

Reprinted

SENATE FILE 2153
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2120)

Passed Senate, Date 1-27-90 (p. 205) Passed House, Date 4/4/96 (p. 1962)
Vote: Ayes 40 Nays 10 Vote: Ayes 68 Nays 28
Approved Jim Vetter 5/8/90

A BILL FOR

5011 An Act relating to and making a commitment to the environment,
2 agriculture, and natural resources by making appropriations
5013 from Iowa lottery revenues and providing for an income tax
4 credit for establishing permanent grass and buffer zones
5 including erosion control structures, and providing effective
6 and applicability dates.

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

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SE 2153

1 Section 1. Section 15.108, subsection 1, paragraphs f and
2 g, Code Supplement 1989, are amended by striking the
3 paragraphs.

4 Sec. 2. Section 15.251, subsection 2, Code Supplement
5 1989, is amended to read as follows:

6 2. The department may charge, within thirty days following
7 the sale of certificates under chapter 280B, the board of
8 directors of the merged area a fee of up to one percent of the
9 gross sale amount of the certificates issued. The amount of
10 this fee shall be deposited into the-jobs-now-account-within
11 the-iowa-plan-fund-for-economic-development-created-in-section
12 99E-10 a job training fund created in the office of the
13 treasurer of state and may be used by the department to cover
14 the costs of management of chapter 280B and to support other
15 efforts by the merged area schools related to providing
16 productivity and quality enhancement training. Funds
17 deposited under this subsection into the jobs-now-account job
18 training fund during a fiscal year which are not expended by
19 the department in that fiscal year are available for use by
20 the department under this subsection for subsequent fiscal
21 years.

22 Sec. 3. Section 99E.10, subsection 1, unnumbered paragraph
23 3, Code 1989, is amended to read as follows:

24 The iowa-plan committing the lottery to environment,
25 agriculture, and natural resources fund ~~for-economic~~
26 ~~development~~, also to be known as the ~~iowa-plan~~ CLEAN fund, is
27 created in the office of the treasurer of state. Lottery
28 revenue remaining after expenses are determined shall be
29 transferred to the ~~iowa-plan~~ CLEAN fund on a monthly basis.
30 Revenues generated during the last month of the fiscal year
31 which are transferred to the ~~iowa-plan~~ CLEAN fund during the
32 following fiscal year shall be considered revenues transferred
33 during the previous fiscal year for purposes of the allotments
34 made to and appropriations made from the separate accounts in
35 the ~~iowa-plan~~ CLEAN fund for that previous fiscal year.

1 However, upon the request of the director and subject to
2 approval by the treasurer of state, an amount sufficient to
3 cover the foreseeable administrative expenses of the lottery
4 for a period of twenty-one days may be retained from the
5 lottery revenue. Prior to the monthly transfer to the Iowa
6 plan CLEAN fund, the director may direct that lottery revenue
7 shall be deposited in the lottery fund and in interest bearing
8 accounts designated by the treasurer of state in the financial
9 institutions of this state or invested in the manner provided
10 in section 452.10. Interest or earnings paid on the deposits
11 or investments is considered lottery revenue and shall be
12 transferred to the Iowa-plan CLEAN fund in the same manner as
13 other lottery revenue. Money in the Iowa-plan CLEAN fund
14 shall be deposited in interest bearing accounts in financial
15 institutions in this state or invested in the manner provided
16 in section 452.10. The interest or earnings on the deposits
17 or investments shall be considered part of the Iowa-plan CLEAN
18 fund and shall be retained in the fund unless appropriated by
19 the general assembly.

20 Sec. 4. Section 99E.10, subsection 2, Code 1989, is
21 amended by striking the subsection.

22 Sec. 5. Section 99E.10, subsection 3, Code 1989, is
23 amended to read as follows:

24 ~~3 2. Funds-equal-to-any-initial-appropriation-from-the~~
25 ~~general-fund-to-the-lottery-shall-be-retained-to-the-general~~
26 ~~fund-from-the-receipts-of-the-sale-of-tickets-or-shares-not~~
27 ~~later-than-July-17-1986.~~ The director of management shall not
28 include lottery revenues in the director's fiscal year revenue
29 estimates. Moneys in the Iowa-plan CLEAN fund shall not be
30 considered to be a part of the Iowa economic emergency fund.

31 Sec. 6. Section 99E.20, subsection 2, Code 1989, is
32 amended to read as follows:

33 2. A lottery fund is created in the office of the
34 treasurer of state. The fund consists of all revenues
35 received from the sale of lottery tickets or shares and all

1 other moneys lawfully credited or transferred to the fund.
2 The commissioner shall certify monthly that portion of the
3 fund that is transferred to the ~~Iowa-plan~~ CLEAN fund under
4 section 99E.10 and shall cause that portion to be transferred
5 to the ~~Iowa-plan~~ CLEAN fund of the state. The commissioner
6 shall certify before the twentieth of each month that portion
7 of the fund resulting from the previous month's sales to be
8 transferred to the ~~Iowa-plan~~ CLEAN fund.

9 Sec. 7. NEW SECTION. 99E.34 APPROPRIATIONS -- TEN FISCAL
10 YEARS.

11 1. The treasurer of state shall, for each fiscal year of
12 the fiscal period beginning July 1, 1990, and ending June 30,
13 2000, make allotments of the moneys within the CLEAN fund
14 created in section 99E.10 to separate accounts within that
15 fund as follows:

16 a. For each fiscal year, forty percent to the natural
17 resources account.

18 b. For each fiscal year, forty percent to the
19 environmental protection account.

20 c. For each fiscal year, ten percent to the soil
21 conservation account.

22 d. For each fiscal year, ten percent to the energy
23 efficiency account.

24 e. Notwithstanding the percentages specified in paragraphs
25 "a" through "d", at least twenty million dollars shall be
26 allotted to the natural resources account for the fiscal year
27 with at least five million dollars being allotted for each of
28 the first three quarters. If, as a result of this paragraph,
29 the percentage allotted to the natural resources account is
30 greater than forty percent, the percentages allotted to the
31 other accounts shall be reduced on a pro rata basis.

32 2. Moneys in the natural resources account are
33 appropriated for each fiscal year of the fiscal period
34 beginning July 1, 1990, and ending June 30, 2000, to the Iowa
35 resources enhancement and protection fund created in section

1 455A.18.

2 3. Moneys in the environmental protection account are
3 appropriated to the department of natural resources for each
4 fiscal year of the fiscal period beginning July 1, 1990, and
5 ending June 30, 2000, to be used, in the amounts deemed
6 appropriate by the department which shall at least equal any
7 minimum amounts specified, for the purposes designated:

8 a. At least five million dollars for purposes of
9 implementing and enforcing chapter 455D. One-half of the
10 funds to be used in each quarter of a fiscal year under this
11 paragraph shall be transferred on a pro rata basis to each
12 county based upon the percent of the state's population
13 residing in that county for deposit in a special account
14 within the county general fund to be used for waste volume
15 reduction and recycling projects in cooperation with other
16 local units of government. The use of these moneys by a
17 county for these projects demonstrates an intent to comply
18 with the requirements of section 455B.306. Each county shall
19 file an annual report with the department detailing the uses
20 for which the moneys were spent.

21 b. To the sewage treatment works revolving loan fund
22 established in section 455B.295.

23 c. At least seven hundred fifty thousand dollars to
24 implement and administer the state and local government waste
25 management program under section 455B.510.

26 d. To the groundwater protection fund created in section
27 455E.11, to be used for the following designated purposes:

28 (1) At least five hundred thousand dollars to administer
29 the permanent household hazardous materials collection system
30 established in section 455F.8. The department may use this
31 allocation to fund its administration of the program and to
32 provide assistance to local communities in holding cleanup
33 events and operating the collection centers.

34 (2) At least five hundred thousand dollars to finance
35 permanent household hazardous materials regional collection

1 centers.

2 (3) To provide grants to counties for rural water testing
3 under section 455B.172, subsection 5.

4 e. At least five hundred thousand dollars, to the
5 environmental protection division of the department of natural
6 resources to enhance the air quality programs under chapter
7 455B, division II. Enhancement of air monitoring and air
8 toxics control programs shall be emphasized.

9 f. At least five hundred thousand dollars, to the center
10 for health effects of environmental contamination established
11 pursuant to section 455E.11, subsection 2, paragraph "b", to
12 be used for the purposes designated:

13 (1) At least one hundred thousand dollars for educational
14 purposes.

15 (2) At least four hundred thousand dollars for air quality
16 research related to indoor/outdoor air and emissions.

17 g. At least one hundred fifty thousand dollars to the Iowa
18 state university of science and technology for allocation to
19 the Iowa state university water research institute for the
20 purposes and under the conditions specified in section 99E.32,
21 subsection 4, paragraph "e".

22 4. Moneys in the soil conservation account are
23 appropriated to the department of agriculture and land
24 stewardship for each fiscal year of the fiscal period
25 beginning July 1, 1990, and ending June 30, 2000, to be used,
26 in the amounts deemed appropriate by the department which
27 shall at least equal any minimum amounts specified, for the
28 purposes designated:

29 a. At least two million two hundred thousand dollars, to
30 the soil conservation division of the department of
31 agriculture and land stewardship to provide state soil and
32 water conservation cost-sharing funds pursuant to sections
33 467A.42 through 467A.75.

34 b. At least two hundred thirty thousand dollars, to the
35 department of natural resources for the establishment and

1 implementation of not less than five model farm demonstration
2 project areas, in geographically distinct portions of the
3 state. The projects shall be located in southeast, south-
4 central, southwest, northwest, and north-central portions of
5 the state. The projects shall be designed to enhance the
6 profitability and decrease the environmental impacts of row
7 crop production, and to develop on-farm demonstration and
8 education programs involving farms concentrated in a project
9 area, such as the Big Spring demonstration project does in
10 northeast Iowa. An advisory group shall assist the energy and
11 geological resources division of the department of natural
12 resources in the project design and implementation, with
13 representation consisting of the director of the soil
14 conservation division of the department of agriculture and
15 land stewardship, and the director of cooperative agricultural
16 extension service.

17 c. At least four hundred thousand dollars, to the water
18 protection fund created in section 467F.4, to be used for
19 filter strips and waterways projects. The governing body of
20 each soil and water conservation district shall identify those
21 critical areas within the district where permanent grass and
22 buffer zones would mitigate the effects of concentrated runoff
23 on surface water quality. The governing body shall notify the
24 landowners of those critical areas and provide the landowners
25 with recommendations to establish these permanent grass and
26 buffer zones, including any erosion control structures that
27 may be appropriate, to mitigate the effects of concentrated
28 runoff on surface water quality. In providing this
29 notification and these recommendations, the governing body
30 shall also inform the landowners that the establishment of
31 these zones along with any erosion control structures may be
32 eligible for financial assistance under the incentive programs
33 within the water protection fund created in section 467F.4 and
34 the landowner's costs may also qualify for a state income tax
35 credit.

1 d. At least five hundred thousand dollars, to the soil
2 conservation division of the department of agriculture and
3 land stewardship for reforestation programs.

4 5. Moneys in the energy efficiency account are
5 appropriated to the department of natural resources for each
6 fiscal year of the fiscal period beginning July 1, 1990, and
7 ending June 30, 2000, to be used, in the amounts deemed
8 appropriate by the department which shall at least equal any
9 minimum amounts specified, for the purposes designated:

10 a. To the energy and geological resources division of the
11 department of natural resources, to be used for the following
12 designated purposes:

13 (1) For implementing energy efficiency programs for local
14 governments.

15 (2) At least three hundred eighty-five thousand dollars,
16 for establishing the ethanol research and technology office at
17 the state university of Iowa.

18 b. To the division of community action agencies of the
19 department of human rights, for qualifying energy conservation
20 programs for low-income persons, including but not limited to
21 energy weatherization projects, which target the highest
22 energy users, and including administrative costs.

23 c. To the state board of regents, for alternative fuels
24 research, development, and demonstration projects.

25 d. To the department of agriculture and land stewardship,
26 for on-farm alternative fuels demonstration projects.

27 e. To the department of agriculture and land stewardship
28 to create an office of alternative fuel coordinator. The
29 alternative fuel coordinator shall do, but is not limited to,
30 the following:

31 (1) Advise the department of agriculture and land
32 stewardship regarding standards for oxygenate octane
33 enhancers.

34 (2) Assist state or federal agencies and commercial
35 enterprises located in the state in conducting public research

1 relating to the production, consumption, and marketing of
2 alternative fuel technology.

3 (3) Investigate the viability of the state purchasing and
4 utilizing vehicles powered by alternative fuels.

5 6. The moneys appropriated in subsections 2, 3, 4, and 5
6 shall remain in the appropriate account of the CLEAN fund
7 until such time as the agency to which moneys are appropriated
8 has made a request to the treasurer for use of moneys
9 appropriated to it and the amount needed for that use.

10 Notwithstanding section 8.33, moneys remaining of the
11 appropriations made for a fiscal year from any of the accounts
12 within the CLEAN fund on June 30 of that fiscal year, shall
13 not revert to any fund but shall remain in that account and
14 the moneys remaining in that account shall not be considered
15 in making the allotments for the next fiscal year.

16 7. The agency to which moneys are appropriated under this
17 section shall make every effort to maximize the impact of
18 these moneys through matching government and private funds.

19 8. During each fiscal year, the department of natural
20 resources for the environmental protection account and the
21 energy efficiency account and the department of agriculture
22 and land stewardship for the soil conservation account shall
23 submit to the legislative council prior to each quarter of the
24 fiscal year a report detailing the planned expenditures from
25 the account to be made during the ensuing fiscal quarter. The
26 legislative council may designate the kind of information that
27 the departments are to provide in these reports.

28 Sec. 8. Section 280C.6, subsection 1, Code 1989, is
29 amended to read as follows:

30 1. There is established for the area schools an area
31 school job training fund under the supervision of the
32 treasurer of state. The area school job training fund
33 consists of two separate accounts containing moneys as
34 follows:

35 a. A permanent school fund repayment account to which

1 shall be credited the interest and principal from repayment of
2 loans originating from the permanent school fund appropriation
3 in section 280C.8, made to employers for program costs, and
4 interest earned from moneys in the account. Moneys in this
5 account shall be used to repay the appropriation from the
6 permanent school fund. At the end of each calendar quarter,
7 the treasurer of state shall transfer the moneys in the
8 account ~~and any moneys in the surplus account of the Iowa plan~~
9 ~~fund for economic development created in section 99E.31~~ to the
10 permanent school fund as repayment of the loan from the
11 permanent school fund. If there are moneys in the permanent
12 school fund repayment account after the permanent school fund
13 loan has been fully repaid, those moneys shall be transferred
14 to the revolving loan account provided in paragraph "b" of
15 ~~this section.~~

16 b. A revolving loan account to which shall be credited
17 moneys appropriated for the fiscal year beginning July 1,
18 1987, and for succeeding fiscal years for the purposes of this
19 chapter plus the interest and principal from repayment of
20 advances made to employers for program costs and interest
21 earned from moneys in the revolving loan account. Moneys in
22 this account shall be used to provide advances to employers
23 for program costs upon request of boards of directors of the
24 area schools. Beginning July 1, 1995, the Iowa department of
25 economic development shall reserve a portion of the moneys in
26 the revolving loan account to pay a portion of the original
27 one million dollar appropriation in section 280C.8 which,
28 based upon projections of the state treasurer, may still be
29 owed to the permanent school fund on June 30, 1996. The
30 department shall reserve a portion of the moneys in the
31 revolving loan account only if the moneys in the permanent
32 school fund repayment account created in paragraph "a" and
33 ~~moneys in the "surplus" account of the Iowa plan fund for~~
34 ~~economic development created in section 99E.31, subsection 17~~
35 ~~paragraph "c",~~ are insufficient to repay the loan from the

1 permanent school fund.

2 Sec. 9. Section 280C.8, Code 1989, is amended to read as
3 follows:

4 280C.8 APPROPRIATIONS.

5 Notwithstanding sections 8.6, 302.1, and 302.1A, there is
6 appropriated from the permanent school fund, for the fiscal
7 period beginning July 1, 1985, and ending June 30, 1996, the
8 sum of one million dollars to provide funds for the purposes
9 of and deposits in the area school job training fund created
10 in section 280C.6. The money appropriated under this section
11 is a loan from the permanent school fund to the area school
12 job training fund. The interest on the loan shall be prepaid
13 for a three-year period from funds appropriated by this
14 section. The rate of interest shall be determined by the
15 treasurer of state.

16 At the end of each calendar quarter the treasurer of state
17 shall transfer moneys to repay the amount of the loan from the
18 permanent school fund from the following sources:

19 ~~1.---Moneys~~ moneys in the permanent school fund repayment
20 account created in section 280C.6, subsection 1, paragraph
21 "a".

22 ~~2.---Moneys to be credited to the "surplus" account of the~~
23 ~~Iowa plan fund for economic development created in section~~
24 ~~99B.34.~~

25 On and after June 30, 1996, the moneys reserved by the Iowa
26 department of economic development from the revolving loan
27 account created in section 280C.6, subsection 1, paragraph
28 "b", shall be used to repay a portion of the loan from the
29 permanent school fund provided the conditions stated in
30 section 280C.6, subsection 1, paragraph "b", are met.

31 Sec. 10. NEW SECTION. 422.11 GRASS AND BUFFER ZONE TAX
32 CREDIT.

33 The taxes imposed under this division, less credits allowed
34 under sections 422.10 and 422.12, shall be reduced by a grass
35 and buffer zone tax credit. A taxpayer is entitled to a grass

1 and buffer zone tax credit equal to fifty percent of the cost
2 paid by the taxpayer to establish a permanent grass and buffer
3 zone, including the cost of any erosion control structure
4 erected on the zone, if the governing body of the soil and
5 water conservation district in which the land is located has
6 recommended that the permanent grass and buffer zone,
7 including the erosion control structure, will mitigate the
8 effects of concentrated runoff on surface water quality. The
9 governing body shall certify on forms provided by the
10 department that the permanent grass and buffer zone, including
11 the erosion control structure, was recommended by it and that
12 the costs claimed by the taxpayer are reasonable. The
13 taxpayer shall file the certificate with the taxpayer's state
14 income tax return in order to receive the credit. An
15 individual may claim the grass and buffer zone tax credit
16 allowed a partnership, subchapter S corporation, or estate or
17 trust electing to have the income taxed directly to the
18 individual. The amount claimed by the individual shall be
19 based upon the pro rata share of the individual's earnings of
20 the partnership, subchapter S corporation, or estate or trust.
21 Any credit in excess of the tax liability for the tax year may
22 be credited to the tax liability for the following ten tax
23 years or until depleted, whichever is the earlier.

24 Sec. 11. Section 422.33, Code Supplement 1989, is amended
25 by adding the following new subsection:

26 NEW SUBSECTION. 8. The taxes imposed under this division
27 shall be reduced by a grass and buffer zone tax credit. A
28 taxpayer is entitled to a grass and buffer zone tax credit
29 equal to fifty percent of the cost paid by the taxpayer to
30 establish a permanent grass and buffer zone, including the
31 cost of any erosion control structure erected on the zone, if
32 the governing body of the soil and water conservation district
33 in which the land is located has recommended that the
34 permanent grass and buffer zone, including the erosion control
35 structure, will mitigate the effects of concentrated runoff on

1 surface water quality. The governing body shall certify on
2 forms provided by the department that the permanent grass and
3 buffer zone, including the erosion control structure, was
4 recommended by it and that the costs claimed by the taxpayer
5 are reasonable. The taxpayer shall file the certificate with
6 the taxpayer's state income tax return in order to receive the
7 credit. Any credit in excess of the tax liability for the tax
8 year may be credited to the tax liability for the following
9 ten tax years or until depleted, whichever is the earlier.

10 Sec. 12. NEW SECTION. 455B.510 STATE AND LOCAL
11 GOVERNMENT WASTE MANAGEMENT PROGRAM.

12 1. The department shall establish and administer, in
13 cooperation with other state agencies, local governments, and
14 school districts, a program to manage the wastes generated by
15 state and local governments as a part of a comprehensive
16 pollution prevention program for governments in Iowa. The
17 program shall emphasize hazardous and toxic waste minimization
18 and recycling and shall include assistance in the disposal of
19 nonrecyclable wastes.

20 2. The department shall:

21 a. Develop and implement programs to train state, local
22 government, and school officials in pollution prevention,
23 waste minimization, and waste management. This shall include
24 the creation of intergovernmental pollution prevention teams
25 to serve the local governments and school districts of each
26 county.

27 b. Assist local governments and school districts in
28 finding nonhazardous or nontoxic substitutes for hazardous and
29 toxic materials currently used in their business activities.

30 c. Assist local governments and school districts in
31 recycling or disposing of toxic and hazardous wastes currently
32 stored. This may include the creation of a cooperative waste
33 pickup and disposal program that is jointly financed by the
34 department and the participants.

35 d. Provide financial assistance to local governments and

1 school districts in the implementation of pollution
2 prevention, waste minimization, and waste management programs.

3 3. Local governments and school districts shall:

4 a. Participate in establishing intergovernmental pollution
5 prevention teams by January 1, 1991.

6 b. Arrange to have a pollution prevention team review
7 their facilities.

8 c. File a waste minimization and waste management report
9 with the department by January 1, 1992. A progress report
10 shall be filed every subsequent two years.

11 4. Once the governmental waste management program is
12 established, the department, other state agencies, local
13 governments, and school districts shall cooperate with
14 conditionally exempt small quantity hazardous and toxic waste
15 generators in handling waste minimization and waste management
16 problems by providing technical assistance and allowing those
17 generators to participate in governmental recycling and waste
18 disposal programs at cost.

19 Sec. 13.

20 Notwithstanding the nonreversion provision in section
21 99E.32, subsection 7, or any other provision, all unencumbered
22 or unobligated moneys remaining in the surplus account, jobs
23 now account, education and agricultural research and
24 development account, and the jobs now capitals account on June
25 30, 1990, or remaining on June 30, 1990, from appropriations
26 made from any of those accounts shall revert to the CLEAN fund
27 for allocation and expenditure as provided in this Act for the
28 fiscal year beginning July 1, 1990.

29 Sec. 14.

30 Sections 10 and 11 of this Act take effect January 1, 1991,
31 for tax years beginning on or after that date.

32 EXPLANATION

33 The bill renames the Iowa plan fund for economic
34 development to the committing the lottery to environment,
35 agriculture, and natural resources (CLEAN) fund into which the

1 state lottery revenues are deposited. The bill also allots
2 the moneys in that fund for each fiscal year with 40 percent
3 being allotted to a natural resources account, 40 percent to
4 an environmental protection account, 10 percent to a soil
5 conservation account, and 10 percent to an energy efficiency
6 account. The bill also provides an individual and corporate
7 income tax credit for the establishment of permanent grass and
8 buffer zones, including erecting erosion control structures,
9 that will mitigate the effects of concentrated runoff on
10 surface water quality. The tax credits are effective for tax
11 years beginning on or after January 1, 1991. The bill may
12 impose a state mandate under section 25B.3.

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SENATE FILE 2153
FISCAL NOTE

REQ. BY SEN. TIEDEN

A fiscal note for SENATE FILE 2153 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2153 (CLEAN Bill) makes a commitment to the environment, agriculture, and natural resources by making appropriations from lottery revenues and providing for an income tax credit for establishing permanent grass and buffer zones including erosion control structures.

Sections 10 and 11 of S.F. 2153 provides an individual and corporate income tax credit equal to 50% of the cost paid by a taxpayer for the establishment of permanent grass and buffer zones, including erecting erosion control structures that will mitigate the effects of concentrated runoff on surface water quality. The tax credits are effective for tax years beginning on or after January 1, 1991.

Fiscal Impact

The Department of Agriculture and Land Stewardship indicates that eligibility for the credit is likely to be high because farmers, to continue to be eligible for federal farm assistance after 1995, must make improvements to their land in line with their Soil Conservation Districts' plan. This pressure on farmers is exhibited in the popularity of the Cost-share Program currently provided by the State to assist farmers in paying for conservation improvements.

The impact of the credit will be a reduction in General Fund revenues beginning in FY 1992. It is likely that the effect would be significant (\$100,000 or more in FY 1992) but it is not possible to provide a specific estimate of the impact.

Source: Department of Agriculture and Land Stewardship (LSB 1880sv, JKH)

FILED JANUARY 26, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

S-5018

1 Amend Senate File 2153 as follows:

2 1. Page 1, line 28, by inserting after the word
3 "expenses" the following: "and the amounts to be
4 returned to Iowa cities or areas under subsection 3".

5 2. Page 2, by inserting after line 30 the fol-
6 lowing:

7 "Sec. ____ Section 99E.10, Code 1989, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 3. Beginning January 1, 1991, and
10 upon application to the commissioner, the commissioner
11 shall return to each city located in Iowa with a
12 population, as determined by the latest federal
13 census, of five thousand or more, and to each area
14 located in Iowa, established for this purpose under
15 chapter 28E, with a population, as determined upon
16 creation of the area, of five thousand or more, an
17 amount, less a pro rata share of expenses and prizes
18 determined under subsection 1, equal to twenty percent
19 of lottery revenues collected in the city or chapter
20 28E area, as applicable, as a result of the previous
21 month's sales. The aggregate amount to be returned to
22 all cities and chapter 28E areas located in Iowa under
23 this subsection shall be subtracted from the revenues
24 prior to transfer of moneys to the CLEAN fund. Moneys
25 returned to the cities and chapter 28E areas shall be
26 returned at the time of the transfer of revenues to the
27 CLEAN fund. The moneys returned to the cities and
28 chapter 28E areas shall be used only for economic
29 development initiatives. However, as used in this
30 subsection, economic development initiatives do not
31 include the employment of professional staff or
32 consultants. A city or chapter 28E area shall file an
33 economic development plan with the department of
34 economic development before application is made to
35 receive funds under this subsection. A city or area
36 receiving funds under this subsection shall submit an
37 annual financial report within sixty days following
38 the close of its fiscal year to the regional
39 coordinating council created pursuant to section
40 28.101 of the region in which the city or area is
41 located. In order for an area located in Iowa to
42 receive moneys under this subsection, the area shall
43 be formed under an agreement entered into pursuant to
44 chapter 28E by cities, counties, or a combination of
45 both, for the sole purpose of providing for economic
46 development initiatives for the area, subject to the
47 following:

48 a. The agreement shall identify an entity to
49 receive the funds under this subsection.

50 b. No portion of the area shall be included in

Page 2

1 another area receiving funds under this subsection.

2 c. A city that is partially or completely located
3 within the area and that would otherwise be entitled
4 to funds under this subsection shall not receive those
5 funds, but the funds shall go to the area.

6 d. All parties to the agreement shall be located
7 within the same regional economic delivery area
8 created pursuant to section 28.101."

9 3. Page 3, line 3, by inserting after the words
10 "CLEAN fund" the following: "or to be returned to
11 cities and chapter 28E areas located in the state".
12 4. Page 3, line 5, by inserting after the word
13 "state" the following: "and to each qualified city
14 and chapter 28E area".
15 5. Page 3, line 8, by inserting after the word
16 "fund" the following: "or to be returned to each
17 qualified city and chapter 28E area".
18 6. By renumbering as necessary.

By ALVIN V. MILLER

S-5018 FILED JANUARY 26, 1990

w/12 1/29 (p. 261)

SENATE FILE 2153

S-5017

1 Amend Senate File 2153 as follows:

2 1. Page 1, line 28, by inserting after the word
3 "expenses" the following: "and the amounts to be
4 credited to each Iowa county's account under
5 subsection 3".
6 2. Page 2, by inserting after line 30 the
7 following:
8 "Sec. ____ Section 99E.10, Code 1989, is amended
9 by adding the following new subsection:
10 NEW SUBSECTION. 3. The commissioner shall credit
11 to each Iowa county's account in the lottery fund an
12 amount, less a pro rata share of expenses and prizes
13 determined under subsection 1, equal to thirty percent
14 of lottery revenues collected in the county as a
15 result of the previous month's sales. The aggregate
16 amount to be credited to all the county accounts under
17 this subsection shall be subtracted from the revenues
18 prior to transfer of moneys to the CLEAN fund. Moneys
19 in each county's account shall be distributed on a
20 quarterly basis as follows:
21 a. Eighty-five percent to cities within the county
22 on a pro rata basis to each city based upon the
23 percentage of lottery sales made during the previous
24 three months in the area of the city located in the
25 county to the total lottery sales made during the
26 previous three months in the areas of all cities
located in the county.

b. Fifteen percent to the county.

29 The moneys may be used for any lawful purpose of
30 the city or county."

31 3. Page 3, line 3, by inserting after the words
32 "CLEAN fund" the following: "or to each Iowa county's
33 account in the lottery fund".

34 4. Page 3, line 5, by inserting after the word
35 "state" the following: "and to each Iowa county's
36 account".

37 5. Page 3, line 8, by inserting after the word
38 "fund" the following: "or to each Iowa county's
39 account".

40 6. By renumbering as necessary.

By JOHN A. PETERSON

DONALD V. DOYLE

S-5017 FILED JANUARY 26, 1990

Revised not germane 1/29 (p. 261)

SENATE FILE 2153

5025

Amend Senate File 2153 as follows:

1. Page 5, by inserting after line 21 the following:

"h. At least four hundred ninety-three thousand dollars to the department of natural resources to enhance the department's ability to conduct detailed assessments and evaluations of surface water streams and rivers.

i. At least five hundred seventy-seven thousand dollars to the department of natural resources to implement a statewide groundwater monitoring program consisting of long-term monitoring wells.

j. At least three hundred thousand dollars to the waste management authority of the department of natural resources to assist businesses which generate hazardous waste.

k. At least one hundred thousand dollars to the department of education to develop environmental education materials.

l. At least three hundred thousand dollars to the department of natural resources to advance the restoration of native prairies.

m. At least one hundred thousand dollars to the Iowa waste reduction center for the safe and economic management of solid waste and hazardous substances established under section 268.4."

by CALVIN O. HULTMAN

PAUL PATE

MAGGIE TINSMAN

H. KAY HEDGE

RICHARD VANDE HOEF

JACK HESTER

MARK HAGERLA

RAY TAYLOR

JULIA GENTLEMAN

WILMER RENSINK

S-5025 FILED JANUARY 29, 1990

LOST (p. 263)

SENATE FILE 2153

S-5019

1 Amend Senate File 2153 as follows:

2 1. Page 5, line 35, by striking the words
3 "natural resources" and inserting the following:
4 "agriculture and land stewardship".

5 2. Page 6, by striking lines 10 through 16 and
6 inserting the following: "northeast Iowa. An
7 advisory group shall assist the soil conservation
8 division of the department of agriculture and land
9 stewardship in the project design and implementation,
10 with representation consisting of the director of the
11 energy and geological resources division of the
12 department of natural resources, and the director of
13 cooperative agricultural extension service."

By JIM RIORDAN

S-5019 FILED JANUARY 29, 1990

ADOPTED (p. 264)

SENATE FILE 2153

S-5020

1 Amend Senate File 2153 as follows:

2 1. Page 12, by inserting after line 9, the
3 following:

4 "Sec. _____. Section 455A.19, subsection 1,
5 paragraph d, Code Supplement 1989, is amended to read
6 as follows:

7 d. Fifteen percent shall be allocated to a cities'
8 parks and open space account. The moneys allocated in
9 this paragraph may be used to fund competitive grants
10 to cities to acquire, establish, and maintain natural
11 parks, preserves, and open spaces. The grants may
12 include expenditures for multipurpose trails, restroom
13 facilities, shelter houses, and picnic facilities, but
14 expenditures for single or multipurpose athletic
15 fields, baseball or softball diamonds, tennis courts,
16 golf courses, and other group or organized sport
17 facilities requiring specialized equipment are
18 excluded. However, grants may be made for swimming
19 pools in cities grouped in the two lowest population
20 categories. The grants may be used for city projects
21 located outside of a city's boundaries. The natural
22 resource commission, by rule, shall establish
23 procedures for application, review, and selection of
24 city projects on a competitive basis. The rules shall
25 provide for three categories of cities based on
26 population within which the cities shall compete for
27 grants. There is appropriated from the cities' parks
28 and open space account to the department the amount in
29 that account, or so much thereof as is necessary, to
30 carry out the competitive grant program as provided in
31 this paragraph."

