

reprinted

MAY 4 1989

APPROPRIATIONS CALENDAR

HOUSE FILE 795  
BY COMMITTEE ON APPROPRIATIONS

Passed House, Date 5-5-89 (p.2513) Passed Senate, Date 5/6/89 (p.2019)  
Vote: Ayes 92 Nays 6 Vote: Ayes 50 Nays 0  
Approved June 1, 1989

A BILL FOR

1 An Act relating to drought assistance, making appropriations, and  
2 providing effective dates.

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

4

HOUSE FILE 795

H-4426

1 Amend House File 795 as follows:  
2 1. Page 1, line 24, by striking the figure "6.0"  
3 and inserting the following: "3.0".

By VAN MAANEN of Mahaska  
HARBOR of Mills

H-4426 FILED MAY 4, 1989

lost 5-5-89 (p.2512)

HOUSE FILE 795

H-4441

1 Amend House File 795 as follows:  
2 1. Page 3, by inserting after line 9 the  
3 following:  
4 "\_\_\_\_. Provisions contained in this Act which  
5 prohibit the spraying of pesticides shall not be  
6 effective on or after January 1, 1990."  
7 2. By renumbering as necessary.

By VAN MANNEN of Mahaska

H-4441 FILED MAY 4, 1989

adopted 5-5-89 (p.2513)

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1 Section 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

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

7 For administration, including salaries, support,  
8 maintenance, and miscellaneous purposes, for the hay hotline,  
9 for climatological services, and for laboratory analysis,  
10 testing, and sampling, including sampling of dairy products,  
11 related to aflatoxin contamination, and for the purchase of  
12 additional equipment to support climatological services.

13 ..... \$ 100,000

14 As a condition, limitation, and qualification of the  
15 appropriation made under this section, the appropriation shall  
16 be used to support the following full-time equivalent  
17 positions:

18 1. For the hay hotline:  
19 ..... FTEs 2.0

20 2. For climatological services:  
21 ..... FTEs 0.5

22 3. For laboratory analysis, testing, and sampling related  
23 to aflatoxin contamination:  
4426 24 ..... FTEs 6.0

25 The full-time equivalent positions specified under this  
26 section shall be temporary positions as specified by the  
27 department. However, the positions shall terminate not later  
28 than June 30, 1990.

29 Sec. 2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY.

30 1. The Iowa state university of science and technology  
31 extension service shall act as the central clearinghouse in  
32 each county for drought-related information, which shall serve  
33 as the agency in the county designated to coordinate drought-  
34 related activities.

35 2. There is appropriated from the general fund of the

1 state to the state board of regents for the fiscal year  
2 beginning July 1, 1989, and ending June 30, 1990, the  
3 following amount, or so much thereof as is necessary, to be  
4 used for the purposes designated:

5 For Iowa state university of science and technology  
6 extension service to administer a rural concern drought  
7 hotline, to carry out the provisions in subsection 1, to  
8 implement a forage testing program for purposes of analyzing  
9 the impact of the drought on foraging, and to develop a  
10 library of drought samples.

11 ..... \$ 150,000

12 Sec. 3. DEPARTMENT OF NATURAL RESOURCES. The department  
13 of natural resources shall implement a statewide water  
14 conservation education program.

15 Sec. 4. STATE DEPARTMENT OF TRANSPORTATION. The state  
16 department of transportation shall cease all spraying of  
17 pesticides, as defined in section 206.2, along roadsides,  
18 including ditches along roadsides, in order to preserve, from  
19 pesticide contamination of the food chain, vegetation in the  
20 areas which may be utilized as animal feed.

21 Sec. 5. REPORTING. The department of agriculture and land  
22 stewardship and Iowa state university of science and  
23 technology shall not later than January 15, 1990, report to  
24 the appropriations committees in the senate and house of  
25 representatives and to the appropriation subcommittee on  
26 agriculture and natural resources information relating to  
27 expenditures of moneys appropriated to the departments under  
28 this Act, including a review of activities supported by the  
29 appropriations.

