,000 shall be allocated from the
13 appropriation for the position of".

14 24. Page 7, line 29, by inserting after the word
15 "plans." the following: "Three information specialist
16 positions shall be transferred to the department of
17 agriculture and land stewardship. Persons holding the
18 positions within the department may transfer with the
19 positions."

20 25. Page 7, by striking lines 30 and 31, and
21 inserting the following:

22 "c. As a condition, limitation, and qualification
23 of the appropriation under paragraph "a" of this
24 subsection, \$78,000 shall be allocated from the
25 appropriation for the purchase of".

26 26. By striking page 7, line 35, through page 8,
27 line 1, and inserting the following:

28 "d. As a condition, limitation, and qualification
29 of the appropriation under paragraph "a" of this
30 subsection, \$51,226 shall be allocated from the
31 appropriation for general maintenance".

32 27. Page 8, by striking lines 3 and 4, and
33 inserting the following:

34 "e. As a condition, limitation, and qualification
35 of the appropriation under paragraph "a" of this
36 subsection, \$30,000 shall be allocated for the
37 purchase of".

38 28. Page 8, by striking lines 6 and 7, and
39 inserting the following:

40 "f. As a condition, limitation, and qualification
41 of the appropriation under paragraph "a" of this
42 subsection, \$50,000 shall be allocated from the
43 appropriation for the salary and".

44 29. Page 8, by striking lines 10 and 11, and
45 inserting the following:

46 "g. As a condition, limitation, and qualification
47 of the appropriation under paragraph "a" of this
48 subsection, \$37,500 shall be allocated from the
49 appropriation for the salary and".

50 30. Page 8, by striking lines 15 and 16, and

1 inserting the following:

2 "h. As a condition, limitation, and qualification
3 of the appropriation under paragraph "a" of this
4 subsection, \$23,832 shall be allocated from the
5 appropriation to reimburse the".

6 31. Page 8, by inserting after line 23 the
7 following:

8 " . As a condition, limitation, and
9 qualification of the appropriation under paragraph "a"
10 of this subsection, not more than the following
11 amounts from the appropriation and full-time
12 equivalent positions shall be expended and authorized
13 for the purposes designated:

14	(1) Office of director		
15	.....	\$	59,817
16	.....	FTEs	5.95
17	(2) Administrative services division		
18	.....	\$	1,441,376
19	.....	FTEs	126.15
20	(3) Coordination and information division		
21	.....	\$	808,340
22	.....	FTEs	41.45
23	(4) Energy and geological resources division		
24	.....	\$	1,216,580
25	.....	FTEs	59.12
26	(5) Environmental protection division		
27	.....	\$	2,175,061
28	.....	FTEs	147.50
29	(6) Forests and forestry division		
30	.....	\$	1,441,438
31	.....	FTEs	54.64
32	(7) Parks, recreation and preserves division		
33	.....	\$	5,199,572
34	.....	FTEs	206.05

35 If an amount is expended in excess of the amount
36 designated for any purpose, including any division
37 specified under this paragraph, the department shall
38 notify the legislative fiscal bureau, the chairpersons
39 of the standing appropriations committees of the
40 senate and house of representatives, and the
41 chairpersons of the agriculture and natural resources
42 appropriations subcommittee pursuant to section 8.39.

43 . As a condition, limitation, and qualification
44 of the appropriation under paragraph "a" of this
45 subsection, \$250,000 shall be allocated from the
46 appropriation to restore and repair the dam on the
47 Cedar river in the city of Nashua. However, this
48 paragraph shall not take effect and the appropriation
49 under paragraph "a" of this subsection shall be
50 reduced by \$250,000, if money is appropriated from the

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1 "Jobs Now" account provided in section 99E.31 for the
2 purposes of restoration and repair of the dam,
3 pursuant to an enactment in 1989 by the Seventy-third
4 General Assembly.

5 _____. As a condition, limitation, and qualification
6 of the appropriation under paragraph "a" of this
7 subsection, \$50,000 shall be allocated from the
8 appropriation to restore and repair the dam at the
9 city of Oxford Mills.

10 _____. As a condition, limitation, and qualification
11 of the appropriation under paragraph "a" of this
12 subsection, \$50,000 shall be allocated from the
13 appropriation to contract for a study to investigate
14 the feasibility of expanding and modernizing the
15 public water supply system in Winterset, in order to
16 increase the supply of water to serve the increasing
17 demand of the city and to serve surrounding
18 communities. The department shall report the findings
19 and recommendations of the study to the governor and
20 general assembly not later than February 1, 1990.

21 _____. As a condition, limitation, and qualification
22 of the appropriation under paragraph "a" of this
23 subsection, \$75,000 shall be allocated from the
24 appropriation to contract with an Iowa-based
25 consulting firm to investigate the feasibility of
26 creating a destination center at a public lake area
27 not less than eleven thousand acres in size. The
28 department shall report the findings and
29 recommendations of the study to the governor and
30 general assembly not later than February 1, 1990.

31 _____. As a condition, limitation, and qualification
32 of the appropriation under paragraph "a" of this
33 subsection, \$300,000 shall be allocated from the
34 appropriation for grants to counties for the purpose
35 of conducting programs for properly closing abandoned
36 rural water supply wells to supplement funds
37 appropriated under section 455E.11, subsection 2,
38 paragraph "b", subparagraph (3), subparagraph
39 subdivision (b)."

40 32. By striking page 9, line 4, through page 10,
41 line 4.

42 33. Page 10, line 26, by striking the word
43 "Funds" and inserting the following:
44 "As a condition, limitation, and qualification of
45 the appropriations under this section, funds".

46 34. Page 11, line 23, by striking the word "The"
47 and inserting the following:

48 "As a condition, limitation, and qualification of
49 the appropriations made under this section, the".

50 35. By striking page 11, line 30 through page 12,

1 line 13.

2 36. Page 14, by inserting after line 10, the
3 following:

4 "Sec. _____. The department of natural resources for
5 the period beginning July 1, 1989, and ending June 30,
6 1991, shall not construct or erect a dam or other
7 structure creating a new artificial lake or water
8 impoundment at Brushy Creek state recreation area or
9 at the Lost Grove area.

10 Sec. _____. 1987 Iowa Acts, chapter 233, section
11 204, subsection 5, is amended to read as follows:

12 5. It is the intention of the general assembly in
13 adopting the appropriation under subsection 1 and this
14 subsection to cease funding for the department's
15 implementation of the federal Resource Conservation
16 and Recovery Act permit program for hazardous waste
17 facilities in this state. Section 455B.411,
18 subsections 6, 9, and 10, section 455B.412,
19 subsections 2 through 4, and sections 455B.413 through
20 455B.421 are suspended and do not apply as they
21 pertain to that permit program, but are not suspended
22 and do apply as they pertain to abandoned and
23 uncontrolled sites, used oil, and site licensing under
24 chapter 455B, division IV, part 6. The suspension
25 provided by this subsection begins July 1, 1987 and
26 ends June 30, 1989 1990.

27 Sec. _____. Section 172C.4, subsection 2, Code 1989,
28 is amended by striking the subsection and inserting in
29 lieu thereof the following:

30 2. Agricultural land acquired for research or
31 experimental purposes. Agricultural land is used for
32 research or experimental purposes if any of the
33 following apply:

34 a. Research and experimental activities are under-
35 taken on the agricultural land and commercial sales of
36 products produced from farming the agricultural land
37 do not occur or are incidental to the research or
38 experimental purposes of the corporation. Commercial
39 sales are incidental to the research or experimental
40 purposes of the corporation when such sales are less
41 than twenty-five percent of the gross sales of the
42 primary product of the research.

43 b. The agricultural land is used for the primary
44 purpose of testing, developing, or producing seeds or
45 plants for sale or resale to farmers as seed stock.
46 Grain which is not sold as seed stock is an incidental
47 sale and must be less than twenty-five percent of the
48 gross sales of the primary product of the research and
49 experimental activities.

50 c. The agricultural land is used by a corporation,

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1 including any trade or business which is under common
2 control, as provided in 26 U.S.C. § 414 for the
3 primary purpose of testing, developing, or producing
4 animals for sale or resale to farmers as breeding
5 stock. However, after the effective date of this Act,
6 to qualify under this paragraph, the following
7 conditions must be satisfied:

8 (1) The corporation must not hold the agricultural
9 land other than as a lessee. The term of the lease
10 must be for not more than twelve years. The
11 corporation shall not renew a lease. The corporation
12 shall not enter into a lease under this paragraph, if
13 the corporation has ever entered into another lease
14 under this paragraph, whether or not the lease is in
15 effect. However, this subparagraph does not apply to
16 a domestic corporation organized under chapter 504 or
17 504A.

18 (2) A term or condition of sale, including resale,
19 of breeding stock must not relate to the direct or
20 indirect control by the corporation of the breeding
21 stock or breeding stock progeny subsequent to the
22 sale.

23 (3) The number of acres of agricultural land held
24 by the corporation must not exceed six hundred forty
25 acres.

26 (4) The corporation must deliver a copy of the
27 lease to the secretary of state. The secretary of
28 state shall notify the lessee of receipt of the copy
29 of the lease. However, this subparagraph does not
30 apply to a domestic corporation organized under
31 chapter 504 or 504A.

32 Culls and test animals may be sold under this
33 paragraph "b". For a three-year period beginning on
34 the date that the corporation acquires an interest in
35 the agricultural land, the gross sales for any year
36 shall not be greater than five hundred thousand
37 dollars. After the three-year period ends, the gross
38 sales for any year shall not be greater than twenty-
39 five percent of the gross sales for that year of the
40 breeding stock, or five hundred thousand dollars,
41 whichever is less.

42 Sec. ____ . NEW SECTION. 172C.6 LESSEES CONDUCTING
43 RESEARCH OR EXPERIMENTS.

44 Lessees of agricultural land under section 172C.4,
45 subsection 2, paragraph "b", for research or
46 experimental purposes, shall file a report with the
47 secretary of state on or before March 31 of each year
48 on forms adopted pursuant to chapter 17A and supplied
49 by the secretary of state. The report shall contain
50 the following information for the last year:

- 1 1. The name and principal place of business of the
- 2 lessee.
- 3 2. The location of the agricultural land used for
- 4 research or experimental purposes.
- 5 3. The date that the lease became effective.
- 6 4. The name and address of each person purchasing
- 7 breeding stock produced on the agricultural land.
- 8 5. The number or volume of breeding stock
- 9 purchased by each person purchasing breeding stock
- 10 produced on the agricultural land.

11 Sec. ____ . Section 173.16, Code 1989, is amended by
 12 adding the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. In order to efficiently
 14 administer facilities and events on the state
 15 fairgrounds, and to promote Iowa's conservation ethic,
 16 the Iowa state fair board shall handle or dispose of
 17 waste generated on the state fair grounds under
 18 supervision of the waste management authority
 19 established under section 455B.483.

20 Sec. ____ . Section 206.2, Code 1989, is amended by
 21 adding the following new subsection:

22 NEW SUBSECTION. 20. "Animal health pesticide"
 23 means a pesticide applied internally or externally to
 24 an animal, or applied to the premises where an animal
 25 is kept to preserve or protect the health of the
 26 animal as provided by departmental rule. As used in
 27 this subsection, "animal" means a living vertebrate
 28 animal and includes a bird, fish, or mammal but
 29 excludes a human being.