32 2. By renumbering as necessary.

By JOHN P. KIBBIE
DON E. GETTINGS

S-5020 FILED JANUARY 29, 1990

ADOPTED (p. 265)

SENATE FILE 2153

S+5026

1 Amend Senate File 2153 as follows:

2 1. Page 12, by inserting after line 9 the
3 following:

4 "Sec. ____ NEW SECTION. 455B.315 PACKAGING
5 REVIEW BOARD.

6 1. DEFINITIONS.

7 As used in this section, unless the context
8 otherwise requires:

9 a. "Board" means the packaging review board
10 established pursuant to this section.

11 b. "Committee" means the packaging review advisory
12 committee.

13 c. "Container" means a rigid or semirigid package
14 used to contain products which are sold at retail.

15 d. "Rigid container" means a container used to
16 contain a product sold at retail that retains its
17 structural configuration after the product is removed.

18 e. "Semirigid container" means a container that is
19 formed, shaped, or molded so that when used to contain
20 a product sold at retail it gains a structural
21 configuration even though the container does not
22 retain its structural configuration prior to
23 containing a product or after the product is removed.

24 2. PACKAGING REVIEW BOARD.

25 a. A packaging review board is established within
26 the department of natural resources. The board
27 consists of the following members:

28 (1) The director of the department of natural
29 resources or the director's designee.

30 (2) The administrator of the consumer protection
31 division of the office of the attorney general, or the
32 administrator's designee.

33 (3) The director of the department of economic
34 development or the director's designee.

35 b. The director of the department of natural
36 resources or the director's designee shall serve as
37 chairperson of the board. The board shall meet as
38 frequently as its business requires, but at least
39 quarterly.

40 c. The board shall adopt, and from time to time
41 may amend or repeal rules regarding the conduct of its
42 meetings and the transaction of its assigned duties.

43 d. All meetings of the board in every proceeding
44 shall be deemed to have been duly called and regularly
45 held, and all regulations and proceedings to have been
46 duly authorized unless the contrary is proved.

47 e. The chairperson shall designate an officer or
48 employee of the department to act as secretary of the
49 board.

50 3. AUTHORITY TO RECOMMEND PROHIBITIONS AGAINST

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Page 2

1 CONTAINERS WHICH DEGRADE THE STATE'S ENVIRONMENT. The
2 board may review the environmental impact of a
3 specific container or class of container upon one or
4 more of the following:

- 5 a. Its own initiative.
- 6 b. The request of one or more of the following:
 - 7 (1) A local government.
 - 8 (2) The packaging review committee.
 - 9 (3) At least one hundred individuals residing

10 within the state.

- 11 (4) A group whose membership includes at least one
- 12 hundred individuals residing within the state.

13 If the board determines that the manufacture, use,
14 or disposal of the specific container or class of
15 container under review significantly degrades the
16 state's environment, the board may vote to recommend
17 that the director prohibit one or more of the
18 following within this state: the use, manufacture, or
19 disposal of a specific container or class of
20 container.

21 4. DIRECTOR'S AUTHORITY TO PROHIBIT BY RULE USE OF
22 CERTAIN CONTAINERS. The director may by rule or order
23 prohibit one or more of the following within this
24 state: the use, manufacture, or disposal of a
25 specific container or class of container. However,
26 the director may issue a prohibition only if all of
27 the following conditions are satisfied:

- 28 a. The board has previously recommended that the
- 29 container, or a broader class inclusive of the
- 30 container, or class of container be prohibited for any
- 31 of the following: manufacture, use, or disposal.

- 32 b. The director reasonably believes that the
- 33 container or class of container poses a significant
- 34 threat to the environment, either through its
- 35 production, use, or disposal.

36 A prohibition becomes effective two years after the
37 entry of the order or final publication of the rule
38 unless stayed or withdrawn in the interim.

39 5. AGGRIEVED CONTAINER MANUFACTURER OR USER'S
40 RIGHT TO APPEAL.

- 41 a. Upon application or petition of a manufacturer
- 42 or user of a prohibited container or class of
- 43 containers, or a representative of a manufacturer or
- 44 user, the board shall determine whether to recommend
- 45 that the director withdraw an order prohibiting the
- 46 container or class. The board shall make its
- 47 recommendations to the director after a hearing on the
- 48 petition.

- 49 b. The board may require the applicant to provide
- 50 information the board deems necessary to make its

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Page 3

1 determination.

2 c. At the request of the applicant, the board and
3 any members, agents, or staff of the board shall hold
4 any information submitted to the board as confidential
5 proprietary information, and such information is not
6 subject to disclosure under chapter 21 or 22 or upon
7 any other basis.

8 6. PACKAGING REVIEW ADVISORY COMMITTEE.

9 a. The governor shall appoint a seven-member
10 packaging review advisory committee for the purpose of
11 providing technical advice to the packaging review
12 board. The members shall serve without compensation.
13 The committee shall consist of a representative from
14 each of the following categories:

- 15 (1) The department of natural resources.
- 16 (2) The retail food industry.
- 17 (3) An environmental group.
- 18 (4) The packaging manufacturing industry.
- 19 (5) Local government.
- 20 (6) The waste disposal or recycling industry.
- 21 (7) The restaurant industry.

22 b. The representative of the department shall
23 serve as the committee chairperson.

24 c. The committee shall provide technical advice
25 and recommendations to the board concerning the
26 environmental impact of the manufacture, use, and
27 disposal of containers."

By PAUL D. PATE

CALVIN O. HULTMAN

RICHARD VANDE HOEF

JOY CORNING

JACK RIFE

JOHN E. SOORHOLTZ

S-5026 FILED JANUARY 29, 1990

ADOPTED (p. 265)

SENATE FILE 2153

S-5027

1 Amend Senate File 2153 as follows:

2 1. Page 8, by inserting after line 4 the
3 following:

4 " _____. If the money allotted in a fiscal year to
5 the environmental protection account, soil
6 conservation account, or energy efficiency account is
7 less than the minimum amounts required to be expended
8 for that fiscal year from the account, the minimum
9 amounts required to be expended from the applicable
10 account shall be reduced by the same percentage as the
11 shortfall for the applicable account."

By MAGGIE TINSMAN

CALVIN O. HULTMAN

JOY CORNING

LINN FUHRMAN

JULIA GENTLEMAN

JACK HESTER

RICHARD VANDE HOEF

H. KAY HEDGE

RAY TAYLOR

S-5027 FILED JANUARY 29, 1990

LOST (p. 265)

SENATE FILE 2153

S-5029

1 Amend Senate File 2153 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 15.251, subsection 2, Code
5 Supplement 1989, is amended to read as follows:

6 2. The department may charge, within thirty days
7 following the sale of certificates under chapter 280B,
8 the board of directors of the merged area a fee of up
9 to one percent of the gross sale amount of the
10 certificates issued. The amount of this fee shall be
11 deposited into the ~~the-jobs-now-account-within-the-Iowa~~
12 ~~plan-fund-for-economic-development-created-in-section~~
13 ~~99E:10~~ a job training fund created in the office of
14 the treasurer of state and may be used by the
15 department to cover the costs of management of chapter
16 280B and to support other efforts by the merged area
17 schools related to providing productivity and quality
18 enhancement training. Funds deposited under this
19 subsection into the ~~jobs-now-account~~ job training fund
20 during a fiscal year which are not expended by the
21 department in that fiscal year are available for use
22 by the department under this subsection for subsequent
23 fiscal years.

24 Sec. 2. Section 28.120, subsection 5, Code 1989,
25 is amended to read as follows:

26 5. Loan repayments received by the Iowa department
27 of economic development shall be deposited into a
28 special account to be used at its discretion as
29 matching funds to attract financial assistance from
30 and to participate in programs with national rural
31 development and finance corporations or as provided in
32 subsection 6. Funds in this special account shall not
33 revert to the state general fund at the end of any
34 fiscal year. If the programs for which the funds in
35 the special account are to be used are terminated or
36 expire, the funds in the special account and funds
37 that would be repaid, if any, to the special account
38 shall be transferred or repaid to the ~~community~~
39 ~~economic-betterment-account-of-the-Iowa-plan-fund-for~~
40 ~~economic-development-as-established-in-section-99E:31~~
41 ~~Iowa community development loan program fund.~~

42 Sec. 3. Section 99E.10, subsection 1, paragraph b,
43 Code 1989, is amended by striking the paragraph.

44 Sec. 4. Section 99E.10, subsection 1, unnumbered
45 paragraph 3, Code 1989, is amended by striking the
46 paragraph and inserting in lieu thereof the following:

47 Beginning July 1, 1990, all lottery revenue
48 remaining after expenses are determined shall be
49 deposited in the general fund of the state. The
50 director shall consult with the director of the

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Page 2

1 department of management and agree to an appropriate
2 schedule for timely deposits of lottery revenue to the
3 state general fund, taking into account operating and
4 cash balances necessary to sustain the operations of
5 the lottery.

6 Sec. 5. Section 99E.10, subsections 2 and 3, Code
7 1989, are amended by striking the subsections.

8 Sec. 6. Section 99E.20, subsection 2, Code 1989,
9 is amended to read as follows:

10 2. A lottery fund is created in the office of the
11 treasurer of state. The fund consists of all revenues
12 received from the sale of lottery tickets or shares
13 and all other moneys lawfully credited or transferred
14 to the fund. The commissioner shall certify monthly
15 that portion of the fund that is transferred to the
16 ~~Iowa-plan~~ state general fund under section 99E.10 and
17 shall cause that portion to be transferred to the Iowa
18 plan general fund of the state. The-commissioner
19 ~~shall-certify-before-the-twentieth-of-each-month-that~~
20 ~~portion-of-the-fund-resulting-from-the-previous~~
21 ~~month's-sales-to-be-transferred-to-the-Iowa-plan-fund-~~

22 Sec. 7. Section 280C.6, subsection 1, Code 1989,
23 is amended to read as follows:

24 1. There is established for the area schools an
25 area school job training fund under the supervision of
26 the treasurer of state. The area school job training
27 fund consists of two separate accounts containing
28 moneys as follows:

29 a. A permanent school fund repayment account to
30 which shall be credited the interest and principal
31 from repayment of loans originating from the permanent
32 school fund appropriation in section 280C.8, made to
33 employers for program costs, and interest earned from
34 moneys in the account. Moneys in this account shall
35 be used to repay the appropriation from the permanent
36 school fund. At the end of each calendar quarter, the
37 treasurer of state shall transfer the moneys in the
38 account ~~and-any-moneys-in-the-surplus-account-of-the~~
39 ~~Iowa-plan-fund-for-economic-development-created-in~~
40 ~~section-99E.31~~ to the permanent school fund as
41 repayment of the loan from the permanent school fund.
42 If there are moneys in the permanent school fund
43 repayment account after the permanent school fund loan
44 has been fully repaid, those moneys shall be
45 transferred to the revolving loan account provided in
46 paragraph "b" ~~of-this-section~~.

47 b. A revolving loan account to which shall be
48 credited moneys appropriated for the fiscal year
49 beginning July 1, 1987, and for succeeding fiscal
50 years for the purposes of this chapter plus the

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1 interest and principal from repayment of advances made
2 to employers for program costs and interest earned
3 from moneys in the revolving loan account. Moneys in
4 this account shall be used to provide advances to
5 employers for program costs upon request of boards of
6 directors of the area schools. Beginning July 1,
7 1995, the Iowa department of economic development
8 shall reserve a portion of the moneys in the revolving
9 loan account to pay a portion of the original one
10 million dollar appropriation in section 280C.8 which,
11 based upon projections of the state treasurer, may
12 still be owed to the permanent school fund on June 30,
13 1996. The department shall reserve a portion of the
14 moneys in the revolving loan account only if the
15 moneys in the permanent school fund repayment account
16 created in paragraph "a" ~~and moneys in the "surplus"~~
17 ~~account of the Iowa plan fund for economic development~~
18 ~~created in section 99E.31, subsection 1, paragraph~~
19 ~~"e",~~ are insufficient to repay the loan from the
20 permanent school fund.

21 Sec. 8. Section 280C.8, Code 1989, is amended to
22 read as follows:

23 280C.8 APPROPRIATIONS.

24 Notwithstanding sections 8.6, 302.1, and 302.1A,
25 there is appropriated from the permanent school fund,
26 for the fiscal period beginning July 1, 1985, and
27 ending June 30, 1996, the sum of one million dollars
28 to provide funds for the purposes of and deposits in
29 the area school job training fund created in section
30 280C.6. The money appropriated under this section is
31 a loan from the permanent school fund to the area
32 school job training fund. The interest on the loan
33 shall be prepaid for a three-year period from funds
34 appropriated by this section. The rate of interest
35 shall be determined by the treasurer of state.

36 At the end of each calendar quarter the treasurer
37 of state shall transfer moneys to repay the amount of
38 the loan from the permanent school fund from the
39 ~~following sources:~~

40 1.--~~Moneys~~ moneys in the permanent school fund
41 repayment account created in section 280C.6,
42 subsection 1, paragraph "a".

43 2.--~~Moneys to be credited to the "surplus" account~~
44 ~~of the Iowa plan fund for economic development created~~
45 ~~in section 99E.31.~~

46 On and after June 30, 1996, the moneys reserved by
47 the Iowa department of economic development from the
48 revolving loan account created in section 280C.6,
49 subsection 1, paragraph "b", shall be used to repay a
50 portion of the loan from the permanent school fund

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1 provided the conditions stated in section 280C.6,
2 subsection 1, paragraph "b", are met.

3 Sec. 9. Section 422.43, subsection 2, Code 1989,
4 is amended to read as follows:

5 2. There is imposed a tax of four percent upon the
6 gross receipts derived from the operation of all forms
7 of amusement devices and games of skill, games of
8 chance, raffles and bingo games as defined in chapter
9 99B, operated or conducted within the state of Iowa,
10 the tax to be collected from the operator in the same
11 manner as is provided for the collection of taxes upon
12 the gross receipts of tickets or admission as provided
13 in this section. ~~The tax shall also be imposed upon~~
14 ~~the gross receipts derived from the sale of lottery~~
15 ~~tickets or shares pursuant to chapter 99E. The tax on~~
16 ~~the lottery tickets or shares shall be included in the~~
17 ~~sales price and distributed to the general fund as~~
18 ~~provided in section 99E.10.~~

19 Sec. 10. Section 422.45, Code Supplement 1989, is
20 amended by adding the following new subsection:

21 NEW SUBSECTION. 43. The gross receipts from the
22 sale of lottery tickets or shares pursuant to chapter
23 99E."

24 2. Title page, by striking lines 1 through 6 and
25 inserting the following: "An Act relating to the
26 deposit of lottery revenues into the general fund of
27 the state and exempting lottery sales from the state
28 sales, services, and use tax."

By CALVIN O. HULTMAN
JOHN W. JENSEN
RICHARD VANDE HOEF
MARK R. HAGERLA
JACK W. HESTER

MAGGIE TINSMAN
WILMER RENSINK
NORMAN GOODWIN
H. KAY HEDGE
PAUL PATE

S-5029 FILED JANUARY 29, 1990

RULED OUT OF ORDER (p. 260)

SENATE FILE 2153

S-5028

1 Amend Senate File 2153 as follows:

2 1. Page 3, line 25, by striking the word "twenty"
3 and inserting the following: "thirty".

By JACK RIFE
WILMER RENSINK
NORMAN GOODWIN
JULIA GENTLEMAN
PAUL PATE
JOHN SOORHOLTZ
H. KAY HEDGE

RICHARD VANDE HOEF
JOHN JENSEN
CALVIN HULTMAN
JACK HESTER
MAGGIE TINSMAN
RAY TAYLOR

S-5028 FILED JANUARY 29, 1990

LOST (p. 263)

SENATE FILE 2153

S-5030

Amend Senate File 2153 as follows:

1. Page 3, line 20, by striking the word "ten" and inserting the following: "seven".
2. Page 3, line 22, by striking the word "ten" and inserting the following: "seven".
3. Page 3, by inserting after line 23, the following:
 - "e. For each fiscal year, six percent to the environmental health and safety account."
4. Page 3, line 25, by striking the word "d" and inserting the following: "e".
5. Page 8, by inserting after line 4 the following:
 - "5A. Moneys in the environmental health and safety account are appropriated to the department of corrections for each fiscal year of the fiscal period beginning July 1, 1990, and ending June 30, 2000, for the purposes designated:
 - a. For remedying situations that pose an environmentally related health or safety hazard at department of corrections institutions.
 - b. Of the moneys appropriated for purposes of paragraph "a", for the fiscal year beginning July 1, 1990, the following amounts shall be available as follows:
 - (1) For the Clarinda correctional facility, the sum of fifty thousand dollars for the purpose of asbestos removal.
 - (2) For the Fort Madison correctional facility, the sum of one hundred seventeen thousand five hundred dollars for the purpose of asbestos removal.
 - (3) For the Mt. Pleasant correctional facility, the sum of eighty thousand four hundred ten dollars for the purposes of asbestos removal and the disposition of a PCB transformer.
 - (4) For the Oakdale correctional facility, the sum of one hundred nine thousand seven hundred dollars for the purpose of asbestos removal.
 - (5) For the Rockwell City correctional facility, the sum of ten thousand dollars for the purpose of asbestos removal."
 6. Page 8, line 5, by striking the word and figure "and 5" and inserting the following: "5, and 5A".

By JULIA GENTLEMAN
RAY TAYLOR

MARK HAGERLA
LINN FUHRMAN

S-5030 FILED JANUARY 29, 1990

LOST (g. 261)

SENATE FILE 2153

S-5031

1 Amend Senate File 2153 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1.

5 There is appropriated from the general fund of the
6 state to the department of natural resources for the
7 fiscal year beginning July 1, 1990, and ending June
8 30, 1991, the following amounts, or so much thereof as
9 is necessary, to be used for the purposes designated:10 1. For deposit in the Iowa resources enhancement
11 and protection fund created in section 455A.18:
12 \$ 20,000,00013 2. For purposes of implementing and enforcing
14 chapter 455D:
15 \$ 5,000,00016 3. For deposit in the sewage treatment works
17 revolving loan fund created in section 455B.295:
18 \$ 1,000,00019 4. To implement and administer the state and local
20 government waste management program under section
21 455B.510:
22 \$ 750,00023 5. To administer the permanent household hazardous
24 materials collection system established in section
25 455F.8:
26 \$ 500,00027 6. To finance permanent household hazardous
28 materials regional collection centers:
29 \$ 500,00030 7. To provide grants to counties for rural water
31 testing under section 455B.172:
32 \$ 500,00033 8. To provide grants to counties for closure of
34 abandoned wells under section 455B.172:
35 \$ 500,00036 9. To the environmental protection division to
37 enhance the air quality programs under chapter 455B,
38 division II:
39 \$ 500,00040 10. To the center for health effects of
41 environmental contamination established pursuant to
42 section 455E.11, subsection 2, paragraph "b", to be
43 used for the purposes designated:44 a. For educational purposes:
45 \$ 100,00046 b. For air quality research related to
47 indoor/outdoor air and emissions:
48 \$ 400,00049 11. For the establishment and implementation of
50 not less than five model farm demonstration project

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1 areas, in geographically distinct portions of the
2 state. The projects shall be located in southeast,
3 south-central, southwest, northwest, and north-central
4 portions of the state. The projects shall be designed
5 to enhance the profitability and decrease the
6 environmental impacts of row crop production, and to
7 develop on-farm demonstration and education programs
8 involving farms concentrated in a project area, such
9 as the Big Spring demonstration project does in
10 northeast Iowa. An advisory group shall assist the
11 energy and geological resources division of the
12 department of natural resources in the project design
13 and implementation, with representation consisting of
14 the director of the soil conservation division of the
15 department of agriculture and land stewardship, and
16 the director of cooperative agricultural extension
17 service:

18 \$ 230,000

19 12. To the energy and geological resources
20 division to be used for the following designated
21 purposes:

22 a. For implementing energy efficiency programs for
23 local governments:

24 \$ 500,000

25 b. For establishing the ethanol research and
26 technology office at the state university of Iowa:

27 \$ 385,000

28 13. To enhance the department's ability to conduct
29 detailed assessments and evaluations of surface water
30 streams and rivers:

31 \$ 493,000

32 14. To implement a statewide groundwater
33 monitoring program consisting of long-term monitoring
34 wells:

35 \$ 577,000

36 15. To the waste management authority to assist
37 businesses which generate hazardous waste:

38 \$ 300,000

39 16. To advance the restoration of native prairies:

40 \$ 300,000

41 Sec. 2.

42 There is appropriated from the general fund of the
43 state to the department of agriculture and land
44 stewardship for the fiscal year beginning July 1,
45 1990, and ending June 30, 1991, the following amounts,
46 or so much thereof as is necessary, to be used for the
47 purposes designated:

48 1. To the soil conservation division to provide
49 state soil and water conservation cost-sharing funds
50 pursuant to sections 467A.42 through 467A.75:

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1 \$ 3,000,000
2 2. To the water protection fund created in section
3 467F.4, to be used for filter strips and waterways
4 projects:
5 \$ 500,000
6 The governing body of each soil and water
7 conservation district shall identify those critical
8 areas within the district where permanent grass and
9 buffer zones would mitigate the effects of
10 concentrated runoff on surface water quality. The
11 governing body shall notify the landowners of those
12 critical areas and provide the landowners with
13 recommendations to establish these permanent grass and
14 buffer zones, including any erosion control structures
15 that may be appropriate, to mitigate the effects of
16 concentrated runoff on surface water quality. In
17 providing this notification and these recommendations,
18 the governing body shall also inform the landowners
19 that the establishment of these zones along with any
20 erosion control structures may be eligible for
21 financial assistance under the incentive programs
22 within the water protection fund created in section
23 467F.4 and the landowner's costs may also qualify for
24 a state income tax credit.
25 3. To the soil conservation division for
26 reforestation programs:
27 \$ 1,000,000
28 4. For on-farm alternative fuels demonstration
29 projects:
30 \$ 300,000
31 5. To create an office of alternative fuel
32 coordinator:
33 \$ 80,000
34 The alternative fuel coordinator shall do, but is
35 not limited to, the following:
36 a. Advise the department of agriculture and land
37 stewardship regarding standards for oxygenate octane
38 enhancers.
39 b. Assist state or federal agencies and commercial
40 enterprises located in the state in conducting public
41 research relating to the production, consumption, and
42 marketing of alternative fuel technology.
43 c. Investigate the viability of the state
44 purchasing and utilizing vehicles powered by
45 alternative fuels.
46 Sec. 3.
47 There is appropriated from the general fund of the
48 state to the Iowa state university of science and
49 technology for the fiscal year beginning July 1, 1990,
50 and ending June 30, 1991, the following amount, or so

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1 much thereof as is necessary, to be used for the
2 purposes designated:

3 For allocation to the Iowa state university water
4 research institute for the purposes and under the
5 conditions specified in section 99E.32, subsection 4,
6 paragraph "e":

7 \$ 150,000

8 Sec. 4.

9 There is appropriated from the general fund of the
10 state to the university of northern Iowa for the
11 fiscal year beginning July 1, 1990, and ending June
12 30, 1991, the following amount, or so much thereof as
13 is necessary, to be used for the purposes designated:

14 For the Iowa waste reduction center for the safe
15 and economic management of solid waste and hazardous
16 substances established under section 268.4:

17 \$ 100,000

18 Sec. 5.

19 There is appropriated from the general fund of the
20 state to the state board of regents for the fiscal
21 year beginning July 1, 1990, and ending June 30, 1991,
22 the following amount, or so much thereof as is
23 necessary, to be used for the purposes designated:

24 For alternative fuels research, development, and
25 demonstration projects:

26 \$ 300,000

27 Sec. 6.

28 There is appropriated from the general fund of the
29 state to the department of education for the fiscal
30 year beginning July 1, 1990, and ending June 30, 1991,
31 the following amount, or so much thereof as is
32 necessary, to be used for the purposes designated:

33 To develop environmental education materials:

34 \$ 100,000

35 Sec. 7.

36 There is appropriated from the general fund of the
37 state to the division of community action agencies of
38 the department of human rights for the fiscal year
39 beginning July 1, 1990, and ending June 30, 1991, the
40 following amount, or so much thereof as is necessary
41 to be used for the purposes designated:

42 For qualifying energy conservation programs for
43 low-income persons, including but not limited to
44 energy weatherization projects, which target the
45 highest energy users, and including administrative
46 costs:

47 \$ 500,000

48 Sec. 8. Section 15.251, subsection 2, Code
49 Supplement 1989, is amended to read as follows:

50 2. The department may charge, within thirty days

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Page 5

1 following the sale of certificates under chapter 280B,
2 the board of directors of the merged area a fee of up
3 to one percent of the gross sale amount of the
4 certificates issued. The amount of this fee shall be
5 deposited into the ~~jobs-new-account-within-the-iowa~~
6 ~~pian-fund-for-economic-development-created-in-section~~
7 ~~99E:10~~ a job training fund created in the office of
8 the treasurer of state and may be used by the
9 department to cover the costs of management of chapter
10 280B and to support other efforts by the merged area
11 schools related to providing productivity and quality
12 enhancement training. Funds deposited under this
13 subsection into the ~~jobs-new-account~~ job training fund
14 during a fiscal year which are not expended by the
15 department in that fiscal year are available for use
16 by the department under this subsection for subsequent
17 fiscal years.

18 Sec. 9. Section 28.120, subsection 5, Code 1989,
19 is amended to read as follows:

20 5. Loan repayments received by the Iowa department
21 of economic development shall be deposited into a
22 special account to be used at its discretion as
23 matching funds to attract financial assistance from
24 and to participate in programs with national rural
25 development and finance corporations or as provided in
26 subsection 6. Funds in this special account shall not
27 revert to the state general fund at the end of any
28 fiscal year. If the programs for which the funds in
29 the special account are to be used are terminated or
30 expire, the funds in the special account and funds
31 that would be repaid, if any, to the special account
32 shall be transferred or repaid to the ~~community~~
33 ~~economic-betterment-account-of-the-iowa-pian-fund-for~~
34 ~~economic-development-as-established-in-section-99E:31~~
35 Iowa community development loan program fund.

36 Sec. 10. Section 99E.10, subsection 1, paragraph
37 b, Code 1989, is amended by striking the paragraph.

38 Sec. 11. Section 99E.10, subsection 1, unnumbered
39 paragraph 3, Code 1989, is amended by striking the
40 paragraph and inserting in lieu thereof the following:

41 Beginning July 1, 1990, all lottery revenue
42 remaining after expenses are determined shall be
43 deposited in the general fund of the state. The
44 director shall consult with the director of the
45 department of management and agree to an appropriate
46 schedule for timely deposits of lottery revenue to the
47 state general fund, taking into account operating and
48 cash balances necessary to sustain the operations of
49 the lottery.

50 Sec. 12. Section 99E.10, subsections 2 and 3, Code

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Page 6

1 1989, are amended by striking the subsections.

2 Sec. 13. Section 99E.20, subsection 2, Code 1989,
3 is amended to read as follows:

4 2. A lottery fund is created in the office of the
5 treasurer of state. The fund consists of all revenues
6 received from the sale of lottery tickets or shares
7 and all other moneys lawfully credited or transferred
8 to the fund. The commissioner shall certify monthly
9 that portion of the fund that is transferred to the
10 ~~Iowa-plan state general fund~~ under section 99E.10 and
11 shall cause that portion to be transferred to the Iowa
12 ~~plan general fund~~ of the state. The-commissioner
13 ~~shall-certify-before-the-twentieth-of-each-month-that~~
14 ~~portion-of-the-fund-resulting-from-the-previous~~
15 ~~month's-sales-to-be-transferred-to-the-Iowa-plan-fund-~~

16 Sec. 14. Section 280C.6, subsection 1, Code 1989,
17 is amended to read as follows:

18 1. There is established for the area schools an
19 area school job training fund under the supervision of
20 the treasurer of state. The area school job training
21 fund consists of two separate accounts containing
22 moneys as follows:

23 a. A permanent school fund repayment account to
24 which shall be credited the interest and principal
25 from repayment of loans originating from the permanent
26 school fund appropriation in section 280C.8, made to
27 employers for program costs, and interest earned from
28 moneys in the account. Moneys in this account shall
29 be used to repay the appropriation from the permanent
30 school fund. At the end of each calendar quarter, the
31 treasurer of state shall transfer the moneys in the
32 account ~~and-any-moneys-in-the-surplus-account-of-the~~
33 ~~Iowa-plan-fund-for-economic-development-created-in~~
34 ~~section-99E.31~~ to the permanent school fund as
35 repayment of the loan from the permanent school fund.
36 If there are moneys in the permanent school fund
37 repayment account after the permanent school fund loan
38 has been fully repaid, those moneys shall be
39 transferred to the revolving loan account provided in
40 paragraph "b" of this section.

41 b. A revolving loan account to which shall be
42 credited moneys appropriated for the fiscal year
43 beginning July 1, 1987, and for succeeding fiscal
44 years for the purposes of this chapter plus the
45 interest and principal from repayment of advances made
46 to employers for program costs and interest earned
47 from moneys in the revolving loan account. Moneys in
48 this account shall be used to provide advances to
49 employers for program costs upon request of boards of
50 directors of the area schools. Beginning July 1,

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1 1995, the Iowa department of economic development
2 shall reserve a portion of the moneys in the revolving
3 loan account to pay a portion of the original one
4 million dollar appropriation in section 280C.8 which,
5 based upon projections of the state treasurer, may
6 still be owed to the permanent school fund on June 30,
7 1996. The department shall reserve a portion of the
8 moneys in the revolving loan account only if the
9 moneys in the permanent school fund repayment account
10 created in paragraph "a" and ~~moneys in the "surplus"~~
11 ~~account of the Iowa plan fund for economic development~~
12 ~~created in section 99E.31, subsection 1, paragraph~~
13 ~~"e",~~ are insufficient to repay the loan from the
14 permanent school fund.

15 Sec. 15. Section 280C.8, Code 1989, is amended to
16 read as follows:

17 280C.8 APPROPRIATIONS.

18 Notwithstanding sections 8.6, 302.1, and 302.1A,
19 there is appropriated from the permanent school fund,
20 for the fiscal period beginning July 1, 1985, and
21 ending June 30, 1996, the sum of one million dollars
22 to provide funds for the purposes of and deposits in
23 the area school job training fund created in section
24 280C.6. The money appropriated under this section is
25 a loan from the permanent school fund to the area
26 school job training fund. The interest on the loan
27 shall be prepaid for a three-year period from funds
28 appropriated by this section. The rate of interest
29 shall be determined by the treasurer of state.

30 At the end of each calendar quarter the treasurer
31 of state shall transfer moneys to repay the amount of
32 the loan from the permanent school fund from the
33 following sources:

34 1:--~~Moneys~~ moneys in the permanent school fund
35 repayment account created in section 280C.6,
36 subsection 1, paragraph "a".

37 2:--~~Moneys to be credited to the "surplus" account~~
38 ~~of the Iowa plan fund for economic development created~~
39 ~~in section 99E.31.~~

40 On and after June 30, 1996, the moneys reserved by
41 the Iowa department of economic development from the
42 revolving loan account created in section 280C.6,
43 subsection 1, paragraph "b", shall be used to repay a
44 portion of the loan from the permanent school fund
45 provided the conditions stated in section 280C.6,
46 subsection 1, paragraph "b", are met.

47 Sec. 16. NEW SECTION. 422.11 GRASS AND BUFFER
48 ZONE TAX CREDIT.

49 The taxes imposed under this division, less credits
50 allowed under sections 422.10 and 422.12, shall be

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Page 8

1 reduced by a grass and buffer zone tax credit. A
2 taxpayer is entitled to a grass and buffer zone tax
3 credit equal to fifty percent of the cost paid by the
4 taxpayer to establish a permanent grass and buffer
5 zone, including the cost of any erosion control
6 structure erected on the zone, if the governing body
7 of the soil and water conservation district in which
8 the land is located has recommended that the permanent
9 grass and buffer zone, including the erosion control
10 structure, will mitigate the effects of concentrated
11 runoff on surface water quality. The governing body
12 shall certify on forms provided by the department that
13 the permanent grass and buffer zone, including the
14 erosion control structure, was recommended by it and
15 that the costs claimed by the taxpayer are reasonable.
16 The taxpayer shall file the certificate with the
17 taxpayer's state income tax return in order to receive
18 the credit. An individual may claim the grass and
19 buffer zone tax credit allowed a partnership,
20 subchapter S corporation, or estate or trust electing
21 to have the income taxed directly to the individual.
22 The amount claimed by the individual shall be based
23 upon the pro rata share of the individual's earnings
24 of the partnership, subchapter S corporation, or
25 estate or trust. Any credit in excess of the tax
26 liability for the tax year may be credited to the tax
27 liability for the following ten tax years or until
28 depleted, whichever is the earlier.