30 Sec. 6. REVERSION. Moneys appropriated under this Act  
31 which are not expended by June 30, 1990, shall revert to the  
32 general fund of the state as provided in section 8.33.

33 Sec. 7. EFFECTIVE DATES.

34 1. The department of agriculture and land stewardship and  
35 Iowa state university of science and technology shall not

1 expend moneys appropriated or implement provisions under  
2 sections 1 and 2 of this Act until at least fifteen counties  
3 are subject to a proclamation of a disaster emergency due to a  
4 drought which is issued by the governor.

5 2. The department of natural resources shall not implement  
6 a statewide water conservation education program under section  
7 3 of this Act until at least fifteen counties are subject to a  
8 proclamation of a disaster emergency due to a drought which is  
9 issued by the governor.

4441 >

10 3. Section 4 of this Act, being deemed of immediate  
11 importance, takes effect upon enactment.

12 EXPLANATION

13 This bill makes appropriation to the department of  
14 agriculture and land stewardship, and the state board of  
15 regents in order to administer programs relating to drought  
16 assistance. The department of natural resources is directed  
17 to begin educational programs relating to water conservation.  
18 Moneys shall be expended under the Act and departments shall  
19 implement drought assistance programs only when fifteen  
20 counties are subject to a proclamation of a disaster emergency  
21 issued by the governor. The bill provides reporting  
22 requirements. The state department of transportation is  
23 required to cease spraying of pesticides along the state's  
24 roadsides, effective immediately.

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Sen. Approps.  
Amend & Repass per amend. 2/1/84  
5-5-89 (p. 2007)

HOUSE FILE 795  
BY COMMITTEE ON APPROPRIATIONS

(As Amended and Passed by the House May 5, 1989)

Passed House, Date See CC below Passed Senate, Date 5/6/89 (p. 2019)  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 50 Nays 0  
Approved June 1, 1989

**A BILL FOR**

4167 1 An Act relating to drought assistance, making appropriations, and  
2 providing effective dates.

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

House Amendments \_\_\_\_\_

Conference Committee Appointed 5/6/89  
Representatives Svoboda, McKirley, Krapp, Barstead, Petersen (p. 2648)  
Senators Boswell (Chair), Frazer, Hessel, Twidler, & Jensen (p. 2051)

Passed per Conference Committee Report  
House 5/6/89 (p. 2648) Senate 5/6/89 (p. 2073)  
95-0 37-0

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1 Section 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

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

7 For administration, including salaries, support,  
8 maintenance, and miscellaneous purposes, for the hay hotline,  
9 for climatological services, and for laboratory analysis,  
10 testing, and sampling, including sampling of dairy products,  
11 related to aflatoxin contamination, and for the purchase of  
12 additional equipment to support climatological services.

13 ..... \$ 100,000

14 As a condition, limitation, and qualification of the  
15 appropriation made under this section, the appropriation shall  
16 be used to support the following full-time equivalent  
17 positions:

18 1. For the hay hotline:  
19 ..... FTEs 2.0

20 2. For climatological services:  
21 ..... FTEs 0.5

22 3. For laboratory analysis, testing, and sampling related  
23 to aflatoxin contamination:  
24 ..... FTEs 6.0

25 The full-time equivalent positions specified under this  
26 section shall be temporary positions as specified by the  
27 department. However, the positions shall terminate not later  
28 than June 30, 1990.

4166 > 29 Sec. 2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY.

30 1. The Iowa state university of science and technology  
31 extension service shall act as the central clearinghouse in  
32 each county for drought-related information, which shall serve  
33 as the agency in the county designated to coordinate drought-  
34 related activities.