30 Sec. ____ . Section 206.12, subsection 3, Code 1989,
 31 is amended to read as follows:

32 3. The registrant, before selling or offering for
 33 sale any pesticide for use in this state, shall
 34 register each brand and grade of such pesticide with
 35 the secretary upon forms furnished by the secretary,
 36 and the secretary shall set the registration fee
 37 annually at one-fifth of one percent of gross sales
 38 within this state with a minimum fee of two hundred
 39 fifty dollars and a maximum fee of three thousand
 40 dollars for each and every brand and grade to be
 41 offered for sale in this state except as otherwise
 42 provided. The annual registration fee for products
 43 with gross annual sales in this state of less than one
 44 million five hundred thousand dollars shall be the
 45 greater of two hundred fifty dollars or one-fifth of
 46 one percent of the gross annual sales as established
 47 by affidavit of the registrant. The secretary shall
 48 adopt by rule exemptions to the minimum fee. An
 49 animal health pesticide may be exempted from payment
 50 of the minimum fee, if the secretary determines that

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1 the specific animal health pesticide is not likely to
2 contaminate the groundwater. The secretary shall
3 adopt rules by July 1, 1990, for exempting payment of
4 the minimum fee for animal health pesticides. If an
5 animal health pesticide is exempted from the minimum
6 fee under this subsection, a registrant shall pay a
7 fee of twenty dollars for each and every brand and
8 grade of such pesticide offered for sale in this
9 state. Prrty An amount of up to fifty dollars of
10 each fee collected shall be deposited in the treasury
11 to the credit of the pesticide fund to be used only
12 for the purpose of enforcing the provisions of this
13 chapter and the remainder of each fee collected shall
14 be placed in the agriculture management account of the
15 groundwater protection fund.

16 Sec. ____ . Section 206.12, subsection 7, paragraph
17 d, Code 1989, is amended by adding the following new
18 unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. A licensee under section
20 206.8 who offers for sale an animal health pesticide
21 exempted under subsection 3 from the payment of the
22 minimum fee shall not be required to report
23 information relating to such pesticide as required
24 under this subsection."

25 37. Page 14, by inserting after line 28 the
26 following:

27 "Sec. ____ . Section 511.8, subsection 10, paragraph
28 b, Code 1989, is amended to read as follows:

29 b. Any real estate acquired through foreclosure,
30 or in settlement or satisfaction of any indebtedness,
31 Any company or association may improve real estate so
32 acquired or remodel existing improvements and exchange
33 such real estate for other real estate or securities,
34 and real estate acquired by such exchange may be
35 improved or the improvements remodeled. ~~Any farm-real~~
36 ~~estate-acquired-under-this-paragraph-shall-be-sold~~
37 ~~within-five-years-from-the-date-of-acquisition-unless~~
38 ~~the-commissioner-of-insurance-shall-extend-the-time~~
39 ~~for-such-period-or-periods-as-seem-warranted-by-the~~
40 ~~circumstances:~~

41 Sec. ____ . NEW SECTION. 511.8A AGRICULTURAL LAND.

42 Agricultural land, as defined in section 172C.1,
43 acquired as provided in section 511.8, subsection 10,
44 paragraph "b", by a life insurance company or
45 association incorporated by or organized under the
46 laws of this or any other state, shall be sold or
47 otherwise disposed of by the company or association
48 within five years after title is vested in the company
49 or association. A life insurance company or
50 association is a corporation for purposes of chapter:

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1 172C.

2 Sec. ____ . Section 567.3, subsection 3, paragraph
3 d, Code 1989, is amended by striking the paragraph and
4 inserting in lieu thereof the following:

5 d. Agricultural land acquired for research or
6 experimental purposes. Agricultural land is used for
7 research or experimental purposes if any of the
8 following apply:

9 (1) Research and experimental activities are
10 undertaken on the agricultural land and commercial
11 sales of products produced from farming the
12 agricultural land do not occur or are incidental to
13 the research or experimental purposes of the
14 corporation. Commercial sales are incidental to the
15 research or experimental purposes of the corporation
16 when such sales are less than twenty-five percent of
17 the gross sales of the primary product of the
18 research.

19 (2) The agricultural land is used for the primary
20 purpose of testing, developing, or producing seeds or
21 plants for sale or resale to farmers as seed stock.
22 Grain which is not sold as seed stock is an incidental
23 sale and must be less than twenty-five percent of the
24 gross sales of the primary product of the research and
25 experimental activities.

26 (3) The agricultural land is used for the primary
27 purpose of testing, developing, or producing animals
28 for sale or resale to farmers as breeding stock.
29 However, after the effective date of this Act, to
30 qualify under this paragraph, the following conditions
31 must be satisfied:

32 (a) The nonresident alien, foreign business, or
33 foreign government or an agent, trustee, or fiduciary
34 of the alien, business, or government must not hold
35 the agricultural land other than as a lessee. The
36 term of the lease must be for not more than twelve
37 years. A lessee shall not renew a lease entered into
38 under this subparagraph (2). The lessee shall not
39 enter into a lease under this paragraph, if another
40 lease under this paragraph has been entered into by
41 the lessee.

42 (b) A term or condition of sale, including resale,
43 of seed stock or breeding stock must not relate to the
44 direct or indirect control by the lessee of the
45 breeding stock or breeding stock progeny subsequent to
46 the sale.

47 (c) The number of acres of agricultural land held
48 by the lessee must not exceed six hundred forty acres.

49 (d) The lessee must deliver a copy of the lease to
50 the secretary of state. The secretary of state shall

1 notify the lessee of receipt of the copy of the lease.
 2 Culls and test animals may be sold under this
 3 subparagraph (2). For a three-year period beginning
 4 on the date that the lease takes effect, the gross
 5 sales for any year shall not be greater than five
 6 hundred thousand dollars. After the three-year period
 7 ends, the gross sales for any year shall not be
 8 greater than twenty-five percent of the gross sales
 9 for that year of the breeding stock, or five hundred
 10 thousand dollars, whichever is less. As used in this
 11 subparagraph (2), "lessee" means a nonresident alien,
 12 foreign business, or foreign government, or an agent,
 13 trustee, or fiduciary acting on behalf of the
 14 nonresident alien, foreign business, or foreign
 15 government, or any other trade or business which is
 16 under the lessee's common control as provided in 26
 17 U.S.C. § 414.

18 Sec. ____ . NEW SECTION. 567.8A LESSEES CONDUCTING
 19 RESEARCH OR EXPERIMENTS.

20 Lessees of agricultural land under section 567.3,
 21 subsection 3, paragraph "d", subparagraph (2), for
 22 research or experimental purposes, shall file a report
 23 with the secretary of state on or before March 31 of
 24 each year on forms adopted pursuant to chapter 17A and
 25 supplied by the secretary of state. The report shall
 26 contain the following information for the last year:

- 27 1. The name and principal place of business of the
- 28 lessee.
- 29 2. The location of the agricultural land used for
- 30 research or experimental purposes.
- 31 3. The date that the lease became effective.
- 32 4. The name and address of each person purchasing
- 33 breeding stock produced on the agricultural land.
- 34 5. The number or volume of breeding stock
- 35 purchased by each person purchasing breeding stock
- 36 produced on the agricultural land.

37 Sec. ____ . Section 172C.4, subsection 2, as amended
 38 in this Act, and section 172C.6, as enacted in this
 39 Act, are repealed on July 1, 2001. Effective July 1,
 40 2001, section 172C.4, subsection 2, Code 1989, is
 41 reenacted.

42 Sec. ____ . Section 567.3, subsection 3, paragraph
 43 d, as amended in this Act, and section 567.8A, as
 44 enacted in this Act, are repealed on July 1, 2001.
 45 Effective July 1, 2001, section 567.3, subsection 3,
 46 paragraph d, Code 1989, is reenacted."

47 38. Title page, line 3, by striking the words "to
 48 an environmental fund,".

49 39. Title page, line 4, by inserting after the
 50 word "protection," the following: "the acquisition

1 and use of land,".

2 40. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-4392 FILED MAY 3, 1989
 REFUSED TO CONCUR 5389 (p. 254)

Senate ~~not~~ inserted

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 778

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on House File 778, a bill for An Act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, and the control of certain vegetation, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4392.
2. That House File 778, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, line 11, by striking the figure "1,113,777" and inserting the following: "1,191,977".

2. Page 1, line 29, by striking the figure "42.24" and inserting the following: "43.24".

3. Page 1, by striking lines 30 and 31 and inserting the following:

"g. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$55,459 shall be allocated from the appropriation".

4. Page 2, line 3, by inserting after the word "paragraph" the following: "and paragraph "a"".

5. Page 2, by striking lines 5 and 6 and inserting the following:

"h. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$50,000 shall be allocated from the appropriation".

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6. Page 2, by inserting after line 8 the following:

"___. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$50,000 shall be allocated from the appropriation to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

___. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$16,200 shall be used by the administrative division for purposes of purchasing a videotape editing console, a desktop publishing system, and audio/video recording equipment."

7. Page 2, line 13, by striking the figure "1,028,381" and inserting the following: "1,308,381".

8. Page 2, line 14, by striking the figure "23.00" and inserting the following: "26.00".

9. Page 2, by striking lines 15 through 17 and inserting the following:

"b. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$346,379 shall be allocated from the appropriation to the horticulture division for the".

10. Page 2, line 21, by striking the word "An" and inserting the following:

"___. As a condition, limitation, and qualification of the appropriation from the general fund under this section, an".

11. Page 2, by striking lines 27 through 30, and inserting the following: "ending June 30, 1990. The amount shall be used by the department for the support of two information specialist positions within the administrative division."

12. Page 2, by inserting before line 31 the following:

"___. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of

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this subsection, \$280,000 shall be used by the department of agriculture and land stewardship to establish and fund the position of agricultural trade specialist in each of the state's three foreign trade offices."

13. Page 2, line 31, by striking the word "FARMER'S" and inserting the following: "FARMERS'".

14. Page 2, line 34, by striking the word "farmer's" and inserting the following: "farmers'".

15. Page 3, line 1, by striking the word "farmer's" and inserting the following: "farmers'".

16. Page 3, line 9, by striking the figure "4,041,648" and inserting the following: "4,062,648".

17. Page 3, by striking lines 11 and 12 and inserting the following:

"b. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$11,250 shall be allocated from the appropriation".

18. Page 3, line 18, by inserting after the word "paragraph" the following: "and paragraph "a"".

19. Page 3, by inserting after line 19, the following:

"As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$6,000 shall be used by the regulatory division for purchase of computer equipment for the veterinary medical examiners board, and \$15,000 shall be used for the purchase of computer equipment for the brand registration unit."

20. Page 3, by striking lines 20 through 29.

21. Page 3, line 33, by striking the figure "778,571" and inserting the following: "799,671".

22. Page 4, by striking lines 8 and 9 and inserting the following:

"e. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of

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this subsection, \$150,000 shall be allocated from the appropriation".

23. Page 4, by inserting after line 10, the following:

"As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$14,700 shall be used by the laboratory division for the purchase of computer equipment for the seed and entomology bureau, and \$6,400 shall be used for United States department certification training for four agriculture product inspectors."

24. Page 4, by striking lines 22 and 23, and inserting the following:

"b. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$303,436 shall be allocated from the appropriation to".

25. Page 4, by striking lines 26 and 27 and inserting the following:

"c. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$150,000 shall be allocated from the appropriation".

26. Page 5, by striking lines 3 and 4 and inserting the following:

"e. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "d" of this subsection, the following requirements apply to the funds appropriated by paragraph "d":"

27. Page 6, by striking lines 15 and 16, and inserting the following:

"As a condition, limitation, and qualification of the appropriation under this section, \$39,748 shall be allocated from the appropriation for the salary and support of a livestock".

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28. Page 7, line 10, by striking the figure "37,400" and inserting the following: "62,400".

29. Page 7, by striking lines 11 through 14, and inserting the following:

"1. As a condition, limitation, and qualification of the appropriation from the general fund under this section, \$37,400 from the appropriation shall be transferred to the state board of regents for the use of the department of plant pathology at Iowa state university of science and technology for purposes related to researching the multiflora rose virus.