29 Sec. 17. Section 422.33, Code Supplement 1989, is
30 amended by adding the following new subsection:

31 NEW SUBSECTION. 8. The taxes imposed under this
32 division shall be reduced by a grass and buffer zone
33 tax credit. A taxpayer is entitled to a grass and
34 buffer zone tax credit equal to fifty percent of the
35 cost paid by the taxpayer to establish a permanent
36 grass and buffer zone, including the cost of any
37 erosion control structure erected on the zone, if the
38 governing body of the soil and water conservation
39 district in which the land is located has recommended
40 that the permanent grass and buffer zone, including
41 the erosion control structure, will mitigate the
42 effects of concentrated runoff on surface water
43 quality. The governing body shall certify on forms
44 provided by the department that the permanent grass
45 and buffer zone, including the erosion control
46 structure, was recommended by it and that the costs
47 claimed by the taxpayer are reasonable. The taxpayer
48 shall file the certificate with the taxpayer's state
49 income tax return in order to receive the credit. Any
50 credit in excess of the tax liability for the tax year

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1 may be credited to the tax liability for the following
2 ten tax years or until depleted, whichever is the
3 earlier.

4 Sec. 18. Section 422.43, subsection 2, Code 1989,
5 is amended to read as follows:

6 2. There is imposed a tax of four percent upon the
7 gross receipts derived from the operation of all forms
8 of amusement devices and games of skill, games of
9 chance, raffles and bingo games as defined in chapter
10 99B, operated or conducted within the state of Iowa,
11 the tax to be collected from the operator in the same
12 manner as is provided for the collection of taxes upon
13 the gross receipts of tickets or admission as provided
14 in this section. ~~The tax shall also be imposed upon~~
15 ~~the gross receipts derived from the sale of lottery~~
16 ~~tickets or shares pursuant to chapter 99E. The tax on~~
17 ~~the lottery tickets or shares shall be included in the~~
18 ~~sales price and distributed to the general fund as~~
19 ~~provided in section 99E-10.~~

20 Sec. 19. Section 422.45, Code Supplement 1989, is
21 amended by adding the following new subsection:

22 NEW SUBSECTION. 43. The gross receipts from the
23 sale of lottery tickets or shares pursuant to chapter
24 99E.

25 Sec. 20. NEW SECTION. 455B.510 STATE AND LOCAL
26 GOVERNMENT WASTE MANAGEMENT PROGRAM.

27 1. The department shall establish and administer,
28 in cooperation with other state agencies, local
29 governments, and school districts, a program to manage
30 the wastes generated by state and local governments as
31 a part of a comprehensive pollution prevention program
32 for governments in Iowa. The program shall emphasize
33 hazardous and toxic waste minimization and recycling
34 and shall include assistance in the disposal of
35 nonrecyclable wastes.

36 2. The department shall:

37 a. Develop and implement programs to train state,
38 local government, and school officials in pollution
39 prevention, waste minimization, and waste management.
40 This shall include the creation of intergovernmental
41 pollution prevention teams to serve the local
42 governments and school districts of each county.

43 b. Assist local governments and school districts
44 in finding nonhazardous or nontoxic substitutes for
45 hazardous and toxic materials currently used in their
46 business activities.

47 c. Assist local governments and school districts
48 in recycling or disposing of toxic and hazardous
49 wastes currently stored. This may include the
50 creation of a cooperative waste pickup and disposal

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1 program that is jointly financed by the department and
2 the participants.

3 d. Provide financial assistance to local
4 governments and school districts in the implementation
5 of pollution prevention, waste minimization, and waste
6 management programs.

7 3. Local governments and school districts shall:

8 a. Participate in establishing intergovernmental
9 pollution prevention teams by January 1, 1991.

10 b. Arrange to have a pollution prevention team
11 review their facilities.

12 c. File a waste minimization and waste management
13 report with the department by January 1, 1992. A
14 progress report shall be filed every subsequent two
15 years.

16 4. Once the governmental waste management program
17 is established, the department, other state agencies,
18 local governments, and school districts shall
19 cooperate with conditionally exempt small quantity
20 hazardous and toxic waste generators in handling waste
21 minimization and waste management problems by
22 providing technical assistance and allowing those
23 generators to participate in governmental recycling
24 and waste disposal programs at cost.

25 Sec. 21.

26 Sections 16 and 17 of this Act take effect January
27 1, 1991, for tax years beginning on or after that
28 date."

29 2. Title page, line 3, by striking the words
30 "Iowa lottery revenues" and inserting the following:
31 "the state general fund, depositing Iowa lottery
32 revenues into the state general fund,".

By CALVIN O. HULTMAN

JOHN JENSEN

MAGGIE TINSMAN

RICHARD VANDE HOEF

H. KAY HEDGE

JACK HESTER

WILMER RENSINK

NORMAN GOODWIN

PAUL PATE

RAY TAYLOR

LINN FUHRMAN

MARK HAGERLA

S-5031 FILED JANUARY 29, 1990

RULED OUT OF ORDER (p. 260)

SENATE FILE 2153

S-5032

1 Amend Senate File 2153 as follows:

2 1. Page 3, line 20, by striking the word "ten"
3 and inserting the following: "seven".

4 2. Page 3, line 22, by striking the word "ten"
5 and inserting the following: "seven".

6 3. Page 3, by inserting after line 23, the
7 following:

8 "dd. For each fiscal year, six percent to the
9 environmental health and safety account."

10 4. Page 3, line 25, by striking the word "d" and
11 inserting the following: "dd".

12 5. Page 8, by inserting after line 4 the
13 following:

14 "5A. Moneys in the environmental health and safety
15 account are appropriated to the department of human
16 services for each fiscal year of the fiscal period
17 beginning July 1, 1990, and ending June 30, 2000, for
18 the purposes designated:

19 a. For remedying situations that pose an
20 environmentally related health or safety hazard at
21 department of human services' institutions.

22 b. Of the moneys appropriated for purposes of
23 paragraph "a", for the fiscal year beginning July 1,
24 1990, the following amounts shall be available as
25 follows:

26 (1) For the Iowa juvenile home at Toledo, the sum
27 of seventy-two thousand nine hundred fifty dollars for
28 the purposes of asbestos removal and installation of
29 monitoring wells for underground storage tanks.

30 (2) For the state training school at Eldora, the
31 sum of one hundred eighty thousand dollars for the
32 purposes of asbestos removal and the removal of
33 underground storage tanks.

34 (3) For the state mental health institute at
35 Cherokee, the sum of four hundred thirty-one thousand
36 five hundred dollars for the purposes of asbestos
37 removal and cleaning up of a department of natural
38 resources cited, unapproved landfill.

39 (4) For the state mental health institute at
40 Clarinda, the sum of fifty-four thousand seven hundred
41 fifty dollars for the purpose of asbestos removal.

42 (5) For the state mental health institute at
43 Independence, the sum of three hundred twenty-two
44 thousand five hundred dollars for the purposes of
45 asbestos removal, replacing underground storage tanks,
46 and replacing PCB transformers.

47 (6) For the state mental health institute at Mt.
48 Pleasant, the sum of three hundred thirty-three
49 thousand two hundred fifty dollars for the purposes of
50 asbestos removal and the removal of a PCB transformer.

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Page 2

1 (7) For the state hospital-school at Glenwood, the
2 sum of one hundred eighty-five thousand dollars for
3 the purposes of asbestos removal, installing a buried
4 tank monitoring well, and replacing a noncompliant
5 waste incinerator.

6 (8) For the state hospital-school at Woodward, the
7 sum of one hundred eighty-six thousand eight hundred
8 seventy-eight dollars and fifty cents for the purpose
9 of asbestos removal.

10 (9) For the facility at Marshalltown, the sum of
11 one hundred thirty-one thousand dollars for the
12 purposes of asbestos removal, purchasing a
13 biohazardous waste incinerator, and upgrading
14 underground fuel tanks as required by the United
15 States environmental protection agency."

16 6. Page 8, line 5, by striking the word and
17 figure "and 5" and inserting the following: "5, and
18 5A".

By CALVIN O. HULTMAN
RAY TAYLOR
RICHARD VANDE HOEF
JOY CORNING

MARK HAGERLA
JOHN SOORHOLTZ
LINN FUHRMAN

S-5032 FILED JANUARY 29, 1990

LOST (p. 262)

SENATE FILE 2153

S-5033

- 1 Amend Senate File 2153 as follows:
2 1. Page 3, line 20, by striking the word "ten"
3 and inserting the following: "seven".
4 2. Page 3, line 22, by striking the word "ten"
5 and inserting the following: "seven".
6 3. Page 3, by inserting after line 23, the
7 following:
8 "dd. For each fiscal year, six percent to the fire
9 code compliance account."
10 4. Page 3, line 25, by striking the word "d" and
11 inserting the following: "dd".
12 5. Page 8, by inserting after line 4 the
13 following:
14 "5A. Moneys in the fire code compliance account
15 are appropriated to the named agencies for each fiscal
16 year of the fiscal period beginning July 1, 1990, and
17 ending June 30, 2000, for the purposes designated:
18 a. For the fiscal year beginning July 1, 1990, to
19 the department of human services to correct cited fire
20 code violations at the following institutions:
21 (1) For the Iowa juvenile home at Toledo, the sum
22 of one hundred fifty-four thousand five hundred sixty
23 dollars to replace fire escapes and to update the fire
24 alarm system.
25 (2) For the state training school at Eldora, the
26 sum of one hundred eighty thousand seven hundred sixty
27 dollars to replace and add fire escapes and to install
28 a campus-wide fire detection and alarm system.
29 (3) For the state mental health institute at
30 Cherokee, the sum of one hundred fifty-three thousand
31 dollars to install wire glass, exit lighting, fire
32 doors, and extension of the smoke detection and fire
33 alarm system.
34 (4) For the state mental health institute at
35 Clarinda, the sum of fifty thousand dollars for the
36 installation of a sprinkler system in Pine cottage.
37 (5) For the state mental health institute at
38 Independence, the sum of one hundred seventy-five
39 thousand dollars for the installation of fire exits,
40 emergency power, and fire detection and alarm
41 equipment.
42 (6) For the state mental health institute at Mt.
43 Pleasant, the sum of twenty-five thousand dollars for
44 the installation of a sprinkler system in the building
45 18 attic.
46 (7) For the state hospital-school at Glenwood, the
47 sum of ten thousand dollars for the covering of wood
48 floors in building 115.
49 b. For the fiscal year beginning July 1, 1990, to
50 the state board of regents to correct cited fire code

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Page 2

1 violations at the following institutions:

2 (1) Iowa state university of science and
3 technology, the sum of two hundred seventy thousand
4 dollars for installing second exits in the
5 agricultural engineering shed, Beyer hall, and
6 Davidson hall, to relocate penthouse offices in Coover
7 hall, and to provide second exits, to enclose stairs
8 and extend the fire alarm and smoke detection system
9 in the English office building.

10 (2) State university of Iowa, the sum of three
11 hundred thirty-three thousand dollars to correct exit,
12 lighting, and alarm deficiencies.

13 (3) University of northern Iowa, the sum of two
14 hundred five thousand dollars for the removal and the
15 placement of the fiber ceiling in Pine lab.

16 c. For the fiscal year beginning July 1, 1990, to
17 the department of corrections to correct cited fire
18 code violations at the following facilities:

19 (1) For the Newton correctional facility, the sum
20 of seventy-five thousand dollars to replace
21 noncompliant fire escapes.

22 (2) For the Fort Madison correctional facility,
23 the sum of one hundred seventy-seven thousand four
24 hundred twenty-five dollars to complete code
25 compliance projects in the administration building and
26 to install a sprinkler system in cell block 18.

27 (3) For the Anamosa correctional facility, the sum
28 of one hundred fifty thousand dollars to begin
29 enclosing the fire escapes for the auditorium, chapel,
30 and music area.

31 (4) For the Oakdale correctional facility, the sum
32 of one hundred eight thousand seven hundred fifty
33 dollars to complete various code compliance projects.

34 (5) For the Rockwell City correctional facility,
35 the sum of one hundred fifty-five thousand dollars to
36 remodel the fire exits and to begin replacing the main
37 electrical system and rewiring buildings.

38 (6) For the Mitchellville correctional facility,
39 the sum of seventy-two thousand nine hundred thirty
40 dollars to upgrade the fire alarm system."

41 6. Page 8, line 5, by striking the word and
42 figure "and 5" and inserting the following: "5, and
43 5A".

By LINN FUHRMAN
JOHN JENSEN
RICHARD VANDE HOEF

S-5033 FILED JANUARY 29, 1990

LOST (p. 262)

SENATE FILE 2153

S-5036

Amend Senate File 2153 as follows:

1. Page 13, by inserting after line 18 the following:
 - "Sec. ____ . NEW SECTION. 455F.12 AVAILABILITY.
The facilities for the temporary storage of household and conditionally exempted small quantity generator hazardous materials shall be available to:
 1. A full-time resident of Iowa.
 2. A corporation, partnership, or legal entity registered to do business in Iowa if, all of the following apply:
 - a. The hazardous materials submitted to the facility are a result of activities of the entity conducted in Iowa.
 - b. The entity generates not more than two hundred twenty pounds or twenty-five gallons of hazardous waste in any calendar month.
 - c. The entity generates not more than two pounds of acutely hazardous waste in any calendar month.
 - d. The entity has not accumulated more than two thousand two hundred pounds or two hundred fifty gallons of hazardous waste.
 - Sec. ____ . NEW SECTION. 455F.13 AMOUNT COLLECTED.
All facilities for the temporary storage of household and conditionally exempted small quantity generator hazardous material shall accept for collection from each person described in section 455F.12, subsection 1, not more than twenty-five pounds of hazardous material from January 1 through June 30 of each year and twenty-five pounds of hazardous material from July 1 through December 31 of each year.
 - All facilities for the temporary storage of household and conditionally exempted small quantity generator hazardous material shall accept for collection from each entity described in section 455F.12, subsection 2, not more than one hundred fifty pounds of hazardous material from January 1 through June 30 of each year and one hundred fifty pounds of hazardous material from July 1 through December 31 of each year.
 - Sec. ____ . NEW SECTION. 455F.14 FEE.
With regard to those individuals described in section 455F.12, subsection 1, a fee shall not be assessed for the collection of hazardous materials.
With regard to those entities described in section 455F.12, subsection 2, the department may assess a fee for the collection of all amounts in excess of twenty-five pounds of hazardous material submitted for collection from January 1 through June 30 of each year

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Page 2

1 and twenty-five pounds of hazardous material submitted
2 for collection from July 1 through December 31 of each
3 year. The fee shall not exceed the actual cost to the
4 department for transportation and disposal of the
5 hazardous materials submitted by the conditionally
6 exempted small quantity generator pursuant to section
7 455F.13."

By CALVIN O. HULTMAN
MARK HAGERLA

S-5036 FILED JANUARY 29, 1990

LOST (p. 265)

SENATE FILE 2153

S-5035

1 Amend Senate File 2153 as follows:
2 1. Page 5, by inserting after line 21 the
3 following:
4 " _____. To the environmental protection division of
5 the department of natural resources to provide
6 financial assistance to livestock producers for new
7 livestock facilities that are designed to control
8 livestock waste and to be operated in an
9 environmentally sound practice. The amount of
10 financial assistance provided to a livestock producer
11 under this paragraph shall not exceed twenty thousand
12 dollars."

By RAY TAYLOR
RICHARD VANDE HOEF

S-5035 FILED JANUARY 29, 1990

LOST (p. 264)

SENATE FILE **2153**
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2120)

(AS AMENDED AND PASSED BY THE SENATE JANUARY 29, 1990)

~~_____~~ - New Language by the Senate

RePassed Senate, Date 4/7/90 (p. 1687) Passed House, Date 4/4/90 (p. 1962)
Vote: Ayes 42 Nays 6 Vote: Ayes 68 Nays 28

Approved 5/8/90 Item Vetoed

Proposed House pass 6/18/2 4/7 (2253)
4/7/90 (p. 2223)
80-16

A BILL FOR

1 An Act relating to and making a commitment to the environment,
2 agriculture, and natural resources by making appropriations
3 from Iowa lottery revenues and providing for an income tax
4 credit for establishing permanent grass and buffer zones
5 including erosion control structures, and providing effective
6 and applicability dates.

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

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S.F. 2153

1 Section 1. Section 15.108, subsection 1, paragraphs f and
2 g, Code Supplement 1989, are amended by striking the
3 paragraphs.

4 Sec. 2. Section 15.251, subsection 2, Code Supplement
5 1989, is amended to read as follows:

6 2. The department may charge, within thirty days following
7 the sale of certificates under chapter 280B, the board of
8 directors of the merged area a fee of up to one percent of the
9 gross sale amount of the certificates issued. The amount of
10 this fee shall be deposited into ~~the-jobs-now-account-within~~
11 ~~the-iowa-plan-fund-for-economic-development-created-in-section~~
12 ~~99E-10~~ a job training fund created in the office of the
13 treasurer of state and may be used by the department to cover
14 the costs of management of chapter 280B and to support other
15 efforts by the merged area schools related to providing
16 productivity and quality enhancement training. Funds
17 deposited under this subsection into the ~~jobs-now-account~~ job
18 training fund during a fiscal year which are not expended by
19 the department in that fiscal year are available for use by
20 the department under this subsection for subsequent fiscal
21 years.

22 Sec. 3. Section 99E.10, subsection 1, unnumbered paragraph
23 3, Code 1989, is amended to read as follows:

24 The ~~iowa-plan~~ committing the lottery to environment,
25 agriculture, and natural resources fund for-economic
26 development, also to be known as the ~~iowa-plan~~ CLEAN fund, is
27 created in the office of the treasurer of state. Lottery
28 revenue remaining after expenses are determined shall be
29 transferred to the ~~iowa-plan~~ CLEAN fund on a monthly basis.
30 Revenues generated during the last month of the fiscal year
31 which are transferred to the ~~iowa-plan~~ CLEAN fund during the
32 following fiscal year shall be considered revenues transferred
33 during the previous fiscal year for purposes of the allotments
34 made to and appropriations made from the separate accounts in
35 the ~~iowa-plan~~ CLEAN fund for that previous fiscal year.

1 However, upon the request of the director and subject to
2 approval by the treasurer of state, an amount sufficient to
3 cover the foreseeable administrative expenses of the lottery
4 for a period of twenty-one days may be retained from the
5 lottery revenue. Prior to the monthly transfer to the Iowa
6 plan CLEAN fund, the director may direct that lottery revenue
7 shall be deposited in the lottery fund and in interest bearing
8 accounts designated by the treasurer of state in the financial
9 institutions of this state or invested in the manner provided
10 in section 452.10. Interest or earnings paid on the deposits
11 or investments is considered lottery revenue and shall be
12 transferred to the Iowa-plan CLEAN fund in the same manner as
13 other lottery revenue. Money in the Iowa-plan CLEAN fund
14 shall be deposited in interest bearing accounts in financial
15 institutions in this state or invested in the manner provided
16 in section 452.10. The interest or earnings on the deposits
17 or investments shall be considered part of the Iowa-plan CLEAN
18 fund and shall be retained in the fund unless appropriated by
19 the general assembly.

20 Sec. 4. Section 99E.10, subsection 2, Code 1989, is
21 amended by striking the subsection.

22 Sec. 5. Section 99E.10, subsection 3, Code 1989, is
23 amended to read as follows:

24 ~~3 2. Funds-equal-to-any-initial-appropriation-from-the~~
25 ~~general-fund-to-the-lottery-shall-be-retained-to-the-general~~
26 ~~fund-from-the-receipts-of-the-sale-of-tickets-or-shares-not~~
27 ~~later-than-July-17-1986.~~ The director of management shall not
28 include lottery revenues in the director's fiscal year revenue
29 estimates. Moneys in the Iowa-plan CLEAN fund shall not be
30 considered to-be a part of the Iowa economic emergency fund.

31 Sec. 6. Section 99E.20, subsection 2, Code 1989, is
32 amended to read as follows:

33 2. A lottery fund is created in the office of the
34 treasurer of state. The fund consists of all revenues
35 received from the sale of lottery tickets or shares and all

1 other moneys lawfully credited or transferred to the fund.
2 The commissioner shall certify monthly that portion of the
3 fund that is transferred to the ~~Iowa-plan~~ CLEAN fund under
4 section 99E.10 and shall cause that portion to be transferred
5 to the ~~Iowa-plan~~ CLEAN fund of the state. The commissioner
6 shall certify before the twentieth of each month that portion
7 of the fund resulting from the previous month's sales to be
8 transferred to the ~~Iowa-plan~~ CLEAN fund.

9 Sec. 7. NEW SECTION. 99E.34 APPROPRIATIONS -- TEN FISCAL
10 YEARS.

11 1. The treasurer of state shall, for each fiscal year of
12 the fiscal period beginning July 1, 1990, and ending June 30,
13 2000, make allotments of the moneys within the CLEAN fund
14 created in section 99E.10 to separate accounts within that
15 fund as follows:

16 a. For each fiscal year, forty percent to the natural
17 resources account.

18 b. For each fiscal year, forty percent to the
19 environmental protection account.

20 c. For each fiscal year, ten percent to the soil
21 conservation account.

22 d. For each fiscal year, ten percent to the energy
23 efficiency account.

24 e. Notwithstanding the percentages specified in paragraphs
25 "a" through "d", at least twenty million dollars shall be
26 allotted to the natural resources account for the fiscal year
27 with at least five million dollars being allotted for each of
28 the first three quarters. If, as a result of this paragraph,
29 the percentage allotted to the natural resources account is
30 greater than forty percent, the percentages allotted to the
31 other accounts shall be reduced on a pro rata basis.

32 2. Moneys in the natural resources account are
33 appropriated for each fiscal year of the fiscal period
34 beginning July 1, 1990, and ending June 30, 2000, to the Iowa
35 resources enhancement and protection fund created in section

1 455A.18.

2 3. Moneys in the environmental protection account are
3 appropriated to the department of natural resources for each
4 fiscal year of the fiscal period beginning July 1, 1990, and
5 ending June 30, 2000, to be used, in the amounts deemed
6 appropriate by the department which shall at least equal any
7 minimum amounts specified, for the purposes designated:

8 a. At least five million dollars for purposes of
9 implementing and enforcing chapter 455D. One-half of the
10 funds to be used in each quarter of a fiscal year under this
11 paragraph shall be transferred on a pro rata basis to each
12 county based upon the percent of the state's population
13 residing in that county for deposit in a special account
14 within the county general fund to be used for waste volume
15 reduction and recycling projects in cooperation with other
16 local units of government. The use of these moneys by a
17 county for these projects demonstrates an intent to comply
18 with the requirements of section 455B.306. Each county shall
19 file an annual report with the department detailing the uses
20 for which the moneys were spent.

21 b. To the sewage treatment works revolving loan fund
22 established in section 455B.295.

23 c. At least seven hundred fifty thousand dollars to
24 implement and administer the state and local government waste
25 management program under section 455B.510.

26 d. To the groundwater protection fund created in section
27 455E.11, to be used for the following designated purposes:

28 (1) At least five hundred thousand dollars to administer
29 the permanent household hazardous materials collection system
30 established in section 455F.8. The department may use this
31 allocation to fund its administration of the program and to
32 provide assistance to local communities in holding cleanup
33 events and operating the collection centers.

34 (2) At least five hundred thousand dollars to finance
35 permanent household hazardous materials regional collection

1 centers.

2 (3) To provide grants to counties for rural water testing
3 under section 455B.172, subsection 5.

4 e. At least five hundred thousand dollars, to the
5 environmental protection division of the department of natural
6 resources to enhance the air quality programs under chapter
7 455B, division II. Enhancement of air monitoring and air
8 toxics control programs shall be emphasized.

9 f. At least five hundred thousand dollars, to the center
10 for health effects of environmental contamination established
11 pursuant to section 455E.11, subsection 2, paragraph "b", to
12 be used for the purposes designated:

13 (1) At least one hundred thousand dollars for educational
14 purposes.

15 (2) At least four hundred thousand dollars for air quality
16 research related to indoor/outdoor air and emissions.

17 g. At least one hundred fifty thousand dollars to the Iowa
18 state university of science and technology for allocation to
19 the Iowa state university water research institute for the
20 purposes and under the conditions specified in section 99E.32,
21 subsection 4, paragraph "e".

22 4. Moneys in the soil conservation account are
23 appropriated to the department of agriculture and land
24 stewardship for each fiscal year of the fiscal period
25 beginning July 1, 1990, and ending June 30, 2000, to be used,
26 in the amounts deemed appropriate by the department which
27 shall at least equal any minimum amounts specified, for the
28 purposes designated:

29 a. At least two million two hundred thousand dollars, to
30 the soil conservation division of the department of
31 agriculture and land stewardship to provide state soil and
32 water conservation cost-sharing funds pursuant to sections
33 467A.42 through 467A.75.

34 b. At least two hundred thirty thousand dollars, to the
35 department of agriculture and land stewardship for the

1 establishment and implementation of not less than five model
2 farm demonstration project areas, in geographically distinct
3 portions of the state. The projects shall be located in
4 southeast, south-central, southwest, northwest, and north-
5 central portions of the state. The projects shall be designed
6 to enhance the profitability and decrease the environmental
7 impacts of row crop production, and to develop on-farm
8 demonstration and education programs involving farms
9 concentrated in a project area, such as the Big Spring
10 demonstration project does in northeast Iowa. An advisory
11 group shall assist the soil conservation division of the
12 department of agriculture and land stewardship in the project
13 design and implementation, with representation consisting of
14 the director of the energy and geological resources division
15 of the department of natural resources, and the director of
16 cooperative agricultural extension service.

17 c. At least four hundred thousand dollars, to the water
18 protection fund created in section 467F.4, to be used for
19 filter strips and waterways projects. The governing body of
20 each soil and water conservation district shall identify those
21 critical areas within the district where permanent grass and
22 buffer zones would mitigate the effects of concentrated runoff
23 on surface water quality. The governing body shall notify the
24 landowners of those critical areas and provide the landowners
25 with recommendations to establish these permanent grass and
26 buffer zones, including any erosion control structures that
27 may be appropriate, to mitigate the effects of concentrated
28 runoff on surface water quality. In providing this
29 notification and these recommendations, the governing body
30 shall also inform the landowners that the establishment of
31 these zones along with any erosion control structures may be
32 eligible for financial assistance under the incentive programs
33 within the water protection fund created in section 467F.4 and
34 the landowner's costs may also qualify for a state income tax
35 credit.

1 d. At least five hundred thousand dollars, to the soil
2 conservation division of the department of agriculture and
3 land stewardship for reforestation programs.

4 5. Moneys in the energy efficiency account are
5 appropriated to the department of natural resources for each
6 fiscal year of the fiscal period beginning July 1, 1990, and
7 ending June 30, 2000, to be used, in the amounts deemed
8 appropriate by the department which shall at least equal any
9 minimum amounts specified, for the purposes designated:

10 a. To the energy and geological resources division of the
11 department of natural resources, to be used for the following
12 designated purposes:

13 (1) For implementing energy efficiency programs for local
14 governments.

15 (2) At least three hundred eighty-five thousand dollars,
16 for establishing the ethanol research and technology office at
17 the state university of Iowa.

18 b. To the division of community action agencies of the
19 department of human rights, for qualifying energy conservation
20 programs for low-income persons, including but not limited to
21 energy weatherization projects, which target the highest
22 energy users, and including administrative costs.

23 c. To the state board of regents, for alternative fuels
24 research, development, and demonstration projects.

25 d. To the department of agriculture and land stewardship,
26 for on-farm alternative fuels demonstration projects.

27 e. To the department of agriculture and land stewardship
28 to create an office of alternative fuel coordinator. The
29 alternative fuel coordinator shall do, but is not limited to,
30 the following:

31 (1) Advise the department of agriculture and land
32 stewardship regarding standards for oxygenate octane
33 enhancers.

34 (2) Assist state or federal agencies and commercial
35 enterprises located in the state in conducting public research

1 relating to the production, consumption, and marketing of
2 alternative fuel technology.

3 (3) Investigate the viability of the state purchasing and
4 utilizing vehicles powered by alternative fuels.

5 6. The moneys appropriated in subsections 2, 3, 4, and 5
6 shall remain in the appropriate account of the CLEAN fund
7 until such time as the agency to which moneys are appropriated
8 has made a request to the treasurer for use of moneys
9 appropriated to it and the amount needed for that use.

10 Notwithstanding section 8.33, moneys remaining of the
11 appropriations made for a fiscal year from any of the accounts
12 within the CLEAN fund on June 30 of that fiscal year, shall
13 not revert to any fund but shall remain in that account and
14 the moneys remaining in that account shall not be considered
15 in making the allotments for the next fiscal year.

16 7. The agency to which moneys are appropriated under this
17 section shall make every effort to maximize the impact of
18 these moneys through matching government and private funds.

19 8. During each fiscal year, the department of natural
20 resources for the environmental protection account and the
21 energy efficiency account and the department of agriculture
22 and land stewardship for the soil conservation account shall
23 submit to the legislative council prior to each quarter of the
24 fiscal year a report detailing the planned expenditures from
25 the account to be made during the ensuing fiscal quarter. The
26 legislative council may designate the kind of information that
27 the departments are to provide in these reports.

28 Sec. 8. Section 280C.6, subsection 1, Code 1989, is
29 amended to read as follows:

30 1. There is established for the area schools an area
31 school job training fund under the supervision of the
32 treasurer of state. The area school job training fund
33 consists of two separate accounts containing moneys as
34 follows:

35 a. A permanent school fund repayment account to which

1 shall be credited the interest and principal from repayment of
2 loans originating from the permanent school fund appropriation
3 in section 280C.8, made to employers for program costs, and
4 interest earned from moneys in the account. Moneys in this
5 account shall be used to repay the appropriation from the
6 permanent school fund. At the end of each calendar quarter,
7 the treasurer of state shall transfer the moneys in the
8 account and ~~any moneys in the surplus account of the Iowa plan~~
9 ~~fund for economic development created in section 99E.31~~ to the
10 permanent school fund as repayment of the loan from the
11 permanent school fund. If there are moneys in the permanent
12 school fund repayment account after the permanent school fund
13 loan has been fully repaid, those moneys shall be transferred
14 to the revolving loan account provided in paragraph "b" of
15 this section.

16 b. A revolving loan account to which shall be credited
17 moneys appropriated for the fiscal year beginning July 1,
18 1987, and for succeeding fiscal years for the purposes of this
19 chapter plus the interest and principal from repayment of
20 advances made to employers for program costs and interest
21 earned from moneys in the revolving loan account. Moneys in
22 this account shall be used to provide advances to employers
23 for program costs upon request of boards of directors of the
24 area schools. Beginning July 1, 1995, the Iowa department of
25 economic development shall reserve a portion of the moneys in
26 the revolving loan account to pay a portion of the original
27 one million dollar appropriation in section 280C.8 which,
28 based upon projections of the state treasurer, may still be
29 owed to the permanent school fund on June 30, 1996. The
30 department shall reserve a portion of the moneys in the
31 revolving loan account only if the moneys in the permanent
32 school fund repayment account created in paragraph "a" and
33 ~~moneys in the "surplus" account of the Iowa plan fund for~~
34 ~~economic development created in section 99E.31, subsection 1,~~
35 ~~paragraph "c",~~ are insufficient to repay the loan from the

1 permanent school fund.

2 Sec. 9. Section 280C.8, Code 1989, is amended to read as
3 follows:

4 280C.8 APPROPRIATIONS.

5 Notwithstanding sections 8.6, 302.1, and 302.1A, there is
6 appropriated from the permanent school fund, for the fiscal
7 period beginning July 1, 1985, and ending June 30, 1996, the
8 sum of one million dollars to provide funds for the purposes
9 of and deposits in the area school job training fund created
10 in section 280C.6. The money appropriated under this section
11 is a loan from the permanent school fund to the area school
12 job training fund. The interest on the loan shall be prepaid
13 for a three-year period from funds appropriated by this
14 section. The rate of interest shall be determined by the
15 treasurer of state.