35 2. There is appropriated from the general fund of the

1 state to the state board of regents for the fiscal year  
2 beginning July 1, 1989, and ending June 30, 1990, the  
3 following amount, or so much thereof as is necessary, to be  
4 used for the purposes designated:

5 For Iowa state university of science and technology  
6 extension service to administer a rural concern drought  
7 hotline, to carry out the provisions in subsection 1, to  
8 implement a forage testing program for purposes of analyzing  
9 the impact of the drought on foraging, and to develop a  
10 library of drought samples.  
11 ..... \$ 150,000

12 Sec. 3. DEPARTMENT OF NATURAL RESOURCES. The department  
13 of natural resources shall implement a statewide water  
14 conservation education program.

4164, 4161-

15 Sec. 4. STATE DEPARTMENT OF TRANSPORTATION. The state  
16 department of transportation shall cease all spraying of  
17 pesticides, as defined in section 206.2, along roadsides,  
18 including ditches along roadsides, in order to preserve, from  
19 pesticide contamination of the food chain, vegetation in the  
20 areas which may be utilized as animal feed.

21 Sec. 5. REPORTING. The department of agriculture and land  
22 stewardship and Iowa state university of science and  
23 technology shall not later than January 15, 1990, report to  
24 the appropriations committees in the senate and house of  
25 representatives and to the appropriation subcommittee on  
26 agriculture and natural resources information relating to  
27 expenditures of moneys appropriated to the departments under  
28 this Act, including a review of activities supported by the  
29 appropriations.

30 Sec. 6. REVERSION. Moneys appropriated under this Act  
31 which are not expended by June 30, 1990, shall revert to the  
32 general fund of the state as provided in section 8.33.

4167 >

33 Sec. 7. EFFECTIVE DATES.

34 1. The department of agriculture and land stewardship and  
35 Iowa state university of science and technology shall not

1 expend moneys appropriated or implement provisions under  
2 sections 1 and 2 of this Act until at least fifteen counties  
3 are subject to a proclamation of a disaster emergency due to a  
4 drought which is issued by the governor.

5 2. The department of natural resources shall not implement  
6 a statewide water conservation education program under section  
7 3 of this Act until at least fifteen counties are subject to a  
8 proclamation of a disaster emergency due to a drought which is  
9 issued by the governor.

10 3. Provisions contained in this Act which prohibit the  
11 spraying of pesticides shall not be effective on or after  
12 January 1, 1990.

13 4. Section 4 of this Act, being deemed of immediate  
14 importance, takes effect upon enactment.

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## HOUSE FILE 795

S-4166

1 Amend House File 795 as follows:  
2 1. Page 1, by inserting after line 28 the  
3 following:  
4 "As a condition, limitation, and qualification of  
5 the appropriation from the general fund under subsec-  
6 tion 3 of this section, the department shall not  
7 disclose nonactionable results of tests conducted for  
8 the enforcement of chapter 191 or 192, unless the  
9 disclosure is to the person whose products are being  
10 tested."

By DALE L. TIEDEN  
WILMER RENSINK  
BERL E. PRIEBE

S-4166 FILED MAY 6, 1989  
WITHDRAWN (j. 2018)

## HOUSE FILE 795

S-4167

1 Amend House File 795, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, by inserting after line 32, the  
4 following:  
5 "Sec. \_\_\_\_ . Section 192.13, Code 1989, is amended  
6 to read as follows:  
7 192.13 TRADE SECRETS PROTECTED.  
8 It shall be unlawful for any person who in an  
9 official capacity obtains any information under the  
10 provisions of this chapter or chapter 191 which is  
11 entitled to protection as a trade secret, ~~including or~~  
12 nonactionable information as relating to quantity,  
13 quality, source or disposition of milk or milk  
14 products, or the nonactionable results of inspections  
15 or tests thereof, to use such information to the  
16 person's own advantage or to reveal it to any  
17 unauthorized person."  
18 2. Title page, line 1, by inserting after the  
19 word "appropriations," the following: "providing for  
20 confidentiality,".  
21 3. By renumbering as necessary.