2. a. As a condition, limitation, and qualification of the appropriation from the general fund under this section, \$25,000 shall be used from the appropriation by the department of agriculture and land stewardship for the purpose of partially reimbursing agricultural landowners or tenants for the cost of herbicide for controlling or eradicating the multiflora rose which has severely infested their agricultural land. Not more than five percent of the funds appropriated under this paragraph shall be used for administrative expenses.

b. A county board of supervisors desiring a share of the amount appropriated under paragraph "a" of this subsection shall, in conjunction with the county weed commissioner and the county soil conservation district commissioners, develop a plan to combat severe infestations of multiflora rose on privately owned land within the county. The plan shall be based upon partial reimbursement of individual landowner's costs for the purchase of herbicide from both state and county appropriations; however, the share of costs reimbursed by state funds shall not exceed one-fourth. The plan shall be submitted to the secretary of agriculture for approval or recommendations for modification.

c. A landowner or tenant whose agricultural land is severely infested by multiflora rose may apply to the soil conservation district commissioners of the county for partial

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reimbursement, according to the approved plan, for the cost of herbicide for controlling or eradicating the multiflora rose on the agricultural land. The county weed commissioner shall assist the soil conservation district commissioners in investigating the application and determining if the infestation is severe. The soil conservation district commissioners shall review and approve each application for partial cost reimbursement if the infestation is severe on the applicant's agricultural land. If the soil conservation district commissioners find the amount of reimbursement claimed to be excessive, the district commissioners may approve a lesser amount. The reasons for disapproval of an application or reduction of the amount of reimbursement shall be sent in writing to the applicant. The amount of reimbursement certified by the secretary shall be paid by warrant issued by the director of revenue and finance.

d. Federal lands and federal land tenants are not eligible for reimbursement under this subsection."

30. Page 7, line 24, by striking the figure "12,200,534" and inserting the following: "12,850,534".

31. Page 7, by striking lines 26 and 27, and inserting the following:

"b. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$30,000 shall be allocated from the appropriation for the position of".

32. Page 7, by striking lines 30 and 31, and inserting the following:

"c. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$78,000 shall be allocated from the appropriation for the purchase of".

33. By striking page 7, line 35, through page 8, line 1, and inserting the following:

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"d. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$51,226 shall be allocated from the appropriation for general maintenance".

34. Page 8, by striking lines 3 and 4, and inserting the following:

"e. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$30,000 shall be allocated for the purchase of".

35. Page 8, by striking lines 6 and 7, and inserting the following:

"f. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$50,000 shall be allocated from the appropriation for the salary and".

36. Page 8, by striking lines 10 and 11, and inserting the following:

"g. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$37,500 shall be allocated from the appropriation for the salary and".

37. Page 8, by striking lines 15 and 16, and inserting the following:

"h. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$23,832 shall be allocated from the appropriation to reimburse the".

38. Page 8, line 22, by inserting after the word "paragraph" the following: "and paragraph "a"".

39. Page 8, by inserting after line 23 the following:

"___. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, not more than the following amounts from the appropriation shall be expended and not more than the following full-time equivalent positions shall be authorized for the purposes designated:

(1) Office of director

.....	\$	59,817
.....	FTEs	5.95

(2) Administrative services division

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.....	\$	1,441,376
.....	FTEs	126.15
(3) Coordination and information division		
.....	\$	808,340
.....	FTEs	41.45
(4) Energy and geological resources division		
.....	\$	1,216,580
.....	FTEs	59.12
(5) Environmental protection division		
.....	\$	2,175,061
.....	FTEs	147.50
(6) Forests and forestry division		
.....	\$	1,441,438
.....	FTEs	54.64
(7) Parks and preserves division		
.....	\$	5,199,572
.....	FTEs	206.05

The amounts specified under this lettered paragraph do not include the amounts allocated in paragraphs "v" through "y" of this subsection.

If an amount is expended in excess of the amount designated for any purpose, including any division specified under this lettered paragraph, the department shall notify the legislative fiscal bureau, the chairpersons of the standing appropriations committees of the senate and house of representatives, and the chairpersons of the agriculture and natural resources appropriations subcommittee pursuant to section 8.39.

v. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$250,000 shall be allocated from the appropriation to restore and repair the dam on the Cedar river in the city of Nashua.

w. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$50,000 shall be allocated from the appropriation to contract for a

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study to investigate the feasibility of expanding and modernizing the public water supply system in Winterset, in order to increase the supply of water to serve the increasing demand of the city and to serve surrounding communities. The department shall report the findings and recommendations of the study to the governor and general assembly not later than February 1, 1990.

x. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$50,000 shall be allocated from the appropriation to contract with an Iowa-based consulting firm to investigate the feasibility of creating a destination center at a public lake area not less than eleven thousand acres in size. The department shall report the findings and recommendations of the study to the governor and general assembly not later than February 1, 1990.

y. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$300,000 shall be allocated from the appropriation for grants to counties for the purpose of conducting programs for properly closing abandoned rural water supply wells to supplement funds appropriated under section 455E.11, subsection 2, paragraph "b", subparagraph (3), subparagraph subdivision (b)."

40. By striking page 9, line 4 through page 10, line 4.

41. Page 10, line 26, by striking the word "Funds" and inserting the following:

"As a condition, limitation, and qualification of the appropriations under this section, funds".

42. Page 11, line 23, by striking the word "The" and inserting the following:

"As a condition, limitation, and qualification of the appropriations made under this section, the".

43. By striking page 11, line 30 through page 12, line 13, and inserting the following:

"Sec. ____ . IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND.

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1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1989, and ending June 30, 1990, to the Iowa resources enhancement and protection fund, the amount of \$2,000,000 to be used as provided in chapter 455A.

2. For each fiscal year of the fiscal period beginning July 1, 1990, and ending June 30, 2000, there is appropriated from the general fund, to the Iowa resources enhancement and protection fund, the amount of \$20,000,000 to be used as provided in chapter 455A.

Section 8.33 does not apply to moneys appropriated under this section. Notwithstanding section 453.7, interest or earnings on moneys appropriated under this section shall be credited to the Iowa resources enhancement and protection fund.

3. This section shall become effective only if House File 769 is enacted by the Seventy-third General Assembly, 1989 Session.

4. County boards of supervisors of Jones, Lyon, Jasper, or Buena Vista counties may each enter into an agreement with the department of natural resources to restore and repair lowhead dams within their counties. The department shall use moneys appropriated to the county conservation account of the Iowa resources enhancement and protection fund under section 455A.19, subsection 1, paragraph "b", subparagraph (3), as provided in 1989 Iowa Acts, House File 769. Under an agreement, Jones county is eligible to receive \$50,000, Lyon county is eligible to receive \$50,000, Jasper county is eligible to receive \$25,000, and Buena Vista is eligible to receive \$25,000.

Under the agreement, moneys allocated to each county under this section shall be repaid to the county conservation account from moneys which would otherwise be allocated to them under section 455A.19, subsection 1, paragraph "b", subparagraphs (1) and (2), as provided in 1989 Iowa Acts, House File 769.

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5. The Code editor is directed to codify subsection 2, if House File 769 is enacted by the Seventy-third General Assembly. The Code editor is authorized to include subsection 1 within chapter 455A as provided in House File 769 or any other chapter or section where provisions of House File 769 are codified.

Sec. 100. Moneys appropriated to the Iowa resource enhancement and protection fund for the year beginning July 1, 1988, and ending June 30, 1989, pursuant to Senate File 363 as enacted by the Seventy-third General Assembly, 1989 Session, shall not revert to the general fund pursuant to section 8.33, but shall remain in the fund to be used in the year beginning July 1, 1989, and ending June 30, 1990, as provided in House File 769.

This section shall become effective only if House File 769 is enacted by the Seventy-third General Assembly, 1989 Session.

Sec. _____. The department of natural resources shall conduct a study of the disposal of municipal sewage sludge ash. The department shall report findings and recommendations of the study to the general assembly not later than March 1, 1990. Persons shall delay transporting municipal sewage sludge ash on highways beyond a fifty mile radius from the point of incineration, until the report is made.

Sec. 200. BRUSHY CREEK CONSTRUCTION -- LAND ACQUISITION.

1. The department of natural resources shall award the necessary contracts to commence, as of May 1, 1990, the construction of a dam and related structures to create an artificial lake of approximately six hundred ninety acres in the Brushy Creek state recreation area. The department shall complete the necessary plans for the construction and development of the dam and water impoundment as soon as possible.

2. During the development of the necessary plans for the Brushy Creek dam and water impoundment, the department shall

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commence the acquisition of approximately one thousand seven hundred fifty acres of additional land south and west of the Brushy Creek state recreation area. The acquisition may be accomplished by means which include purchase, easement, lease-purchase, lease, gift, life estates, or other means. The acquisition shall be completed not later than July 1, 1994. The department shall before February 1 of each year, until the acquisition is completed, report to the chairpersons of the committees on appropriations in the senate and house of representatives, and the chairpersons of the agriculture and natural resources appropriations subcommittee.

The land shall be similar to the natural topography of the Brushy Creek stream valley and shall be developed and managed for multiple use recreation with special emphasis on equestrian activities, hiking, cross-country skiing, hunting, stream fishing, and wildlife enhancement. The construction of recreational facilities and amenities on the newly acquired land shall have equal priority with other facilities constructed at the recreational area and shall include trails, camping sites, shower and restroom facilities, roadways, and parking lots. Two equestrian campgrounds shall be established. One campground shall be in the northern area and one campground shall be in the southern area of the Brushy Creek recreation area.

3. In the implementation of any development plan for the Brushy Creek recreation area, including land adjacent to the area which is acquired by the state, the department shall provide for reforestation, habitat improvement, and wetland enhancement. Areas dedicated for reforestation, habitat improvement, or wetland enhancement shall be appropriately located and equal to a size capable of benefiting forest, upland, and wildlife species and of improving the aesthetic value of the area.

Sec. 300. LEGISLATIVE STUDIES REQUESTED.

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1. The legislative council is requested to conduct a comprehensive study of the current and future needs for artificial and natural lakes and water recreation in this state. The study should include a review of existing natural and artificial lakes, water quality considerations, restoration and management needs of the existing lakes for the next twenty years, development needs of the existing lakes to provide for optimum public use, and the need for additional artificial lakes. The legislative council is requested to report findings and recommendations of the study to the governor and general assembly not later than January 1, 1991.

2. The legislative council is requested to conduct a comprehensive study of the current and future needs for state parks, forest, and recreation areas other than lakes and related water recreational areas in this state. The study should include a review of existing state parks and recreation areas, the restoration and management needs of the public parks, forests, and recreation areas, the development needs of the parks, forests, and recreation areas to provide optimum public use, and the need for the acquisition and development of additional parks, forests, and recreation areas. The legislative council is requested to report findings and recommendations of the study not later than January 1, 1991. The department shall not further implement any program or plan relating to the reorganization of state parks, including the plan entitled "A Management Plan for Iowa State Parks", until after findings and recommendations contained in the study provided for in this subsection are reported to the governor and general assembly. The department of natural resources shall consider the findings and recommendations before implementing a program or plan relating to the reorganization. This subsection shall not prohibit the department from employing, assigning, or transferring an employee necessary to carry out routine operations under chapter 455A.

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Sec. ____ . FUNDING FOR BRUSHY CREEK LAKE PROJECT.

Notwithstanding the limitations imposed on the expenditure of funds for open spaces projects under section 455A.19, subsection 1, paragraph "a", as provided in House File 769, if enacted by the Seventy-third General Assembly, 1989 Session, or under sections 200 and 300 of this Act, the department shall have the authority to use any funds allocated to the open spaces account for the construction of a dam to create an artificial lake and for the acquisition of additional land south and west of the Brushy Creek state recreation area."