16 At the end of each calendar quarter the treasurer of state
17 shall transfer moneys to repay the amount of the loan from the
18 permanent school fund from the ~~following-sources:~~

19 ~~1.--Moneys moneys~~ in the permanent school fund repayment
20 account created in section 280C.6, subsection 1, paragraph
21 "a".

22 ~~2.--Moneys-to-be-credited-to-the-"surplus"-account-of-the~~
23 ~~Iowa-plan-fund-for-economic-development-created-in-section~~
24 ~~99E-31-~~

25 On and after June 30, 1996, the moneys reserved by the Iowa
26 department of economic development from the revolving loan
27 account created in section 280C.6, subsection 1, paragraph
28 "b", shall be used to repay a portion of the loan from the
29 permanent school fund provided the conditions stated in
30 section 280C.6, subsection 1, paragraph "b", are met.

31 Sec. 10. NEW SECTION. 422.11 GRASS AND BUFFER ZONE TAX
32 CREDIT.

33 The taxes imposed under this division, less credits allowed
34 under sections 422.10 and 422.12, shall be reduced by a grass
35 and buffer zone tax credit. A taxpayer is entitled to a grass

1 and buffer zone tax credit equal to fifty percent of the cost
2 paid by the taxpayer to establish a permanent grass and buffer
3 zone, including the cost of any erosion control structure
4 erected on the zone, if the governing body of the soil and
5 water conservation district in which the land is located has
6 recommended that the permanent grass and buffer zone,
7 including the erosion control structure, will mitigate the
8 effects of concentrated runoff on surface water quality. The
9 governing body shall certify on forms provided by the
10 department that the permanent grass and buffer zone, including
11 the erosion control structure, was recommended by it and that
12 the costs claimed by the taxpayer are reasonable. The
13 taxpayer shall file the certificate with the taxpayer's state
14 income tax return in order to receive the credit. An
15 individual may claim the grass and buffer zone tax credit
16 allowed a partnership, subchapter S corporation, or estate or
17 trust electing to have the income taxed directly to the
18 individual. The amount claimed by the individual shall be
19 based upon the pro rata share of the individual's earnings of
20 the partnership, subchapter S corporation, or estate or trust.
21 Any credit in excess of the tax liability for the tax year may
22 be credited to the tax liability for the following ten tax
23 years or until depleted, whichever is the earlier.

24 Sec. 11. Section 422.33, Code Supplement 1989, is amended
25 by adding the following new subsection:

26 NEW SUBSECTION. 8. The taxes imposed under this division
27 shall be reduced by a grass and buffer zone tax credit. A
28 taxpayer is entitled to a grass and buffer zone tax credit
29 equal to fifty percent of the cost paid by the taxpayer to
30 establish a permanent grass and buffer zone, including the
31 cost of any erosion control structure erected on the zone, if
32 the governing body of the soil and water conservation district
33 in which the land is located has recommended that the
34 permanent grass and buffer zone, including the erosion control
35 structure, will mitigate the effects of concentrated runoff on

1 surface water quality. The governing body shall certify on
2 forms provided by the department that the permanent grass and
3 buffer zone, including the erosion control structure, was
4 recommended by it and that the costs claimed by the taxpayer
5 are reasonable. The taxpayer shall file the certificate with
6 the taxpayer's state income tax return in order to receive the
7 credit. Any credit in excess of the tax liability for the tax
8 year may be credited to the tax liability for the following
9 ten tax years or until depleted, whichever is the earlier.

10 Sec. 12. Section 455A.19, subsection 1, paragraph d, Code
11 Supplement 1989, is amended to read as follows:

12 d. Fifteen percent shall be allocated to a cities' parks
13 and open space account. The moneys allocated in this
14 paragraph may be used to fund competitive grants to cities to
15 acquire, establish, and maintain natural parks, preserves, and
16 open spaces. The grants may include expenditures for
17 multipurpose trails, restroom facilities, shelter houses, and
18 picnic facilities, but expenditures for single or multipurpose
19 athletic fields, baseball or softball diamonds, tennis courts,
20 golf courses, and other group or organized sport facilities
21 requiring specialized equipment are excluded. However, grants
22 may be made for swimming pools in cities grouped in the two
23 lowest population categories. The grants may be used for city
24 projects located outside of a city's boundaries. The natural
25 resource commission, by rule, shall establish procedures for
26 application, review, and selection of city projects on a
27 competitive basis. The rules shall provide for three
28 categories of cities based on population within which the
29 cities shall compete for grants. There is appropriated from
30 the cities' parks and open space account to the department the
31 amount in that account, or so much thereof as is necessary, to
32 carry out the competitive grant program as provided in this
33 paragraph.

34 Sec. 13. NEW SECTION. 455B.315 PACKAGING REVIEW BOARD.

35 1. DEFINITIONS.

1 As used in this section, unless the context otherwise
2 requires:

3 a. "Board" means the packaging review board established
4 pursuant to this section.

5 b. "Committee" means the packaging review advisory
6 committee.

7 c. "Container" means a rigid or semirigid package used to
8 contain products which are sold at retail.

9 d. "Rigid container" means a container used to contain a
10 product sold at retail that retains its structural
11 configuration after the product is removed.

12 e. "Semirigid container" means a container that is formed,
13 shaped, or molded so that when used to contain a product sold
14 at retail it gains a structural configuration even though the
15 container does not retain its structural configuration prior
16 to containing a product or after the product is removed.

17 2. PACKAGING REVIEW BOARD.

18 a. A packaging review board is established within the
19 department of natural resources. The board consists of the
20 following members:

21 (1) The director of the department of natural resources or
22 the director's designee.

23 (2) The administrator of the consumer protection division
24 of the office of the attorney general, or the administrator's
25 designee.

26 (3) The director of the department of economic development
27 or the director's designee.

28 b. The director of the department of natural resources or
29 the director's designee shall serve as chairperson of the
30 board. The board shall meet as frequently as its business
31 requires, but at least quarterly.

32 c. The board shall adopt, and from time to time may amend
33 or repeal rules regarding the conduct of its meetings and the
34 transaction of its assigned duties.

35 d. All meetings of the board in every proceeding shall be

1 deemed to have been duly called and regularly held, and all
2 regulations and proceedings to have been duly authorized
3 unless the contrary is proved.

4 e. The chairperson shall designate an officer or employee
5 of the department to act as secretary of the board.

6 3. AUTHORITY TO RECOMMEND PROHIBITIONS AGAINST CONTAINERS
7 WHICH DEGRADE THE STATE'S ENVIRONMENT. The board may review
8 the environmental impact of a specific container or class of
9 container upon one or more of the following:

10 a. Its own initiative.

11 b. The request of one or more of the following:

12 (1) A local government.

13 (2) The packaging review committee.

14 (3) At least one hundred individuals residing within the
15 state.

16 (4) A group whose membership includes at least one hundred
17 individuals residing within the state.

18 If the board determines that the manufacture, use, or
19 disposal of the specific container or class of container under
20 review significantly degrades the state's environment, the
21 board may vote to recommend that the director prohibit one or
22 more of the following within this state: the use,
23 manufacture, or disposal of a specific container or class of
24 container.

25 4. DIRECTOR'S AUTHORITY TO PROHIBIT BY RULE USE OF CERTAIN
26 CONTAINERS. The director may by rule or order prohibit one or
27 more of the following within this state: the use,
28 manufacture, or disposal of a specific container or class of
29 container. However, the director may issue a prohibition only
30 if all of the following conditions are satisfied:

31 a. The board has previously recommended that the
32 container, or a broader class inclusive of the container, or
33 class of container be prohibited for any of the following:
34 manufacture, use, or disposal.

35 b. The director reasonably believes that the container or

1 class of container poses a significant threat to the
2 environment, either through its production, use, or disposal.

3 A prohibition becomes effective two years after the entry
4 of the order or final publication of the rule unless stayed or
5 withdrawn in the interim.

6 5. AGGRIEVED CONTAINER MANUFACTURER OR USER'S RIGHT TO
7 APPEAL.

8 a. Upon application or petition of a manufacturer or user
9 of a prohibited container or class of containers, or a
10 representative of a manufacturer or user, the board shall
11 determine whether to recommend that the director withdraw an
12 order prohibiting the container or class. The board shall
13 make its recommendations to the director after a hearing on
14 the petition.

15 b. The board may require the applicant to provide
16 information the board deems necessary to make its
17 determination.

18 c. At the request of the applicant, the board and any
19 members, agents, or staff of the board shall hold any
20 information submitted to the board as confidential proprietary
21 information, and such information is not subject to disclosure
22 under chapter 21 or 22 or upon any other basis.

23 6. PACKAGING REVIEW ADVISORY COMMITTEE.

24 a. The governor shall appoint a seven-member packaging
25 review advisory committee for the purpose of providing
26 technical advice to the packaging review board. The members
27 shall serve without compensation. The committee shall consist
28 of a representative from each of the following categories:

- 29 (1) The department of natural resources.
30 (2) The retail food industry.
31 (3) An environmental group.
32 (4) The packaging manufacturing industry.
33 (5) Local government.
34 (6) The waste disposal or recycling industry.
35 (7) The restaurant industry.

1 b. The representative of the department shall serve as the
2 committee chairperson.

3 c. The committee shall provide technical advice and
4 recommendations to the board concerning the environmental
5 impact of the manufacture, use, and disposal of containers.

6 Sec. 14. NEW SECTION. 455B.510 STATE AND LOCAL
7 GOVERNMENT WASTE MANAGEMENT PROGRAM.

8 1. The department shall establish and administer, in
9 cooperation with other state agencies, local governments, and
10 school districts, a program to manage the wastes generated by
11 state and local governments as a part of a comprehensive
12 pollution prevention program for governments in Iowa. The
13 program shall emphasize hazardous and toxic waste minimization
14 and recycling and shall include assistance in the disposal of
15 nonrecyclable wastes.

16 2. The department shall:

17 a. Develop and implement programs to train state, local
18 government, and school officials in pollution prevention,
19 waste minimization, and waste management. This shall include
20 the creation of intergovernmental pollution prevention teams
21 to serve the local governments and school districts of each
22 county.

23 b. Assist local governments and school districts in
24 finding nonhazardous or nontoxic substitutes for hazardous and
25 toxic materials currently used in their business activities.

26 c. Assist local governments and school districts in
27 recycling or disposing of toxic and hazardous wastes currently
28 stored. This may include the creation of a cooperative waste
29 pickup and disposal program that is jointly financed by the
30 department and the participants.

31 d. Provide financial assistance to local governments and
32 school districts in the implementation of pollution
33 prevention, waste minimization, and waste management programs.

34 3. Local governments and school districts shall:

35 a. Participate in establishing intergovernmental pollution

1 prevention teams by January 1, 1991.

2 b. Arrange to have a pollution prevention team review
3 their facilities.

4 c. File a waste minimization and waste management report
5 with the department by January 1, 1992. A progress report
6 shall be filed every subsequent two years.

7 4. Once the governmental waste management program is
8 established, the department, other state agencies, local
9 governments, and school districts shall cooperate with
10 conditionally exempt small quantity hazardous and toxic waste
11 generators in handling waste minimization and waste management
12 problems by providing technical assistance and allowing those
13 generators to participate in governmental recycling and waste
14 disposal programs at cost.

15 Sec. 15.

16 Notwithstanding the nonreversion provision in section
17 99E.32, subsection 7, or any other provision, all unencumbered
18 or unobligated moneys remaining in the surplus account, jobs
19 now account, education and agricultural research and
20 development account, and the jobs now capitals account on June
21 30, 1990, or remaining on June 30, 1990, from appropriations
22 made from any of those accounts shall revert to the CLEAN fund
23 for allocation and expenditure as provided in this Act for the
24 fiscal year beginning July 1, 1990.

25 Sec. 16.

26 Sections 10 and 11 of this Act take effect January 1, 1991,
27 for tax years beginning on or after that date.

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SENATE FILE 2153

H-6054

1 Amend Senate File 2153, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 12.61, subsection 2,
6 unnumbered paragraph 3, Code Supplement 1989, is
7 amended to read as follows:

8 In selecting a credit card issuer, the treasurer
9 shall consider the issuer's record of investments in
10 the state, shall take into consideration credit card
11 features which will enhance the promotion of the
12 state-sponsored credit card including, but not limited
13 to, favorable interest rates, annual fees, and other
14 fees for using the card, and shall require that the
15 card be available to any person who qualifies for a
16 credit card. Upon entering into an agreement with the
17 financial institution, the treasurer shall notify all
18 state agencies then possessing a credit card to obtain
19 the new state-sponsored credit card. ~~The financial~~
20 ~~institution is authorized to solicit participation~~
21 ~~from state employees."~~

22 2. Page 1, by inserting after line 21 the
23 following:

24 "Sec. _____. Section 99E.9, subsection 3, paragraph
25 m, Code 1989, is amended to read as follows:

26 m. The form and type of marketing, informational,
27 and educational material to be permitted. Marketing
28 material and campaigns shall include the concept of
29 investing in Iowa's economic-development environment,
30 agriculture, and natural resources and show the
31 economic-development-initiatives environmental,
32 agricultural, and natural resources programs funded
33 from lottery revenue."

34 3. By striking page 3, line 9 through page 8,
35 line 27, and inserting the following:

36 "Sec. _____. NEW SECTION. 99E.34 APPROPRIATIONS --
37 TEN FISCAL YEARS.

38 1. The treasurer of state shall, for each fiscal
39 year of the fiscal period beginning July 1, 1990, and
40 ending June 30, 2000, make allotments of the moneys
41 within the CLEAN fund created in section 99E.10 to
42 separate accounts within that fund as follows:

43 a. For each fiscal year, sixty-two and five-tenths
44 percent to the Iowa resources enhancement and
45 protection fund created in section 455A.18 and which
46 amount is appropriated for the purposes of that fund.
47 However, the total amount allotted under this
48 paragraph in any single fiscal year shall not exceed
49 twenty-five million dollars.

50 b. For each fiscal year, eighteen percent to the

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1 environmental protection account.
2 c. For each fiscal year, six percent to the soil
3 conservation account.
4 d. For each fiscal year, eight percent to the
5 energy efficiency account.
6 e. For each fiscal year, five and five-tenths
7 percent plus the amount, if any, that would have been
8 allotted to paragraph "a" but for the dollar
9 limitation specified in paragraph "a" to the annual
10 appropriations account. It is the intent of the
11 general assembly that moneys in this account be
12 appropriated annually for environmentally related
13 programs and purposes.
14 2. For each fiscal year of the fiscal period,
15 moneys allotted to the environmental protection
16 account shall be appropriated as follows:
17 a. Fifty-nine percent to the recycling account.
18 The moneys in the recycling account are appropriated
19 each fiscal year of the fiscal period to the
20 department of natural resources for competitive grants
21 as provided in section 455D.5.
22 b. Four and one-tenths percent to the agricultural
23 management account of the groundwater protection fund
24 as provided in section 455E.11, subsection 2,
25 paragraph "b", to be used for plugging abandoned
26 wells.
27 c. Three and five-tenths percent to the Iowa waste
28 reduction center established under section 268.4 to
29 implement and administer the state and local
30 government waste management program under section
31 268.5.
32 d. Seven percent to the groundwater protection
33 fund created in section 455E.11, to be used to
34 administer the permanent household hazardous materials
35 collection system established in section 455F.8. The
36 department may use this allocation to fund its
37 administration of the program and to provide
38 assistance to local communities in holding cleanup
39 events and operating the collection centers.
40 e. Seven percent to the groundwater protection
41 fund created in section 455E.11, to be used to finance
42 permanent household hazardous materials regional
43 collection centers.
44 f. Three and five-tenths percent to the center for
45 health effects of environmental contamination
46 established pursuant to section 263.17, subsection 1,
47 for the statewide rural well-water survey.
48 g. Four and nine-tenths percent to the
49 environmental protection division of the department of
50 natural resources for an ongoing air quality toxics

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1 monitoring, permitting, and inspection program.

2 h. Two percent to the Iowa state university of
3 science and technology for allocation to the Iowa
4 state university water research institute for the
5 purposes and under the conditions specified in section
6 99E.32, subsection 4, paragraph "e".

7 i. Seven percent to the environmental protection
8 division of the department of natural resources to be
9 used for the assessment and evaluation of surface
10 water streams and rivers.

11 j. Two percent to the environmental advertising
12 board created in section 190C.2 for purposes of
13 chapter 190C.

14 3. For each fiscal year of the fiscal period,
15 moneys in the soil conservation account are
16 appropriated to the department of agriculture and land
17 stewardship to be allocated as follows:

18 a. Sixty-two and four-tenths percent to the soil
19 conservation division of the department of agriculture
20 and land stewardship to provide state soil and water
21 conservation cost-sharing funds pursuant to sections
22 467A.42 through 467A.75.

23 b. Eighteen and eight-tenths percent to the water
24 protection fund created in section 467F.4, to be used
25 for filter strips and waterways projects. The
26 governing body of each soil and water conservation
27 district shall identify those critical areas within
28 the district where permanent grass and buffer zones
29 would mitigate the effects of concentrated runoff on
30 surface water quality. The governing body shall
31 notify the landowners of those critical areas and
32 provide the landowners with recommendations to
33 establish these permanent grass and buffer zones,
34 including any erosion control structures that may be
35 appropriate, to mitigate the effects of concentrated
36 runoff on surface water quality. In providing this
37 notification and these recommendations, the governing
38 body shall also inform the landowners that the
39 establishment of these zones along with any erosion
40 control structures may be eligible for financial
41 assistance under the incentive programs within the
42 water protection fund created in section 467F.4 and
43 the landowner's costs may also qualify for a state
44 income tax credit.

45 c. Eighteen and eight-tenths percent to the soil
46 conservation division of the department of agriculture
47 and land stewardship for reforestation programs.

48 4. For each fiscal year of the fiscal period,
49 moneys allotted to the energy efficiency account shall
50 be appropriated as follows:

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1 a. Twelve percent to the energy and geological
2 resources division of the department of natural
3 resources, to be used to establish the ethanol
4 research and technology office at the state university
5 of Iowa. Up to ten percent of the funds appropriated
6 in this paragraph may be awarded by the office to
7 communities to study the feasibility of opening
8 processing plants which are dry milling ethanol
9 facilities.

10 b. Thirty-one and three-tenths percent to the Iowa
11 energy center established pursuant to Senate File
12 2403, if enacted by the Seventy-third General
13 Assembly, 1990 Session, to be used for competitive
14 grants for alternative, renewable, and biofuel
15 demonstration projects to enhance energy efficiency
16 and self-sufficiency.

17 c. Twenty-five and four-tenths percent to the Iowa
18 energy center established pursuant to Senate File
19 2403, if enacted by the Seventy-third General
20 Assembly, 1990 Session, to be used for competitive
21 grants to communities for comprehensive,
22 communitywide, low-income home weatherization
23 projects. Applications shall be made in conjunction
24 with a community action agency designated pursuant to
25 section 601K.93.

26 d. Thirty-one and three-tenths percent to the Iowa
27 energy center established pursuant to Senate File
28 2403, if enacted by the Seventy-third General
29 Assembly, 1990 Session to be used for competitive
30 grants, for comprehensive, in-depth, communitywide
31 projects to reduce energy consumption and enhance
32 energy self-sufficiency. Cities, clusters of cities
33 and counties are eligible to apply for grants.
34 Applications may be limited to building efficiency or
35 vehicle efficiency or may contain both and shall
36 contain a component for ongoing education concerning
37 the goals of the plan and how to achieve those goals.
38 The moneys under this paragraph shall be allocated
39 equally for building efficiency and vehicle
40 efficiency. However, if the moneys allocated to
41 either category are not used or dedicated by April 1
42 of the fiscal year, the moneys may be reallocated to
43 the other category.

44 5. For the fiscal year beginning July 1, 1990,
45 moneys allotted to the annual appropriations account
46 shall be appropriated as follows:

47 a. Four hundred thousand dollars to the center for
48 health effects of environmental contamination
49 established in section 263.17, to be used for research
50 involving environmental exposure and risk from

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1 contamination of the air, soil, and water.

2 b. Seven hundred thousand dollars to the
3 department of natural resources to be used for the
4 completion of the Three-mile lake reservoir.

5 c. One hundred thousand dollars to the department
6 of natural resources to be used for the restoration of
7 Spring Brook lake.

8 d. Three hundred thousand dollars to the
9 department of natural resources to be used to contract
10 for a statewide analysis of town and country water
11 systems and development of a plan for the efficient
12 delivery of water to Iowa citizens through municipal,
13 county, and rural water systems.

14 e. Two hundred thousand dollars to the department
15 of agriculture and land stewardship to be used for the
16 purpose of funding the development of a program to
17 preserve the state's crop and native plant seed
18 stocks.

19 The department of agriculture and land stewardship
20 shall employ an Iowa seed crop curator to work in
21 cooperation with the United States department of
22 agriculture's north central plant introduction station
23 at Ames on appointment through the department of
24 agronomy of the Iowa state university of science and
25 technology.

26 The department of agriculture and land stewardship
27 in conjunction with the department of agronomy at Iowa
28 state university of science and technology and the
29 north central plant introduction station at Ames shall
30 establish an advisory committee to conduct a study to
31 identify crop and native plant seed stocks for the
32 purpose of preserving threatened plant genetic
33 resources. The committee shall include
34 representatives of the department of natural
35 resources, the department of agriculture and land
36 stewardship, the state department of transportation,
37 the department of agronomy at Iowa state university of
38 science and technology, and representatives of other
39 public and private organizations. The committee shall
40 submit a report of its findings to the general
41 assembly by January 1, 1992.

42 A grant program shall be initiated by the advisory
43 committee to assist in the collection, cataloging, and
44 maintenance of the crop and native plant seed stocks.
45 Grantees shall submit seed samples to the Iowa crop
46 seed curator for placement in the permanent Iowa
47 collection.

48 f. Five hundred thousand dollars to the center for
49 global and regional environmental research at the
50 state university of Iowa to study the regional impact

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1 of environmental change. The center shall consult
2 with Iowa state university of science and technology
3 and the university of northern Iowa.

4 If the amount of funds in the annual appropriations
5 account is insufficient to fund all the amounts
6 appropriated under this subsection, each appropriation
7 made in this subsection shall be reduced by the
8 percent by which the amount of funds is insufficient.

9 6. The moneys appropriated in subsection 1,
10 paragraph "a", and subsections 2, 3, 4, and 5 shall
11 remain in the appropriate account of the CLEAN fund
12 until such time as the agency, entity, or fund to
13 which moneys are appropriated has made a request to
14 the treasurer for use of moneys appropriated to it and
15 the amount needed for that use. Notwithstanding
16 section 8.33, moneys remaining of the appropriations
17 made for a fiscal year from any of the accounts within
18 the CLEAN fund on June 30 of that fiscal year, shall
19 not revert to any fund but shall remain in that
20 account to be used for the purposes for which they
21 were appropriated and the moneys remaining in that
22 account shall not be considered in making the
23 allotments for the next fiscal year.

24 7. The agency, entity, or fund to which moneys are
25 appropriated under this section shall to the extent
26 feasible make every effort to maximize the impact of
27 these moneys through matching government and private
28 funds unless otherwise provided by law.

29 Sec. ____ . NEW SECTION. 190C.1 DEFINITIONS.

30 As used in this chapter, unless the context
31 otherwise requires:

32 1. "Board" means the environmental advertising
33 board created in section 190C.2.

34 2. "Degradable" means as defined in section
35 455B.1.

36 3. "Degradable package" means package which is at
37 least fifty percent composed of a product designated
38 by the Iowa department of agriculture and land
39 stewardship pursuant to section 159.30, subsection 1.

40 4. "Ecologically or environmentally sound or safe"
41 means an absence of long-term harmful effects to the
42 ecology or environment as a result of use or disposal.

43 5. "Recyclable material" means a material which
44 would otherwise become waste, except that processes
45 and markets exist which would allow the material to be
46 returned to use in the form of raw materials or
47 products. A material is recyclable when the board
48 determines that processes and markets are available to
49 a degree that makes recycling reasonably possible
50 within Iowa.

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1 6. "Recycled material" means a material whose
2 ratio of recycled substance to original substance
3 exceeds fifty percent, unless a lower ratio of the
4 recycled substance is required to maintain a property
5 of a material necessary for the material's intended
6 use.

7 Sec. ____ . NEW SECTION. 190C.2 ENVIRONMENTAL
8 ADVERTISING BOARD.

9 There is established a five-member environmental
10 advertising board consisting of the following persons:

- 11 1. The secretary of agriculture, or the
12 secretary's designee.
- 13 2. The director of the department of natural
14 resources, or the director's designee.
- 15 3. The director of the Iowa department of public
16 health, or the director's designee.
- 17 4. The director of the center for health effects
18 of environmental contamination established pursuant to
19 section 263.17, subsection 1, or the director's
20 designee.

- 21 5. A member of the advisory committee established
22 in section 190C.4.

23 Sec. ____ . NEW SECTION. 190C.3 GENERAL POWERS AND
24 DUTIES OF THE BOARD.

25 The board:

- 26 1. Has rulemaking authority under chapter 17A.
- 27 2. May employ a director and staff.
- 28 3. Shall monitor the development of national
29 standards relating to claims of environmental benefit
30 made for products, seek to assist in their
31 development, and seek to host periodically, as
32 necessary, national and regional forums on the issue.
- 33 4. Shall educate the public on the issue.
- 34 5. Gather information relating to claims of
35 environmental benefit made for products sold in the
36 state and provide periodic reports to the consumer
37 protection division of the attorney general's office.
- 38 6. May develop a program using a logo or logos
39 authorized for use in promoting the environmental
40 benefit of products. Standards shall be developed as
41 a part of the program.

42 In authorizing the use of a logo under this
43 program, the board, the state, and any state agency,
44 official, or employee involved in the authorization,
45 is immune from a civil suit for damages, including but
46 not limited to a suit based on contract, breach of
47 warranty, negligence, strict liability, or tort.
48 Authorization of the use of a logo by the board, the
49 state, or any state agency, official, or employee, is
50 not an express or implied guarantee or warranty

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1 concerning the environmental benefit of the
2 applicant's product. This paragraph does not create a
3 duty of care to the applicant or any other person.
4 7. May use fees for the purposes of this chapter.
5 Fees received by and appropriations made to the board
6 shall not revert.

7 Sec. _____. NEW SECTION. 190C.4 ADVISORY
8 COMMITTEE.

9 There is established an advisory committee to
10 provide technical assistance and advice to the board.
11 The advisory committee shall consist of at least three
12 members and not more than nine members. The members
13 shall be appointed by the governor, subject to
14 confirmation by the senate. To the extent possible,
15 members shall have an expertise in environmental and
16 health issues. The members serve at the pleasure of
17 the governor. Members of the advisory committee shall
18 receive a per diem of forty dollars and actual and
19 necessary expenses incurred in the performance of
20 their duties. The advisory committee shall designate
21 one of its members to be the fifth member of the
22 board. The advisory committee shall seek input from
23 manufacturers of and consumers of products and
24 packages as to the issues, trends, and technologies
25 emerging in the environmental safety area.

26 Sec. _____. NEW SECTION. 268.5 STATE AND LOCAL
27 GOVERNMENT WASTE MANAGEMENT PROGRAM.

28 1. The Iowa waste reduction center shall establish
29 and administer, in cooperation with other state
30 agencies, local governments, and school districts, a
31 program to manage the wastes generated by state and
32 local governments as a part of a comprehensive
33 pollution prevention program for governments in Iowa.
34 The program shall emphasize hazardous and toxic waste
35 minimization and recycling and shall include
36 assistance in the disposal of nonrecyclable wastes.

37 2. The center shall:

38 a. Develop and implement programs to train state,
39 local government, and school officials in pollution
40 prevention, waste minimization, and waste management.
41 This shall include the creation of intergovernmental
42 pollution prevention teams to serve the local
43 governments and school districts of each county.

44 b. Assist local governments and school districts
45 in finding nonhazardous or nontoxic substitutes for
46 hazardous and toxic materials currently used in their
47 business activities.

48 c. Assist local governments and school districts
49 in recycling or disposing of toxic and hazardous
50 wastes currently stored. This may include the

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1 creation of a cooperative waste pickup and disposal
2 program that is jointly financed by the center and the
3 participants.

4 d. Provide, from funds appropriated for this
5 purpose, financial assistance to local governments and
6 school districts in the implementation of pollution
7 prevention, waste minimization, and waste management
8 programs.

9 3. Local governments and school districts shall:

10 a. Participate in establishing intergovernmental
11 pollution prevention teams by January 1, 1991.

12 b. Arrange to have a pollution prevention team
13 review their facilities.

14 c. File a waste minimization and waste management
15 report with the center by January 1, 1992. A progress
16 report shall be filed every subsequent two years.

17 4. Once the governmental waste management program
18 is established, the center, other state agencies,
19 local governments, and school districts shall
20 cooperate with conditionally exempt small quantity
21 hazardous and toxic waste generators in handling waste
22 minimization and waste management problems by
23 providing technical assistance and allowing those
24 generators to participate in governmental recycling
25 and waste disposal programs."

26 4. Page 10, by inserting after line 30 the
27 following:

28 "Sec. _____. Section 331.441, subsection 2,
29 paragraph b, Code Supplement 1989, is amended by
30 adding the following new subparagraph:

31 NEW SUBPARAGRAPH. (12) Funding the construction,
32 reconstruction, improvement, repair, and equipping of
33 waterworks, water mains and extensions, ponds,
34 reservoirs, wells, dams, pumping installations or
35 other facilities for the storage, transportation, or
36 utilization of potable water owned and operated by a
37 rural water district established pursuant to chapter
38 357A, only when the rural water district and a
39 sufficient number of participating members have
40 entered into agreements which satisfy the board of
41 supervisors that sufficient revenue to retire the
42 principal and interest on the county general
43 obligation bonds will be generated by the rural water
44 district, and the rural water district and the board
45 of supervisors have agreed that the interest and
46 principal on the county general obligation bonds will
47 be retired from the rural water district revenues.

48 Sec. _____. Section 357A.11, subsection 7, Code
49 1989, is amended to read as follows:

50 7. Have power to borrow from, co-operate with and

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1 enter into such agreements as deemed necessary with
2 any agency of the federal government, this state, or a
3 county of this state, and to accept financial or other
4 aid from any agency of the federal government. To
5 evidence any indebtedness the obligations may be one
6 or more bonds or notes and the obligations may be sold
7 at private sale.

8 Sec. _____. Section 357A.11, Code 1989, is amended
9 by adding the following new subsection:

10 NEW SUBSECTION. 9. Finance all or part of the
11 cost of the construction or purchase of a project
12 necessary to carry out the purposes for which the
13 district is incorporated or to refinance all or part
14 of the original cost of that project, including, but
15 not limited to, obligations originated by the district
16 as a nonprofit corporation under chapter 504A and
17 assumed by the district reorganized under this
18 chapter. Financing or refinancing carried out under
19 this subsection shall be in accordance with the terms
20 and procedures set forth in the applicable provisions
21 of sections 384.83 through 384.88, 384.92, and 384.93.
22 References in these sections to a city shall be
23 applicable to a rural water district operating under
24 this chapter, and references in that division to a
25 city council shall be applicable to the board of
26 directors of a rural water district.

27 Sec. _____. NEW SECTION. 364.10 STORM WATER
28 DRAINAGE SYSTEM.

29 A city shall have the same authority to create,
30 fund, and implement by ordinance a storm water
31 drainage system in all or parts of a city as it has
32 for a sanitary sewage system as provided in chapters
33 362, 384, and 388. The ordinances may include
34 criteria and standards by which benefits and cost
35 allocation have been previously determined for special
36 assessments for storm water drainage improvements
37 under chapter 384."

38 5. Page 12, by striking lines 10 through 33.