By DALE TIEDEN  
WILMER RENSINK  
BERL E. PRIEBE

S-4167 FILED MAY 6, 1989  
ADOPTED (j. 2018)

HOUSE FILE 795

S-4161

1 Amend House File 795, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 16, by inserting after the words  
4 "spraying of" the following: "residual".  
5 2. Page 2, line 20, by inserting after the word  
6 "feed." the following: "However, this section does  
7 not prohibit the use of pesticides necessary to  
8 control noxious weeds, as defined in section 317.1."

By RICHARD F. DRAKE  
ALVIN V. MILLER  
LEONARD L. BOSWELL

*Bulld 0/6 5/6 (p. 2018)*

S-4161 FILED MAY 5, 1989

HOUSE FILE 795

S-4164

1 Amend House File 795, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 16, by inserting after the words  
4 "spraying of" the following: "residual".  
5 2. Page 2, line 20, by inserting after the word  
6 "feed." the following: "However, this section does  
7 not prohibit the use of pesticides necessary to  
8 control noxious weeds, as defined in section 317.1."

By COMMITTEE ON APPROPRIATIONS  
JOE WELSH, Chairperson

S-4164 FILED MAY 5, 1989

*Adopted 5/6/89 (p. 2018)*

SENATE AMENDMENT TO HOUSE FILE 795

H-4472

1 Amend House File 795, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, line 16, by inserting after the words  
4 "spraying of" the following: "residual".

5 2. Page 2, line 20, by inserting after the word  
6 "feed." the following: "However, this section does  
7 not prohibit the use of pesticides necessary to  
8 control noxious weeds, as defined in section 317.1."

9 3. Page 2, by inserting after line 32, the  
10 following:

11 "Sec. \_\_\_\_ . Section 192.13, Code 1989, is amended  
12 to read as follows:

13 192.13 TRADE SECRETS PROTECTED.

14 It shall be unlawful for any person who in an  
15 official capacity obtains any information under the  
16 provisions of this chapter or chapter 191 which is  
17 entitled to protection as a trade secret, ~~including or~~  
18 nonactionable information as relating to quantity,  
19 quality, source or disposition of milk or milk  
20 products, or the nonactionable results of inspections  
21 or tests thereof, to use such information to the  
22 person's own advantage or to reveal it to any  
23 unauthorized person."

24 4. Title page, line 1, by inserting after the  
25 word "appropriations," the following: "providing for  
26 confidentiality,".

27 5. By renumbering, relettering, or redesignating  
28 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4472 FILED MAY 6, 1989  
REFUSED TO CONCUR (p. 2633)

*Senate insisted (p. 2050)*

**REPORT ON THE CONFERENCE COMMITTEE  
ON HOUSE FILE 795**

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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 House of Representatives and the Senate on House File 795, a bill for An Act relating to drought assistance, making appropriations, and providing effective dates, respectfully make the following report:

1. That the Senate amendment, H-4472, to House File 795, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, by striking lines 9 through 23 and inserting the following:

" . Page 1, by striking line 25 and inserting the following:

"It is the intent of the general assembly that the department administer an effective program for detecting aflatoxin in milk. The department shall establish a response level for aflatoxin in milk which is one-half the federal food and drug administration action level. The department shall implement a systematic program of testing raw milk for aflatoxin. If any sample tested exceeds the response level, the department shall, through an aggressive program of follow-through testing, identify the source of the contaminant for remediation. Notwithstanding section 192.13, test results below the response level shall be disclosed only to persons authorized by the department.

The full-time equivalent positions specified under this".

2. Page 1, line 26, by striking the word "confidentiality," and inserting the following: "testing,".

**ON THE PART OF THE HOUSE:**

JANE E. SVOBODA, Chairperson  
CLIFFORD O. BRANSTAD  
DONALD J. KNAPP  
WAYNE H. MCKINNEY, Jr.

**ON THE PART OF THE SENATE:**

LEONARD L. BOSWELL, Chairperson  
EMIL J. HUSAK  
EUGENE S. FRAISE  
JOHN W. JENSEN  
DALE L. TIEDEN

CCR-795 FILED MAY 6, 1989  
REPORT ADOPTED. (p. 2678)

*Senate adopted 5/6/89 (p. 2073)*

HOUSE FILE 795

AN ACT

RELATING TO DROUGHT ASSISTANCE, MAKING APPROPRIATIONS,  
PROVIDING FOR TESTING, 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 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 is necessary, to be used for the purposes designated:

For administration, including salaries, support, maintenance, and miscellaneous purposes, for the hay hotline, for climatological services, and for laboratory analysis, testing, and sampling, including sampling of dairy products, related to aflatoxin contamination, and for the purchase of additional equipment to support climatological services.  
..... \$ 100,000

As a condition, limitation, and qualification of the appropriation made under this section, the appropriation shall be used to support the following full-time equivalent positions:

- 1. For the hay hotline:  
..... FTEs 2.0
- 2. For climatological services:  
..... FTEs 0.5
- 3. For laboratory analysis, testing, and sampling related to aflatoxin contamination:  
..... FTEs 6.0

It is the intent of the general assembly that the department administer an effective program for detecting aflatoxin in milk. The department shall establish a response

level for aflatoxin in milk which is one-half the federal food and drug administration action level. The department shall implement a systematic program of testing raw milk for aflatoxin. If any sample tested exceeds the response level, the department shall, through an aggressive program of follow-through testing, identify the source of the contaminant for remediation. Notwithstanding section 192.13, test results below the response level shall be disclosed only to persons authorized by the department.

The full-time equivalent positions specified under this section shall be temporary positions as specified by the department. However, the positions shall terminate not later than June 30, 1990.

Sec. 2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY.

1. The Iowa state university of science and technology extension service shall act as the central clearinghouse in each county for drought-related information, which shall serve as the agency in the county designated to coordinate drought-related activities.

2. There is appropriated from the general fund of the state to the state board of regents 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 the purposes designated:

For Iowa state university of science and technology extension service to administer a rural concern drought hotline, to carry out the provisions in subsection 1, to implement a forage testing program for purposes of analyzing the impact of the drought on foraging, and to develop a library of drought samples.  
..... \$ 150,000

Sec. 3. DEPARTMENT OF NATURAL RESOURCES. The department of natural resources shall implement a statewide water conservation education program.

Sec. 4. STATE DEPARTMENT OF TRANSPORTATION. The state department of transportation shall cease all spraying of residual pesticides, as defined in section 206.2, along roadsides, including ditches along roadsides, in order to preserve, from pesticide contamination of the food chain, vegetation in the areas which may be utilized as animal feed. However, this section does not prohibit the use of pesticides necessary to control noxious weeds, as defined in section 317.1.

Sec. 5. REPORTING. The department of agriculture and land stewardship and Iowa state university of science and technology shall not later than January 15, 1990, report to the appropriations committees in the senate and house of representatives and to the appropriation subcommittee on agriculture and natural resources information relating to expenditures of moneys appropriated to the departments under this Act, including a review of activities supported by the appropriations.

Sec. 6. REVERSION. Moneys appropriated under this Act which are not expended by June 30, 1990, shall revert to the general fund of the state as provided in section 8.33.

Sec. 7. EFFECTIVE DATES.

1. The department of agriculture and land stewardship and Iowa state university of science and technology shall not expend moneys appropriated or implement provisions under sections 1 and 2 of this Act until at least fifteen counties are subject to a proclamation of a disaster emergency due to a drought which is issued by the governor.

2. The department of natural resources shall not implement a statewide water conservation education program under section 3 of this Act until at least fifteen counties are subject to a proclamation of a disaster emergency due to a drought which is issued by the governor.

3. Provisions contained in this Act which prohibit the spraying of pesticides shall not be effective on or after January 1, 1990.

4. Section 4 of this Act, being deemed of immediate importance, takes effect upon enactment.

---

DONALD D. AVENSON  
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 795, Seventy-third General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved  , 1989

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TERRY E. BRANSTAD  
Governor