44. Page 12, line 19, by inserting after the word "practices" the following: ", pursuant to section 1, subsection 6, paragraph "e", subparagraph (2) of this Act".

45. Page 14, by inserting after line 10, the following:

"Sec. ____ . 1987 Iowa Acts, chapter 233, section 204, subsection 5, is amended to read as follows:

5. It is the intention of the general assembly in adopting the appropriation under subsection 1 and this subsection to cease funding for the department's implementation of the federal Resource Conservation and Recovery Act permit program for hazardous waste facilities in this state. Section 455B.411, subsections 6, 9, and 10, section 455B.412, subsections 2 through 4, and sections 455B.413 through 455B.421 are suspended and do not apply as they pertain to that permit program, but are not suspended and do apply as they pertain to abandoned and uncontrolled sites, used oil, and site licensing under chapter 455B, division IV, part 6. The suspension provided by this subsection begins July 1, 1987 and ends June 30, ~~1989~~ 1990.

Sec. ____ . Section 22.7, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 26. Financial information, which if released would give advantage to competitors and serve no public purpose, relating to commercial operations conducted or intended to be conducted by a person submitting records

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containing the information to the agricultural diversification bureau of the department of agriculture and land stewardship for the purpose of obtaining assistance in business planning.

Sec. ____ . Section 172C.4, subsection 2, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

2. Agricultural land acquired for research or experimental purposes. Agricultural land is used for research or experimental purposes if any of the following apply:

a. Research and experimental activities are undertaken on the agricultural land and commercial sales of products produced from farming the agricultural land do not occur or are incidental to the research or experimental purposes of the corporation. Commercial sales are incidental to the research or experimental purposes of the corporation when such sales are less than twenty-five percent of the gross sales of the primary product of the research.

b. The agricultural land is used for the primary purpose of testing, developing, or producing seeds or plants for sale or resale to farmers as seed stock. Grain which is not sold as seed stock is an incidental sale and must be less than twenty-five percent of the gross sales of the primary product of the research and experimental activities.

c. The agricultural land is used by a corporation, including any trade or business which is under common control, as provided in 26 U.S.C. § 414 for the primary purpose of testing, developing, or producing animals for sale or resale to farmers as breeding stock. However, after the effective date of this Act, to qualify under this paragraph, the following conditions must be satisfied:

(1) The corporation must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. The corporation shall not renew a lease. The corporation shall not enter into a lease under this paragraph, if the corporation has ever entered into

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another lease under this paragraph "c", whether or not the lease is in effect. However, this subparagraph does not apply to a domestic corporation organized under chapter 504 or 504A.

(2) A term or condition of sale, including resale, of breeding stock must not relate to the direct or indirect control by the corporation of the breeding stock or breeding stock progeny subsequent to the sale.

(3) The number of acres of agricultural land held by the corporation must not exceed six hundred forty acres.

(4) The corporation must deliver a copy of the lease to the secretary of state. The secretary of state shall notify the lessee of receipt of the copy of the lease. However, this subparagraph does not apply to a domestic corporation organized under chapter 504 or 504A.

Culls and test animals may be sold under this paragraph "c". For a three-year period beginning on the date that the corporation acquires an interest in the agricultural land, the gross sales for any year shall not be greater than five hundred thousand dollars. After the three-year period ends, the gross sales for any year shall not be greater than twenty-five percent of the gross sales for that year of the breeding stock, or five hundred thousand dollars, whichever is less.

Sec. ____ . NEW SECTION. 172C.6 LESSEES CONDUCTING RESEARCH OR EXPERIMENTS.

Lessees of agricultural land under section 172C.4, subsection 2, paragraph "c", for research or experimental purposes, shall file a report with the secretary of state on or before March 31 of each year on forms adopted pursuant to chapter 17A and supplied by the secretary of state. The report shall contain the following information for the last year:

1. The name and principal place of business of the lessee.
2. The location of the agricultural land used for research or experimental purposes.
3. The date that the lease became effective.

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4. The name and address of each person purchasing breeding stock produced on the agricultural land.

5. The number or volume of breeding stock purchased by each person purchasing breeding stock produced on the agricultural land.

Sec. ____ . Section 173.16, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In order to efficiently administer facilities and events on the state fairgrounds, and to promote Iowa's conservation ethic, the Iowa state fair board shall handle or dispose of waste generated on the state fair grounds under supervision of the waste management authority established under section 455B.483.

Sec. ____ . NEW SECTION. 314.23 ENVIRONMENTAL PROTECTION.

It is declared to be in the general public welfare of Iowa and a highway purpose that highway maintenance, construction, reconstruction, and repair shall protect and preserve, by not causing unnecessary destruction, the natural or historic heritage of the state. In order to provide for the protection and preservation, the following shall be accomplished in the design, construction, reconstruction, relocation, repair, or maintenance of roads, streets, and highways:

1. WOODLANDS. Woodland removed shall be replaced by plantings as close as possible to the initial site, or by acquisition of an equal amount of woodland in the general vicinity for public ownership and preservation, or by other mitigation deemed to be comparable to the woodland removed, including, but not limited to, the improvement, development, or preservation of woodland under public ownership.

2. WETLANDS. Wetland removed shall be replaced by acquisition of wetland, in the same general vicinity if possible, for public ownership and preservation, or by other mitigation deemed to be comparable to the wetland removed, including, but not limited to, the improvement, development, or preservation of wetland under public ownership.

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3. PUBLIC PARKS. Highways, streets, and roads constructed on or through publicly owned lands comprising parks, preserves, or recreation areas, shall be located and designed, in consultation with the public entity owning the land, so as to blend aesthetically with the areas and to minimize noise. When land is taken from the areas for highway construction and, if, in consultation with the public entity owning the land, mitigation is deemed necessary, the land shall be replaced by an equal or greater amount for public use, or by other mitigation, undertaken in consultation with the public entity owning the land, and deemed to be appropriate to the amount of land taken, including, but not limited to, the improvement, development, or preservation of the areas.

4. PRIME AGRICULTURAL LANDS. Topsoil removed may be utilized for landscaping and other necessary construction. Excess topsoil shall be made available to the former landowner or other landowners whose land was purchased for the construction or others, and if not acquired by one of these parties, it may be disposed.

Sec. ____ . NEW SECTION. 455A.8 BRUSHY CREEK RECREATION AREA TRAILS ADVISORY BOARD.

1. The Brushy Creek recreation trails advisory board shall be organized within the parks and preserves division of the department and shall be composed of nine members including the following: the director of the department or the director's designee who shall serve as a nonvoting ex officio member, the park ranger responsible for the Brushy Creek recreation area, a member of the state advisory board for preserves established under chapter 111B, a person appointed by the governor, and six persons appointed by the legislative council. Each person appointed by the governor or legislative council must actively participate in recreational trail activities such as hiking, an equestrian sport, or a winter sport at the Brushy Creek recreation area. The voting members shall elect a chairperson at the board's first meeting each year.

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2. Each member of the board shall serve three years, and shall be eligible for reappointment. However, the park ranger responsible for Brushy Creek shall be replaced by the ranger's successor. The person representing the state advisory board for preserves shall serve at the pleasure of the board. The members, other than the director or the director's designee and the park ranger, are entitled to actual expenses incurred in performance of the duties of the board. A majority of members constitutes a quorum, and the affirmative vote of a majority present is necessary for any action taken by the board, except that a lesser number may adjourn a meeting. A vacancy in the membership of the board does not impair the rights of a quorum to exercise all rights and perform all duties of the board. The board shall meet as required, but at least twice a year. The board shall meet upon call of the chairperson, or upon written request of three members of the board. Written notice of the time and place of the meeting shall be given to each member.

3. The board shall advise the department and the natural resource commission regarding issues and recommendations relating to the development and maintenance of trails and related activities at or adjacent to the Brushy Creek recreation area."

46. Page 14, by inserting after line 28 the following:

"Sec. ____ . Section 511.8, subsection 10, paragraph b, Code 1989, is amended to read as follows:

b. Any real estate acquired through foreclosure, or in settlement or satisfaction of any indebtedness. Any company or association may improve real estate so acquired or remodel existing improvements and exchange such real estate for other real estate or securities, and real estate acquired by such exchange may be improved or the improvements remodeled. ~~Any farm-real-estate-acquired-under-this-paragraph-shall-be-sold within-five-years-from-the-date-of-acquisition-unless-the commissioner-of-insurance-shall-extend-the-time-for-such period-or-periods-as-seem-warranted-by-the-circumstances-~~

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Sec. ____ . NEW SECTION. 511.8A AGRICULTURAL LAND.

Agricultural land, as defined in section 172C.1, acquired as provided in section 511.8, subsection 10, paragraph "b", by a life insurance company or association incorporated by or organized under the laws of this or any other state, shall be sold or otherwise disposed of by the company or association within five years after title is vested in the company or association. A life insurance company or association is a corporation for purposes of chapter 172C.

Sec. ____ . Section 567.3, subsection 3, paragraph d, Code 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

d. Agricultural land acquired for research or experimental purposes. Agricultural land is used for research or experimental purposes if any of the following apply:

(1) Research and experimental activities are undertaken on the agricultural land and commercial sales of products produced from farming the agricultural land do not occur or are incidental to the research or experimental purposes of the corporation. Commercial sales are incidental to the research or experimental purposes of the corporation when such sales are less than twenty-five percent of the gross sales of the primary product of the research.

(2) The agricultural land is used for the primary purpose of testing, developing, or producing seeds or plants for sale or resale to farmers as seed stock. Grain which is not sold as seed stock is an incidental sale and must be less than twenty-five percent of the gross sales of the primary product of the research and experimental activities.

(3) Until July 1, 2001, the agricultural land is used for the primary purpose of testing, developing, or producing animals for sale or resale to farmers as breeding stock. However, after the effective date of this Act, to qualify under this paragraph, the following conditions must be satisfied:

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(a) The nonresident alien, foreign business, or foreign government or an agent, trustee, or fiduciary of the alien, business, or government must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. A lessee shall not renew a lease entered into under this subparagraph (3). The lessee shall not enter into a lease under this paragraph, if another lease under this paragraph has been entered into by the lessee.

(b) A term or condition of sale, including resale, of seed stock or breeding stock must not relate to the direct or indirect control by the lessee of the breeding stock or breeding stock progeny subsequent to the sale.

(c) The number of acres of agricultural land held by the lessee must not exceed six hundred forty acres.

(d) The lessee must deliver a copy of the lease to the secretary of state. The secretary of state shall notify the lessee of receipt of the copy of the lease.

(4) Culls and test animals may be sold under subparagraph (3). For a three-year period beginning on the date that the lease takes effect, the gross sales for any year shall not be greater than five hundred thousand dollars. After the three-year period ends, the gross sales for any year shall not be greater than twenty-five percent of the gross sales for that year of the breeding stock, or five hundred thousand dollars, whichever is less. As used in subparagraph (3), "lessee" means a nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary acting on behalf of the nonresident alien, foreign business, or foreign government, or any other trade or business which is under the lessee's common control as provided in 26 U.S.C. § 414.

(5) Effective July 1, 2001, subparagraph (3) shall not be effective. However, a lessee may continue for the duration of the period of the lease to lease the agricultural land under subparagraph (3) if the lease was entered into prior to July 1, 2001.

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(6) Effective July 1, 2001, a nonresident alien, foreign business, or foreign government or an agent, trustee, or fiduciary of the alien, business, or government shall not, except as provided in subparagraph (5), acquire or hold agricultural land used for the primary purpose of testing, developing, or producing animals.