39 6. Page 12, by inserting before line 34 the
40 following:

41 "Sec. _____. Section 455A.18, subsection 4,
42 unnumbered paragraph 1, Code Supplement 1989, is
43 amended to read as follows:

44 For each fiscal year of the fiscal period beginning
45 July 1, 1990, and ending June 30, ~~2000~~ 2001, there is
46 appropriated from the general fund, to the Iowa
47 resources enhancement and protection fund, the amount
48 of ~~\$20,000,000~~ thirty million dollars, except that for
49 the fiscal year beginning July 1, 1990, the amount is
50 twenty million dollars, to be used as provided in this

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1 chapter. However, in any fiscal year of the fiscal
2 period, if moneys from the lottery are appropriated by
3 the state to the fund, the amount appropriated under
4 this subsection shall be reduced by the amount
5 appropriated from the lottery.

6 Sec. ____ . NEW SECTION. 455B.110 RELEASE OF
7 BALLOONS.

8 1. The general assembly finds that the release
9 into the atmosphere of large numbers of balloons
10 inflated with lighter-than-air gases poses a danger
11 and nuisance to the environment, particularly to
12 wildlife and marine animals.

13 2. It is unlawful for any person, firm,
14 governmental entity, or corporation to intentionally
15 release, organize the release, or intentionally cause
16 to be released within a twenty-four hour period ten or
17 more balloons inflated with a gas that is lighter than
18 air except for:

19 a. Balloons released by a person on behalf of a
20 governmental agency or pursuant to a governmental
21 contract for scientific or meteorological purposes.

22 b. Hot air balloons that are recovered after
23 launching.

24 c. Balloons released indoors.

25 3. Any person who violates subsection 2 is guilty
26 of a simple misdemeanor.

27 4. The department shall adopt rules for the
28 implementation of this section and may, by rule,
29 increase the number of balloons that may be released
30 within a twenty-four hour period from the number
31 allowed under subsection 2.

32 Sec. ____ . Section 455B.173, subsection 6,
33 paragraph b, Code Supplement 1989, is amended to read
34 as follows:

35 b. Adopt rules which require each public water
36 system regulated under chapter 455B to test the source
37 water of that supply for the presence of synthetic
38 organic chemicals and pesticides every ~~two~~ three
39 years. The rules shall enumerate the synthetic
40 organic chemicals and pesticides, but not more than
41 ten of each, for which the samples are to be tested;
42 shall specify the approved analytical methods for
43 conducting the analysis of water samples; and shall
44 require the reporting of the analytical test results
45 to the department. Priority for testing in the first
46 year shall be those public water supplies for which
47 none of the specified contaminants have been analyzed
48 within the past five years. All of the laboratory
49 analysis and data management shall be conducted by the
50 center for health effects of environmental

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1 contamination. Sample collection shall be conducted
2 using a standard sampling protocol by personnel within
3 the department and the center for health effects of
4 environmental contamination in conjunction with other
5 ongoing field activities. Samples from private wells
6 and samples from privately owned public water supplies
7 shall be allowed to undergo the same analysis. The
8 cost for the analysis provided for samples from
9 private wells and privately owned public water
10 supplies shall not exceed one hundred ninety-five
11 dollars for the first year of testing. The department
12 shall submit a report to the general assembly, by
13 September 1 of each year, of the findings of the tests
14 and the conclusions which may be drawn from the
15 tests."

16 7. By striking page 12, line 34 through page 16,
17 line 5.

18 8. By striking page 16, line 6 through page 17,
19 line 14, and inserting the following:

20 "Sec. ____ . 1990 Iowa Acts, Senate File 2364,
21 section 12, subsection 1, unnumbered paragraph 1, is
22 amended to read as follows:

23 There is appropriated from the general fund of the
24 state to the department of natural resources for the
25 fiscal year beginning July 1, 1990, and ending June
26 30, 1991, the following amount or so much thereof as
27 is necessary, to be used for the purpose designated:"

28 9. Page 17, by inserting before line 15 the
29 following:

30 "Sec. ____ . NEW SECTION. 455D.19 PACKAGING --
31 HEAVY METAL CONTENT.

32 1. The general assembly finds and declares all of
33 the following:

34 a. The management of solid waste can pose a wide
35 range of hazards to public health and safety and to
36 the environment.

37 b. Packaging comprises a significant percentage of
38 the overall solid waste stream.

39 c. The presence of heavy metals in packaging is a
40 concern in light of the likely presence of heavy
41 metals in emissions or ash when packaging is
42 incinerated or in leachate when packaging is
43 landfilled.

44 d. Lead, mercury, cadmium, and hexavalent
45 chromium, on the basis of available scientific and
46 medical evidence, are of particular concern.

47 e. It is desirable as a first step in reducing the
48 toxicity of packaging waste to eliminate the addition
49 of heavy metals to packaging.

50 f. The intent of the general assembly is to

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1 achieve reduction in toxicity without impeding or
2 discouraging the expanded use of postconsumer
3 materials in the production of packaging and its
4 components.

5 2. As used in this section unless the context
6 otherwise requires:

7 a. "Distributor" means a person who takes title to
8 products or packaging purchased for resale.

9 b. "Manufacturer" means a person who offers for
10 sale or sells products or packaging to a distributor.

11 c. "Package" means a container which provides a
12 means of marketing, protecting, or handling a product
13 including a unit package, intermediate package, or a
14 shipping container. "Package" also includes but is
15 not limited to unsealed receptacles such as carrying
16 cases, crates, cups, pails, rigid foil and other
17 trays, wrappers and wrapping films, bags, and tubs.

18 d. "Packaging component" means any individual
19 assembled part of a package including but not limited
20 to interior and exterior blocking, bracing,
21 cushioning, weatherproofing, exterior strapping,
22 coatings, closures, inks, or labels.

23 3. No later than July 1, 1992, a manufacturer or
24 distributor shall not offer for sale or sell, or offer
25 for promotional purposes a package or packaging
26 component, in this state, which includes, in the
27 package itself, or in any packaging component, inks,
28 dyes, pigments, adhesives, stabilizers, or any other
29 additives, any lead, cadmium, mercury, or hexavalent
30 chromium which has been intentionally introduced as an
31 element during manufacturing or distribution as
32 opposed to the incidental presence of any of these
33 elements and which exceed the concentration level
34 established by the department.

35 4. No later than July 1, 1992, a manufacturer or
36 distributor shall not offer for sale or sell, or offer
37 for promotional purposes, in this state, a product in
38 a package which includes in the package itself or in
39 any of the packaging components, inks, dyes, pigments,
40 adhesives, stabilizers, or any other additives, any
41 lead, cadmium, mercury, or hexavalent chromium which
42 has been intentionally introduced as an element during
43 manufacturing or distribution as opposed to the
44 incidental presence of any of these elements and which
45 exceed the concentration level established by the
46 department.

47 5. The concentration levels of lead, cadmium,
48 mercury, and hexavalent chromium present in a package
49 or packaging component shall not exceed the following:

50 a. Six hundred parts per million by weight by July

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1 1, 1992.

2 b. Two hundred fifty parts per million by weight
3 by July 1, 1993.4 c. One hundred parts per million by weight by July
5 1, 1994.6 Concentration levels of lead, cadmium, mercury, and
7 hexavalent chromium shall be determined using American
8 standard of testing materials test methods, as
9 revised, or United States environmental protection
10 agency test methods for evaluating solid waste, S-W
11 846, as revised.12 6. The following packaging and packaging
13 components are exempt from the requirements of this
14 section:15 a. Packaging or packaging components with a code
16 indicating a date of manufacture prior to July 1,
17 1990.18 b. Packages or packaging components to which lead,
19 cadmium, mercury, or hexavalent chromium have been
20 added in the manufacturing, forming, printing, or
21 distribution process in order to comply with health or
22 safety requirements of federal law or for which there
23 is no feasible alternative if the manufacturer of a
24 package or packaging component petitions the
25 department for an exemption from the provisions of
26 this paragraph for a particular package or packaging
27 component. The department may grant a two year
28 exemption, if warranted, by the circumstances, and an
29 exemption may, upon meeting either criterion of this
30 paragraph be renewed for two years. For purposes of
31 this paragraph, a use for which there is no feasible
32 alternative is one in which the regulated substance is
33 essential to the protection, safe handling, or
34 function of the package's contents.35 Packages and packaging components that would not
36 exceed the maximum contaminant levels established but
37 for the addition of postconsumer materials.38 7. By July 1, 1992, a manufacturer or distributor
39 of packaging or packaging components shall make
40 available to purchasers, to the department, and to the
41 general public upon request, certificates of
42 compliance which state that the manufacturer's or
43 distributor's packaging or packaging components comply
44 with, or are exempt from, the requirements of this
45 section.46 If the manufacturer or distributor of the package
47 or packaging component reformulates or creates a new
48 package or packaging component, the manufacturer or
49 distributor shall provide an amended or new
50 certificate of compliance for the reformulated or new

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1 package or packaging component.

8. The commission shall adopt rules to implement this section and may, by rule, make additions to the list of toxic substances contained in packaging, which 5 are to be limited.

9. A manufacturer or distributor who does not 6 comply with the requirements of this section is guilty 7 of a simple misdemeanor."

10. Page 17, by striking lines 15 through 24 and 10 inserting the following:

11 "Sec. _____.

12 1. Notwithstanding the nonreversion provision in 13 section 99E.32, subsection 7, or any other provision, 14 all unencumbered or unobligated moneys remaining on 15 June 30, 1990, and all encumbered or obligated moneys 16 as of June 30, 1990, from appropriations made from the 17 surplus account, jobs now account, education and 18 agricultural research and development account, and the 19 jobs now capitals account to the department of 20 economic development for purposes for which moneys are 21 appropriated for the fiscal year beginning July 1, 22 1990, in Senate File 2327, if enacted by the Seventy- 23 third General Assembly, 1990 Session, shall be 24 transferred to the general fund of the state and shall 25 be available for expenditure for those same purposes 26 as provided in Senate File 2327, if enacted and are in 27 addition to moneys appropriated for those same 28 purposes for the fiscal year beginning July 1, 1990.

2. Except as otherwise provided in subsection 1, 29 notwithstanding the nonreversion provision in section 30 99E.32, subsection 7, or any other provision, all 31 unencumbered or unobligated moneys remaining in the 32 surplus account, jobs now account, education and 33 agricultural research and development account, and the 34 jobs now capitals account on June 30, 1991, or 35 remaining on June 30, 1991, from appropriations made 36 from any of those accounts shall revert to the CLEAN 37 fund for allocation and expenditure as provided in 38 this Act for the fiscal year beginning July 1, 1991.

3. The agency, board, commission, or overseer of 40 the funds to which moneys have been appropriated from 41 any of the accounts in the Iowa plan fund for economic 42 development for any of the fiscal years beginning July 43 1, 1985, July 1, 1986, July 1, 1987, July 1, 1988, and 44 July 1, 1989, shall provide by December 15, 1990, to 45 the department of management a status report and any 46 encumbered or obligated moneys remaining unspent on 47 June 30, 1990, from moneys appropriated from the Iowa 48 plan fund for any fiscal year, except the fiscal year 49 beginning July 1, 1989, shall be available for 50

1 expenditure by the department of economic development
2 for purposes of chapter 15. The status report shall
3 specify the status of the moneys appropriated as of
4 June 30, 1990, or such later date as designated by the
5 department of management, and the amount of loans
6 outstanding, if any, that were made from those moneys
7 appropriated, and other information relating to the
8 status of the moneys appropriated as required by the
9 department of management."

10 11. Title page, line 3, by inserting after the
11 word "providing" the following: "for funding for
12 rural water districts, for city storm water drainage
13 systems, and".

14 12. Title page, line 5, by inserting after the
15 word "structures" the following: "providing a
16 penalty,".

17 13. By renumbering, relettering, or redesignating
18 and correcting internal references as necessary.

By COMMITTEE ON ECONOMIC DEVELOPMENT
SWARTZ of Marshall, Chairperson

H-6054 FILED APRIL 3, 1990

*Adopted as amended by 6090, 6094, 6097, 6105, 6112, 6120,
6121A, 6123 4/4 (p. 1954) (p. 1962)*

SENATE FILE 2153

H-5155

1 Amend Senate File 2153, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 12, line 34, through page 16,
4 line 5.

5 2. By renumbering as necessary.

By PELLETT of Cass

H-5155 FILED FEBRUARY 15, 1990

Placed o/o 4/4 (p. 1959)

SENATE FILE 2153

H-5176

1 Amend Senate File 2153, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 14, by striking line 6 and inserting the
4 following:

5 "3. AUTHORITY MAY PROHIBIT BY RULE THE USE OF
6 CONTAINERS".

7 2. Page 14, line 21, by striking the words
8 "recommend that the director".

9 3. Page 14, by striking lines 25 and 26 and
10 inserting the following: "The board may by rule or
11 order prohibit one or".

12 4. Page 14, line 29, by striking the word
13 "director" and inserting the following: "board".

14 5. Page 14, line 31, by striking the word "board"
15 and inserting the following: "committee".

16 6. Page 14, line 35, by striking the word
17 "director" and inserting the following: "board".

18 7. Page 15, line 11, by striking the words
19 "recommend that the director".

20 8. Page 15, line 13, by striking the words
21 "recommendations to the director" and inserting the
22 following: "determination".

23 9. By renumbering as necessary.

By PELLETT of Cass

H-5176 FILED FEBRUARY 16, 1990

Placed o/o 4/4 (p. 1959)

SENATE FILE 2153

6083

Amend Senate File 2153, as amended, passed, and
reprinted by the Senate, as follows:

1. Page 1, by inserting after line 21 the
following:

"Sec. 200. Section 99E.10, subsection 1, paragraph
b, Code 1989, is amended to read as follows:

b. An amount equal to four percent of the gross
sales price of each ticket or share sold shall be
deducted as the sales tax on the sale of that ticket
or share, remitted to the treasurer of state and
deposited into the state-general-fund rural community
2000 bond security account established under section
220.142, subsection 8."

2. Page 8, by inserting before line 28 the
following:

"Sec. _____. Section 220.142, Code Supplement 1989,
is amended by adding the following new subsection:

NEW SUBSECTION. 8. a. The authority shall
establish a rural community 2000 bond security
account, which shall consist of all revenues
designated in section 99E.10, subsection 1, paragraph
"b" to be deposited in the account and all other
appropriations, grants, or gifts received by the
authority for use under this subsection. The
authority may transfer to this account any other funds
not obligated for any other purpose.

b. In a fiscal year in which moneys in a reserve
fund established under section 220.142, subsection 2,
are insufficient to fully meet obligations to pay
principal and interest on the bonds or notes, moneys
in the security account established under paragraph
"a" shall first be used to eliminate the
insufficiency.

c. In a fiscal year in which there are funds
remaining in the security account established under
paragraph "a" after meeting the obligations of
paragraph "b", fifty percent of the remaining funds
shall be deposited in the sewage treatment works
revolving loan fund established in section 455B.295,
and fifty percent shall be transferred to the rural
community 2000 program for water systems."

3. Page 12, by inserting after line 9 the
following:

"Sec. _____. Section 422.43, subsection 2, Code
1989, is amended to read as follows:

2. There is imposed a tax of four percent upon the
gross receipts derived from the operation of all forms
of amusement devices and games of skill, games of
chance, raffles and bingo games as defined in chapter
99B, operated or conducted within the state of Iowa,

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1 the tax to be collected from the operator in the same
2 manner as is provided for the collection of taxes upon
3 the gross receipts of tickets or admission as provided
4 in this section. The tax shall also be imposed upon
5 the gross receipts derived from the sale of lottery
6 tickets or shares pursuant to chapter 99E. The tax on
7 the lottery tickets or shares shall be included in the
8 sales price and distributed ~~to the general fund~~ as
9 provided in section 99E.10."

10 4. Page 17, by inserting after line 27 the
11 following:

12 "Sec. _____.

13 Section 200 of this Act is effective July 1, 1991."

By DVORSKY of Johnson

SWARTZ of Marshall

H-6083 FILED APRIL 3, 1990

Not germane 4/4 (p. 1956)
Reconsidered & adopted (p. 1958)

SENATE FILE 2153

H-6070

1 Amend the amendment, H-6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 15, by striking lines 3 through 5 and in-
5 serting the following: "this section and report to
6 the general assembly on the effectiveness of this
7 section no later than forty-two months following the
8 enactment of this section and recommend any other
9 toxic substances contained in packaging to be added to
10 the list in order to further reduce the toxicity of
11 packaging waste."

By GRONINGA of Cerro Gordo

H-6070 FILED APRIL 3, 1990

Adopted 4/4 (p. 1944)

SENATE FILE 2153

H-6094'

1 Amend the amendment, H-6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 33 through 35 and
5 inserting the following: "fund created in section
6 455E.11, to be used for the household hazardous waste
7 cleanup program established in section 455F.8. The".

8 2. Page 2, by striking lines 42 and 43, and
9 inserting the following: "household hazardous
10 material collection sites established pursuant to
11 section 455F.8A and the local government education
12 programs established pursuant to section 455F.8B."

13 3. Page 2, by striking lines 44 through 47, and
14 inserting the following:

15 "f. Three and five-tenths percent to the
16 department of natural resources for the state rural
17 well water survey to be conducted in conjunction with
18 the center for health effects of environmental
19 contamination established pursuant to section 263.17."

20 4. Page 15, by inserting after line 8, the
21 following:

22 "Sec. _____. Section 455E.11, subsection 2,
23 paragraph c, unnumbered paragraph 1, Code Supplement
24 1989, is amended to read as follows:

25 A household hazardous waste account. The moneys
26 collected pursuant to section 455F.7 shall be
27 deposited in the household hazardous waste account.
28 Except for the first one hundred thousand dollars
29 received annually for deposit in the waste volume
30 reduction and recycling fund to be used by the
31 department to provide financial assistance to counties
32 in investigation of complaints; and the next one
33 hundred thousand dollars received annually for deposit
34 in the emergency response fund, the treasurer of state
35 shall deposit moneys received from civil penalties and
36 fines imposed by the court pursuant to sections
37 455B.146, 455B.191, 455B.386, 455B.417, 455B.454,
38 455B.466, and 455B.477, in the household hazardous
39 waste account. Two thousand dollars is appropriated
40 annually to the Iowa department of public health to
41 carry out departmental duties under section 135.11,
42 subsections 20 and 21, and section 139.357-eighty
43 thousand-dollars-is-appropriated-to-the-department-of
44 natural-resources-for-city,-county,-or-service
45 organization-project-grants-relative-to-recycling-and
46 reclamation-events,-and-eight-thousand-dollars-is
47 appropriated-to-the-department-of-transportation-for
48 the-period-of-October-1,-1987,-through-June-30,-1989,
49 for-the-purpose-of-conducting-the-used-oil-collection
50 pilot-project. The remainder of the account shall be

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1 used to fund Toxic Cleanup Days programs and the
2 efforts of the department to support a collection
3 system for household hazardous materials, including
4 public education programs, training, and consultation
5 of local governments in the establishment and
6 operation of permanent collection systems, and the
7 management of collection sites, education programs,
8 and other activities pursuant to chapter 455F,
9 including the administration of the household
10 hazardous materials permit program by the department
11 of revenue and finance.

12 Sec. ____ . Section 455F.8, Code 1989, is amended to
13 read as follows:

14 455F.8 HOUSEHOLD HAZARDOUS WASTE CLEANUP PROGRAM
15 CREATED.

16 The department shall conduct programs to collect
17 and dispose of small amounts of hazardous wastes which
18 are being stored in residences or on farms. The
19 program shall be known as "Toxic Cleanup Days". The
20 department shall promote and conduct the program and
21 shall by contract with a qualified and bonded waste
22 handling company, collect and properly dispose of
23 wastes believed by the person disposing of the waste
24 to be hazardous. The department shall establish
25 maximum amounts of hazardous wastes to be accepted
26 from a person during the "Toxic Cleanup Days" program.
27 Amounts accepted from a person above the maximum shall
28 be limited by the department and may be subject to a
29 fee set by the department, but the department shall
30 not assess a fee for amounts accepted below the
31 maximum amount. The department shall designate the
32 times and dates for the collection of wastes. The
33 ~~department shall have as a goal twelve "Toxic Cleanup~~
34 ~~Days" during the period beginning July 1, 1987, and~~
35 ~~ending October 31, 1988. In any event, the department~~
36 ~~shall offer the number of days that can be properly~~
37 ~~and reasonably conducted with funds deposited in the~~
38 ~~household hazardous waste account. In order to~~
39 achieve the maximum benefit from the program, the
40 department shall offer "Toxic Cleanup Days" on a
41 statewide basis and provide at least one "Toxic
42 Cleanup Day" in each departmental region. "Toxic
43 Cleanup Days" shall be offered in both rural and urban
44 areas to provide a comparison of response levels and
45 to test the viability of multicounty "Toxic Cleanup
46 Days". ~~The department may also offer at least one~~
47 ~~"Toxic Cleanup Day" at a previously serviced location~~
48 ~~to test the level of residual demand for the event and~~
49 ~~the effect of the existing public awareness on the~~
50 program. The department shall prepare an annual

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1 report citing the results and costs of the program for
2 submittal to the general assembly.

3 Sec. ____ . NEW SECTION. 455F.8A HOUSEHOLD
4 HAZARDOUS MATERIAL COLLECTION SITES.

5 1. By January 1, 1991, the department shall
6 complete an assessment of the needs of local
7 governments for temporary collection sites for
8 household hazardous materials. Upon completion of the
9 assessment, the department shall design a model
10 facility which would adequately serve the needs
11 identified. During the design phase, the department
12 shall also identify facility permit requirements.

13 2. a. Following the completion of the assessment
14 and design of the model facility, the department shall
15 set a goal of establishing a three-year competitive
16 grant program to assist in the development of five
17 pilot household hazardous waste reduction and
18 collection programs. The grants shall be in the
19 amount of one hundred thousand dollars.

20 b. The grant program shall provide for the
21 establishment of five pilot sites so that both rural
22 and urban populations are served.

23 c. The department shall develop criteria to
24 evaluate proposals for the establishment of sites.
25 The criteria shall give priority to proposals for
26 sites which provide the most efficient services and
27 which provide local, public, and private contributions
28 for establishment of the sites. The criteria shall
29 also include a requirement that the recipient of a
30 grant design and construct a facility sufficient for
31 the collection, sorting, and packaging of materials
32 prior to transportation of the materials to the final
33 disposal site. Final review of design and
34 construction of the proposed facilities shall be by
35 the department.

36 d. Two of the recipients of grants shall provide
37 for collection of hazardous wastes from conditionally
38 exempt small quantity generators in the area of the
39 facility established. The facility shall require
40 payment for collection from conditionally exempt small
41 quantity generators if the amount of waste disposed is
42 greater than ten pounds.

43 Sec. ____ . NEW SECTION. 455F.8B LOCAL GOVERNMENT
44 EDUCATION PROGRAMS.

45 A recipient of a household hazardous waste
46 reduction and collection program grant shall do all of
47 the following:

48 1. Identify a regional or local agency to
49 coordinate a public education effort, and provide for
50 staff to implement the education program.

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1 2. Establish an intensive three-year educational
2 project to educate the local population regarding
3 alternatives to the purchase or disposal of toxic
4 materials. The educational project shall include
5 efforts to promote the use of household hazardous
6 materials labeling required pursuant to chapter 455F.

7 3. Establish a community education effort to be
8 integrated within the existing educational system
9 regarding household hazardous waste reduction and
10 recycling.

11 4. Develop a plan for the recycling of hazardous
12 substances not minimized by the public. The plan
13 shall optimize resource use while minimizing waste and
14 shall include a formal arrangement for the exchange of
15 materials at no cost to the participants and an
16 arrangement for the acceptance by the department of
17 general services or the local or regional government
18 agency of hazardous materials useful in its
19 operations."

20 5. Page 16, by inserting after line 9, the
21 following:

22 "_____. Title page, line 1, by striking the word
23 "and" and inserting the following: "the environment,
24 agriculture, and natural resources including".

25 6. By renumbering as necessary.

By OSTERBERG of Linn

H-6094 FILED APRIL 3, 1990

Adopted 4/4 (p. 1940)

SENATE FILE 2153

H-6090

1 Amend the amendment, H-6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, line 5, by inserting after the word
5 "Iowa." the following: "The office shall coordinate
6 its ethanol research with Iowa state university of
7 science and technology in regard to the use of
8 alternative agricultural products and distillation
9 efforts."

By SHEARER of Louisa
JOHNSON of Winneshiek

H-6090 FILED APRIL 3, 1990

Adopted 4/4 (p. 1944)

SENATE FILE 2153

H-6093

1 Amend the amendment, H-~~6083~~, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 13.
5 2. Page 1, lines 21 and 22, by striking the words
6 and figures "in section 99E.10, subsection 1,
7 paragraph "b"".
8 3. Page 2, by striking lines 10 through 13.

By HALVORSON of Webster

H-6093 FILED APRIL 3, 1990

Adopted 4/4 (p. 1956)

Reconsidered & Lost (p. 1958)

SENATE FILE 2153

H-6098

Amend amendment H-6054 to Senate File 2153, as amended, passed and reprinted by the Senate, as follows:

1. By striking page 1, line 43 through page 2, line 13 and inserting the following:
"a. The first twenty million dollars for the fiscal year beginning July 1, 1990, and the first thirty million dollars for each subsequent fiscal year of the fiscal period to the Iowa resources enhancement and protection fund created in section 455A.18 which moneys are appropriated for the purposes of that fund.

b. After the allotment in paragraph "a", the remaining funds shall be allotted as follows:

(1) For each fiscal year, forty-eight percent to the environmental protection fund.

(2) For each fiscal year, sixteen percent to the soil conservation account.

(3) For each fiscal year, twenty-one and three-tenths percent to the energy efficiency account.

(4) For each fiscal year, fourteen and seven-tenths percent to the annual appropriations account.

It is the intent of the general assembly that moneys in this account be appropriated annually for environmentally related programs and purposes."

2. Page 10, line 46, by striking the words "general fund" and inserting the following: "general fund CLEAN fund as provided in section 99E.34, subsection 1, paragraph "a"".

3. Page 11, by striking lines 1 through 5 and inserting the following: "chapter."

By METCALF of Polk

H-6098, FILED APRIL 4, 1990

LOST (1937)

SENATE FILE 2153

H-6096

- 1 Amend the amendment, H-6054, to Senate File 2153,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 9, line 28 through page 10,
- 5 line 7.

By METCALF of Polk
NEUHAUSER of Johnson

H-6096 FILED APRIL 4, 1990
LOST (p. 1943)

SENATE FILE 2153

H-6097

- 1 Amend amendment, H-6054, to Senate File 2153, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 9, by inserting after line 47, the
- 5 following:
- 6 "If the rural water district revenues are
- 7 insufficient to pay the principal and interest on the
- 8 county's general obligation bonds, the county's debt
- 9 service tax levy for the county general obligation
- 10 bonds shall not be levied against property located in
- 11 any city except a city which has entered into the
- 12 chapter 28E agreement with the rural water district.
- 13 The county and the cities entering into the rural
- 14 water district agreement may provide in the agreement
- 15 for a different rate of the county's debt service tax
- 16 levy against property in unincorporated areas of the
- 17 county and property within those cities."

By HALVORSON of Webster

H-6097 FILED APRIL 4, 1990
ADOPTED (p. 1953)

SENATE FILE 2153

H-6102.

1 Amend the amendment, H-6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 17 through 21 and
5 inserting the following:

6 "a. Fifty-nine percent to the waste volume
7 reduction and recycling fund to be used as follows:

8 (1) One-half of the moneys deposited under this
9 lettered paragraph shall be used for the purposes
10 specified pursuant to section 455D.15, subsection 2.
11 The moneys shall be allocated to each county on the
12 basis of population. The county allocation shall be
13 distributed quarterly by the department to each
14 county. The county shall immediately distribute the
15 remainder of the funds to the cities based upon the
16 proportion of the city's respective population to the
17 total county population, and the county shall retain
18 the portion of the funds based upon the proportion of
19 the unincorporated area of the county to the total
20 population of the county. The funds shall be used by
21 the county and the cities for the implementation of
22 the comprehensive plan elements required pursuant to
23 section 455B.306 and relative to chapter 455D. If
24 both a public agency managing the waste stream for a
25 city or county pursuant to chapter 28E, and one or
26 more of the public agency's member cities or counties
27 file a comprehensive plan under section 455B.306,
28 subsection 1, the director shall require as a
29 condition for approval that any such plan filed by a
30 member city or county is in accordance with the
31 comprehensive plan filed by a chapter 28E agency.

32 (2) One-half of the moneys deposited under this
33 lettered paragraph shall be used for the purposes
34 designated pursuant to section 455D.15, subsection 3."

35 2. Page 2, by striking lines 27 through 31, and
36 inserting the following:

37 "c. Three and five-tenths percent to the
38 department of natural resources to implement and
39 administer the state and local government waste
40 management program established pursuant to section
41 455B.484 and section 455B.510."

42 3. By striking page 8, line 26, through page 9,
43 line 25.

44 4. Page 12, by inserting after line 15, the
45 following:

46 "Sec. ____ . Section 455B.306, subsection 1, Code
47 Supplement 1989, is amended to read as follows:

48 1. A city, county, and a private agency operating
49 or planning to operate a sanitary disposal project
50 shall file with the director a comprehensive plan

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1 detailing the method by which the city, county, or
2 private agency will comply with this part 1. All
3 cities and counties shall also file with the director
4 a comprehensive plan detailing the method by which the
5 city or county will comply with the requirements of
6 section 455B.302 to establish and implement a
7 comprehensive solid waste reduction program for its
8 residents. For the purposes of this section, a public
9 agency managing the waste stream for cities or
10 counties pursuant to chapter 28E, shall file one
11 comprehensive plan on behalf of its members, which
12 constitutes full compliance by the public agency's
13 members with the filing requirements of this section.
14 If both a public agency managing the waste stream for
15 a city or county pursuant to chapter 28E, and one or
16 more of the public agency's member cities or counties
17 file a comprehensive plan under this subsection, the
18 director shall, following notice to the agency, make a
19 determination that any plan filed by a member city or
20 county is compatible with the comprehensive plan of
21 the chapter 28E public agency. If the director
22 determines that the comprehensive plan of a city or
23 county is not compatible with the comprehensive plan
24 of a chapter 28E public agency, the director shall
25 require the city or county to provide justification
26 for approval of the comprehensive plan based upon the
27 innovative nature of the comprehensive plan, the
28 urgency of implementation, or other unique features of
29 the comprehensive plan of the city or county, and that
30 the plan otherwise complies with the provisions of
31 this chapter. This subsection does not prevent the
32 director from approving pilot projects which otherwise
33 comply with the provisions of this chapter. The
34 director shall review each comprehensive plan
35 submitted and may reject, suggest modification, or
36 approve the proposed plan. The director shall aid in
37 the development of comprehensive plans for compliance
38 with this part. The director shall make available to
39 a city, county, and private agency appropriate forms
40 for the submission of comprehensive plans and may hold
41 hearings for the purpose of implementing this part.
42 The director and governmental agencies with primary
43 responsibility for the development and conservation of
44 energy resources shall provide research and
45 assistance, when cities and counties operating or
46 planning to operate sanitary disposal projects request
47 aid in planning and implementing resource recovery
48 systems. A comprehensive plan filed by a private
49 agency operating or planning to operate a sanitary
50 disposal project required pursuant to section 455B.302

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1 shall be developed in cooperation and consultation with the city or county responsible to provide for the establishment and operation of a sanitary disposal project."

5. Page 12, by striking lines 18 and 19 and inserting the following:

"Page 17, by inserting after line 14, the following:"

6. Page 12, by striking lines 28 and 29.

7. Page 12, by inserting after line 29, the following:

"Sec. _____. Section 455D.15, subsections 2 and 3, Code Supplement 1989, are amended to read as follows:

2. ~~The department shall award grants based upon the solid waste management hierarchy set forth in section 455B.306A, subsection 1. A grant shall not be awarded to a county, city, or central planning agency which has not complied with the requirements of a comprehensive solid waste management program and which has not complied with or demonstrated an intent to comply with the requirements of section 455B.306.~~
One-half of the moneys deposited in the fund shall be allocated to each county on the basis of population. The county allocation shall be distributed quarterly by the department to each county. The county shall immediately distribute the remainder of the funds to the cities based upon the proportion of the city's respective population to the total county population, and the county shall retain the portion of the funds based upon the proportion of the unincorporated area of the county to the total population of the county. The funds shall be used by the county and the cities for the implementation of the comprehensive plan elements required pursuant to section 455B.306 and relative to chapter 455D. If both a public agency managing the waste stream for a city or county pursuant to chapter 28E, and one or more of the public agency's member cities or counties file a comprehensive plan under this subsection, the director shall require as a condition for approval that any such plan filed by a member city or county is in accordance with the comprehensive plan filed by a chapter 28E agency.