Sec. ____ . NEW SECTION. 567.8A LESSEES CONDUCTING RESEARCH OR EXPERIMENTS.

Lessees of agricultural land under section 567.3, subsection 3, paragraph "d", subparagraph (3), for research or experimental purposes, shall file a report with the secretary of state on or before March 31 of each year on forms adopted pursuant to chapter 17A and supplied by the secretary of state. The report shall contain the following information for the last year:

1. The name and principal place of business of the lessee.
2. The location of the agricultural land used for research or experimental purposes.
3. The date that the lease became effective.
4. The name and address of each person purchasing breeding stock produced on the agricultural land.
5. The number or volume of breeding stock purchased by each person purchasing breeding stock produced on the agricultural land.

Sec. ____ . Section 567.3, subsection 3, paragraph d, subparagraph (5), as enacted in this Act, is amended by striking the subparagraph. This section takes effect July 1, 2013.

Sec. ____ . During the fiscal year for which funds are appropriated by section 6 of this Act, the department of natural resources shall not require the installation or use of equipment to control the emission of dust or other particulate matter on or by facilities for storage of grain which are located within the ambient air quality attainment areas for suspended particulates.

Sec. 400. REPEAL.

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1. Section 111.85, Code 1989, is repealed.

2. The county recorder shall continue to remit to the commission all fees collected pursuant to section 111.85 which were paid before the effective date of this section.

3. On and after July 1, 1989, moneys collected pursuant to section 111.85, including interest or earnings on investments or time deposits from the money within the state park, forest, and recreation area facilities improvement trust fund shall be used as follows:

a. The moneys shall be transferred to the management account in the Iowa resources enhancement and protection fund, if House File 769 is enacted by the Seventy-third General Assembly, 1989 Session.

b. The moneys shall be used by the department solely for renovation, replacement, and improvement of facilities otherwise acquired in state parks, forests, and recreation areas, if House File 769 is not enacted by the Seventy-third General Assembly, 1989 Session.

c. The moneys shall not be subject to a rebate or return to persons who have paid moneys pursuant to section 111.85.

Sec. _____. Sections 100 and 400 of this Act, being deemed of immediate importance, take effect upon enactment."

47. Title page, line 4, by inserting after the word "protection," the following: "the acquisition and use of land,".

48. Title page, line 5, by inserting after the word "vegetation," the following: "providing for the repeal of fees,".

ON THE PART OF THE HOUSE:**ON THE PART OF THE SENATE:**

PAUL W. JOHNSON, Chairperson

JIM RIORDAN, Chairperson

DENNIS H. BLACK

JACK W. HESTER

MARVIN E. DIEMER

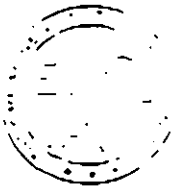
EMIL J. HUSAK

DAVID SCHRADER

JACK RIFE

VIC STUELAND

KENNETH D. SCOTT



OFFICE OF THE GOVERNOR

STATE CAPITAL
DES MOINES IOWA 50319
5 5 24 89

TERRY E. BRANSTAD
GOVERNOR

May 13, 1989

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 778, an act relating to and making appropriations to the department of agriculture and land stewardship, to the department of natural resources, to an environmental fund, providing for environmental protection, the acquisition and use of land, and the control of certain vegetation, providing for the repeal of fees and providing effective dates.

I am pleased that Iowa's strong economy and my plans to trim excessive legislative spending in other areas allows me to approve the \$20 million per year standing appropriation for the Iowa Resources Enhancement and Protection Fund without the imposition of new taxes or fees. With the signing of this bill, Iowa takes a major step forward in the protection and enhancement of our natural resources.

With this major commitment of resources to our park system, I am pleased to approve the repeal of the Park User Fee, effective immediately, so that Iowans will no longer be charged a fee to use our state parks.

House File 778 is, therefore, approved with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 2, letter c. This portion of House File 778 appropriates an additional \$50,000 to the farm commodity division of the Department of Agriculture and Land Stewardship for the support of two information specialist positions within

e

of the administrative division. The additional positions are funded with appropriations slated for reversion in Fiscal Year 1989. Budget restraints dictate that this item, which is in excess of my Budget recommendation, be disapproved. The focus should be on directing available resources to directly enhance the environment rather than adding additional administrative staff.

I am unable to approve the item designated Section 1, subsection 2, which appropriates \$280,000 to be used by the Department of Agriculture and Land Stewardship to establish and fund the positions of agricultural trade specialists in each of the state's three foreign trade offices. These offices are staffed by representatives of the Department of Economic Development and this expenditure would duplicate effort. The offices currently work closely together to promote Iowa's agricultural marketing programs, as evidenced by several recent successful marketing promotions for Iowa quality beef and pork.

Moreover, these offices cannot be run effectively if the staff answer to two bosses -- the Department of Economic Development and the Department of Agriculture and Land Stewardship. Indeed, the approach embodied in this bill would cause confusion among our customers, making it counterproductive to our international marketing efforts.

A plan is being developed to ensure better coordination between the Department of Economic Development and the Department of Agriculture and Land Stewardship for overseas agricultural marketing. Further action should await the results of that study.

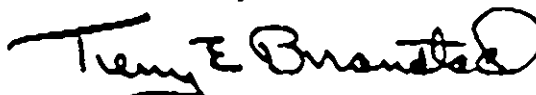
I am unable to approve Sections 3 and 17 in their entirety. These sections would require the Department of Agriculture and Land Stewardship and the Department of Natural Resources to notify the chairpersons and ranking members of the Agriculture and Natural Resources Appropriations Subcommittee prior to the proposed transfer of funds. Such notice is to be given at least two weeks prior to the transfer of funds. Very similar language is in the Iowa Code, Chapter 8.39 and this section would be redundant and unnecessary.

The Honorable Elaine Baxter
May 13, 1989
Page 3

I am unable to approve Section 6, subsection 1, paragraph b. This paragraph appropriates \$30,000 for the additional position of environmental specialist II for the development of preserves management plans. This task can be handled by the Department of Natural Resources within the existing budget.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 778 are hereby approved as of this date.

Sincerely,

A handwritten signature in black ink that reads "Terry E. Branstad". The signature is written in a cursive style with a large, looped initial "T".

Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

e. The department of agriculture and land stewardship shall establish annual subscription fees for the regular and periodic publications of the department. Fees collected from subscribers shall be deposited in the general fund of the state.

f. Funds appropriated by this subsection are for the salaries and support of not more than the following full-time equivalent positions

..... FTEs 43.24

g. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph 'a' of this subsection, \$55,459 shall be allocated from the appropriation to reimburse the auditor of state for costs related to performing the annual audit of the department. However, if in the fiscal year beginning July 1, 1989, and ending June 30, 1990, the auditor of state is appropriated additional moneys from the general fund for reimbursement of costs related to performing the audit, the amount under this paragraph and paragraph 'a' shall be reduced by the amount of the additional appropriation.

h. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph 'a' of this subsection, \$50,000 shall be allocated from the appropriation to the statistics bureau for the purpose of conducting the horticultural census.

i. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph 'a' of this subsection, \$50,000 shall be allocated from the appropriation to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

j. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph 'a' of this subsection, \$16,200 shall be used by the administrative division for purposes of purchasing a videotape editing console, a desktop publishing system, and audio/visual recording equipment.

FROM COMMUNITY DIVISION

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP, TO THE DEPARTMENT OF NATURAL RESOURCES, TO AN ENVIRONMENTAL FUND, PROVIDING FOR ENVIRONMENTAL PROTECTION, THE ACQUISITION AND USE OF LAND, AND THE CONTROL OF CERTAIN VEGETATION, PROVIDING FOR THE REPEAL OF FEES, AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP There is appropriated from the general fund of the state and the trust funds indicated to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated

ADMINISTRATIVE DIVISION

a. From the general fund for salaries, support, maintenance, and miscellaneous purposes.

..... \$ 1,191,977

b. From the fertilizer fund to be transferred to the administration division.

..... \$ 51,100

c. From the Dairy trade practice fund to be transferred to the administration division.

..... \$ 93,003

d. From the commercial feed fund to be transferred to the administration division.

..... \$ 51,100

GOVERNOR ITEM VETOED: SECTION 1, § 2C, 2D;

SECTION 2, SECTION 6, B 1), SECTION 17.

a. From the general fund for salaries, support, maintenance, miscellaneous purposes, and for the following full-time equivalent positions:

..... \$ 1,100,181
 PTFs 26,000

b. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$146,179 shall be allocated from the appropriation to the horticulture division for the continuation of the agricultural diversification program as enacted by 1986 Iowa Acts, Chapter 1246, section 501, subsection 1, paragraph "e".

c. As a condition, limitation, and qualification of the appropriation from the general fund under this section, an amount of not more than \$50,000 that was appropriated by 1988 Iowa Acts, Chapter 1272, section 1, to the farm commodity division for the year beginning July 1, 1988, and ending June 30, 1989, shall not revert to the general fund pursuant to section 8.11, but shall be available for expenditure in the fiscal year beginning July 1, 1989, and ending June 30, 1990. The amount shall be used by the department for the support of two information specialist positions within the administrative division.

d. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$200,000 shall be used by the department of agriculture and land stewardship to establish and fund the position of agricultural trade specialist in each of the state's three foreign trade offices.

3. FARMERS' MARKET COUPON PROGRAM

From the general fund for salaries, support, maintenance, and miscellaneous purposes, to be used by the department to continue and expand the farmers' market coupon program by providing federal special supplemental food program recipients with coupons redeemable at farmers' markets, and for the following full-time equivalent positions:

..... \$ 198,133

4. REGULATORY DIVISION

a. From the general fund for salaries, support, maintenance, miscellaneous purposes, and for the following full-time equivalent positions:

..... \$ 4,062,638
 PTFs 149,700

b. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$11,210 shall be allocated from the appropriation for the support of the assistant attorney general assigned to the grain warehouse bureau. However, if for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the attorney general is appropriated moneys from the general fund for reimbursement of costs related to supporting the assistant attorney general the amount under this paragraph and paragraph "a" shall be reduced by the amount of the additional appropriation.

As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$6,000 shall be used by the regulatory division for purchase of computer equipment for the veterinary medical examiners board, and \$15,000 shall be used for the purchase of computer equipment for the brand registration unit.

5. LABORATORY DIVISION

a. From the general fund for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 799,671

b. From the commercial feed fund to be transferred to the laboratory division:

..... \$ 810,903

c. From the pesticide fund to be transferred to the laboratory division:

..... \$ 756,802

d. From the fertilizers fund to be transferred to the laboratory division:

.....

.....
 e As a condition, limitation, and qualification of the appropriation from the general fund under paragraph 4 of this subsection, \$150,000 shall be allocated from the appropriation for the training of commercial pesticide applicators.

As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$14,700 shall be used by the laboratory division for the purchase of computer equipment for the seed and entomology bureau, and \$6,400 shall be used for United States Department certification training for four agriculture product inspectors.

f Funds appropriated by this subsection are for the salaries and support of not more than the following full-time equivalent positions:

.....	.....	PTES	90.00
6	SOIL CONSERVATION DIVISION		
4	From the general fund for salaries, support, maintenance, assistance to soil conservation districts, miscellaneous purposes, and for not more than the following full-time equivalent positions:		
.....	.....	PTES	4,747.210
.....	.....	PTES	175.78

b As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$103,436 shall be allocated from the appropriation to be used to conduct soil surveys in conjunction with federal, state, and local agencies in Iowa.