3. The One-half of the moneys deposited in the fund shall be utilized for the following purposes:

~~a. The initial thirty-five thousand dollars collected for deposit in the fund shall be appropriated to the department for establishment of the pollution hotline program established pursuant to section 455B.1167 and for the salary and support of~~

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- 1 not-more-than-one-full-time-equivalent-position-
- 2 b a. To provide financial assistance to public and
- 3 private entities to develop and implement waste
- 4 reduction and minimization programs for Iowa
- 5 industries.
- 6 e b. To provide financial assistance to public and
- 7 private entities and to develop and implement programs
- 8 to create and enhance markets for recyclable and other
- 9 waste products.
- 10 d.---To-develop-and-implement-educational-and
- 11 technical-assistance-programs-that-support-and
- 12 encourage-waste-reduction-and-recycling-efforts-by
- 13 Iowans.
- 14 e.---To-administer-the-provisions-of-chapter-455B,
- 15 division-IV, part-1.
- 16 f c. The department may utilize up to ten twenty
- 17 percent of the fund to administer the provisions of
- 18 this chapter.
- 19 g.---To-provide-grants-to-local-communities-or
- 20 private-individuals-for-projects-which-establish
- 21 recycling-collection-centers, establish local curbside
- 22 collection-of-separated-recyclable-waste-materials,
- 23 promote-public-awareness-regarding-waste-volume
- 24 reduction-and-the-use-of-recyclable-materials, and
- 25 create-markets-for-recyclable-materials.--Grants-shall
- 26 not-be-awarded-for-incineration.
- 27 h.---To-provide-technical-assistance-to-local
- 28 communities-in-establishing-collection-systems-and
- 29 composting-facilities-for-yard-waste.
- 30 i.---To-fund-the-study-required-pursuant-to-section
- 31 455B.11, subsection-3, and-to-provide-loans-and-grants
- 32 for-waste-tire-recycling-and-reprocessing-projects.
- 33 j.---To-carry-out-the-functions-of-the-department-of
- 34 natural-resources-concerning-recycling.
- 35 k.---To-promote-the-recycling-of-chlorofluorocarbons
- 36 used-as-refrigerant."
- 37 8. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-6102 FILED APRIL 4, 1990

WITHDRAWN (j. 1947)

SENATE FILE 2153

H-6105.

1 Amend the amendment, H-6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 5, lines 23 and 24, by striking the words
5 "on appointment through the department of agronomy of"
6 and inserting the following: "and with".

7 2. Page 5, line 27, by striking the words
8 "department of agronomy at".

9 3. Page 5, line 37, by striking the words
10 "department of agronomy at".

11 4. Page 5, lines 42 and 43, by striking the words
12 "A grant program shall be initiated by the advisory
13 committee" and inserting the following: "The
14 department of agriculture and land stewardship may
15 contract with the Iowa state university of science and
16 technology".

17 5. Page 5, by striking lines 45 through 47.

18 6. Page 5, line 48, by striking the word "Five"
19 and inserting the following: "Four".

20 7. Page 6, by inserting after line 3 the
21 following:

22 "g. One hundred thousand dollars to the department
23 of natural resources to be transferred immediately to
24 the Iowa resources enhancement and protection fund
25 created in section 455A.18 to replace funds advanced
26 to the designated counties in the designated amounts
27 for purposes of the agreements entered into with the
28 department to restore and repair lowhead dams in the
29 counties as provided in 1989 Iowa Acts, chapter 311,
30 section 9, subsection 4:

31 (1) Lyon county, the sum of fifty thousand
32 dollars.

33 (2) Jasper county, the sum of twenty-five thousand
34 dollars.

35 (3) Buena Vista county, the sum of twenty-five
36 thousand dollars."

37 8. Page 6, by striking line 35 and inserting the
38 following: "455B.301".

39 9. Page 7, line 9, by inserting after the word
40 "established" the following: "within the waste
41 management authority of the department of natural
42 resources".

43 10. Page 12, by inserting after line 27 the
44 following:

45 "Sec. _____. 1990 Iowa Acts, Senate File 2364,
46 section 25, is amended to read as follows:

47 "SEC. 25. Section 455B.304, Code Supplement 1989,
48 is amended by adding the following new unnumbered
49 paragraph:

50 NEW UNNUMBERED PARAGRAPH. Notwithstanding the

H-6105

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1 provisions of this chapter regarding the requirement
2 of the equipping of a sanitary landfill with a
3 leachate control system and the establishment and
4 continuation of a postclosure account, the department
5 shall adopt rules which provide for an exemption from
6 the requirements to equip a publicly owned sanitary
7 landfill with a leachate control system and to
8 establish and maintain a postclosure account if the
9 sanitary landfill operator is a public agency, if the
10 sanitary landfill has closed or will close by July 1,
11 1992, and will no longer accept waste for disposal
12 after that date, and if at the time of closure of the
13 sanitary landfill monitoring of the groundwater does
14 not reveal the presence of leachate. The ~~rules may~~
15 department shall require postclosure groundwater
16 monitoring and shall establish the requirements for
17 the implementation of leachate collection and control
18 in cases in which leachate is found during postclosure
19 monitoring. The ~~rules~~ department shall provide for a
20 closure completion period following the date of
21 closure of a sanitary landfill. Notwithstanding the
22 provisions of this paragraph, the public agency shall
23 retain financial responsibility for closure and
24 postclosure requirements applicable to sanitary
25 disposal projects."

26 11. Page 15, by inserting after line 10 the
27 following:

28 "Sec. ____.

29 The appropriation to the Iowa resources enhancement
30 and protection fund in 1989 Iowa Acts, chapter 307,
31 section 35, shall be considered an appropriation for a
32 separate fiscal year for purposes of the allocation to
33 be made to the conservation education board under
34 section 455A.19, subsection 1, unnumbered paragraph 1.
35 Up to 3 percent of the amount allocated to the
36 conservation education board as a result of this
37 section, shall be used, or so much thereof as is
38 necessary, by the department of education, in
39 cooperation with the department of cultural affairs,
40 to distribute to all public libraries, libraries at
41 state institutions, college libraries, and libraries
42 at public and nonpublic schools in the state, and to
43 each member of the Iowa general assembly, the
44 publication "50 simple things you can do to save the
45 earth".

By SWARTZ of Marshall

H-6105 FILED APRIL 4, 1990

ADOPTED (p. 1943)

SENATE FILE 2153

H-6116

- 1 Amend Senate File 2153, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 10, line 31 through page 12,
- 4 line 9.
- 5 2. Page 17, by striking lines 25 through 27.

By KOENIGS of Mitchell
MUHLBAUER of Crawford
MERTZ of Kossuth

H-6116 FILED APRIL 4, 1990
LOST (p. 1960)

SENATE FILE 2153

H-6117

- 1 Amend Senate File 2153, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 17, line 26, by striking the words and
- 4 figures "take effect January 1, 1991," and inserting
- 5 the following: "apply retroactively to January 1,
- 6 1986,".
- 7 2. Page 17, line 27, by inserting after the word
- 8 "date." the following: "Notwithstanding any other
- 9 provision a claim for refund or carryforward of the
- 10 credit allowed under sections 10 and 11 of this Act is
- 11 timely filed if the claim is filed within one year
- 12 following the effective date of this Act or within the
- 13 period of the regular statute of limitations,
- 14 whichever is the longer."

By KOENIGS of Mitchell
MUHLBAUER of Crawford
MERTZ of Kossuth

H-6117 FILED APRIL 4, 1990
LOST (p. 1960)

SENATE FILE 2153

H-6108

1 Amend amendment, H-6054, to Senate File 2153, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 11, by striking lines 6 through 31.

By BISIGNANO of Polk	DIEMER of Black Hawk
SHERZAN of Polk	FULLER of Hardin
KOENIGS of Mitchell	HANSON of Delaware
RENAUD of Polk	MUHLBAUER of Crawford
PETERS of Woodbury	JAY of Appanoose
TRENT of Muscatine	KREMER of Buchanan
SHONING of Woodbury	HANSEN of Woodbury
BRANSTAD of Winnebago	BUHR of Polk

H-6108 FILED APRIL 4, 1990

LOST (p. 1944)

SENATE FILE 2153

H-6112

1 Amend the amendment, H-6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, line 15, by inserting after the words
5 "projects to" the following: ", and transportation
6 studies and projects which".

By NEUHAUSER of Johnson

H-6112 FILED APRIL 4, 1990

ADOPTED (p. 1952)

SENATE FILE 2153

H-6113

1 Amend the amendment, H-6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 47 through 49.

5 2. Page 2, by striking lines 7 through 9 and
6 inserting the following: "percent to the annual".

7 3. Page 11, line 5, by inserting after the word
8 "lottery." the following: "However, if the amount
9 appropriated to the fund from the lottery does not
10 equal thirty million dollars for the fiscal year
11 beginning July 1, 1991, or for subsequent fiscal years
12 of the fiscal period, the amount that may be
13 appropriated under this subsection is twenty-five
14 million dollars."

By LAGESCHULTE of Bremer

H-6113 FILED APRIL 4, 1990

LOST (p. 1945)

SENATE FILE 2153

6120

Amend the amendment, H-6054, to Senate File 2153,
as amended, passed, and reprinted by the Senate, as
follows:

1. Page 2, line 26, by inserting after the word
"wells" the following: "and cisterns".

2. Page 15, by inserting after line 8 the
following:

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

(b) 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
seventeen 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 seventeen
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 properly closing abandoned, rural water
supply wells and cisterns. For purposes of this
subparagraph subdivision, "cistern" means an
artificial reservoir constructed underground for the
purpose of storing rainwater."

By PONCY of Wapello

H-6120 FILED APRIL 4, 1990

ADOPTED (p. 195.2)

SENATE FILE 2153

H-6118

1 Amend the amendment, H-6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 1, by inserting after the word
5 "account." the following: "However, for the fiscal
6 year beginning July 1, 1990, the percent is nine
7 percent for the first half of the year and eighteen
8 percent for the second half of the year."
9 2. Page 2, line 3, by inserting after the word
10 "account." the following: "However, for the fiscal
11 year beginning July 1, 1990, the percent is fifteen
12 percent for the first half of the year and six percent
13 for the second half of the year."
14 3. Page 3, line 22, by inserting after the figure
15 "467A.75." the following: "However, for the fiscal
16 year beginning July 1, 1990, all of the moneys equal
17 to the additional nine percent of CLEAN funds allotted
18 for the first half of the year to the soil
19 conservation account shall be appropriated for
20 purposes of this paragraph."

By BENNETT of Ida
PELLETT of Cass

H-6118 FILED APRIL 4, 1990

LOST (J 1946)

SENATE FILE 2153

H-6119

1 Amend the amendment, H-6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 1, by inserting after the word
5 "account." the following: "However, for the fiscal
6 year beginning July 1, 1990, the percent is twenty-two
7 percent for the first half of the year and eighteen
8 percent for the second half of the year."
9 2. Page 2, line 5, by inserting after the word
10 "account." the following: "However, for the fiscal
11 year beginning July 1, 1990, the percent is four
12 percent for the first half of the year and eight
13 percent for the second half of the year."
14 3. Page 3, by inserting after line 13 the
15 following:
16 "____. For the fiscal year beginning July 1, 1990,
17 the amount equal to the additional four percent of the
18 moneys in the CLEAN fund allotted for the first half
19 of the fiscal year to the environmental protection
20 account is appropriated to the department of natural
21 resources for purposes of a grant program for
22 pollution control facilities for new buildings that
23 will be used for production of livestock. Grants
24 under the program shall not exceed five thousand
25 dollars per facility."

By PETERSEN of Muscatine

H-6119 FILED APRIL 4, 1990

LOST (J 1947)

SENATE FILE 2153

H-6121

1 Amend the amendment, H-6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 17 through 21 and
5 inserting the following:

6 "a. Fifty-nine percent to the waste volume
7 reduction and recycling fund to be used as follows:

8 (1) One-half of the moneys deposited under this
9 lettered paragraph shall be used for the purposes
10 specified pursuant to section 455D.15, subsection 2.
11 The moneys shall be allocated to each county on the
12 basis of population. The county allocation shall be
13 distributed quarterly by the department to each
14 county. The county shall immediately distribute the
15 funds to the cities based upon the proportion of the
16 city's respective population to the total county
17 population, and the county shall retain the portion of
18 the funds based upon the proportion of the
19 unincorporated area of the county to the total
20 population of the county. The funds shall be used by
21 the county and the cities for the implementation of
22 the comprehensive plan elements required pursuant to
23 section 455B.306 and relative to chapter 455D.

24 (2) One-half of the moneys deposited under this
25 lettered paragraph shall be used for the purposes
26 designated pursuant to section 455D.15, subsection 3."

27 2. Page 2, by striking lines 27 through 31, and
28 inserting the following:

29 "c. Three and five-tenths percent to the
30 department of natural resources to implement and
31 administer the state and local government waste
32 management program established pursuant to section
33 455B.484 and section 455B.510."

34 3. By striking page 8, line 26, through page 9,
35 line 25.

36 4. Page 12, by inserting after line 15, the
37 following:

38 "Sec. ____ . Section 455B.306, subsection 1, Code
39 Supplement 1989, is amended to read as follows:

40 1. A city, county, and a private agency operating
41 or planning to operate a sanitary disposal project
42 shall file with the director a comprehensive plan
43 detailing the method by which the city, county, or
44 private agency will comply with this part 1. All
45 cities and counties shall also file with the director
46 a comprehensive plan detailing the method by which the
47 city or county will comply with the requirements of
48 section 455B.302 to establish and implement a
49 comprehensive solid waste reduction program for its
50 residents. For the purposes of this section, a public

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1 agency managing the waste stream for cities or
2 counties pursuant to chapter 28E, shall file one
3 comprehensive plan on behalf of its members, which
4 constitutes full compliance by the public agency's
5 members with the filing requirements of this section.
6 If both a public agency managing the waste stream for
7 a city or county pursuant to chapter 28E, and one or
8 more of the public agency's member cities or counties
9 file a comprehensive plan under this subsection, the
10 director shall, following notice to the agency, make a
11 determination that any plan filed by a member city or
12 county is compatible with the comprehensive plan of
13 the chapter 28E public agency. If the director
14 determines that the comprehensive plan of a city or
15 county is not compatible with the comprehensive plan
16 of a chapter 28E public agency, the director shall
17 require the city or county to provide justification
18 for approval of the comprehensive plan based upon the
19 innovative nature of the comprehensive plan, the
20 urgency of implementation, or other unique features of
21 the comprehensive plan of the city or county, and that
22 the plan otherwise complies with the provisions of
23 this chapter. This subsection does not prevent the
24 director from approving pilot projects which otherwise
A 25 comply with the provisions of this chapter. The
26 director shall review each comprehensive plan
27 submitted and may reject, suggest modification, or
28 approve the proposed plan. The director shall aid in
29 the development of comprehensive plans for compliance
30 with this part. The director shall make available to
31 a city, county, and private agency appropriate forms
32 for the submission of comprehensive plans and may hold
33 hearings for the purpose of implementing this part.
34 The director and governmental agencies with primary
35 responsibility for the development and conservation of
36 energy resources shall provide research and
37 assistance, when cities and counties operating or
38 planning to operate sanitary disposal projects request
39 aid in planning and implementing resource recovery
40 systems. A comprehensive plan filed by a private
41 agency operating or planning to operate a sanitary
42 disposal project required pursuant to section 456B.302
43 shall be developed in cooperation and consultation
44 with the city or county responsible to provide for the
45 establishment and operation of a sanitary disposal
46 project."
47 5. Page 12, by striking lines 18 and 19 and
48 inserting the following:
49 "---- Page 17, by inserting after line 14, the
50 following:"

B 1 6. Page 12, by striking lines 28 and 29.

2 7. Page 12, by inserting after line 29, the
3 following:

4 "Sec. ____ Section 455D.15, subsections 2 and 3,
5 Code Supplement 1989, are amended to read as follows:

6 2. ~~The department shall award grants based upon~~
7 ~~the solid waste management hierarchy set forth in~~
8 ~~section 455B.301A, subsection 1. A grant shall not be~~
9 ~~awarded to a county, city, or central planning agency~~
10 ~~which has not complied with the requirements of a~~
11 ~~comprehensive solid waste management program and which~~
12 ~~has not complied with or demonstrated an intent to~~
13 ~~comply with the requirements of section 455B.306.~~

A 14 One-half of the moneys deposited in the fund shall be
15 allocated to each county on the basis of population.
16 The county allocation shall be distributed quarterly
17 by the department to each county. The county shall
18 immediately distribute the funds to the cities based
19 upon the proportion of the city's respective
20 population to the total county population, and the
21 county shall retain the portion of the funds based
22 upon the proportion of the unincorporated area of the
23 county to the total population of the county. The
24 funds shall be used by the county and the cities for
25 the implementation of the comprehensive plan elements
26 required pursuant to section 455B.306 and relative to
27 chapter 455D.

28 3. The One-half of the moneys deposited in the
29 fund shall be utilized for the following purposes:

A 30 ~~a. The initial thirty-five thousand dollars~~
31 ~~collected for deposit in the fund shall be~~
32 ~~appropriated to the department for establishment of~~
33 ~~the pollution hotline program established pursuant to~~
34 ~~section 455B.116, and for the salary and support of~~
35 ~~not more than one full-time equivalent position.~~

36 b a. To provide financial assistance to public and
37 private entities to develop and implement waste
38 reduction and minimization programs for Iowa
39 industries.

40 c b. To provide financial assistance to public and
41 private entities and to develop and implement programs
42 to create and enhance markets for recyclable and other
43 waste products.

44 d. To develop and implement educational and
45 technical assistance programs that support and
46 encourage waste reduction and recycling efforts by
47 Iowans.

48 e. To administer the provisions of chapter 455B,
49 division IV, part 1.

50 f c. The department may utilize up to ten twenty

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1 percent of the fund to administer the provisions of
2 this chapter.

3 g---To-provide-grants-to-local-communities-or
4 private-individuals-for-projects-which-establish
5 recycling-collection-centers; establish-local-curbside
6 collection-of-separated-recyclable-waste-materials;
7 promote-public-awareness-regarding-waste-volume
8 reduction-and-the-use-of-recyclable-materials; and
9 create-markets-for-recyclable-materials---Grants-shall
A 10 not-be-awarded-for-incineration;

11 h---To-provide-technical-assistance-to-local
12 communities-in-establishing-collection-systems-and
13 composting-facilities-for-yard-waste;

14 i---To-fund-the-study-required-pursuant-to-section
15 4559.11; subsection-3; and-to-provide-loans-and-grants
16 for-waste-tire-recycling-and-reprocessing-projects;

17 j---To-carry-out-the-functions-of-the-department-of
18 natural-resources-concerning-recycling;

19 k---To-promote-the-recycling-of-chlorofluorocarbons
20 used-as-refrigerant;"

21 8. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-6121 FILED APRIL 4, 1990

DIVISION A - ADOPTED, DIVISION B - WITHDRAWN (p. 1951)

SENATE FILE 2153

H-6123

1 Amend the amendment, H-6054, to Senate File 2153,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 12, by inserting before line 30 the
5 following:

6 "Sec. ____ . Section 455D.16, Code Supplement 1989,
7 is amended by striking the section and inserting in
8 lieu thereof the following:

9 455D.16 PROHIBITION OF POLYSTYRENE PRODUCTS.

10 1. Beginning January 1, 1991, a person shall not
11 offer for sale, sell, or commercially use polystyrene
12 packaging products or food service items in this
13 state.

14 2. A person who violates subsection 1 is subject
15 to a civil penalty of one hundred dollars for each day
16 of violation. The department shall collect the
17 penalties and shall deposit the moneys in the waste
18 volume reduction and recycling fund created under
19 section 455D.15."

20 2. By renumbering as necessary.

By BISIGNANO of Polk
SHERZAN of Polk
BLACK of Jasper

H-6123 FILED APRIL 4, 1990

ADOPTED (p. 1954), (p. 1962)

SENATE FILE 2153

S-5949

Amend the House amendment, S-5915, to Senate File
2153, as amended, passed, and reprinted by the Senate,
as follows:

1. Page 23, by striking lines 9 through 28.

By JACK RIFE

S-5949 FILED APRIL 6, 1990

Letter 4/7 (p. 1682)

SENATE FILE 2153

S-5955

Amend the House amendment, S-5915, to Senate File
2153, as amended, passed, and reprinted by the Senate,
as follows:

1. Page 15, by inserting after line 21 the
following:

"____. Page 17, by inserting before line 15 the
following:

"Sec. ____ Section 455D.9, subsection 1, Code
Supplement 1989, is amended to read as follows:

1. Beginning January 1, 1991, land disposal of
yard waste as defined by the department is prohibited.
However, yard waste which has been separated at its
source or its destination from other solid waste may
be accepted by a sanitary landfill for the purposes of
soil conditioning or composting."

2. By renumbering sections as required.

By RAY TAYLOR

S-5955 FILED APRIL 6, 1990

Letter 4/7 (p. 1682)

SENATE FILE 2153

S-5956

Amend the House amendment, S-5915, to Senate File
2153, as amended, passed, and reprinted by the Senate,
as follows:

1. Page 1, by striking lines 34 through 44.

2. Page 9, by striking lines 23 through 50.

3. Page 11, by striking lines 25 through 42.

4. Page 24, by striking lines 28 through 31.

By PAUL D. PATE

S-5956 FILED APRIL 6, 1990

Letter 4/7 (p. 1681)

SENATE FILE 2153

S-5940

Amend the House amendment, S-5915, to Senate File 2153, as amended, passed, and reprinted by the Senate, as follows:

1. Page 11, by inserting after line 45 the following:

"Sec. ____ . Section 455A.17, subsection 2, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The delegates shall be elected from each of five groups made up of persons willing to serve as delegates who represent the five major areas of the resources enhancement and protection program as follows:

a. A group representing cities located within the area who are city officials residing within the area.

b. A group representing wildlife conservation who are county conservation association members residing within the area.

c. A group representing soil and water enhancement who are soil and water conservation district commissioners residing within the area.

d. A group representing conservation education who are certified teachers residing within the area.

e. A group representing counties located within the area who are county officials residing within the area."

By RICHARD VANDE HOEF

S-5940 FILED APRIL 5, 1990

o/o 4/7 (p. 1682)

SENATE FILE 2153

S-5967

1 Amend the House amendment, S-5915, to Senate File
2 2153 as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting before line 5, the
5 following:

6 "Sec. ____ NEW SECTION. 2.34 PURCHASE OF
7 RECYCLED PRODUCTS.

8 It shall be the policy of the general assembly to
9 procure and purchase recycled products and to recycle
10 products used in the operation of the general assembly
11 under the following guidelines:

12 1. "Recycled paper product" means a paper product
13 containing at least the minimum percentage of waste
14 paper or post consumer recovered material as
15 recommended by the United States environmental
16 protection agency guideline for recovered materials
17 content in paper products procured by the federal
18 government in effect as of January 1, 1988.

19 2. Recycled paper products shall include, but are
20 not limited to the following:

21 a. All grades and types of xerographic or copy
22 paper.

23 b. Newsprint.

24 c. All grades and types of printing and writing
25 paper.

26 d. Corrugated boxes and fiberboard boxes.

27 e. Folding boxboard and cartons.

28 f. Stationary, office papers, including but not
29 limited to memo pads and scratch pads.

30 g. Envelopes.

31 h. Manifold business forms, including computer
32 paper.

33 i. Toilet tissue, paper towels, facial tissue,
34 paper napkins, doilies, and industrial wipes.

35 j. Brown papers and coarse papers.

36 3. To the extent permitted by state law,
37 preference shall be given to purchase of recycled
38 products provided those products are available through
39 reasonable, good faith efforts to procure such
40 products.

41 4. The general assembly shall require the supplier
42 of any recycled paper product purchased to provide a
43 letter of assurance from the mill manufacturing such
44 paper which verifies that the paper products sold to
45 the general assembly comply with the content standards
46 of subsection 1.

47 5. With respect to products other than paper
48 products, the general assembly shall give preference
49 to purchase of recyclable products and products made
50 in whole or in part from recycled products whenever

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1 such products can be obtained at prices equal to
2 nonrecycled or nonrecyclable products.

3 6. The general assembly shall also implement
4 reasonable means to recycle those products that are
5 recyclable after their use in legislative operations.

6 7. The legislative council shall implement these
7 policies for central agencies within the legislative
8 branch that acquire products serving both houses of
9 the general assembly, and the presiding officers shall
10 implement similar policies in each house."

11 2. Page 23, by inserting after line 8, the
12 following:

13 ""Sec. ____.

14 Supplies of paper products currently in the general
15 assembly inventory, or any items on order or
16 contracted for, may be used until they are exhausted,
17 and any additional supplies required to complete the
18 business of the Seventy-third General Assembly where
19 uniformity of style and format are necessary may be
20 procured regardless of the products' material content
21 or recyclability.""

22 3. By renumbering as necessary.

By PAUL D. PATE

S-5967 FILED APRIL 6, 1990

SENATE FILE 2153

S-5969

1 Amend the House amendment, S-5915, to Senate File
2 2153, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 8, by striking lines 23 and 24.

5 2. Page 9, line 15, by striking the words "a per
6 diem of forty dollars and".

By PAUL D. PATE

S-5969 FILED APRIL 6, 1990

w/d 4/1 (7.1682)

SENATE FILE 2153

S-5970

1 Amend the House amendment, S-5915, to Senate File
2 2153, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 11, line 46 through page 12,
5 line 10.

By PAUL D. PATE

S-5970 FILED APRIL 6, 1990

o/c 4/7 (7.1282)

SENATE FILE 2153

S-5971

- 1 Amend the House amendment, S-5915, to Senate File
- 2 2153, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 11, by striking lines 14 through 24.
- 5 2. Page 24, lines 37 and 38, by striking the
- 6 words "for city storm water drainage systems,".

By PAUL D. PATE

S-5971 FILED APRIL 6, 1990

Revised 4/7 (p. 1682)

SENATE FILE 2153

S-5981

- 1 Amend the House amendment, S-5915, to Senate File
- 2 2153, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 10, by striking line 1 through page 11,
- 5 line 13.

By JOHN P. KIBBIE
H. KAY HEDGE
KENNETH D. SCOTT

ALVIN V. MILLER
RICHARD VANDE HOEF

S-5981 FILED APRIL 6, 1990

Revised 4/7 (p. 1682)

SENATE FILE 2153

S-5997

- 1 Amend the House amendment, S-5915, to Senate File
- 2 2153, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 10, by striking lines 3 through 34.
- 5 2. By striking page 10, line 35, through page 11,
- 6 line 13.

By JOHN P. KIBBIE
RICHARD VANDE HOEF
H. KAY HEDGE

KENNETH D. SCOTT
ALVIN V. MILLER

S-5997 FILED APRIL 7, 1990

WITHDRAWN (*p. 1682*)

SENATE FILE 2153

S-6005

- 1 Amend the amendment, S-5991, to the House
- 2 amendment, S-5915, to Senate File 2153, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 3, by inserting after line 4 the
- 5 following:

6 " ". Page 11, line 13, by inserting after the
7 word "district." the following: "This subsection
8 shall not create a lien against the property of a
9 person who is not a rural water subscriber."
By JIM RIORDAN H. KAY HEDGE
LEONARD L. BOSWELL EMIL J. HUSAK

S-6005 FILED APRIL 7, 1990

ADOPTED (*p. 1681*)

SENATE FILE 2153

S-5964

- 1 Amend the House amendment, S-5915, to Senate File
2 2153, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 2, line 10, by inserting after the word
5 "dollars." the following: "Moneys that would be
6 allotted under this paragraph but are in excess of
7 twenty-five million dollars shall be allotted to the
8 other accounts on a pro rata basis."
- 9 2. Page 2, line 11, by striking the word
10 "eighteen" and inserting the following: "nineteen and
11 five-tenths".
- 12 3. Page 2, line 13, by striking the word "six"
13 and inserting the following: "eight".
- 14 4. Page 2, line 15, by striking the word "eight"
15 and inserting the following: "ten".
- 16 5. Page 2, by striking lines 17 through 24.
- 17 6. By striking page 5, line 28 through page 7,
18 line 3.
- 19 7. Page 7, line 5, by striking the word and
20 figures "4, and 5" and inserting the following: "and
21 4".

By PAUL D. PATE

S-5964 FILED APRIL 6, 1990

Loss 4/7 (p 1481)

SENATE FILE 2153

S-5991

1 Amend the House amendment, S-5915, to Senate File
2 2153, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, line 28, by striking the word "Fifty-
5 nine" and inserting the following: "Fifty-nine and
6 five-tenths".

7 2. Page 3, by striking lines 23 through 27 and
8 inserting the following:

9 "f. Three and five-tenths percent to the
10 groundwater protection fund created in section 455E.11
11 to provide grants to counties for rural water testing
12 under section 455B.172, subsection 5."

13 3. Page 3, line 41, by striking the word "Two"
14 and inserting the following: "One and five-tenths".

15 4. Page 4, by striking lines 22 through 24, and
16 inserting the following: "water protection fund
17 pursuant to section 467F.4 and may also qualify for
18 cost-sharing funds pursuant to section 467A.48."

19 5. Page 4, by striking lines 43 through 50 and
20 inserting the following:

21 "_____. Fourteen and one-tenth percent, to the Iowa
22 energy center of which up to one-third, not to exceed
23 one hundred fifty thousand dollars, may be used for
24 administration costs of the center and the remainder
25 shall be used for transportation studies and projects
26 which enhance energy efficiency and self-sufficiency.

27 "_____. Fourteen and one-tenth percent, to the
28 department of agriculture and land stewardship, for
29 on-farm alternative fuels demonstration projects."

30 6. Page 5, line 1, by striking the words "Twenty-
31 five and four-tenths" and inserting the following:
32 "Twenty-two and three-tenths".

33 7. Page 5, by inserting after line 27, the
34 following:

35 "_____. Six and two-tenths percent to the department
36 of natural resources for the administration of energy
37 efficiency programs and projects created in this Act
38 or in Senate File 2403, if enacted by the Seventy-
39 third General Assembly, 1990 Session."

40 8. Page 5, line 31, by striking the word "Four"
41 and inserting the following: "Three".

42 9. Page 5, line 35, by inserting after the word
43 "water" the following: "and for the state rural well
44 water survey in conjunction with the department of
45 natural resources".

46 10. Page 5, line 41, by striking the words
47 "Spring Brook" and inserting the following:
48 "Springbrook".

49 11. Page 5, line 48, by striking the words "Two
50 hundred" and inserting the following: "One hundred

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Page 2

1 "fifty".

2 12. Page 6, line 26, by striking the words "Four
3 hundred" and inserting the following: "Three hundred
4 twenty-five".

5 13. Page 6, line 43, by striking the words "fifty
6 thousand" and inserting the following: "thirty-three
7 thousand three hundred thirty-three".

8 14. Page 6, line 45, by striking the words
9 "twenty-five thousand" and inserting the following:
10 "sixteen thousand six hundred sixty-seven".

11 15. Page 6, lines 47 and 48 by striking the words
12 "twenty-five thousand" and inserting the following:
13 "sixteen thousand six hundred sixty-seven".

14 16. Page 6, by inserting after line 48 the fol-
15 lowing:

16 "(4) Jones county, the sum of thirty-three
17 thousand three hundred thirty-three dollars.

18 _____. One hundred thousand dollars, to the depart-
19 ment of natural resources to be used in grant programs
20 for towns with a population of three thousand five
21 hundred or less for the construction of swimming
22 pools.

23 _____. One hundred thousand dollars, to the
24 Poweshiek rural water association for costs relating
25 to the laying of water pipelines to cross the Iowa
26 river.

27 _____. Twenty-five thousand dollars, to the depart-
28 ment of natural resources for a pilot project on
29 energy efficiency and savings from computerizing
30 energy use."