As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a" of this subsection, \$150,000 shall be allocated from the appropriation as follows: \$100,000 shall be used to support field office programs to develop long-range, natural resource management plans, and \$50,000 shall be used to support district commissioners if matched on a dollar-for-dollar basis by counties for the payment of printing dues and travel for the district commissioners' staff.

d To provide financial incentives for soil conservation practices in accordance with the provisions of paragraph e of this subsection:

e As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "d" of this subsection, the following requirements apply to the funds appropriated by paragraph "d":

(1) Not more than five percent may be allocated for cost sharing to abate complaints filed under section 467A.47 and 467A.48.

(2) Not more than ten percent may be allocated for financial incentives not exceeding seventy-five percent of the proved cost of permanent soil conservation practices under chapter 467A on watersheds above publicly owned lakes in accordance with the priority list required in section 15 of this Act.

(3) The soil conservation district commissioners may allocate financial incentives not exceeding sixty percent of the cost of permanent soil conservation practices for special watershed practices or summer construction incentives under section 467A.7, subsections 17 and 19.

(4) Except for the allocations subject to subparagraphs (1), (2), and (3), these funds shall not be used alone or in combination with other public funds to provide a financial incentive payment greater than fifty percent of the approved cost for voluntary permanent soil conservation practices and priority shall be given to family operated farms.

(5) The soil conservation committee may allocate funds to conduct research and demonstration projects to promote conservation tillage and nonpoint sources pollution control practices.

(6) Not more than thirty percent of a district's allocation may be allocated by the soil conservation district commissioners for the establishment of management practices to control soil erosion on land that is now for cropland.

(7) The financial incentive payments may be used in combination with department of natural resources funds.

1 The provisions of section 8 13 shall not apply to the funds appropriated by paragraph 'd'. Unencumbered or unobligated funds remaining on June 30, 1991, from funds appropriated for the fiscal year beginning July 1, 1989, shall revert to the general fund on September 30, 1991.

Sec. 2 There is appropriated from the funds available under section 99D.11 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as necessary, to be used for the salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions for the administration of section 99D.22:

.....	\$	157,281
.....	FTEs	4.0

As a condition, limitation, and qualification of the appropriation under this section, \$39,748 shall be allocated from the appropriation for the salary and support of a livestock inspector.

Sec. 3 The department shall not make transfers from the funds established in chapter 192A, 198, 200, or 206, to be used for purposes not authorized in those chapters without notifying the chairpersons and ranking members of the agriculture and natural resources appropriations subcommittee in writing prior to the proposed transfer of funds. The notice from the department shall include information concerning the amount of the proposed transfer, the funds affected by the proposed transfer, and the reasons for the proposed transfer. Chairpersons and ranking members notified shall be given at least two weeks to review and comment on the proposed transfer before the transfer of funds is made.

Sec. 4 For the fiscal year beginning July 1, 1988, and ending June 30, 1989, and for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the increased fee revenues resulting to the fertilizer fund and to the pesticide fund

during each fiscal year, from the increases in fees and expansion of coverage of fee requirements, are appropriated for that fiscal year to the department of agriculture and land stewardship for the administration and implementation of chapters 200 and 206, Code 1989

Sec. 5. MULTIFLORA ROSE.

There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for purposes relating to the control or eradicating the multiflora rose:

.....	\$	62,400
-------	----	--------

1. As a condition, limitation, and qualification of the appropriation from the general fund under this section, \$37,400 from the appropriation shall be transferred to the state board of regents for the use of the department of plant pathology at Iowa state university of science and technology for purposes related to researching the multiflora rose virus

2. a. As a condition, limitation, and qualification of the appropriation from the general fund under this section, \$25,000 shall be used from the appropriation by the department of agriculture and land stewardship for the purpose of partially reimbursing agricultural landowners or tenants for the cost of herbicide for controlling or eradicating the multiflora rose which has severely infested their agricultural land. Not more than five percent of the funds appropriated under this paragraph shall be used for administrative expenses.

b. A county board of supervisors desiring a share of the amount appropriated under paragraph 'a' of this subsection shall, in conjunction with the county weed commissioner and the county soil conservation district commissioners, develop a plan to combat severe infestations of multiflora rose on privately owned land within the county. The plan shall be based upon partial reimbursement of individual landowner's costs for the purchase of herbicide from both state and county appropriations. However, the share of costs reimbursed by

state funds shall not exceed one fourth. The plan shall be submitted to the secretary of agriculture for approval or recommendations for modification.

c. A landowner or tenant whose agricultural land is severely infested by multiflora rose may apply to the soil conservation district commissioners of the county for partial reimbursement, according to the approved plan, for the cost of herbicide for controlling or eradicating the multiflora rose on the agricultural land. The county weed commissioner shall assist the soil conservation district commissioners in investigating the application and determining if the infestation is severe. The soil conservation district commissioners shall review and approve each application for partial cost reimbursement if the infestation is severe on the applicant's agricultural land. If the soil conservation district commissioners find the amount of reimbursement claimed to be excessive, the district commissioners may approve a lesser amount. The reasons for disapproval of an application or reduction of the amount of reimbursement shall be sent in writing to the applicant. The amount of reimbursement certified by the secretary shall be paid by warrant issued by the director of revenue and finance.

d. Federal lands and federal land tenants are not eligible for reimbursement under this subsection.

Sec. 6. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full time equivalent positions:	
.....	\$ 12,850,534
.....	PTEs 973.10

b. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$10,000

shall be allocated from the appropriation for the position of environmental specialist II for the development of preserves management plans.

c. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$78,000 shall be allocated from the appropriation for the purchase of materials including railroad ties, seed, stone, and other materials, for erosion control and repair of damaged trails in state parks.

d. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$51,226 shall be allocated from the appropriation for general maintenance in state parks.

e. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$10,000 shall be allocated for the purchase of computer equipment in forestry division field offices.

f. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$50,000 shall be allocated from the appropriation for the salary and support of a forestry coordinator and the development of promotional materials for the forest renewal program.

g. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$37,500 shall be allocated from the appropriation for the salary and support of an environmental engineer II to implement the state flood plain mapping program and other responsibilities as determined by the director.

h. As a condition, limitation, and qualification of the appropriation under paragraph "a" of this subsection, \$73,812 shall be allocated from the appropriation to reimburse the auditor of state for the cost of the annual audit of the department. However, if for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the auditor of state is appropriated additional moneys from the general fund for reimbursement of costs related to performing the audit, the amount under this paragraph and paragraph "a" shall be reduced by the amount of the additional appropriation.

1. As a condition, limitation, and qualification of the appropriation under paragraph 'a' of this subsection, not more than the following amounts from the appropriation shall be expended and not more than the following full time equivalent positions shall be authorized for the purposes designated:

(1) Office of director:		
.....	.....	\$ 59,817
.....	.....	..... PTEs
.....	.....	5.95
(2) Administrative services division		
.....	.....	\$ 1,441,376
.....	.....	..... PTEs
.....	.....	176.15
(3) Coordination and information division		
.....	.....	\$ 808,340
.....	.....	..... PTEs
.....	.....	41.45
(4) Energy and geological resources division		
.....	.....	\$ 1,216,580
.....	.....	..... PTEs
.....	.....	59.12
(5) Environmental protection division		
.....	.....	\$ 2,175,061
.....	.....	..... PTEs
.....	.....	147.50
(6) Forests and forestry division		
.....	.....	\$ 1,461,438
.....	.....	..... PTEs
.....	.....	54.64
(7) Parks and preserves division		
.....	.....	\$ 5,199,572
.....	.....	..... PTEs
.....	.....	206.05

The amounts specified under this lettered paragraph do not include the amounts allocated in paragraphs 'j' through 'e' of this subsection.

If an amount is expended in excess of the amount designated for any purpose, including any division specified under this lettered paragraph, the department shall notify the legislative fiscal bureau, the chairpersons of the standing appropriations committees of the senate and house of representatives, and the chairpersons of the agriculture and natural resources appropriations subcommittee pursuant to section 8.19.

1. As a condition, limitation, and qualification of the appropriation under paragraph 'a' of this subsection, \$50,000 shall be allocated from the appropriation to restore and repair the dam on the Cedar river in the city of Masonia.

2. As a condition, limitation, and qualification of the appropriation under paragraph 'a' of this subsection, \$50,000 shall be allocated from the appropriation to contract for a study to investigate the feasibility of expanding and modernizing the public water supply system in Waterloo, in order to increase the supply of water to serve the increasing demand of the city and to serve surrounding communities. The department shall report the findings and recommendations of the study to the governor and general assembly not later than February 1, 1990.

3. As a condition, limitation, and qualification of the appropriation under paragraph 'a' of this subsection, \$50,000 shall be allocated from the appropriation to contract with an Iowa based consulting firm to investigate the feasibility of creating a destination center at a public lake area not less than eleven thousand acres in size. The department shall report the findings and recommendations of the study to the governor and general assembly not later than February 1, 1990.

4. As a condition, limitation, and qualification of the appropriation under paragraph 'a' of this subsection, \$100,000 shall be allocated from the appropriation for grants to counties for the purpose of conducting programs for properly closing abandoned total water supply wells to supplement funds appropriated under section 45E 11, subsection 2, paragraph 'b', subparagraph (1), subparagraph subdivision 1b1.

5. For reimbursement to federal agencies for cooperative contracts:

..... \$ 185,981

6. For the green thumb program for the employment of the elderly in conservation and outdoor recreation related funds in coordination with other agencies as provided by law, and for not more than the following full-time equivalent positions:

..... \$ 700,000
 FTEs 18.68

4. For the salary and support for not more than the following full-time equivalent positions to maintain and manage the Loess Hills area as a state forest.

..... \$ 105,000
 FTEs 2.0

Sec. 7 There is appropriated from the state fish and game protection fund to the department of natural resources for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated

DIVISION OF FISH AND GAME

1 From the state fish and game protection fund for salaries, support, maintenance, equipment, and miscellaneous purposes including not more than \$7,840,078 during the fiscal year beginning on July 1, 1989, and ending June 30, 1990, which shall be available from the state fish and game protection fund for administrative support.

2. From the fees deposited under section 371G.7 to the fish and game protection fund for enforcement of snowmobile laws as part of the state snowmobile program

..... \$ 16,425,000

3. From the fees deposited under section 104.52 to the fish and game protection fund for administration and enforcement of navigation laws and water safety.

..... \$ 150,000

4 As a condition, limitation, and qualification of the appropriations under this section, funds remaining in the fish and game protection fund during the fiscal year beginning July 1, 1989, which are not specifically appropriated by this section are appropriated and may be used for capital projects and contingencies arising during the fiscal year beginning July 1, 1989. A contingency shall not include any purpose or project which was presented to the general assembly by way of a bill or a proposed bill and which failed to be enacted into

law. For the purpose of this subsection, a necessity of additional operating funds may be construed as a contingency. Before any of the funds authorized to be expended by this subsection are allocated for contingencies, it shall be determined by the executive council that a contingency exists and that the contingency was not existent while the general assembly was in session and that the proposed allocation shall be for the best interests of the state. If a contingency arises or could reasonably be foreseen during the time the general assembly is in session, expenditures for the contingency must be authorized by the general assembly

Sec. 8. MARINE FUEL TAX FUND. There is appropriated from the marine fuel tax fund to the department of natural resources for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1 For maintenance and development of boating facilities and access to public waters.

2. For deposit in the state fish and game protection fund for the administration and enforcement of navigation laws and boat safety:

..... \$ 400,000

As a condition, limitation, and qualification of the appropriations made under this section, the balance of the amount computed as provided in section 324.84 for the fiscal year beginning July 1, 1989, and ending June 30, 1990, as appropriated for the purposes provided in section 324.79, subsections 1, 2, 3, and 5. The unencumbered or unobligated balances of funds specifically allocated for such projects for the fiscal year ending June 30, 1990, shall revert to the fund from which appropriated September 30, 1992

Sec. 9. IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND.

1 There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1989, and ending June 30, 1990, to the Iowa resources enhancement and

protection fund, the amount of \$1,000,000 to be used as provided in chapter 455A.

2. For each fiscal year of the fiscal period beginning July 1, 1990, and ending June 30, 2000, there is appropriated from the general fund, to the Iowa resources enhancement and protection fund, the amount of \$10,000,000 to be used as provided in chapter 455A.

Section 8.11 does not apply to moneys appropriated under this section. Notwithstanding section 453.7, interest or earnings on moneys appropriated under this section shall be credited to the Iowa resources enhancement and protection fund.

3. This section shall become effective only if House File 769 is enacted by the Seventy-third General Assembly, 1989 Session.

4. County boards of supervisors of Jones, Lyon, Jasper, or Buena Vista counties may each enter into an agreement with the department of natural resources to restore and repair lowhead dams within their counties. The department shall use moneys appropriated to the county conservation account of the Iowa resources enhancement and protection fund under section 455A.19, subsection 1, paragraph 'b', subparagraph (3), as provided in 1989 Iowa Acts, House File 769. Under an agreement, Jones county is eligible to receive \$50,000, Lyon county is eligible to receive \$50,000, Jasper county is eligible to receive \$25,000, and Buena Vista is eligible to receive \$25,000.

Under the agreement, moneys allocated to each county under this section shall be repaid to the county conservation account from moneys which would otherwise be allocated to them under section 455A.19, subsection 1, paragraph 'b', subparagraphs (1) and (2), as provided in 1989 Iowa Acts, House File 769.

5. The Code editor is directed to codify subsection 2, if House File 769 is enacted by the Seventy-third General Assembly. The Code editor is authorized to include subsection 1 within chapter 455A as provided in House File 769 or any

other chapter or section where provisions of House File 769 are codified.

Sec. 10. Moneys appropriated to the Iowa resource enhancement and protection fund for the year beginning July 1, 1988, and ending June 30, 1989, pursuant to Senate File 363 as enacted by the Seventy-third General Assembly, 1989 Session, shall not revert to the general fund pursuant to section 8.15, but shall remain in the fund to be used in the year beginning July 1, 1989, and ending June 30, 1990, as provided in House File 769.

This section shall become effective only if House File 769 is enacted by the Seventy-third General Assembly, 1989 Session.

Sec. 11. The department of natural resources shall conduct a study of the disposal of municipal sewage sludge ash. The department shall report findings and recommendations of the study to the general assembly not later than March 1, 1990. Persons shall delay transporting municipal sewage sludge ash on highways beyond a fifty mile radius from the point of incineration, until the report is made.

Sec. 12. BRUSHY CREEK CONSTRUCTION -- LAND ACQUISITION

1. The department of natural resources shall award the necessary contracts to commence, as of May 1, 1990, the construction of a dam and related structures to create an artificial lake of approximately six hundred ninety acres in the Brushy Creek state recreation area. The department shall complete the necessary plans for the construction and development of the dam and water impoundment as soon as possible.

2. During the development of the necessary plans for the Brushy Creek dam and water impoundment, the department shall commence the acquisition of approximately one thousand seven hundred fifty acres of additional land south and west of the Brushy Creek state recreation area. The acquisition may be accomplished by means which include purchase, easement, lease, purchase, lease, gift, life estates, or other means. The acquisition shall be completed not later than July 1, 1994.

The department shall before February 1 of each year, until the acquisition is completed, report to the chairpersons of the committees on appropriations in the Senate and House of representatives, and the chairpersons of the agriculture and natural resources appropriations subcommittee.

The land shall be similar to the natural topography of the Brushy Creek stream valley and shall be developed and managed for multiple use recreation with special emphasis on equestrian activities, hiking, cross country skiing, hunting, stream fishing, and wildlife enhancement. The construction of recreational facilities and amenities on the newly acquired land shall have equal priority with other facilities constructed at the recreational area and shall include trails, camping sites, shower and restroom facilities, roadways, and parking lots. Two equestrian campgrounds shall be established. One campground shall be in the northern area and one campground shall be in the southern area of the Brushy Creek recreation area.

1. In the implementation of any development plan for the Brushy Creek recreation area, including land adjacent to the area which is acquired by the state, the department shall provide for reforestation, habitat improvement, and wetland enhancement. Areas dedicated for reforestation, habitat improvement, or wetland enhancement shall be appropriately located and equal to a size capable of benefiting forest, wetland, and wildlife species and of improving the aesthetic value of the area.

Sec. 18. LEGISLATIVE STUDIES REQUESTED.

1. The legislative council is requested to conduct a comprehensive study of the current and future needs for artificial and natural lakes and water recreation in this state. The study should include a review of existing natural and artificial lakes, water quality considerations, recreation and management needs of the existing lakes for the next twenty years, development needs of the existing lakes to provide for optimum public use, and the need for additional artificial lakes. The legislative council is requested to

report findings and recommendations of the study to the governor and general assembly not later than January 1, 1991.

2. The legislative council is requested to conduct a comprehensive study of the current and future needs for state parks, forest, and recreation areas other than lakes and related water recreational areas in this state. The study should include a review of existing state parks and recreation areas, the restoration and management needs of the public parks, forests, and recreation areas, the development needs of the parks, forests, and recreation areas to provide optimum public use, and the need for the acquisition and development of additional parks, forests, and recreation areas. The legislative council is requested to report findings and recommendations of the study not later than January 1, 1991. The department shall not further implement any program or plan relating to the reorganization of state parks, including the plan entitled "A Management Plan for Iowa State Parks", until after findings and recommendations contained in the study provided for in this subsection are reported to the governor and general assembly. The department of natural resources shall consider the findings and recommendations before implementing a program or plan relating to the reorganization. This subsection shall not prohibit the department from employing, assigning, or transferring an employee necessary to carry out routine operations under chapter 455A.

Sec. 14. FUNDING FOR BRUSHY CREEK LAKE PROJECT.

Notwithstanding the limitations imposed on the expenditure of funds for open spaces projects under section 455A.19, subsection 1, paragraph 47, as provided in House File 767, if enacted by the Seventy-third General Assembly, 1989 Session, or under sections 12 and 13 of this Act, the department shall have the authority to use any funds allocated to the open spaces account for the construction of a dam to create an artificial lake and for the acquisition of additional land north and west of the Brushy Creek state recreation area.

Sec. 15. The natural resources commission shall establish a priority list of water shed, which are of highest importance

based on soil loss to be used for the allocation of funds, set aside in the appropriations to the department of agriculture and land stewardship for permanent soil conservation practices, pursuant to section 1, subsection 6, paragraph e, subparagraph (2) of this Act

Sec. 16 Notwithstanding section 17A 2, subsection 7, paragraph 9, the department shall by rule establish prices of plant material grown at the state forest nurseries to cover all expenses related to the growing of the plants

The department shall develop additional programs to encourage the wise management and preservation of existing woodlands and shall increase its efforts to encourage forestation and reforestation on private and public lands in the state.

The department shall encourage a cooperative relationship between the state forest nurseries and private nurseries in the state in order to achieve these goals.

Sec. 17 If the department of agriculture and land stewardship or the department of natural resources makes an appropriation transfer between appropriation line-items, the chairpersons and ranking members of the agriculture and natural resources appropriations subcommittee shall be notified in writing prior to the proposed transfer of funds. The notice from the department shall include information concerning the amount of the proposed transfer, the appropriation line-items affected by the proposed transfer, and the reasons for the proposed transfer. Chairpersons and ranking members notified shall be given at least two weeks to review and comment on the proposed transfer before the transfer of funds is made.

Sec. 18 The department of natural resources shall provide the legislative fiscal bureau information and financial data by cost center, on at least a monthly basis, relating to the indirect cost accounting procedure, the amount of funding from each funding source for each cost center, and the internal budget system used by the department. The information shall include but is not limited to financial data covering the

department's budget by cost center and funding source prior to the start of the fiscal year, and to the department's actual expenditures by cost center and funding source after the accounting system has been closed for that fiscal year

Sec. 19 All federal grants to and the federal receipts, not otherwise appropriated, of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts, unless otherwise provided by the general assembly.

Sec. 20. 1986 Iowa Acts, chapter 1246, section 503, subsection 7, unnumbered paragraph 3, is amended to read as follows:

The department is authorized to utilize from funds appropriated for payments to governing bodies responsible for publicly owned sewage treatment facilities but which are unexpended an amount not to exceed four hundred ninety three thousand (493,000) dollars for the state share of the AIDFX superfund cleanup. Any funds remaining in the AIDFX superfund account once the final site cleanup vote, excluding the ongoing monitoring of the site, has been completed shall revert to the general fund of the state. The moneys used for the state-share of the AIDFX-superfund-cleanup shall be repaid not-later-than date 10-1-1989. It is the intent of the general assembly that the withdrawal of funds from moneys available for publicly owned sewage treatment facilities shall not be used for any other purpose in future years and the department of natural resources shall report to the general assembly not later than January 1, 1987 on methods to increase funds for the state superfund to meet future needs in this state

Sec. 21 1987 Iowa Acts, chapter 211, section 204, subsection 5, is amended to read as follows.

5. It is the intention of the general assembly in adopting the appropriation under subsection 1 and this subsection to cease funding for the department's implementation of the federal Resource Conservation and Recovery Act permit program for hazardous waste facilities in this state. Section 455B.411, subsections 6, 9, and 10, section 455B.412,

subsections 2 through 4, and sections 45B.413 through 45B.421 are suspended and do not apply as they pertain to that permit program, but are not suspended and do apply as they pertain to abandoned and uncontrolled sites, used oil, and site licensing under chapter 45B, division IV, part 6 and the suspension provided by this subsection begins July 1, 1987 and ends June 30, 1989 1990

Sec. 22 Section 277, Code 1989, is amended by adding the following new subsection.

NEW SUBSECTION. 26 Financial information, which if released would give advantage to competitors and serve no public purpose, relating to commercial operations conducted or intended to be conducted by a person submitting records containing the information to the agricultural diversification bureau of the department of agriculture and land stewardship for the purpose of obtaining assistance in business planning. Sec. 23. Section 172C.4, subsection 2, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following

2. Agricultural land acquired for research or experimental purposes. Agricultural land is used for research or experimental purposes if any of the following apply:

a. Research and experimental activities are undertaken on the agricultural land and commercial sales of products produced from farming the agricultural land do not occur or are incidental to the research or experimental purposes of the corporation. Commercial sales are incidental to the research or experimental purposes of the corporation when such sales are less than twenty-five percent of the gross sales of the primary product of the research.

b. The agricultural land is used for the primary purpose of testing, developing, or producing seeds or plants for sale or resale to farmers as seed stock. Grain which is not sold as seed stock is an incidental sale and must be less than twenty-five percent of the gross sales of the primary product of the research and experimental activities.

c. The agricultural land is used by a corporation, including any trade or business which is under common control, as provided in 26 U.S.C. § 413 for the primary purpose of testing, developing, or producing animals for sale or resale to farmers as breeding stock. However, after the effective date of this Act, to qualify under this paragraph, the following conditions must be satisfied:

(1) The corporation must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. The corporation shall not renew a lease. The corporation shall not enter into a lease under this paragraph, if the corporation has ever entered into another lease under this paragraph 'c', whether or not the lease is in effect. However, this subparagraph does not apply to a domestic corporation organized under chapter 504 or 504A

(2) A term or condition of sale, including resale, of breeding stock must not relate to the direct or indirect control by the corporation of the breeding stock or breeding stock progeny subsequent to the sale

(3) The number of acres of agricultural land held by the corporation must not exceed six hundred forty acres.