31 17. Page 7, by inserting after line 23 the
32 following:

33 "_____. The agency or entity to which moneys are
34 appropriated or which oversee a fund to which moneys
35 are appropriated under this section may use some of
36 those moneys for administrative costs relating to the
37 use of those moneys, including additional full-time
38 equivalent positions. The acquisition of additional
39 full-time equivalent positions authorized under this
40 subsection are not subject to any freeze, set by the
41 governor, or the limit, set by the general assembly,
42 on the number of full-time equivalent positions that
43 such agency or entity may have. The agency or entity
44 that adds additional full-time equivalent positions
45 shall report the fact and the purpose at the end of
46 the applicable quarter to the fiscal committee of the
47 legislative council."

48 18. Page 9, line 42, by inserting after the word
49 "insufficiency." the following: "However, the moneys
50 in the security account that have not been spent for

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Page 3

1 such payments by March 1 of the fiscal year shall be
2 immediately transferred to the general fund of the
3 state."

4 19. Page 9, by striking lines 43 through 50.

5 20. Page 11, by striking lines 14 through 24.

6 21. Page 11, by inserting before line 25 the

7 following:

8 "_____. By striking page 10, line 31 through page
9 12, line 9."

10 22. Page 12, by striking lines 11 through 36.

11 23. By striking page 16, line 41 through page 17,
12 line 4.

13 24. Page 22, line 25, by striking the words "Two
14 of the" and inserting the following: "The".

15 25. Page 22, line 31, by inserting after the word
16 "pounds." the following: "Conditionally exempt small
17 quantity generators which deliver their hazardous
18 wastes to the site shall not be required to obtain a
19 permit to transport the hazardous waste to the site."

20 26. Page 23, by inserting after line 8, the
21 following:

22 "Sec. _____. Section 467A.48, subsection 1, Code
23 Supplement 1989, is amended to read as follows:

24 1. a. An owner or occupant of land in this state
25 is not required to establish any new permanent or
26 temporary soil and water conservation practice unless
27 public or other cost-sharing funds have been
28 specifically approved for that land and actually made
29 available to the owner or occupant.

30 b. The owner or occupant of land is eligible to
31 receive state cost-sharing funds to establish a
32 permanent grass and buffer zone, including an erosion
33 control structure or an erosion control practice to
34 mitigate the effects of concentrated runoff on surface
35 water quality.

36 c. The amount of cost-sharing funds made available
37 shall not exceed seventy-five fifty percent of the
38 estimated cost as established by the commissioners of
39 a permanent soil and water conservation practice, or
40 seventy-five fifty percent of the actual cost,
41 whichever is less, or an amount set by the committee
42 for a temporary soil and water conservation practice,
43 except as otherwise provided by law with respect to
44 land classified as agricultural land under
45 conservation cover.

46 The amount of cost-sharing funds made available to
47 establish a permanent grass and buffer zone may be up
48 to one hundred percent of the estimated cost as
49 established by the commissioners or one hundred
50 percent of the actual cost, whichever is less.

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Page ~~4~~

1 PARAGRAPH DIVIDED. The commissioners shall
2 establish the estimated cost of permanent soil and
3 water conservation practices in the district based
4 upon one and two-tenths of the average cost of the
5 practices installed in the district during the
6 previous year. The average costs shall be reviewed
7 and approved by the commissioners each calendar year."
8 27. Page 24, by inserting after line 27 the
9 following:

10 "____. Page 17, by striking lines 25 through 27."

11 28. Page 24, lines 37 and 38, by striking the
12 words "for city storm water drainage systems,".

13 29. By renumbering, relettering, or redesignating
14 and correcting internal references as necessary.

By LEONARD L. BOSWELL

MICHAEL E. GRONSTAL

PAT DELUHERY

JIM RIORDAN

EMIL J. HUSAK

S-5991 FILED APRIL 7, 1990

ADOPTED as amended by 6005 4/7 (p. 1681)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2153
H-6182

- 1 Amend the House amendment, S-5915, to Senate File
- 2 2153, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 2, line 28, by striking the word "Fifty-
- 5 nine" and inserting the following: "Fifty-nine and
- 6 five-tenths".
- 7 2. Page 3, by striking lines 23 through 27 and
- 8 inserting the following:
- 9 "f. Three and five-tenths percent to the
- 10 groundwater protection fund created in section 455E.11
- 11 to provide grants to counties for rural water testing
- 12 under section 455B.172, subsection 5."
- 13 3. Page 3, line 41, by striking the word "Two"
- 14 and inserting the following: "One and five-tenths".
- 15 4. Page 4, by striking lines 22 through 24, and
- 16 inserting the following: "water protection fund
- 17 pursuant to section 467F.4 and may also qualify for
- 18 cost-sharing funds pursuant to section 467A.48."
- 19 5. Page 4, by striking lines 43 through 50 and
- 20 inserting the following:
- 21 "_____. Fourteen and one-tenth percent, to the Iowa
- 22 energy center of which up to one-third, not to exceed
- 23 one hundred fifty thousand dollars, may be used for
- 24 administration costs of the center and the remainder
- 25 shall be used for transportation studies and projects
- 26 which enhance energy efficiency and self-sufficiency.
- 27 "_____. Fourteen and one-tenth percent, to the
- 28 department of agriculture and land stewardship, for
- 29 on-farm alternative fuels demonstration projects."
- 30 6. Page 5, line 1, by striking the words "Twenty-
- 31 five and four-tenths" and inserting the following:
- 32 "Twenty-two and three-tenths".
- 33 7. Page 5, by inserting after line 27, the
- 34 following:
- 35 "_____. Six and two-tenths percent to the department
- 36 of natural resources for the administration of energy
- 37 efficiency programs and projects created in this Act
- 38 or in Senate File 2403, if enacted by the Seventy-
- 39 third General Assembly, 1990 Session."
- 40 8. Page 5, line 31, by striking the word "Four"
- 41 and inserting the following: "Three".
- 42 9. Page 5, line 35, by inserting after the word
- 43 "water" the following: "and for the state rural well
- 44 water survey in conjunction with the department of
- 45 natural resources".
- 46 10. Page 5, line 41, by striking the words
- 47 "Spring Brook" and inserting the following:
- 48 "Springbrook".
- 49 11. Page 5, line 48, by striking the words "Two
- 50 hundred" and inserting the following: "One hundred

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Page 2

1 fifty".

2 12. Page 6, line 28, by striking the words "Four
3 hundred" and inserting the following: "Three hundred
4 twenty-five".

5 13. Page 6, line 43, by striking the words "fifty
6 thousand" and inserting the following: "thirty-three
7 thousand three hundred thirty-three".

8 14. Page 6, line 45, by striking the words
9 "twenty-five thousand" and inserting the following:
10 "sixteen thousand six hundred sixty-seven".

11 15. Page 6, lines 47 and 48 by striking the words
12 "twenty-five thousand" and inserting the following:
13 "sixteen thousand six hundred sixty-seven".

14 16. Page 6, by inserting after line 48 the fol-
15 lowing:

16 "(4) Jones county, the sum of thirty-three
17 thousand three hundred thirty-three dollars.

18 _____. One hundred thousand dollars, to the depart-
19 ment of natural resources to be used in grant programs
20 for towns with a population of three thousand five
21 hundred or less for the construction of swimming
22 pools.

23 _____. One hundred thousand dollars, to the
24 Poweshiek rural water association for costs relating
25 to the laying of water pipelines to cross the Iowa
26 river.

27 _____. Twenty-five thousand dollars, to the depart-
28 ment of natural resources for a pilot project on
29 energy efficiency and savings from computerizing
30 energy use."

31 17. Page 7, by inserting after line 23 the
32 following:

33 "_____. The agency or entity to which moneys are
34 appropriated or which oversee a fund to which moneys
35 are appropriated under this section may use some of
36 those moneys for administrative costs relating to the
37 use of those moneys, including additional full-time
38 equivalent positions. The acquisition of additional
39 full-time equivalent positions authorized under this
40 subsection are not subject to any freeze, set by the
41 governor, or the limit, set by the general assembly,
42 on the number of full-time equivalent positions that
43 such agency or entity may have. The agency or entity
44 that adds additional full-time equivalent positions
45 shall report the fact and the purpose at the end of
46 the applicable quarter to the fiscal committee of the
47 legislative council."

48 18. Page 9, line 42, by inserting after the word
49 "insufficiency." the following: "However, the moneys
50 in the security account that have not been spent for

- 1 such payments by March 1 of the fiscal year shall be
2 immediately transferred to the general fund of the
3 state."
- 4 19. Page 9, by striking lines 43 through 50.
- 5 20. Page 11, line 13, by inserting after the word
6 "district." the following: "This subsection shall not
7 create a lien against the property of a person who is
8 not a rural water subscriber."
- 9 21. Page 11, by striking lines 14 through 24.
- 10 22. Page 11, by inserting before line 25 the
11 following:
- 12 "_____. By striking page 10, line 31 through page
13 12, line 9."
- 14 23. Page 12, by striking lines 11 through 36.
- 15 24. By striking page 16, line 41 through page 17,
16 line 4.
- 17 25. Page 22, line 25, by striking the words "Two
18 of the" and inserting the following: "The".
- 19 26. Page 22, line 31, by inserting after the word
20 "pounds." the following: "Conditionally exempt small
21 quantity generators which deliver their hazardous
22 wastes to the site shall not be required to obtain a
23 permit to transport the hazardous waste to the site."
- 24 27. Page 23, by inserting after line 8, the
25 following:
- 26 "Sec. _____. Section 467A.48, subsection 1, Code
27 Supplement 1989, is amended to read as follows:
- 28 1. a. An owner or occupant of land in this state
29 is not required to establish any new permanent or
30 temporary soil and water conservation practice unless
31 public or other cost-sharing funds have been
32 specifically approved for that land and actually made
33 available to the owner or occupant.
- 34 b. The owner or occupant of land is eligible to
35 receive state cost-sharing funds to establish a
36 permanent grass and buffer zone, including an erosion
37 control structure or an erosion control practice to
38 mitigate the effects of concentrated runoff on surface
39 water quality.
- 40 c. The amount of cost-sharing funds made available
41 shall not exceed seventy-five fifty percent of the
42 estimated cost as established by the commissioners of
43 a permanent soil and water conservation practice, or
44 seventy-five fifty percent of the actual cost,
45 whichever is less, or an amount set by the committee
46 for a temporary soil and water conservation practice,
47 except as otherwise provided by law with respect to
48 land classified as agricultural land under
49 conservation cover.
- 50 The amount of cost-sharing funds made available to

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Page 4

1 establish a permanent grass and buffer zone may be up
2 to one hundred percent of the estimated cost as
3 established by the commissioners or one hundred
4 percent of the actual cost, whichever is less.

5 PARAGRAPH DIVIDED. The commissioners shall
6 establish the estimated cost of permanent soil and
7 water conservation practices in the district based
8 upon one and two-tenths of the average cost of the
9 practices installed in the district during the
10 previous year. The average costs shall be reviewed
11 and approved by the commissioners each calendar year."

12 28. Page 24, by inserting after line 27 the
13 following:

14 "____. Page 17, by striking lines 25 through 27."

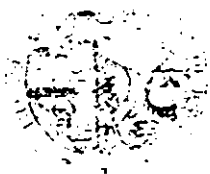
15 29. Page 24, lines 37 and 38, by striking the
16 words "for city storm water drainage systems,".

17 30. By renumbering, relettering, or redesignating
18 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6182 FILED APRIL 7, 1990

CONCURRED (p. 2283)



OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

May 8, 1990

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

Dear Madam Secretary:

I hereby transmit Senate File 2153, an act relating to the environment, agriculture, and natural resources including making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for funding for rural water districts, and for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, providing a penalty, and providing effective and applicability dates.

Senate File 2153 provides for the appropriation of funds to programs for the improvement and protection of our natural resources. By approving the expenditure of up to \$27.4 million per year for fiscal year 1990-91, I am supporting a substantial increase in Iowa's commitment to a quality environment.

Up to \$25 million per year will be allocated to the Iowa Resources Enhancement and Protection Fund (REAP). These funds are to be used for the acquisition and maintenance of open spaces; county conservation activities; soil and water enhancement activities such as reforestation, the protection of erodible soils and clean water programs; the acquisition and maintenance of parks and open spaces in Iowa cities; the maintenance and expansion of state lands; historical resources development; and for roadside vegetation and beautification.

I have also approved the expenditure of about \$2.4 million for soil and water conservation cost sharing activities and for surface water protection and reforestation programs.

While I continue to place a high priority on activities to protect the environment in Iowa, I also have a constitutional responsibility to assure that the state budget is balanced. Unfortunately, the General Assembly has left me little choice but to disapprove some new programs, some of which I recommended to the General Assembly in January.

The state of Iowa must live within its financial resources, be they from sales taxes, income taxes, or from the sale of lottery tickets. I renew my recommendations to the General Assembly that proceeds from the Iowa Lottery be deposited in the state general fund.

Senate File 2153 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, in its entirety. This provision would require the marketing activities of the Iowa Lottery to focus on the concept of investing in Iowa's environment, agriculture, and natural resources. Marketing for the lottery would no longer be required to focus on economic development.

Given the action that I have taken on other portions of Senate File 2153, it is possible the revenues derived from the lottery may be used for purposes other than the environment. Under that circumstance, marketing activities of the Iowa Lottery may include initiatives of the state of Iowa in many areas including economic development, transportation, education, as well as the environment.

I am unable to approve the items designated as Section 5, 15, 21, and 38, in their entirety. These provisions establish the possibility of raising revenues through debt financing to augment the Rural Community 2000 Program. Bonds issued under this program would be backed by a security account funded by diverting the four percent tax on the sale of lottery tickets from the general fund. This mechanism for securing debt obligated by the Iowa Finance Authority would set a dangerous precedent. The earmarking of general fund revenues is not a good management practice and would inhibit the state's ability to effectively manage its finances.

I am unable to approve the items designated as Section 10, subsection 1, lettered paragraphs b, d and e, in their entirety; and Section 10, subsections 2, 4, 5, and 8, in their entirety. These items would have appropriated up to \$12.6 million for environmental protection, energy efficiency, and other miscellaneous activities. While I recognize that this action does not directly improve the condition of the state general fund, the effect will be to retain revenues from the Iowa Lottery which, given current revenue projections, will be needed to avoid a deficit in the future.

I am unable to approve the items designated as Sections 11, 12, 13 and 14, in their entirety. These items would establish an Environmental Advertising Board. Since I have disapproved the appropriations for this program, it would be incongruous to approve the provisions creating it.

I am unable to approve the item designated as Section 25, in its entirety. This provision would establish a state and local government waste management program. Because I have disapproved the appropriations for this program, it would be inappropriate to require the Department of Natural Resources to implement it.

I am unable to approve the item designated as Section 26, in its entirety. Since I have previously disapproved a related provision from 1990 Iowa Acts, Senate File 2364, it would be inappropriate to approve this section.

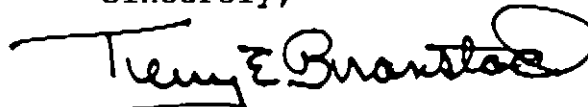
I am unable to approve the item designated as Section 28, in its entirety. This provision would distribute moneys from the waste volume reduction and recycling fund to cities and counties on the basis of population. Because I have disapproved the appropriation to the fund and because future appropriations to the fund are uncertain, it is prudent to retain the current waste management grant program.

I am unable to approve the designated portion of Section 33, subsection 2, lettered paragraph a. This provision would require that grants made under the household hazardous waste reduction and collection program be in the amount of \$100,000. The Department of Natural Resources should have the discretion to establish the amount of a grant within the limits of resources available for the program.

The Honorable Elaine Baxter
May 8, 1990
Page 4

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 Senate File 2153 are hereby approved as of this date.

Sincerely,

A handwritten signature in dark ink, reading "Terry E. Branstad". The signature is fluid and cursive, with a large loop at the end of the last name.

Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

Item VETO
Portions highlighted
in pink

SENATE FILE 2153

AN ACT

RELATING TO THE ENVIRONMENT, AGRICULTURE, AND NATURAL
RESOURCES INCLUDING MAKING A COMMITMENT TO THE ENVIRONMENT,
AGRICULTURE, AND NATURAL RESOURCES BY MAKING APPROPRIATIONS
FROM IOWA LOTTERY REVENUES AND PROVIDING FOR FUNDING FOR
RURAL WATER DISTRICTS, AND FOR AN INCOME TAX CREDIT FOR
ESTABLISHING PERMANENT GRASS AND BUFFER ZONES INCLUDING
EROSION CONTROL STRUCTURES, PROVIDING A PENALTY, AND PRO-
VIDING EFFECTIVE AND APPLICABILITY DATES.

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

Section 1. Section 12.61, subsection 2, unnumbered
paragraph 3, Code Supplement 1989, is amended to read as
follows:

In selecting a credit card issuer, the treasurer shall
consider the issuer's record of investments in the state,
shall take into consideration credit card features which will
enhance the promotion of the state-sponsored credit card
including, but not limited to, favorable interest rates,
annual fees, and other fees for using the card, and shall

Senate File 2153, p. 2

require that the card be available to any person who qualifies
for a credit card. Upon entering into an agreement with the
financial institution, the treasurer shall notify all state
agencies then possessing a credit card to obtain the new
state-sponsored credit card. ~~The financial institution is
authorized to solicit participation from state employees.~~

Sec. 2. Section 15.108, subsection 1, paragraphs f and g,
Code Supplement 1989, are amended by striking the paragraphs.

Sec. 3. Section 15.251, subsection 2, Code Supplement
1989, is amended to read as follows:

2. The department may charge, within thirty days following
the sale of certificates under chapter 280B, the board of
directors of the merged area a fee of up to one percent of the
gross sale amount of the certificates issued. The amount of
this fee shall be deposited into the ~~jobs-now-account within
the Iowa plan fund for economic development created in section
99B:10~~ a job training fund created in the office of the
treasurer of state and may be used by the department to cover
the costs of management of chapter 280B and to support other
efforts by the merged area schools related to providing
productivity and quality enhancement training. Funds
deposited under this subsection into the ~~jobs-now-account~~ job
training fund during a fiscal year which are not expended by
the department in that fiscal year are available for use by
the department under this subsection for subsequent fiscal
years.

Sec. 4. Section 99E.9, subsection 3, paragraph m, Code
1989, is amended to read as follows:

m. The form and type of marketing, informational, and
educational material to be permitted. Marketing material and
campaigns shall include the concept of investing in Iowa's
economic-development environment, agriculture, and natural
resources and show the economic-development-initiatives
environmental, agricultural, and natural resources programs
funded from lottery revenue.

Sec. 5. Section 99E.10, subsection 1, paragraph b, Code
1989, is amended to read as follows:

SF 2153

b. An amount equal to four percent of the gross sales price of each ticket or share sold shall be deducted as the sales tax on the sale of that ticket or share, remitted to the treasurer of state and deposited into the state-general-fund-rural community 2000 bond security account established under section 220.142, subsection 8.

Sec. 6. Section 99E.10, subsection 1, unnumbered paragraph 3, Code 1989, is amended to read as follows:

The ~~Iowa-plan~~ committing the lottery to environment, agriculture, and natural resources fund for-economic development, also to be known as the ~~Iowa-plan~~ CLEAN fund, is created in the office of the treasurer of state. Lottery revenue remaining after expenses are determined shall be transferred to the ~~Iowa-plan~~ CLEAN fund on a monthly basis. Revenues generated during the last month of the fiscal year which are transferred to the ~~Iowa-plan~~ CLEAN fund during the following fiscal year shall be considered revenues transferred during the previous fiscal year for purposes of the allotments made to and appropriations made from the separate accounts in the ~~Iowa-plan~~ CLEAN fund for that previous fiscal year. However, upon the request of the director and subject to approval by the treasurer of state, an amount sufficient to cover the foreseeable administrative expenses of the lottery for a period of twenty-one days may be retained from the lottery revenue. Prior to the monthly transfer to the ~~Iowa-plan~~ CLEAN fund, the director may direct that lottery revenue shall be deposited in the lottery fund and in interest bearing accounts designated by the treasurer of state in the financial institutions of this state or invested in the manner provided in section 452.10. Interest or earnings paid on the deposits or investments is considered lottery revenue and shall be transferred to the ~~Iowa-plan~~ CLEAN fund in the same manner as other lottery revenue. Money in the ~~Iowa-plan~~ CLEAN fund shall be deposited in interest bearing accounts in financial institutions in this state or invested in the manner provided in section 452.10. The interest or earnings on the deposits or investments shall be considered part of the ~~Iowa-plan~~ CLEAN

fund and shall be retained in the fund unless appropriated by the general assembly.

Sec. 7. Section 99E.10, subsection 2, Code 1989, is amended by striking the subsection.

Sec. 8. Section 99E.10, subsection 3, Code 1989, is amended to read as follows:

~~3 2. Funds-equal-to-any-initial-appropriation-from-the-general-fund-to-the-lottery-shall-be-retained-to-the-general-fund-from-the-receipts-of-the-sale-of-tickets-or-shares-not-later-than-July-1-1986.~~ The director of management shall not include lottery revenues in the director's fiscal year revenue estimates. Moneys in the ~~Iowa-plan~~ CLEAN fund shall not be considered to-be a part of the Iowa economic emergency fund.

Sec. 9. Section 99E.20, subsection 2, Code 1989, is amended to read as follows:

2. A lottery fund is created in the office of the treasurer of state. The fund consists of all revenues received from the sale of lottery tickets or shares and all other moneys lawfully credited or transferred to the fund. The commissioner shall certify monthly that portion of the fund that is transferred to the ~~Iowa-plan~~ CLEAN fund under section 99E.10 and shall cause that portion to be transferred to the ~~Iowa-plan~~ CLEAN fund of the state. The commissioner shall certify before the twentieth of each month that portion of the fund resulting from the previous month's sales to be transferred to the ~~Iowa-plan~~ CLEAN fund.

Sec. 10. NEW SECTION. 99E.34 APPROPRIATIONS -- TEN FISCAL YEARS.

1. The treasurer of state shall, for each fiscal year of the fiscal period beginning July 1, 1990, and ending June 30, 2000, make allotments of the moneys within the CLEAN fund created in section 99E.10 to separate accounts within that fund as follows:

a. For each fiscal year, sixty-two and five-tenths percent to the Iowa resources enhancement and protection fund created in section 455A.18 and which amount is appropriated for the purposes of that fund. However, the total amount allotted

under this paragraph in any single fiscal year shall not exceed twenty-five million dollars.

b. For each fiscal year, eighteen percent to the environmental protection account.

c. For each fiscal year, six percent to the soil conservation account.

d. For each fiscal year, eight percent to the energy efficiency account.

e. For each fiscal year, five and five-tenths percent plus the amount, if any, that would have been allotted to paragraph "a" but for the dollar limitation specified in paragraph "a" to the annual appropriations account. It is the intent of the general assembly that moneys in this account be appropriated annually for environmentally related programs and purposes.

2. For each fiscal year of the fiscal period, moneys allotted to the environmental protection account shall be appropriated as follows:

a. Fifty-nine and five-tenths percent to the waste volume reduction and recycling fund to be used as follows:

(1) One-half of the moneys deposited under this lettered paragraph shall be used for the purposes specified pursuant to section 455D.15, subsection 2. The moneys shall be allocated to each county on the basis of population. The county allocation shall be distributed quarterly by the department to each county. The county shall immediately distribute the funds to the cities based upon the proportion of the city's respective population to the total county population, and the county shall retain the portion of the funds based upon the proportion of the unincorporated area of the county to the total population of the county. The funds shall be used by the county and the cities for the implementation of the comprehensive plan elements required pursuant to section 455B.306 and relative to chapter 455D.

(2) One-half of the moneys deposited under this lettered paragraph shall be used for the purposes designated pursuant to section 455D.15, subsection 3.

b. Four and one-tenths percent to the agricultural management account of the groundwater protection fund as provided in section 455E.11, subsection 2, paragraph "b", to be used for plugging abandoned wells and cisterns.

c. Three and five-tenths percent to the department of natural resources to implement and administer the state and local government waste management program established pursuant to section 455B.484 and section 455B.510.

d. Seven percent to the groundwater protection fund created in section 455E.11, to be used for the household hazardous waste cleanup program established in section 455F.8. The department may use this allocation to fund its administration of the program and to provide assistance to local communities in holding cleanup events and operating the collection centers.

e. Seven percent to the groundwater protection fund created in section 455E.11, to be used to finance household hazardous material collection sites established pursuant to section 455F.8A and the local government education programs established pursuant to section 455E.8B.

f. Three and five-tenths percent to the groundwater protection fund created in section 455E.11 to provide grants to counties for rural water testing under section 455B.172, subsection 5.

g. Four and nine-tenths percent to the environmental protection division of the department of natural resources for an ongoing air quality toxics monitoring, permitting, and inspection program.

h. Two percent to the Iowa state university of science and technology for allocation to the Iowa state university water research institute for the purposes and under the conditions specified in section 992.32, subsection 4, paragraph "e".

i. Seven percent to the environmental protection division of the department of natural resources to be used for the assessment and evaluation of surface water streams and rivers.

j. One and five-tenths percent to the environmental advertising board created in section 190C.2 for purposes of chapter 190C.

3. For each fiscal year of the fiscal period, moneys in the soil conservation account are appropriated to the department of agriculture and land stewardship to be allocated as follows:

a. Sixty-two and four-tenths percent to the soil conservation division of the department of agriculture and land stewardship to provide state soil and water conservation cost-sharing funds pursuant to sections 467A.42 through 467A.75.

b. Eighteen and eight-tenths percent to the water protection fund created in section 467F.4, to be used for filter strips and waterways projects. The governing body of each soil and water conservation district shall identify those critical areas within the district where permanent grass and buffer zones would mitigate the effects of concentrated runoff on surface water quality. The governing body shall notify the landowners of those critical areas and provide the landowners with recommendations to establish these permanent grass and buffer zones, including any erosion control structures that may be appropriate, to mitigate the effects of concentrated runoff on surface water quality. In providing this notification and these recommendations, the governing body shall also inform the landowners that the establishment of these zones along with any erosion control structures may be eligible for financial assistance under the incentive programs within the water protection fund pursuant to section 467F.4 and may also qualify for cost-sharing funds pursuant to section 467A.48.

c. Eighteen and eight-tenths percent to the soil conservation division of the department of agriculture and land stewardship for reforestation programs.

4. For each fiscal year of the fiscal period, moneys allotted to the energy efficiency account shall be appropriated as follows:

a. Twelve percent to the energy and geological resources division of the department of natural resources, to be used to establish the ethanol research and technology office at the

state university of Iowa. The office shall coordinate its ethanol research with Iowa state university of science and technology in regard to the use of alternative agricultural products and distillation efforts. Up to ten percent of the funds appropriated in this paragraph may be awarded by the office to communities to study the feasibility of opening processing plants which are dry milling ethanol facilities.

b. Fourteen and one-tenth percent, to the Iowa energy center of which up to one-third, not to exceed one hundred fifty thousand dollars, may be used for administration costs of the center and the remainder shall be used for transportation studies and projects which enhance energy efficiency and self-sufficiency.

c. Fourteen and one-tenth percent, to the department of agriculture and land stewardship, for on-farm alternative fuels demonstration projects.

d. Twenty-two and three-tenths percent to the Iowa energy center established pursuant to Senate File 2403, if enacted by the Seventy-third General Assembly, 1990 Session, to be used for competitive grants to communities for comprehensive, communitywide, low-income home weatherization projects. Applications shall be made in conjunction with a community action agency designated pursuant to section 601K.93.

e. Thirty-one and three-tenths percent to the Iowa energy center established pursuant to Senate File 2403, if enacted by the Seventy-third General Assembly, 1990 Session to be used for competitive grants, for comprehensive, in-depth, communitywide projects to reduce energy consumption and enhance energy self-sufficiency. Cities, clusters of cities and counties are eligible to apply for grants. Applications may be limited to building efficiency or vehicle efficiency or may contain both and shall contain a component for ongoing education concerning the goals of the plan and how to achieve those goals. The moneys under this paragraph shall be allocated equally for building efficiency and vehicle efficiency. However, if the moneys allocated to either category are not used or dedicated by April 1 of the fiscal year, the moneys may be reallocated to the other category.

f. Six and two-tenths percent to the department of natural resources for the administration of energy efficiency programs and projects created in this Act or in Senate File 2403, if enacted by the Seventy-third General Assembly, 1990 Session.

5. For the fiscal year beginning July 1, 1990, moneys allotted to the annual appropriations account shall be appropriated as follows:

a. Three hundred thousand dollars to the center for health effects of environmental contamination established in section 263.17, to be used for research involving environmental exposure and risk from contamination of the air, soil, and water and for the state rural well water survey in conjunction with the department of natural resources.

b. Seven hundred thousand dollars to the department of natural resources to be used for the completion of the Three-mile lake reservoir.

c. One hundred thousand dollars to the department of natural resources to be used for the restoration of Springbrook lake.

d. Three hundred thousand dollars to the department of natural resources to be used to contract for a statewide analysis of town and country water systems and development of a plan for the efficient delivery of water to Iowa citizens through municipal, county, and rural water systems.

e. One hundred fifty thousand dollars to the department of agriculture and land stewardship to be used for the purpose of funding the development of a program to preserve the state's crop and native plant seed stocks.

The department of agriculture and land stewardship shall employ an Iowa seed crop curator to work in cooperation with the United States department of agriculture's north central plant introduction station at Ames and with the Iowa state university of science and technology.

The department of agriculture and land stewardship in conjunction with the Iowa state university of science and technology and the north central plant introduction station at Ames shall establish an advisory committee to conduct a study

to identify crop and native plant seed stocks for the purpose of preserving threatened plant genetic resources. The committee shall include representatives of the department of natural resources, the department of agriculture and land stewardship, the state department of transportation, the Iowa state university of science and technology, and representatives of other public and private organizations. The committee shall submit a report of its findings to the general assembly by January 1, 1992. The department of agriculture and land stewardship may contract with the Iowa state university of science and technology to assist in the collection, cataloging, and maintenance of the crop and native plant seed stocks.

f. Three hundred twenty-five thousand dollars to the center for global and regional environmental research at the state university of Iowa to study the regional impact of environmental change. The center shall consult with Iowa state university of science and technology and the university of northern Iowa.

g. One hundred thousand dollars to the department of natural resources to be transferred immediately to the Iowa resources enhancement and protection fund created in section 455A.18 to replace funds advanced to the designated counties in the designated amounts for purposes of the agreements entered into with the department to restore and repair lowhead dams in the counties as provided in 1989 Iowa Acts, chapter 311, section 9, subsection 4:

(1) Lyon county, the sum of thirty-three thousand three hundred thirty-three dollars.

(2) Jasper county, the sum of sixteen thousand six hundred sixty-seven dollars.

(3) Buena Vista county, the sum of sixteen thousand six hundred sixty-seven dollars.

(4) Jones county, the sum of thirty-three thousand three hundred thirty-three dollars.

h. One hundred thousand dollars, to the department of natural resources to be used in grant programs for towns with:

a population of three thousand five hundred or less for the construction of swimming pools.

i. One hundred thousand dollars, to the Poweshiek rural water association for costs relating to the laying of water pipelines to cross the Iowa river.

j. Twenty-five thousand dollars, to the department of natural resources for a pilot project on energy efficiency and savings from computerizing energy use.

If the amount of funds in the annual appropriations account is insufficient to fund all the amounts appropriated under this subsection, each appropriation made in this subsection shall be reduced by the percent by which the amount of funds is insufficient.

6. The moneys appropriated in subsection 1, paragraph "a", and subsections 2, 3, 4, and 5 shall remain in the appropriate account of the CLEAN fund until such time as the agency, entity, or fund to which moneys are appropriated has made a request to the treasurer for use of moneys appropriated to it and the amount needed for that use. Notwithstanding section 8.33, moneys remaining of the appropriations made for a fiscal year from any of the accounts within the CLEAN fund on June 30 of that fiscal year, shall not revert to any fund but shall remain in that account to be used for the purposes for which they were appropriated and the moneys remaining in that account shall not be considered in making the allotments for the next fiscal year.

7. The agency, entity, or fund to which moneys are appropriated under this section shall to the extent feasible make every effort to maximize the impact of these moneys through matching government and private funds unless otherwise provided by law.