(4) The corporation must deliver a copy of the lease to the secretary of state. The secretary of state shall notify the lessee of receipt of the copy of the lease. However, this subparagraph does not apply to a domestic corporation organized under chapter 504 or 504A.

Culls and test animals may be sold under this paragraph 'c'. For a three-year period beginning on the date that the corporation acquires an interest in the agricultural land, the gross sales for any year shall not be greater than five hundred thousand dollars. After the three-year period ends, the gross sales for any year shall not be greater than twenty-five percent of the gross sales for that year of the breeding stock, or five hundred thousand dollars, whichever is less

Sec 24 NEW SECTION 172A LESSEES CONDUCTING RESEARCH ON PESTICIDES.

lessees of agricultural land under Section 172C 4, subsection 2, paragraph c, for research or experimental purposes, shall file a report with the secretary of state on or before March 31 of each year on forms adopted pursuant to chapter 17A and supplied by the secretary of state. The report shall contain the following information for the last year:

1. The name and principal place of business of the lessee.
2. The location of the agricultural land used for research or experimental purposes.
3. The date that the lease became effective.
4. The name and address of each person purchasing breeding stock produced on the agricultural land.
5. The number or volume of breeding stock purchased by each person purchasing breeding stock produced on the agricultural land.

Sec. 25 Section 173.16, Code 1969, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In order to efficiently administer facilities and events on the state fairgrounds, and to promote Iowa's conservation ethic, the Iowa state fair board shall handle or dispose of waste generated on the state fairgrounds under supervision of the waste management authority established under section 45B 483.

Sec. 26 NEW SECTION 314.23 ENVIRONMENTAL PROTECTION
 It is declared to be in the general public welfare of Iowa and a highway purpose that highway maintenance, construction, reconstruction, and repair shall protect and preserve, by not causing unnecessary destruction, the natural or historic heritage of the state. In order to provide for the protection and preservation, the following shall be accomplished in the design, construction, reconstruction, relocation, repair, or maintenance of roads, streets, and highways:

1. WOODLANDS. Woodland removed shall be replaced by plantings as close as possible to the initial site, or by acquisition of an equal amount of woodland in the general vicinity for public ownership and preservation, or by other

mitigation deemed to be compatible to the woodland removed, including, but not limited to, the improvement, development, or preservation of woodland under public ownership.

2. WETLANDS wetland removed shall be replaced by acquisition of wetland, in the same general vicinity, if possible, for public ownership and preservation, or by other mitigation deemed to be compatible to the wetland removed, including, but not limited to, the improvement, development, or preservation of wetland under public ownership.

1. PUBLIC PAPER. Highways, streets, and roads constructed on or through publicly owned lands comprising parks, preserves, or recreation areas, shall be located and designed, in consultation with the public entity owning the land, so as to blend aesthetically with the areas and to minimize noise when land is taken from the areas for highway construction and, if, in consultation with the public entity owning the land, mitigation is deemed necessary, the land shall be replaced by an equal or greater amount for public use, or by other mitigation, undertaken in consultation with the public entity owning the land, and deemed to be appropriate to the amount of land taken, including, but not limited to, the improvement, development, or preservation of the areas

4. PRIME AGRICULTURAL LANDS. Topsoil removed may be utilized for landscaping and other necessary construction. Excess topsoil shall be made available to the former landowner or other landowners whose land was purchased for the construction or other, and if not acquired by one of these parties, it may be disposed

Sec. 27. NEW SECTION 455A 8 BRUSHY CREEK RECREATION AREA TRAILS ADVISORY BOARD

1. The Brushy Creek recreation trails advisory board shall be organized within the parks and preserves division of the department and shall be composed of nine members including the following: the director of the department or the director's designee who shall serve as a nonvoting ex officio member, the park ranger responsible for the Brushy Creek recreation area, a member of the state advisory board for preserves established

under chapter 111B, a person appointed by the governor, and six persons appointed by the legislative council. Each person appointed by the governor or legislative council must actively participate in recreational trail activities such as hiking, an equestrian sport, or a winter sport at the Brushy Creek recreation area. The voting members shall elect a chairperson at the board's first meeting each year.

2. Each member of the board shall serve three years, and shall be eligible for reappointment. However, the park ranger responsible for Brushy Creek shall be replaced by the ranger's successor. The person representing the state advisory board for preserves shall serve at the pleasure of the board. The members, other than the director or the director's designee and the park ranger, are entitled to actual expenses incurred in performance of the duties of the board. A majority of members constitutes a quorum, and the affirmative vote of a majority present is necessary for any action taken by the board, except that a lesser number may adjourn a meeting. A vacancy in the membership of the board does not impair the rights of a quorum to exercise all rights and perform all duties of the board. The board shall meet as required, but at least twice a year. The board shall meet upon call of the chairperson, or upon written request of three members of the board. Written notice of the time and place of the meeting shall be given to each member.

3. The board shall advise the department and the natural resources commission regarding issues and recommendations relating to the development and maintenance of trails and related activities, at or adjacent to the Brushy Creek recreation area.

Sec 28 Section 455E 11, subsection 2, paragraph b, subparagraph 11, subparagraph subdivision 101, Code 1989, is amended to read as follows:

11) Two percent is appropriated annually to the department of natural resources for the purpose of administering grants to counties and conducting oversight of county based programs relative to the testing of private water supply wells and the

proper closure of private abandoned wells. Not more than twenty-three percent and one-half percent of the moneys is appropriated annually to the department of natural resources for grants to counties for the purpose of conducting programs of private, rural water supply testing, not more than six percent of the moneys is appropriated annually to the state hygienic laboratory to assist in well testing, and not more than twelve percent and one-half percent of the moneys is appropriated annually to the department of natural resources for grants to counties for the purpose of conducting programs for property closing abandoned, rural water supply wells.

Sec 29 Section 511.8, subsection 10, paragraph b, Code 1989, is amended to read as follows:

b. Any real estate acquired through foreclosure, or in settlement or satisfaction of any indebtedness. Any company or association may improve real estate so acquired or remodel existing improvements and exchange such real estate for other real estate or securities, and real estate acquired by such exchange may be improved or the improvements removed. Any farm-real-estate-acquired under this paragraph shall be sold within five years from the date of acquisition, unless the commissioner of insurance shall extend the time for such period or periods as seen warranted by the circumstances.

Sec 30. NEW SECTION. 511.8A AGRICULTURAL LAND. Agricultural land, as defined in section 172C.1, acquired as provided in section 511.8, subsection 10, paragraph b, by a life insurance company or association incorporated by or organized under the laws of this or any other state, shall be sold or otherwise disposed of by the company or association within five years after title is vested in the company or association. A life insurance company or association is a corporation for purposes of chapter 172C.

Sec 31 Section 507.3, subsection 3, paragraph 4, Code 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

4. Agricultural land acquired for research or experimental purposes. Agricultural land is used for research or experimental purposes if any of the following apply:

(1) Research and experimental activities are undertaken on the agricultural land and commercial sales of products produced from farming the agricultural land do not occur or are incidental to the research or experimental purposes of the corporation. Commercial sales are incidental to the research or experimental purposes of the corporation when such sales are less than twenty-five percent of the gross sales of the primary product of the research.

(2) The agricultural land is used for the primary purpose of testing, developing, or producing seeds or plants for sale or resale to farmers as seed stock. Grain which is not sold as seed stock is an incidental sale and must be less than twenty five percent of the gross sales of the primary product of the research and experimental activities.

(3) Until July 1, 2001, the agricultural land is used for the primary purpose of testing, developing, or producing animals for sale or resale to farmers as breeding stock. However, after the effective date of this Act, to qualify under this paragraph, the following conditions must be satisfied:

(a) The nonresident alien, foreign business, or foreign government or an agent, trustee, or fiduciary of the alien, business, or government must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. A lessee shall not renew a lease entered into under this subparagraph (3). The lessee shall not enter into a lease under this paragraph, if another lease under this paragraph has been entered into by the lessee.

(b) A term or condition of sale, including resale, of seed stock or breeding stock must not relate to the direct or indirect control by the lessee of the breeding stock or breeding stock progeny subsequent to the sale.

(c) The number of acres of agricultural land held by the lessee must not exceed six hundred forty acres.

(d) The lessee must deliver a copy of the lease to the secretary of state. The secretary of state shall notify the lessee of receipt of the copy of the lease.

(4) Culls and test animals may be sold under subparagraph (3). For a three-year period beginning on the date that the lease takes effect, the gross sales for any year shall not be greater than five hundred thousand dollars. After the three-year period ends, the gross sales for any year shall not be greater than twenty-five percent of the gross sales for that year of the breeding stock, or five hundred thousand dollars, whichever is less. As used in subparagraph (3), lessee means a nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary acting on behalf of the nonresident alien, foreign business, or foreign government, or any other trade or business which is under the lessee's common control as provided in 26 U.S.C. § 414.

(5) Effective July 1, 2001, subparagraph (3) shall not be effective. However, a lessee may continue for the duration of the period of the lease to lease the agricultural land under subparagraph (3) if the lease was entered into prior to July 1, 2001.

(6) Effective July 1, 2001, a nonresident alien, foreign business, or foreign government or an agent, trustee, or fiduciary of the alien, business, or government shall not, except as provided in subparagraph (5), acquire or hold agricultural land used for the primary purpose of testing, developing, or producing animals.

Sec. 32. NEW SECTION. 567.0A LESSEES CONDUCTING RESEARCH OR EXPERIMENTS.

Lessees of agricultural land under section 567.3, subsection 3, paragraph 'd', subparagraph (3), for research or experimental purposes, shall file a report with the secretary of state on or before March 31 of each year on forms adopted pursuant to chapter 17A and supplied by the secretary of state. The report shall contain the following information for the last year:

1. The name and principal place of business of the lessee.
2. The location of the agricultural land used for research or experimental purposes.
3. The date that the lease became effective.

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- 4. The name and address of each person purchasing breeding stock produced on the agricultural land.
- 5. The number or volume of breeding stock purchased by each person purchasing breeding stock produced on the agricultural land.

Sec. 33. Section 567 j, subsection 5, paragraph d, subparagraph (5), as enacted in this Act, is amended by striking the subparagraph. This section takes effect July 1, 1989.

Sec. 34. During the fiscal year for which funds are appropriated by section 6 of this Act, the department of natural resources shall not require the installation or use of equipment to control the emission of dust or other particulate matter on or by facilities for storage of grain which are located within the ambient air quality attainment areas for suspended particulates.

Sec. 35. REPEAL.

- 1. Section 111.85, Code 1989, is repealed.
- 2. The county recorder shall continue to remit to the commission all fees collected pursuant to section 111.85 which were paid before the effective date of this section.
 - 1. On and after July 1, 1989, moneys collected pursuant to section 111.85, including interest or earnings on investments or time deposits from the money within the state park, forest, and recreation area facilities improvement trust fund shall be used as follows:
 - a. The moneys shall be transferred to the management account in the Iowa resources enhancement and protection fund, if House File 769 as enacted by the Seventy-third General Assembly, 1989 Session.
 - b. The moneys shall be used by the department solely for renovation, replacement, and improvement of facilities otherwise acquired in state parks, forests, and recreation areas. If House File 769 is not enacted by the Seventy-third General Assembly, 1989 Session.
 - c. The moneys shall not be subject to a rebate or return to persons who have paid moneys pursuant to section 111.85.

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Sec. 36. Sections 10 and 15 of this Act, being deemed of immediate importance, take effect upon enactment.

Sec. 37. Sections 4 and 26 of this Act, being deemed of immediate importance, take effect upon enactment.

RONALD D. AVEYSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 778, Seventy-third General Assembly.

JOSEPH O'HEARN
Chief Clerk of the House

Terry E. Branstad
5/13, 1989

TERRY E. BRANSTAD
Governor