8. The agency or entity to which moneys are appropriated or which oversees a fund to which moneys are appropriated under this section may use some of those moneys for administrative costs relating to the use of those moneys, including additional full-time equivalent positions. The acquisition of additional full-time equivalent positions authorized under

this subsection are not subject to any freeze, set by the governor, or the limit, set by the general assembly, on the number of full-time equivalent positions that such agency or entity may have. The agency or entity that adds additional full-time equivalent positions shall report the fact and the purpose at the end of the applicable quarter to the fiscal committee of the legislative council.

Sec. 11. NEW SECTION. 190C.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the environmental advertising board created in section 190C.2.

2. "Degradable" means as defined in section 455B.301.

3. "Degradable package" means package which is at least fifty percent composed of a product designated by the Iowa department of agriculture and land stewardship pursuant to section 159.30, subsection 1.

4. "Ecologically or environmentally sound or safe" means an absence of long-term harmful effects to the ecology or environment as a result of use or disposal.

5. "Recyclable material" means a material which would otherwise become waste, except that processes and markets exist which would allow the material to be returned to use in the form of raw materials or products. A material is recyclable when the board determines that processes and markets are available to a degree that makes recycling reasonably possible within Iowa.

6. "Recycled material" means a material whose ratio of recycled substance to original substance exceeds fifty percent, unless a lower ratio of the recycled substance is required to maintain a property of a material necessary for the material's intended use.

Sec. 12. NEW SECTION. 190C.2 ENVIRONMENTAL ADVERTISING BOARD.

There is established within the waste management authority of the department of natural resources a five-member environmental advertising board consisting of the following persons:

1. The secretary of agriculture, or the secretary's designee.
2. The director of the department of natural resources, or the director's designee.
3. The director of the Iowa department of public health, or the director's designee.
4. The director of the center for health effects of environmental contamination established pursuant to section 263.17, subsection 1, or the director's designee.
5. A member of the advisory committee established in section 190C.4.

Sec. 13. NEW SECTION. 190C.3 GENERAL POWERS AND DUTIES OF THE BOARD.

The board:

1. Has rulemaking authority under chapter 17A.
 2. May employ a director and staff.
 3. Shall monitor the development of national standards relating to claims of environmental benefit made for products, seek to assist in their development, and seek to host periodically, as necessary, national and regional forums on the issue.
 4. Shall educate the public on the issue.
 5. Gather information relating to claims of environmental benefit made for products sold in the state and provide periodic reports to the consumer protection division of the attorney general's office.
 6. May develop a program using a logo or logos authorized for use in promoting the environmental benefit of products. Standards shall be developed as a part of the program.
- In authorizing the use of a logo under this program, the board, the state, and any state agency, official, or employee involved in the authorization, is immune from a civil suit for damages, including but not limited to a suit based on contract, breach of warranty, negligence, strict liability, or tort. Authorization of the use of a logo by the board, the state, or any state agency, official, or employee, is not an express or implied guarantee or warranty concerning the

environmental benefit of the applicant's product. This paragraph does not create a duty of care to the applicant or any other person.

7. May use fees for the purposes of this chapter. Fees received by and appropriations made to the board shall not revert.

Sec. 14. NEW SECTION. 190C.4 ADVISORY COMMITTEE.

There is established an advisory committee to provide technical assistance and advice to the board. The advisory committee shall consist of at least three members and not more than nine members. The members shall be appointed by the governor, subject to confirmation by the senate. To the extent possible, members shall have an expertise in environmental and health issues. The members serve at the pleasure of the governor. Members of the advisory committee shall receive a per diem of forty dollars and actual and necessary expenses incurred in the performance of their duties. The advisory committee shall designate one of its members to be the fifth member of the board. The advisory committee shall seek input from manufacturers of and consumers of products and packages as to the issues, trends, and technologies emerging in the environmental safety area.

Sec. 15. Section 220.142, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 8. a. The authority shall establish a rural community 2000 bond security account, which shall consist of all revenues designated in section 99E.10, subsection 1, paragraph "b" to be deposited in the account and all other appropriations, grants, or gifts received by the authority for use under this subsection. The authority may transfer to this account any other funds not obligated for any other purpose.

b. In a fiscal year in which moneys in a reserve fund established under section 220.142, subsection 2, are insufficient to fully meet obligations to pay principal and interest on the bonds or notes, moneys in the security account established under paragraph "a" shall first be used to

eliminate the insufficiency. However, the moneys in the security account that have not been spent for such payments by March 1 of the fiscal year shall be immediately transferred to the general fund of the state.

Sec. 16. Section 280C.6, subsection 1, Code 1989, is amended to read as follows:

1. There is established for the area schools an area school job training fund under the supervision of the treasurer of state. The area school job training fund consists of two separate accounts containing moneys as follows:

a. A permanent school fund repayment account to which shall be credited the interest and principal from repayment of loans originating from the permanent school fund appropriation in section 280C.8, made to employers for program costs, and interest earned from moneys in the account. Moneys in this account shall be used to repay the appropriation from the permanent school fund. At the end of each calendar quarter, the treasurer of state shall transfer the moneys in the account ~~and any moneys in the surplus account of the Iowa plan fund for economic development created in section 99B.31~~ to the permanent school fund as repayment of the loan from the permanent school fund. If there are moneys in the permanent school fund repayment account after the permanent school fund loan has been fully repaid, those moneys shall be transferred to the revolving loan account provided in paragraph "b" of this section.

b. A revolving loan account to which shall be credited moneys appropriated for the fiscal year beginning July 1, 1987, and for succeeding fiscal years for the purposes of this chapter plus the interest and principal from repayment of advances made to employers for program costs and interest earned from moneys in the revolving loan account. Moneys in this account shall be used to provide advances to employers for program costs upon request of boards of directors of the area schools. Beginning July 1, 1995, the Iowa department of economic development shall reserve a portion of the moneys in

the revolving loan account to pay a portion of the original one million dollar appropriation in section 280C.8 which, based upon projections of the state treasurer, may still be owed to the permanent school fund on June 30, 1996. The department shall reserve a portion of the moneys in the revolving loan account only if the moneys in the permanent school fund repayment account created in paragraph "a" and ~~moneys in the "surplus" account of the Iowa plan fund for economic development created in section 99B.31~~ ~~subsection 1, paragraph "c",~~ are insufficient to repay the loan from the permanent school fund.

Sec. 17. Section 280C.8, Code 1989, is amended to read as follows:

280C.8 APPROPRIATIONS.

Notwithstanding sections 8.6, 302.1, and 302.1A, there is appropriated from the permanent school fund, for the fiscal period beginning July 1, 1985, and ending June 30, 1996, the sum of one million dollars to provide funds for the purposes of and deposits in the area school job training fund created in section 280C.6. The money appropriated under this section is a loan from the permanent school fund to the area school job training fund. The interest on the loan shall be prepaid for a three-year period from funds appropriated by this section. The rate of interest shall be determined by the treasurer of state.

At the end of each calendar quarter the treasurer of state shall transfer moneys to repay the amount of the loan from the permanent school fund from the following sources:

1--Moneys ~~moneys~~ in the permanent school fund repayment account created in section 280C.6, subsection 1, paragraph "a".

2--~~Moneys to be credited to the "surplus" account of the Iowa plan fund for economic development created in section 99B.31.~~

On and after June 30, 1996, the moneys reserved by the Iowa department of economic development from the revolving loan account created in section 280C.6, subsection 1, paragraph

"b", shall be used to repay a portion of the loan from the permanent school fund provided the conditions stated in section 280C.6, subsection 1, paragraph "b", are met.

Sec. 18. Section 331.441, subsection 2, paragraph b, Code Supplement 1989, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (12) Funding the construction, reconstruction, improvement, repair, and equipping of waterworks, water mains and extensions, ponds, reservoirs, wells, dams, pumping installations or other facilities for the storage, transportation, or utilization of potable water owned and operated by a rural water district established pursuant to chapter 357A, only when the rural water district and a sufficient number of participating members have entered into agreements which satisfy the board of supervisors that sufficient revenue to retire the principal and interest on the county general obligation bonds will be generated by the rural water district, and the rural water district and the board of supervisors have agreed that the interest and principal on the county general obligation bonds will be retired from the rural water district revenues.

If the rural water district revenues are insufficient to pay the principal and interest on the county's general obligation bonds, the county's debt service tax levy for the county general obligation bonds shall not be levied against property located in any city except a city which has entered into the chapter 28E agreement with the rural water district.

The county and the cities entering into the rural water district agreement may provide in the agreement for a different rate of the county's debt service tax levy against property in unincorporated areas of the county and property within those cities.

Sec. 19. Section 357A.11, subsection 7, Code 1989, is amended to read as follows:

7. Have power to borrow from, co-operate with and enter into such agreements as deemed necessary with any agency of the federal government, this state, or a county of this state.

and to accept financial or other aid from any agency of the federal government. To evidence any indebtedness the obligations may be one or more bonds or notes and the obligations may be sold at private sale.

Sec. 20. Section 357A.11, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Finance all or part of the cost of the construction or purchase of a project necessary to carry out the purposes for which the district is incorporated or to refinance all or part of the original cost of that project, including, but not limited to, obligations originated by the district as a nonprofit corporation under chapter 504A and assumed by the district reorganized under this chapter. Financing or refinancing carried out under this subsection shall be in accordance with the terms and procedures set forth in the applicable provisions of sections 384.83 through 384.88, 384.92, and 384.93. References in these sections to a city shall be applicable to a rural water district operating under this chapter, and references in that division to a city council shall be applicable to the board of directors of a rural water district. This subsection shall not create a lien against the property of a person who is not a rural water subscriber.

Sec. 21. Section 422.43, subsection 2, Code 1989, is amended to read as follows:

2. There is imposed a tax of four percent upon the gross receipts derived from the operation of all forms of amusement devices and games of skill, games of chance, raffles and bingo games as defined in chapter 99B, operated or conducted within the state of Iowa, the tax to be collected from the operator in the same manner as is provided for the collection of taxes upon the gross receipts of tickets or admission as provided in this section. The tax shall also be imposed upon the gross receipts derived from the sale of lottery tickets or shares pursuant to chapter 99E. The tax on the lottery tickets or shares shall be included in the sales price and distributed to the general fund as provided in section 99E.10.

Sec. 22. Section 455A.18, subsection 4, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

For each fiscal year of the fiscal period beginning July 1, 1990, and ending June 30, 2000 2001, there is appropriated from the general fund, to the Iowa resources enhancement and protection fund, the amount of \$20,000,000 thirty million dollars, except that for the fiscal year beginning July 1, 1990, the amount is twenty million dollars, to be used as provided in this chapter. However, in any fiscal year of the fiscal period, if moneys from the lottery are appropriated by the state to the fund, the amount appropriated under this subsection shall be reduced by the amount appropriated from the lottery.

Sec. 23. Section 455B.173, subsection 6, paragraph b, Code Supplement 1989, is amended to read as follows:

b. Adopt rules which require each public water system regulated under chapter 455B to test the source water of that supply for the presence of synthetic organic chemicals and pesticides every two three years. The rules shall enumerate the synthetic organic chemicals and pesticides, but not more than ten of each, for which the samples are to be tested; shall specify the approved analytical methods for conducting the analysis of water samples; and shall require the reporting of the analytical test results to the department. Priority for testing in the first year shall be those public water supplies for which none of the specified contaminants have been analyzed within the past five years. All of the laboratory analysis and data management shall be conducted by the center for health effects of environmental contamination. Sample collection shall be conducted using a standard sampling protocol by personnel within the department and the center for health effects of environmental contamination in conjunction with other ongoing field activities. Samples from private wells and samples from privately owned public water supplies shall be allowed to undergo the same analysis. The cost for the analysis provided for samples from private wells and

privately owned public water supplies shall not exceed one hundred ninety-five dollars for the first year of testing. The department shall submit a report to the general assembly, by September 1 of each year, of the findings of the tests and the conclusions which may be drawn from the tests.

Sec. 24. Section 455B.306, subsection 1, Code Supplement 1989, is amended to read as follows:

1. A city, county, and a private agency operating or planning to operate a sanitary disposal project shall file with the director a comprehensive plan detailing the method by which the city, county, or private agency will comply with this part 1. All cities and counties shall also file with the director a comprehensive plan detailing the method by which the city or county will comply with the requirements of section 455B.302 to establish and implement a comprehensive solid waste reduction program for its residents. For the purposes of this section, a public agency managing the waste stream for cities or counties pursuant to chapter 28E, shall file one comprehensive plan on behalf of its members, which constitutes full compliance by the public agency's members with the filing requirements of this section. If both a public agency managing the waste stream for a city or county pursuant to chapter 28E, and one or more of the public agency's member cities or counties file a comprehensive plan under this subsection, the director shall, following notice to the agency, make a determination that any plan filed by a member city or county is compatible with the comprehensive plan of the chapter 28E public agency. If the director determines that the comprehensive plan of a city or county is not compatible with the comprehensive plan of a chapter 28E public agency, the director shall require the city or county to provide justification for approval of the comprehensive plan based upon the innovative nature of the comprehensive plan, the urgency of implementation, or other unique features of the comprehensive plan of the city or county, and that the plan otherwise complies with the provisions of this chapter. This subsection does not prevent the director from approving

pilot projects which otherwise comply with the provisions of this chapter. The director shall review each comprehensive plan submitted and may reject, suggest modification, or approve the proposed plan. The director shall aid in the development of comprehensive plans for compliance with this part. The director shall make available to a city, county, and private agency appropriate forms for the submission of comprehensive plans and may hold hearings for the purpose of implementing this part. The director and governmental agencies with primary responsibility for the development and conservation of energy resources shall provide research and assistance, when cities and counties operating or planning to operate sanitary disposal projects request aid in planning and implementing resource recovery systems. A comprehensive plan filed by a private agency operating or planning to operate a sanitary disposal project required pursuant to section 455B.302 shall be developed in cooperation and consultation with the city or county responsible to provide for the establishment and operation of a sanitary disposal project.

Sec. 25. NEW SECTION. 455B.510 STATE AND LOCAL GOVERNMENT WASTE MANAGEMENT PROGRAM.

1. The department shall establish and administer, in cooperation with other state agencies, local governments, and school districts, a program to manage the wastes generated by state and local governments as a part of a comprehensive pollution prevention program for governments in Iowa. The program shall emphasize hazardous and toxic waste minimization and recycling and shall include assistance in the disposal of nonrecyclable wastes.

2. The department shall:

a. Develop and implement programs to train state, local government, and school officials in pollution prevention, waste minimization, and waste management. This shall include the creation of intergovernmental pollution prevention teams to serve the local governments and school districts of each county.

b. Assist local governments and school districts in finding nonhazardous or nontoxic substitutes for hazardous and toxic materials currently used in their business activities.

c. Assist local governments and school districts in recycling or disposing of toxic and hazardous wastes currently stored. This may include the creation of a cooperative waste pickup and disposal program that is jointly financed by the department and the participants.

d. Provide financial assistance to local governments and school districts in the implementation of pollution prevention, waste minimization, and waste management programs.

3. Local governments and school districts shall:

a. Participate in establishing intergovernmental pollution prevention teams by January 1, 1991.

b. Arrange to have a pollution prevention team review their facilities.

c. File a waste minimization and waste management report with the department by January 1, 1992. A progress report shall be filed every subsequent two years.

4. Once the governmental waste management program is established, the department, other state agencies, local governments, and school districts shall cooperate with conditionally exempt small quantity hazardous and toxic waste generators in handling waste minimization and waste management problems by providing technical assistance and allowing those generators to participate in governmental recycling and waste disposal programs at cost.

Sec. 26. 1990 Iowa Acts, Senate File 2364, section 12, subsection 1, unnumbered paragraph 1, is amended to read as follows:

There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount or so much thereof as is necessary, to be used for the purpose designated:

Sec. 27. 1990 Iowa Acts, Senate File 2364, section 25, is amended to read as follows:

SEC. 25. Section 455B.304, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this chapter regarding the requirement of the equipping of a sanitary landfill with a leachate control system and the establishment and continuation of a postclosure account, the department shall adopt rules which provide for an exemption from the requirements to equip a publicly owned sanitary landfill with a leachate control system and to establish and maintain a postclosure account if the sanitary landfill operator is a public agency, if the sanitary landfill has closed or will close by July 1, 1992, and will no longer accept waste for disposal after that date, and if at the time of closure of the sanitary landfill monitoring of the groundwater does not reveal the presence of leachate. The rules may department shall require postclosure groundwater monitoring and shall establish the requirements for the implementation of leachate collection and control in cases in which leachate is found during postclosure monitoring. The rules department shall provide for a closure completion period following the date of closure of a sanitary landfill. Notwithstanding the provisions of this paragraph, the public agency shall retain financial responsibility for closure and postclosure requirements applicable to sanitary disposal projects.

Sec. 28. Section 455D.15, subsections 2 and 3, Code Supplement 1989, are amended to read as follows:

2. ~~The department shall award grants based upon the solid waste management hierarchy set forth in section 455B.301A, subsection 1. A grant shall not be awarded to a county, city, or central planning agency which has not complied with the requirements of a comprehensive solid waste management program and which has not complied with or demonstrated an intent to comply with the requirements of section 455B.306. One-half of the moneys deposited in the fund shall be allocated to each county on the basis of population. The county allocation shall be distributed quarterly by the department to each~~

county. The county shall immediately distribute the funds to the cities based upon the proportion of the city's respective population to the total county population, and the county shall retain the portion of the funds based upon the proportion of the unincorporated area of the county to the total population of the county. The funds shall be used by the county and the cities for the implementation of the comprehensive plan elements required pursuant to section 455B.306 and relative to chapter 455D.

3. The One-half of the moneys deposited in the fund shall be utilized for the following purposes:

~~ar--The initial thirty-five thousand dollars collected for deposit in the fund shall be appropriated to the department for establishment of the pollution hotline program established pursuant to section 455B.116, and for the salary and support of not more than one full-time equivalent position.~~

b a. To provide financial assistance to public and private entities to develop and implement waste reduction and minimization programs for Iowa industries.

e b. To provide financial assistance to public and private entities and to develop and implement programs to create and enhance markets for recyclable and other waste products.

~~dr--To develop and implement educational and technical assistance programs that support and encourage waste reduction and recycling efforts by Iowans.~~

~~er--To administer the provisions of chapter 455B, division IV, part 1.~~

f c. The department may utilize up to ten twenty percent of the fund to administer the provisions of this chapter.

~~gr--To provide grants to local communities or private individuals for projects which establish recycling collection centers, establish local curbside collection of separated recyclable waste materials, promote public awareness regarding waste volume reduction and the use of recyclable materials, and create markets for recyclable materials. Grants shall not be awarded for incineration.~~

~~h. To provide technical assistance to local communities in establishing collection systems and composting facilities for yard waste;~~

~~i. To fund the study required pursuant to section 455B.11, subsection 3, and to provide loans and grants for waste-tire recycling and reprocessing projects;~~

~~j. To carry out the functions of the department of natural resources concerning recycling;~~

~~k. To promote the recycling of chlorofluorocarbons used as refrigerants;~~

Sec. 29. NEW SECTION. 455D.19 PACKAGING -- HEAVY METAL CONTENT.

1. The general assembly finds and declares all of the following:

a. The management of solid waste can pose a wide range of hazards to public health and safety and to the environment.

b. Packaging comprises a significant percentage of the overall solid waste stream.

c. The presence of heavy metals in packaging is a concern in light of the likely presence of heavy metals in emissions or ash when packaging is incinerated or in leachate when packaging is landfilled.

d. Lead, mercury, cadmium, and hexavalent chromium, on the basis of available scientific and medical evidence, are of particular concern.

e. It is desirable as a first step in reducing the toxicity of packaging waste to eliminate the addition of heavy metals to packaging.

f. The intent of the general assembly is to achieve reduction in toxicity without impeding or discouraging the expanded use of postconsumer materials in the production of packaging and its components.

2. As used in this section unless the context otherwise requires:

a. "Distributor" means a person who takes title to products or packaging purchased for resale.

b. "Manufacturer" means a person who offers for sale or sells products or packaging to a distributor.

c. "Package" means a container which provides a means of marketing, protecting, or handling a product including a unit package, intermediate package, or a shipping container. "Package" also includes but is not limited to unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

d. "Packaging component" means any individual assembled part of a package including but not limited to interior and exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, or labels.

3. No later than July 1, 1992, a manufacturer or distributor shall not offer for sale or sell, or offer for promotional purposes a package or packaging component, in this state, which includes, in the package itself, or in any packaging component, inks, dyes, pigments, adhesives, stabilizers, or any other additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of any of these elements and which exceed the concentration level established by the department.

4. No later than July 1, 1992, a manufacturer or distributor shall not offer for sale or sell, or offer for promotional purposes, in this state, a product in a package which includes in the package itself or in any of the packaging components, inks, dyes, pigments, adhesives, stabilizers, or any other additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of any of these elements and which exceed the concentration level established by the department.

5. The concentration levels of lead, cadmium, mercury, and hexavalent chromium present in a package or packaging component shall not exceed the following:

- a. Six hundred parts per million by weight by July 1, 1992.
- b. Two hundred fifty parts per million by weight by July 1, 1993.
- c. One hundred parts per million by weight by July 1, 1994.

Concentration levels of lead, cadmium, mercury, and hexavalent chromium shall be determined using American standard of testing materials test methods, as revised, or United States environmental protection agency test methods for evaluating solid waste, S-W 846, as revised.

6. The following packaging and packaging components are exempt from the requirements of this section:

- a. Packaging or packaging components with a code indicating a date of manufacture prior to July 1, 1990.
- b. Packages or packaging components to which lead, cadmium, mercury, or hexavalent chromium have been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of federal law or for which there is no feasible alternative if the manufacturer of a package or packaging component petitions the department for an exemption from the provisions of this paragraph for a particular package or packaging component. The department may grant a two year exemption, if warranted, by the circumstances, and an exemption may, upon meeting either criterion of this paragraph be renewed for two years. For purposes of this paragraph, a use for which there is no feasible alternative is one in which the regulated substance is essential to the protection, safe handling, or function of the package's contents.

Packages and packaging components that would not exceed the maximum contaminant levels established but for the addition of postconsumer materials.

7. By July 1, 1992, a manufacturer or distributor of packaging or packaging components shall make available to purchasers, to the department, and to the general public upon request, certificates of compliance which state that the

manufacturer's or distributor's packaging or packaging components comply with, or are exempt from, the requirements of this section.

If the manufacturer or distributor of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer or distributor shall provide an amended or new certificate of compliance for the reformulated or new package or packaging component.

8. The commission shall adopt rules to implement this section and report to the general assembly on the effectiveness of this section no later than forty-two months following the enactment of this section and recommend any other toxic substances contained in packaging to be added to the list in order to further reduce the toxicity of packaging waste.

9. A manufacturer or distributor who does not comply with the requirements of this section is guilty of a simple misdemeanor.

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

(b) 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 seventeen 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 seventeen 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 properly closing abandoned, rural water supply wells and cisterns. For purposes of this subparagraph subdivision, "cistern" means an

artificial reservoir constructed underground for the purpose of storing rainwater.

Sec. 31. Section 455E.11, subsection 2, paragraph c, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

A household hazardous waste account. The moneys collected pursuant to section 455F.7 shall be deposited in the household hazardous waste account. Except for the first one hundred thousand dollars received annually for deposit in the waste volume reduction and recycling fund to be used by the department to provide financial assistance to counties in investigation of complaints; and the next one hundred thousand dollars received annually for deposit in the emergency response fund, the treasurer of state shall deposit moneys received from civil penalties and fines imposed by the court pursuant to sections 455B.146, 455B.191, 455B.386, 455B.417, 455B.454, 455B.466, and 455B.477, in the household hazardous waste account. Two thousand dollars is appropriated annually to the Iowa department of public health to carry out departmental duties under section 135.11, subsections 20 and 21, and section 139.35; ~~eighty thousand dollars is appropriated to the department of natural resources for city, county, or service organization project grants relative to recycling and reclamation events; and eight thousand dollars is appropriated to the department of transportation for the period of October 1, 1987, through June 30, 1989, for the purpose of conducting the used oil collection pilot project.~~ The remainder of the account shall be used to fund Toxic Cleanup Days programs and the efforts of the department to support a collection system for household hazardous materials, including public education programs, training, and consultation of local governments in the establishment and operation of permanent collection systems, and the management of collection sites, education programs, and other activities pursuant to chapter 455F, including the administration of the household hazardous materials permit program by the department of revenue and finance.

Sec. 32. Section 455F.8, Code 1989, is amended to read as follows:

455F.8 HOUSEHOLD HAZARDOUS WASTE CLEANUP PROGRAM CREATED.

The department shall conduct programs to collect and dispose of small amounts of hazardous wastes which are being stored in residences or on farms. The program shall be known as "Toxic Cleanup Days". The department shall promote and conduct the program and shall by contract with a qualified and bonded waste handling company, collect and properly dispose of wastes believed by the person disposing of the waste to be hazardous. The department shall establish maximum amounts of hazardous wastes to be accepted from a person during the "Toxic Cleanup Days" program. Amounts accepted from a person above the maximum shall be limited by the department and may be subject to a fee set by the department, but the department shall not assess a fee for amounts accepted below the maximum amount. The department shall designate the times and dates for the collection of wastes. ~~The department shall have as a goal twelve "Toxic Cleanup Days" during the period beginning July 1, 1987, and ending October 31, 1988; in any event, the department shall offer the number of days that can be properly and reasonably conducted with funds deposited in the household hazardous waste account.~~ In order to achieve the maximum benefit from the program, the department shall offer "Toxic Cleanup Days" on a statewide basis and provide at least one "Toxic Cleanup Day" in each departmental region. "Toxic Cleanup Days" shall be offered in both rural and urban areas to provide a comparison of response levels and to test the viability of multicounty "Toxic Cleanup Days". ~~The department may also offer at least one "Toxic Cleanup Day" at a previously serviced location to test the level of residual demand for the event and the effect of the existing public awareness on the program.~~ The department shall prepare an annual report citing the results and costs of the program for submittal to the general assembly.

Sec. 33. NEW SECTION. 455F.8A HOUSEHOLD HAZARDOUS MATERIAL COLLECTION SITES.

1. By January 1, 1991, the department shall complete an assessment of the needs of local governments for temporary collection sites for household hazardous materials. Upon completion of the assessment, the department shall design a model facility which would adequately serve the needs identified. During the design phase, the department shall also identify facility permit requirements.

2. a. Following the completion of the assessment and design of the model facility, the department shall set a goal of establishing a three-year competitive grant program to assist in the development of five pilot household hazardous waste reduction and collection programs. The grants shall be in the amount of one hundred thousand dollars.

b. The grant program shall provide for the establishment of five pilot sites so that both rural and urban populations are served.

c. The department shall develop criteria to evaluate proposals for the establishment of sites. The criteria shall give priority to proposals for sites which provide the most efficient services and which provide local, public, and private contributions for establishment of the sites. The criteria shall also include a requirement that the recipient of a grant design and construct a facility sufficient for the collection, sorting, and packaging of materials prior to transportation of the materials to the final disposal site. Final review of design and construction of the proposed facilities shall be by the department.

d. The recipients of grants shall provide for collection of hazardous wastes from conditionally exempt small quantity generators in the area of the facility established. The facility shall require payment for collection from conditionally exempt small quantity generators if the amount of waste disposed is greater than ten pounds. Conditionally exempt small quantity generators which deliver their hazardous wastes to the site shall not be required to obtain a permit to transport the hazardous waste to the site.

Sec. 34. NEW SECTION. 455F.88 LOCAL GOVERNMENT EDUCATION PROGRAMS.

A recipient of a household hazardous waste reduction and collection program grant shall do all of the following:

1. Identify a regional or local agency to coordinate a public education effort, and provide for staff to implement the education program.

2. Establish an intensive three-year educational project to educate the local population regarding alternatives to the purchase or disposal of toxic materials. The educational project shall include efforts to promote the use of household hazardous materials labeling required pursuant to chapter 455P.

3. Establish a community education effort to be integrated within the existing educational system regarding household hazardous waste reduction and recycling.

4. Develop a plan for the recycling of hazardous substances not minimized by the public. The plan shall optimize resource use while minimizing waste and shall include a formal arrangement for the exchange of materials at no cost to the participants and an arrangement for the acceptance by the department of general services or the local or regional government agency of hazardous materials useful in its operations.

Sec. 35. Section 467A.48, subsection 1, Code Supplement 1989, is amended to read as follows:

1. a. An owner or occupant of land in this state is not required to establish any new permanent or temporary soil and water conservation practice unless public or other cost-sharing funds have been specifically approved for that land and actually made available to the owner or occupant.

b. The owner or occupant of land is eligible to receive state cost-sharing funds to establish a permanent grass and buffer zone, including an erosion control structure or an erosion control practice to mitigate the effects of concentrated runoff on surface water quality.

c. The amount of cost-sharing funds made available shall not exceed seventy-five fifty percent of the estimated cost as established by the commissioners of a permanent soil and water conservation practice, or seventy-five fifty percent of the actual cost, whichever is less, or an amount set by the committee for a temporary soil and water conservation practice, except as otherwise provided by law with respect to land classified as agricultural land under conservation cover.

The amount of cost-sharing funds made available to establish a permanent grass and buffer zone may be up to one hundred percent of the estimated cost as established by the commissioners or one hundred percent of the actual cost, whichever is less.

PARAGRAPH DIVIDED. The commissioners shall establish the estimated cost of permanent soil and water conservation practices in the district based upon one and two-tenths of the average cost of the practices installed in the district during the previous year. The average costs shall be reviewed and approved by the commissioners each calendar year.

Sec. 36.

The appropriation to the Iowa resources enhancement and protection fund in 1989 Iowa Acts, chapter 307, section 35, shall be considered an appropriation for a separate fiscal year for purposes of the allocation to be made to the conservation education board under section 455A.19, subsection 1, unnumbered paragraph 1. Up to 3 percent of the amount allocated to the conservation education board as a result of this section, shall be used, or so much thereof as is necessary, by the department of education, in cooperation with the department of cultural affairs, to distribute to all public libraries, libraries at state institutions, college libraries, and libraries at public and nonpublic schools in the state, and to each member of the Iowa general assembly, the publication "50 simple things you can do to save the earth".

Sec. 37.

1. Notwithstanding the nonreversion provision in section 99E.32, subsection 7, or any other provision, all unencumbered or unobligated moneys remaining on June 30, 1990, and all encumbered or obligated moneys as of June 30, 1990, from appropriations made from the surplus account, jobs now account, education and agricultural research and development account, and the jobs now capitals account to the department of economic development for purposes for which moneys are appropriated for the fiscal year beginning July 1, 1990, in Senate File 2327, if enacted by the Seventy-third General Assembly, 1990 Session, shall be transferred to the general fund of the state and shall be available for expenditure for those same purposes as provided in Senate File 2327, if enacted and are in addition to moneys appropriated for those same purposes for the fiscal year beginning July 1, 1990.

2. Except as otherwise provided in subsection 1, notwithstanding the nonreversion provision in section 99E.32, subsection 7, or any other provision, all unencumbered or unobligated moneys remaining in the surplus account, jobs now account, education and agricultural research and development account, and the jobs now capitals account on June 30, 1991, or remaining on June 30, 1991, from appropriations made from any of those accounts shall revert to the CLEAN fund for allocation and expenditure as provided in this Act for the fiscal year beginning July 1, 1991.

3. The agency, board, commission, or overseer of the funds to which moneys have been appropriated from any of the accounts in the Iowa plan fund for economic development for any of the fiscal years beginning July 1, 1985, July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989, shall provide by December 15, 1990, to the department of management a status report and any encumbered or obligated moneys remaining unspent on June 30, 1990, from moneys appropriated from the Iowa plan fund for any fiscal year, except the fiscal year beginning July 1, 1989, shall be available for expenditure by the department of economic development for purposes of chapter 15. The status report shall specify the status of the moneys

appropriated as of June 30, 1990, or such later date as designated by the department of management, and the amount of loans outstanding, if any, that were made from those moneys appropriated, and other information relating to the status of the moneys appropriated as required by the department of management.

Sec. 38.

Section 5 of this Act is effective July 1, 1991.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2153, Seventy-third General Assembly.

John F. Dwyer
Approved 5/8, 1990

JOHN F. DWYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor