

MAR 23 1993

*See Committee  
copy*

HOUSE FILE 623  
BY COMMITTEE ON APPROPRIATIONS

APPROPRIATIONS CALENDAR

(SUCCESSOR TO LSB 1064HA)

Passed House, Date <sup>(2.950)</sup> 3/30/93 Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 57 Nays 40 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved March 20, 1993  
*Item returned*

A BILL FOR

1 An Act relating to appropriations and revenue involving  
2 agriculture and natural resources, and making related  
3 statutory changes.

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

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HF 623

1 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

2 Section 1. GENERAL APPROPRIATION. There is appropriated  
3 from the general fund of the state to the department of  
4 agriculture and land stewardship for the fiscal year beginning  
5 July 1, 1993, and ending June 30, 1994, the following amounts,  
6 or so much thereof as is necessary, to be used for the  
7 purposes designated:

8 1. ADMINISTRATIVE DIVISION

9 a. For salaries, support, maintenance, the support of the  
10 state 4-H foundation, support of the statistics bureau, and  
11 miscellaneous purposes:

12 ..... \$ 1,055,960

13 Of the funds appropriated in this paragraph "a", \$35,000  
14 shall be allocated to the state 4-H foundation to foster the  
15 development of Iowa's youth and to encourage them to study the  
16 subject of agriculture.

17 Of the funds appropriated in this paragraph "a", \$140,000  
18 and 5.00 FTEs shall be allocated to the statistics bureau to  
19 provide county-by-county information on land in farms,  
20 production by crop, acres by crop, and county prices by crop.  
21 This information shall be made available to the department of  
22 revenue and finance for use in the productivity formula for  
23 valuing and equalizing the values of agricultural land.

24 b. For the operations of the dairy trade practices bureau:  
25 ..... \$ 70,565

26 c. For the operations of the agricultural marketing  
27 bureau:  
28 ..... \$ 817,276

29 Of the funds appropriated in this paragraph "c", \$313,880  
30 and 7.00 FTEs shall be used to support horticulture.

31 d. For the purpose of performing commercial feed audits:  
32 ..... \$ 59,474

33 e. For the purpose of performing fertilizer audits:  
34 ..... \$ 59,474

35 f. Funds appropriated by this subsection are for the

1 salaries and support of not more than the following full-time  
2 equivalent positions:

3 ..... FTEs 52.20

4 2. REGULATORY DIVISION

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

8 ..... \$ 3,741,392

9 ..... FTEs 128.90

10 b. To cover the costs of inspection, sampling, analysis,  
11 and other expenses necessary for the administration of  
12 chapters 192, 194, and 195:

13 ..... \$ 636,682

14 3. LABORATORY DIVISION

15 a. For salaries, support, maintenance, and miscellaneous  
16 purposes, including the administration of the gypsy moth  
17 program:

18 ..... \$ 782,329

19 Of the amount appropriated under this paragraph "a",  
20 \$110,000 shall be used to administer a program relating to the  
21 detection, surveillance, and eradication of the gypsy moth.  
22 The department shall allocate and use the appropriation made  
23 under this paragraph before moneys other than those  
24 appropriated under this paragraph are used to support the  
25 program.

26 b. For the operations of the commercial feed programs:

27 ..... \$ 726,740

28 c. For the operations of the pesticide programs:

29 ..... \$ 1,186,603

30 d. For the operations of the fertilizer programs:

31 ..... \$ 624,317

32 e. Funds appropriated by this subsection are for the  
33 salaries and support of not more than the following full-time  
34 equivalent positions:

35 ..... FTEs 78.00

1 4. SOIL CONSERVATION DIVISION

2 a. For salaries, support, maintenance, assistance to soil  
3 conservation districts, miscellaneous purposes, and for not  
4 more than the following full-time equivalent positions:

5 .....	\$	5,131,529
6 .....	FTEs	170.52

7 Of the funds appropriated in this paragraph "a", \$323,500  
8 shall be used to reimburse commissioners of soil and water  
9 conservation districts for administrative expenses. Moneys  
10 used for the payment of meeting dues by counties shall be  
11 matched on a dollar-for-dollar basis by the soil conservation  
12 division.

13 b. To provide financial incentives for soil conservation  
14 practices under chapter 161A:

15 .....	\$	5,875,106
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16 c. The following requirements apply to the moneys  
17 appropriated in paragraph "b":

18 (1) Not more than 5 percent of the moneys appropriated in  
19 paragraph "b" may be allocated for cost sharing to abate  
20 complaints filed under section 161A.47.

21 (2) Of the moneys appropriated in paragraph "b", 5 percent  
22 shall be allocated for financial incentives to establish  
23 practices to protect watersheds above publicly owned lakes of  
24 the state from soil erosion and sediment as provided in  
25 section 161A.73.

26 (3) Not more than 30 percent of a district's allocation of  
27 moneys as financial incentives may be provided for the purpose  
28 of establishing management practices to control soil erosion  
29 on land that is row cropped, including but not limited to no-  
30 till planting, ridge-till planting, contouring, and contour  
31 strip-cropping as provided in section 161A.73.

32 (4) The state soil conservation committee created in  
33 section 161A.4 may allocate moneys to conduct research and  
34 demonstration projects to promote conservation tillage and  
35 nonpoint source pollution control practices.

1 (5) The financial incentive payments may be used in  
2 combination with department of natural resources moneys.

3 d. The provisions of section 8.33 shall not apply to the  
4 moneys appropriated in paragraph "b". Unencumbered or  
5 unobligated moneys remaining on June 30, 1997, from moneys  
6 appropriated in paragraph "b" for the fiscal year beginning  
7 July 1, 1993, shall revert to the general fund on August 31,  
8 1997.

9 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is  
10 appropriated from the general fund of the state to the  
11 department of agriculture and land stewardship for the fiscal  
12 year beginning July 1, 1993, and ending June 30, 1994, the  
13 following amount, or so much thereof as is necessary, to be  
14 used for the purposes designated:

15 For salaries, support, maintenance, and miscellaneous  
16 purposes, to be used by the department to continue and expand  
17 the farmers' market coupon program by providing federal  
18 special supplemental food program recipients with coupons  
19 redeemable at farmers' markets, and for not more than the  
20 following full-time equivalent positions:

21 .....	\$	186,751
22 .....	FTEs	1.00

23 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

24 1. There is appropriated from the general fund of the  
25 state to the department of agriculture and land stewardship  
26 for the fiscal year beginning July 1, 1993, and ending June  
27 30, 1994, the following amount, or so much thereof as is  
28 necessary, to be used for the purpose designated:

29 For support of the pseudorabies eradication program:		
30 .....	\$	900,000

31 2. Persons, including organizations interested in swine  
32 production in this state and in the promotion of Iowa pork  
33 products who contribute support to the program, are encouraged  
34 to increase financial support for purposes of ensuring the  
35 program's effective continuation.

1 Sec. 4. HORSE AND DOG BREEDING. There is appropriated  
2 from the funds available under section 99D.13 to the  
3 regulatory division of the department of agriculture and land  
4 stewardship for the fiscal year beginning July 1, 1993, and  
5 ending June 30, 1994, the following amount, or so much thereof  
6 as is necessary, to be used for the purpose designated:

7 For salaries, support, maintenance, and miscellaneous  
8 purposes for the administration of section 99D.22:  
9 ..... \$ 182,560

10 INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

11 Sec. 5. APPROPRIATION. There is appropriated from the  
12 general fund of the state to the interstate agricultural grain  
13 marketing commission for the fiscal year beginning July 1,  
14 1993, and ending June 30, 1994, the following amount, or so  
15 much thereof as is necessary, to be used for the purpose  
16 designated:

17 For carrying out duties of the commission as provided in  
18 Article IV of the interstate compact on agricultural grain  
19 marketing as provided in chapter 183:  
20 ..... \$ 75,000

21 DEPARTMENT OF NATURAL RESOURCES

22 Sec. 6. GENERAL APPROPRIATION. There is appropriated from  
23 the general fund of the state to the department of natural  
24 resources for the fiscal year beginning July 1, 1993, and  
25 ending June 30, 1994, the following amounts, or so much  
26 thereof as is necessary, to be used for the purposes  
27 designated:

28 1. ADMINISTRATIVE AND SUPPORT SERVICES

29 For salaries, support, maintenance, miscellaneous purposes,  
30 and for not more than the following full-time equivalent  
31 positions:

32 ..... \$ 1,705,345  
33 ..... FTEs 116.70

34 2. PARKS AND PRESERVES DIVISION

35 For salaries, support, maintenance, miscellaneous purposes,

1 and for not more than the following full-time equivalent  
2 positions:

3 .....	\$	5,337,474
4 .....	FTEs	199.83

5 The department shall transfer all managerial  
6 responsibilities relating to property known as Plum Grove in  
7 Iowa City to the department of cultural affairs.

8 3. FORESTS AND FORESTRY DIVISION

9 For salaries, support, maintenance, miscellaneous purposes,  
10 and for not more than the following full-time equivalent  
11 positions:

12 .....	\$	1,416,046
13 .....	FTEs	48.71

14 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

15 For salaries, support, maintenance, miscellaneous purposes,  
16 and for not more than the following full-time equivalent  
17 positions:

18 .....	\$	1,642,474
19 .....	FTEs	53.00

20 5. ENVIRONMENTAL PROTECTION DIVISION

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

24 .....	\$	2,089,046
25 .....	FTEs	169.00

26 6. FISH AND WILDLIFE DIVISION

27 For not more than the following full-time equivalent  
28 positions:

29 .....	FTEs	338.78
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30 7. WASTE MANAGEMENT ASSISTANCE DIVISION

31 For not more than the following full-time equivalent  
32 positions:

33 .....	FTEs	18.75
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34 Sec. 7. STATE FISH AND GAME PROTECTION FUND --

35 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

1 1. There is appropriated from the state fish and game  
2 protection fund to the division of fish and wildlife of the  
3 department of natural resources for the fiscal year beginning  
4 July 1, 1993, and ending June 30, 1994, the following amount,  
5 or so much thereof as is necessary, to be used for the  
6 purposes designated:

7 For administrative support, and for salaries, support,  
8 maintenance, equipment, and miscellaneous purposes:  
9 ..... \$ 19,933,807

10 2. The department shall not expend more moneys from the  
11 fish and game protection fund than provided in this section,  
12 unless the expenditure derives from contributions made by a  
13 private entity, or a grant or moneys received from the federal  
14 government, and is approved by the natural resource  
15 commission. The department of natural resources shall  
16 promptly notify the legislative fiscal bureau of the  
17 commission's approval, and the chairpersons and ranking  
18 members of the joint appropriations subcommittee on  
19 agriculture and natural resources concerning the commission's  
20 approval.

21 Sec. 8. MARINE FUEL TAX RECEIPTS -- CAPITALS; NONCAPITALS;  
22 AND BOATING FACILITIES AND ACCESS. There is appropriated from  
23 the marine fuel tax receipts deposited in the general fund of  
24 the state to the department of natural resources for the  
25 fiscal year beginning July 1, 1993, and ending June 30, 1994,  
26 the following amounts, or so much thereof as is necessary, to  
27 be used for the purposes designated:

28 1. For purposes of funding capitals traditionally funded  
29 from marine fuel tax receipts for the purposes specified in  
30 section 452A.79:  
31 ..... \$ 1,650,000

32 Notwithstanding section 8.33, the unencumbered or  
33 unobligated moneys remaining on June 30, 1994, from moneys  
34 appropriated for purposes of funding capitals traditionally  
35 funded from marine fuel tax receipts as provided in this



1 subsection 1 for the fiscal year beginning July 1, 1993, shall  
2 revert on September 30, 1995.

3 2. For purposes of funding expenditures traditionally  
4 funded from marine fuel tax revenues, but not considered as  
5 capitals or operations:

6 ..... \$ 200,000

7 3. For purposes of maintaining and developing boating  
8 facilities and access to public waters by the parks and  
9 preserves division:

10 ..... \$ 411,311

11 Sec. 9. ALL-TERRAIN VEHICLE AND SNOWMOBILE FEES --  
12 TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on  
13 July 1, 1993, from the fees deposited under section 321G.7 to  
14 the fish and game protection fund and appropriated to the  
15 department of natural resources for the fiscal year beginning  
16 July 1, 1993, and ending June 30, 1994, the following amount,  
17 or so much thereof as is necessary, to be used for the purpose  
18 designated:

19 For the purpose of enforcing snowmobile laws as part of the  
20 state snowmobile program administered by the department of  
21 natural resources:

22 ..... \$ 100,000

23 Sec. 10. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.  
24 There is transferred on July 1, 1993, from the fees deposited  
25 under section 462A.52 to the fish and game protection fund and  
26 appropriated to the department of natural resources for the  
27 fiscal year beginning July 1, 1993, and ending June 30, 1994,  
28 the following amount, or so much thereof as is necessary, to  
29 be used for the purpose designated:

30 For purposes of administration and enforcement of  
31 navigation laws and water safety:

32 ..... \$ 950,000

33 IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

34 Sec. 11. LIVESTOCK PRODUCERS ASSISTANCE PROGRAM.

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

1 state to Iowa state university of science and technology, for  
2 the fiscal year beginning July 1, 1993, and ending June 30,  
3 1994, the following amount, or so much thereof as is  
4 necessary, to be used for the purposes designated:

5 To establish and administer a livestock producers  
6 assistance program to provide on-site assistance to persons  
7 involved in livestock production in order to increase the  
8 efficiency, productivity, and profitability of their  
9 operations:

10 ..... \$ 300,000

11 2. As a condition of this appropriation, the university  
12 shall strive to ensure that the program becomes increasingly  
13 self-sufficient.

14 3. The provisions of section 8.33 shall not apply to the  
15 moneys appropriated in this section. Unencumbered or  
16 unobligated moneys remaining on June 30, 1997, from moneys  
17 appropriated in this section for the fiscal year beginning  
18 July 1, 1993, shall revert to the general fund on August 31,  
19 1997.

20 REAP

21 Sec. 12. REAP. Notwithstanding the amount of the standing  
22 appropriation from the general fund of the state under section  
23 455A.18, subsection 3, there is appropriated from the general  
24 fund of the state to the Iowa resources enhancement and  
25 protection fund, in lieu of the appropriation made in section  
26 455A.18, for the fiscal year beginning July 1, 1993, and  
27 ending June 30, 1994, the sum of \$6,250,000, of which all  
28 moneys shall be allocated as provided in section 455A.19.

29 Sec. 13. REAP APPROPRIATION -- ORGANIC NUTRIENT MANAGEMENT  
30 PROGRAM.

31 1. Prior to any appropriation made pursuant to section  
32 455E.11, subsection 2, paragraph "c", there is appropriated  
33 for the fiscal year beginning July 1, 1993, and ending June  
34 30, 1994, from the household hazardous waste account of the  
35 groundwater protection fund created in section 455E.11, to the

1 Iowa resources enhancement and protection fund created in  
2 section 455A.18 for deposit in the soil and water enhancement  
3 account provided pursuant to section 455A.19, subsection 1,  
4 paragraph "c", the following amount, or so much thereof as is  
5 necessary, to be used for the purposes designated:

6 For purposes of supporting an organic nutrient management  
7 program as provided in this section:

8 ..... \$ 900,000

9 2. The program shall be administered by the division of  
10 soil conservation of the department of agriculture and land  
11 stewardship. The division shall provide for the allocation of  
12 cost-share moneys as financial incentives to eligible persons  
13 applying to participate in the program. The financial  
14 incentives shall be used for purposes of establishing organic  
15 nutrient management systems which shall facilitate the proper  
16 utilization of livestock waste as a nutrient source, and to  
17 protect the water resources of this state from livestock waste  
18 runoff. A person shall not be eligible to participate in this  
19 program, unless the person is an individual who is actively  
20 engaged in farming as defined in section 9H.1, or the person  
21 is a family farm corporation, family farm limited partnership,  
22 or a family trust, all as defined in section 9H.1. The  
23 division shall adopt procedures relating to the administration  
24 of this section, including procedures relating to the  
25 execution of a contract to establish an organic nutrient  
26 management system. The procedures may require that an  
27 eligible person participating in the program maintain the  
28 organic nutrient management system for a minimum number of  
29 years as a condition to receiving financial incentives. The  
30 agreement may be enforced by the division or by a soil and  
31 water conservation district as provided by the division, in  
32 the same manner as provided for a contract establishing soil  
33 and water conservation practices under chapter 161A.

34 3. The appropriation made pursuant to subsection 1 shall  
35 be used as follows:

1 a. Not more than 2 percent of the amount shall be used for  
2 purposes of administering the program by the soil conservation  
3 division.

4 b. The amount of moneys allocated in cost-share payments  
5 to a person qualifying under the program shall not exceed 50  
6 percent of the estimated cost of establishing a system or 50  
7 percent of the actual cost, whichever is less.

8 c. A person qualifying under the program shall not receive  
9 more than \$7,500 in financial incentives under this program.

10 Sec. 14. REAP -- DEAPPROPRIATION. The appropriation from  
11 the general fund of the state to the Iowa resources  
12 enhancement and protection fund for the fiscal year beginning  
13 July 1, 1992, and ending June 30, 1993, in 1992 Iowa Acts,  
14 chapter 1239, section 12, is reduced, as a result of the  
15 governor's item veto in section 12, by the following amounts  
16 for the purposes designated:

- 17 1. Allocation to the department of natural resources, in  
18 subsection 2, paragraph "a":  
19 ..... \$ 500,000
- 20 2. Allocation to the department of agriculture and land  
21 stewardship, in subsection 2, paragraph "b":  
22 ..... \$ 400,000

23 MISCELLANEOUS

24 Sec. 15. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE  
25 UNDERGROUND STORAGE TANK BOARD -- TRANSFER. There is  
26 appropriated from the unassigned revenue fund administered by  
27 the Iowa comprehensive underground storage tank board, to the  
28 department of natural resources for the fiscal year beginning  
29 July 1, 1993, and ending June 30, 1994, the following amount,  
30 or so much thereof as is necessary, to be used for the purpose  
31 designated:

- 32 For administration expenses of the underground storage tank  
33 section of the department of natural resources:  
34 ..... \$ 145,000

35 However, this appropriation is reduced to the extent that

1 the board determines that other state expenditures qualify as  
2 a match for moneys appropriated by the United States for  
3 purposes of supporting the activities performed by the  
4 department in carrying out the underground storage tank  
5 program.

6 Sec. 16. TARGET SHOOTING -- BADGER CREEK RECREATION AREA.  
7 The natural resource commission shall close the target  
8 shooting facility located at the Badger Creek recreation area  
9 until such time as it is established in compliance with  
10 section 461A.42, as amended by this Act.

11 Sec. 17. STATE NURSERIES. Notwithstanding section 17A.2,  
12 subsection 10, paragraph "g", the department of natural  
13 resources shall adopt administrative rules establishing prices  
14 of plant material grown at the state forest nurseries to cover  
15 all expenses related to the growing of the plants.

16 The department shall develop programs to encourage the wise  
17 management and preservation of existing woodlands and shall  
18 continue its efforts to encourage forestation and  
19 reforestation on private and public lands in the state.

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

23 Sec. 18. TRUST FUND INFORMATION. The department of  
24 revenue and finance in cooperation with the department of  
25 agriculture and land stewardship and the department of natural  
26 resources shall track receipts to the general fund which have  
27 traditionally been deposited into the following funds:

- 28 1. The fertilizer fund created in section 200.9.
- 29 2. The pesticide fund created in section 206.12.
- 30 3. The dairy trade practices trust fund pursuant to  
31 section 192A.30.
- 32 4. The milk fund created in section 192.111.
- 33 5. The commercial feed fund created in section 198.9.
- 34 6. The marine fuel tax fund created in section 452A.79.
- 35 7. The energy research and development fund provided in

1 section 473.16.

2 The departments designated in this section shall prepare  
3 reports detailing revenue from receipts traditionally  
4 deposited into each of the funds. A report shall be submitted  
5 to the legislative fiscal bureau at least once for each three-  
6 month period as designated by the legislative fiscal bureau.

7 Sec. 19. DEPARTMENTAL INFORMATION REQUIRED.

8 1. The department of agriculture and land stewardship and  
9 the department of natural resources, in cooperation as  
10 necessary with the department of management and the department  
11 of personnel, shall provide a list to the legislative fiscal  
12 bureau, on a quarterly basis, of all permanent positions added  
13 to or deleted from the departments' table of organization in  
14 the previous fiscal quarter. This list shall include at least  
15 the position number, salary range, projected funding source or  
16 sources of each position, and the reason for the addition or  
17 deletion. The legislative fiscal bureau may use this  
18 information to assist in the establishment of the full-time  
19 equivalent position limits authorized in law for the  
20 departments.

21 2. The department of natural resources shall provide the  
22 legislative fiscal bureau information and financial data by  
23 cost center, on at least a monthly basis, relating to the  
24 indirect cost accounting procedure, the amount of funding from  
25 each funding source for each cost center, and the internal  
26 budget system used by the department. The information shall  
27 include but is not limited to financial data covering the  
28 department's budget by cost center and funding source prior to  
29 the start of the fiscal year, and to the department's actual  
30 expenditures by cost center and funding source after the  
31 accounting system has been closed for that fiscal year.

32 3. The department of agriculture and land stewardship  
33 shall provide the legislative fiscal bureau information and  
34 financial data on at least a monthly basis, relating to the  
35 internal budget system used by the department. The

1 information shall include but is not limited to financial data  
2 covering the department's budget prior to the start of the  
3 fiscal year, and to the department's actual expenditures after  
4 the accounting system has been closed for that fiscal year.

5     Sec. 20. GRAIN DUST -- EXCEPTION TO QUALITY STANDARDS.  
6 During the fiscal year for which funds are appropriated by  
7 section 6 of this Act, the department of natural resources  
8 shall not require the installation or use of equipment to  
9 control the emission of dust or other particulate matter on or  
10 by facilities for storage of grain which are located within  
11 the ambient air quality attainment areas for suspended  
12 particulates.

13     Sec. 21. DEPARTMENTAL STUDIES AND PROJECTS.

14     1. The department of agriculture and land stewardship and  
15 the department of inspections and appeals shall jointly study  
16 methods of coordinating inspections currently performed by the  
17 department of agriculture and land stewardship, including but  
18 not limited to the inspections of weights and measures. The  
19 departments shall study methods to increase efficiency and  
20 cost-savings. The departments shall prepare and submit a  
21 report to the general assembly not later than January 10,  
22 1994, detailing findings and recommendations of the  
23 departments.

24     2. The department of agriculture and land stewardship  
25 shall establish a pilot project in a geographic area in which  
26 the inspections of weights and measures are performed based  
27 upon criteria which prioritizes inspections according to those  
28 weights and measures which are most likely not to be in  
29 compliance with state standards.

30     Sec. 22. REDUCTIONS IN FULL-TIME EQUIVALENT POSITIONS --  
31 GENERAL FUND SUPPORTED APPROPRIATIONS. The number of full-  
32 time equivalent positions, as defined in section 8.36, within  
33 the department of natural resources which are reduced in this  
34 Act from the number of full-time equivalent positions provided  
35 for pursuant to 1992 Iowa Acts, chapter 1239, apply only to

1 full-time equivalent positions supported by appropriations  
2 from the general fund of the state.

3 STATUTORY CHANGES

4 Sec. 23. Section 18.18, Code 1993, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 9. The department shall, whenever  
7 technically feasible, purchase and use degradable loose foam  
8 packing material manufactured from grain starches or other  
9 renewable resources, unless the cost of the packing material  
10 is more than ten percent greater than the cost of packing  
11 material made from nonrenewable resources. For the purposes  
12 of this subsection, "packing material" means material, other  
13 than an exterior packing shell, that is used to stabilize,  
14 protect, cushion, or brace the contents of a package.

15 Sec. 24. Section 206.8, subsection 3, Code 1993, is  
16 amended by striking the subsection and inserting in lieu  
17 thereof the following:

18 3. This section shall not apply to either of the  
19 following:

20 a. A pesticide applicator who applies pesticides which are  
21 owned and furnished to the pesticide applicator by another  
22 person, if the pesticide applicator does not charge for the  
23 sale of the pesticides.

24 b. A federal, state, county, or municipal governmental  
25 entity which provides pesticides only for its own programs.

26 Sec. 25. Section 214.3, subsection 1, Code 1993, is  
27 amended to read as follows:

28 1. The license for inspection of a commercial weighing and  
29 measuring device shall expire on December 31 of each year, and  
30 for a motor vehicle fuel pump on June 30 of each year. The  
31 amount of the fee due for each license shall be as provided in  
32 subsection 3, except that the fee for a motor vehicle fuel  
33 pump shall be ~~four-dollars-and-fifty-cents~~ reduced by ten  
34 percent if paid within one month from the date the license is  
35 due.



1     Sec. 26. Section 216B.3, Code 1993, is amended by adding  
2 the following new subsection:

3     NEW SUBSECTION. 12A. The commission shall, whenever  
4 technically feasible, purchase and use degradable loose foam  
5 packing material manufactured from grain starches or other  
6 renewable resources, unless the cost of the packing material  
7 is more than ten percent greater than the cost of packing  
8 material made from nonrenewable resources. For the purposes  
9 of this subsection, "packing material" means material, other  
10 than an exterior packing shell, that is used to stabilize,  
11 protect, cushion, or brace the contents of a package.

12     Sec. 27. Section 262.9, Code 1993, is amended by adding  
13 the following new subsection:

14     NEW SUBSECTION. 4A. The board shall, whenever technically  
15 feasible, purchase and use degradable loose foam packing  
16 material manufactured from grain starches or other renewable  
17 resources, unless the cost of the packing material is more  
18 than ten percent greater than the cost of packing material  
19 made from renewable resources. For the purposes of this  
20 subsection, "packing material" means material, other than an  
21 exterior packing shell, that is used to stabilize, protect,  
22 cushion, or brace the contents of a package.

23     Sec. 28. Section 307.21, Code 1993, is amended by adding  
24 the following new subsection:

25     NEW SUBSECTION. 4A. The administrator shall, whenever  
26 technically feasible, purchase and use degradable loose foam  
27 packing material manufactured from grain starches or other  
28 renewable resources, unless the cost of the packing material  
29 is more than ten percent greater than the cost of packing  
30 material made from nonrenewable resources. For the purposes  
31 of this subsection, "packing material" means material, other  
32 than an exterior packing shell, that is used to stabilize,  
33 protect, cushion, or brace the contents of a package.

34     Sec. 29. NEW SECTION. 455B.104 PERMITS ISSUED BY THE  
35 DEPARTMENT -- APPROVAL BY DEFAULT.

1 The department shall either approve or deny a permit to a  
2 person applying for a permit under this chapter, within six  
3 months from the date that the department receives a completed  
4 application for the permit. An application which is not  
5 approved or denied within the six-month period shall be  
6 approved by default. The department shall issue a permit to  
7 the applicant within ten days following the date of default  
8 approval. However, this section shall not apply to  
9 applications for permits which are issued under Division II,  
10 or Division IV, parts 2 through 7.

11 Sec. 30. Section 455B.310, subsection 2, paragraph b,  
12 subparagraphs (4) and (5), Code 1993, are amended to read as  
13 follows:

14 ~~(4)--Twenty-seven-and-one-half-cents-per-ton-per-year-is~~  
15 ~~appropriated-to-the-department-to-provide-low-or-no-interest~~  
16 ~~loans-to-Iowa-businesses-for-the-manufacture-or-remanufacture~~  
17 ~~of-products-from-postconsumer-materials-or-to-Iowa-businesses~~  
18 ~~which-purchase-equipment-to-achieve-source-reductions.--The~~  
19 ~~department,-in-consultation-with-the-department-of-economic~~  
20 ~~development,-shall-develop-rating-criteria-for-the-program~~  
21 ~~including-criteria-which-give-priority-in-the-approval-of~~  
22 ~~loans-to-firms-involved-in-tire-recycling.--The-department,-in~~  
23 ~~cooperation-with-the-department-of-economic-development,-shall~~  
24 ~~provide-technical-assistance-to-and-monitoring-of-the~~  
25 ~~technical-operations-of-projects-funded-under-this-section:~~

26 (5) (4) Five cents per ton per year is appropriated to the  
27 department of economic development to establish, in  
28 cooperation with the department of natural resources, a  
29 marketing initiative to assist Iowa businesses producing  
30 recycling or reclamation equipment or services, recyclable  
31 products, or products from recycled materials to expand into  
32 national markets. Efforts shall include the reuse and  
33 recycling of sawdust. For each fiscal year beginning July 1,  
34 1991, and ending June 30, 1992, and beginning July 1, 1992,  
35 and ending June 30, 1993, fifty thousand dollars of the moneys

1 appropriated under this subparagraph shall be allocated for  
2 the purposes of developing advanced microbiological  
3 technologies for reduction, destruction, or disposal of wet  
4 solid waste. -- For each fiscal year beginning July 1, 1993, and  
5 thereafter, fifty thousand dollars of the moneys appropriated  
6 under this subparagraph shall be used by the department of  
7 economic development to provide grants or loans to Iowa  
8 businesses which have participated in the waste reduction  
9 assistance program of the department of natural resources or  
10 the program provided by the waste reduction center at the  
11 university of northern Iowa, and which have identified needs  
12 for equipment or retooling to achieve waste reduction.

13 Sec. 31. Section 455B.310, subsection 2, paragraph b, Code  
14 1993, is amended by adding the following new subparagraphs:

15 NEW SUBPARAGRAPH. (5) Five cents per ton per year is  
16 appropriated to the university of northern Iowa to develop and  
17 maintain the Iowa waste reduction center for the safe and  
18 economic management of solid waste and hazardous substances  
19 established at the university of northern Iowa.

20 NEW SUBPARAGRAPH. (6) Eight cents per ton per year is  
21 appropriated to the department of natural resources for the  
22 provision of assistance to public and private entities in  
23 developing and implementing waste reduction and minimization  
24 programs for Iowa industries.

25 NEW SUBPARAGRAPH. (7) The remaining moneys are  
26 appropriated to the department of natural resources to be used  
27 in accordance with section 455E.11, subsection 2, paragraph  
28 "a", subparagraph (8), subparagraph subdivision (b),  
29 subparagraph subdivision subparts (i) through (iv).

30 Sec. 32. Section 455E.11, subsection 2, paragraph a, Code  
31 1993, is amended by adding the following new subparagraph:

32 NEW SUBPARAGRAPH. (11A) Each additional seventy-five  
33 cents per ton per year received from the additional tonnage  
34 fee imposed pursuant to section 455B.310, subsection 2,  
35 paragraph "b", shall be allocated for the following purposes:

1 (a) Ten cents per ton per year is appropriated to the  
2 department of natural resources to establish a program to  
3 provide competitive grants to regional coordinating councils  
4 for projects in regional economic development centers related  
5 to a by-products and waste exchange system. Grantees under  
6 this program shall coordinate activities with other available  
7 state or multistate waste exchanges, including but not limited  
8 to the by-products and waste search service at the university  
9 of northern Iowa. The department shall consult with the  
10 department of economic development and the waste reduction  
11 center at the university of northern Iowa in establishing  
12 criteria for and the awarding of grants under this program.  
13 The department of natural resources shall expend not more than  
14 thirty thousand dollars of the moneys appropriated under this  
15 subparagraph subdivision to contract with the by-products and  
16 waste search service at the university of northern Iowa to  
17 provide training and other technical services to grantees  
18 under the program. If regional economic development centers  
19 cease to exist, the department shall transfer existing  
20 contracts to one or more community colleges or councils of  
21 governments and shall revise the criteria and rules for this  
22 program to allow community colleges or councils of governments  
23 to be applicants for competitive grants.

24 (b) Fifteen cents per ton per year is appropriated to the  
25 department of natural resources to establish three permanent  
26 household hazardous waste collection sites so that both urban  
27 and rural population are served and so that collection  
28 services are available to the public on a regular basis. An  
29 additional five cents per ton per year is appropriated to the  
30 department to be used for the payment of transportation costs  
31 related to household hazardous waste collection programs.

32 (c) Twelve and one-half cents per ton per year is  
33 appropriated to the department of natural resources to provide  
34 additional toxic cleanup days. Departmental rules adopted for  
35 implementation of toxic cleanup days shall provide sufficient

1 flexibility to respond to the household hazardous material  
2 collection needs of both small and large communities.

3 (d) Five cents per ton per year is appropriated to the  
4 department of economic development to establish, in  
5 cooperation with the department of natural resources, a  
6 marketing initiative to assist Iowa businesses producing  
7 recycling or reclamation equipment or services, recyclable  
8 products, or products from recycled materials to expand into  
9 national markets. Efforts shall include the reuse and  
10 recycling of sawdust.

11 (e) Five cents per ton per year is appropriated to the  
12 university of northern Iowa to develop and maintain the Iowa  
13 waste reduction center for the safe and economic management of  
14 solid waste and hazardous substances established at the  
15 university of northern Iowa.

16 (f) Eight cents per ton per year is appropriated to the  
17 department of natural resources for the provision of  
18 assistance to public and private entities in developing and  
19 implementing waste reduction and minimization programs for  
20 Iowa industries.

21 (g) The remaining moneys are appropriated to the  
22 department of natural resources to be used in accordance with  
23 subparagraph (8), subparagraph subdivision (b), subparagraph  
24 subdivision subparts (i) through (iv).

25 Sec. 33. NEW SECTION. 461A.17A PAYMENT IN LIEU OF  
26 PROPERTY TAXES.

27 The director of the department of natural resources shall  
28 submit a budget request to pay the annual property taxes on  
29 property held by the department. The budget request shall be  
30 submitted to the general assembly as part of the annual budget  
31 proposal provided in section 455A.4. The amount of the  
32 payment shall be based on property acquired on or after July  
33 1, 1993, which would otherwise be subject to the levy of  
34 property taxes. The assessed value of property held by the  
35 department shall be that determined under section 427.1,

1 subsection 31, and the director may protest the assessed value  
2 in the manner provided by law for any property owner to  
3 protest an assessment. For the purposes of chapter 257, the  
4 assessed value of any property which was acquired by the  
5 department on or after July 1, 1993, shall be included in the  
6 valuation base of the school district and the payments made  
7 pursuant to this section shall be considered as property tax  
8 revenues and not as miscellaneous income. The county  
9 treasurer shall certify the amount of taxes due to the  
10 department. The taxes shall be paid annually from the  
11 departmental fund or account from which the property  
12 acquisition was funded. If the departmental fund or account  
13 has no moneys, no longer exists, or if the acquisition of  
14 property was made without an expenditure of funds by the  
15 department, the taxes shall be paid from funds in the manner  
16 provided by the general assembly. If the total amount of  
17 taxes due, as certified to the department, exceeds the amount  
18 available for expenditure under this section, the property  
19 taxes due shall be reduced proportionately so that the total  
20 amount due equals the amount available for expenditure.

21 Sec. 34. Section 461A.42, Code 1993, is amended by adding  
22 the following new subsection:

23 NEW SUBSECTION. 3. A person shall not use a firearm for  
24 purposes of target shooting in any state park, preserve, or  
25 recreation area, except in a location which is designated  
26 specifically for that purpose by the commission. The  
27 commission shall adopt rules which shall provide for all of  
28 the following:

29 a. A detailed and complete process for selecting locations  
30 for target shooting, based on criteria adopted by the  
31 commission. The rules shall include provisions for notifying  
32 persons residing adjacent to a location which is proposed for  
33 target shooting.

34 b. An opportunity for the persons residing adjacent to the  
35 proposed location to request a public hearing regarding the

1 proposed location and limitations relating to the use of  
2 firearms in the location.

3 c. The operation and maintenance of the location used for  
4 purposes of target shooting. The rules shall include but are  
5 not limited to banning all alcoholic beverages in the  
6 location, limiting shooting to reasonable times during  
7 daylight hours, and establishing limitations on the caliber  
8 and type of firearms which may be used in the location.

9 Sec. 35. Section 904.312, Code 1993, is amended by adding  
10 the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. The director shall, whenever  
12 technically feasible, purchase and use degradable loose foam  
13 packing material manufactured from grain starches or other  
14 renewable resources, unless the cost of the packing material  
15 is more than ten percent greater than the cost of packing  
16 material made from nonrenewable resources. For the purposes  
17 of this subsection, "packing material" means material, other  
18 than an exterior packing shell, that is used to stabilize,  
19 protect, cushion, or brace the contents of a package.

20 Sec. 36. EFFECTIVE DATE. Section 16 of this Act, being  
21 deemed of immediate importance, takes effect upon enactment.

22 EXPLANATION

23 This bill appropriates moneys to the department of  
24 agriculture and land stewardship and the department of natural  
25 resources. The bill also appropriates moneys to the  
26 interstate compact on grain marketing. The bill appropriates  
27 moneys to Iowa state university to assist livestock producers.  
28 The bill appropriates moneys from the state fish and game  
29 protection fund and marine fuel tax receipts. This bill  
30 appropriates moneys from the general fund to the resources  
31 enhancement and protection fund. It appropriates moneys from  
32 the groundwater protection fund to the Iowa resources  
33 enhancement and protection fund for purposes of supporting an  
34 organic nutrient management program. It reduces the amount of  
35 moneys appropriated during the last fiscal year to the

1 resources enhancement and protection fund which was subject to  
2 item veto. The bill provides appropriations for  
3 administration expenses of the underground storage tank  
4 section of the department of natural resources. The bill  
5 requires the department of natural resources to adopt rules  
6 establishing prices of plant materials grown at state forest  
7 nurseries. It requires departments to report financial data  
8 to the legislative fiscal bureau. It prohibits the department  
9 of natural resources from requiring the installation of  
10 equipment to control grain dust. The bill provides for  
11 departmental studies and projects.

12 The bill makes a number of statutory changes. It requires  
13 state agencies to purchase degradable loose foam packing  
14 material manufactured from grain starches or other renewable  
15 resources. It provides for the payment of license fees for  
16 the inspection of commercial weighing and measuring devices.  
17 The bill provides for the approval of permits by the  
18 department of natural resources by a date certain. It  
19 provides for the payment of property taxes by the department  
20 of natural resources on property acquired on or after July 1,  
21 1993.

22 This bill provides for the reallocation of the existing  
23 additional tonnage fee of 75 cents per ton of solid waste  
24 collected in the fiscal year beginning July 1, 1993, and  
25 thereafter. The bill discontinues the allocation of moneys to  
26 the recycling loan program and redistributes moneys in the  
27 solid waste account of the groundwater protection fund to  
28 support waste reduction and marketing.

29 The bill also provides that the natural resource commission  
30 must regulate target shooting in state parks, preserves, and  
31 recreation areas.

32  
33  
34  
35



## HOUSE FILE 623

H-3554

1 Amend House File 623 as follows:

2 1. Page 14, line 12, by inserting after the word  
3 "particulates." the following: "However, this section  
4 shall not be effective upon the delegation by the  
5 United States to the state of the air operating permit  
6 program as provided by the federal Clean Air Act  
7 Amendments of 1990, Pub. L. No. 101-549."

By RAFFERTY of Scott

H-3554 FILED MARCH 29, 1993

*Adopted 3/30/93 (p.944)*

## HOUSE FILE 623

H-3555

1 Amend House File 623 as follows:

2 1. Page 14, by inserting after line 29 the  
3 following:  
4 "Sec. \_\_\_\_ . DEPOSIT OF MONEYS IN TRUST FUNDS. Fees  
5 collected by the department of agriculture and land  
6 stewardship for deposit in the fertilizer fund  
7 pursuant to sections 200.4, 200.8, and 201.13 shall  
8 only be deposited in the fertilizer fund created in  
9 section 200.9. Fees collected by the department of  
10 agriculture and land stewardship pursuant to section  
11 206.12, subsection 3, shall only be deposited in the  
12 pesticide fund created in section 206.12. Fees paid  
13 to the secretary of agriculture pursuant to section  
14 192A.30 shall only be deposited in the dairy trade  
15 practices trust fund. Fees collected by the  
16 department of agriculture and land stewardship under  
17 sections 192.111, 192.133, 194.14, 194.19, 194.20, and  
18 195.9 shall only be deposited into the milk fund  
19 established in section 192.111. Fees collected by the  
20 department of agriculture and land stewardship  
21 pursuant to section 198.9 shall only be deposited into  
22 the commercial feed fund. Moneys derived from the  
23 excise tax on the sale of motor fuel used in  
24 watercraft as provided in sections 452A.79 and 452A.84  
25 shall only be deposited into the marine fuel tax fund.  
26 Moneys accepted for deposit pursuant to section 473.16  
27 shall only be deposited into the energy research and  
28 development fund as provided in that section. Any  
29 provision in an Act which is enacted by the 1993  
30 general assembly and which provides for the transfer  
31 or deposit of these moneys to the general fund of the  
32 state or which extends the period of deposit for such  
33 moneys to the general fund of the state beyond June  
34 30, 1993, shall not be effective, regardless of when  
35 the Act was enacted."

By SHOULTZ of Black Hawk

H-3555 FILED MARCH 29, 1993

*Adopted 3/30/93 3/30/93*

HOUSE FILE 623

H-3556

- 1 Amend House File 623 as follows:
- 2 1. Page 15, by striking lines 26 through 35.
- 3 2. By renumbering as necessary.

By SCHRADER of Marion

H-3556 FILED MARCH 29, 1993

*Adopted 3/30/93 (p.948)*

HOUSE FILE 623

H-3557

- 1 Amend House File 623 as follows:
- 2 1. By striking page 16, line 34, through page 17,
- 3 line 10.
- 4 2. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-3557 FILED MARCH 29, 1993

*Lost 3/30/93 (p.948)*

HOUSE FILE 623

H-3558

- 1 Amend House File 623 as follows
- 2 1. Page 1, line 28, by striking the figure
- 3 "817,276" and inserting the following: "742,276".
- 4 2. Page 2, line 3, by striking the figure "52.20"
- 5 and inserting the following: "50.20".

By SHOULTZ of Black Hawk

H-3558 FILED MARCH 29, 1993

*Withdrawn  
3/30/93 (p.934)*

HOUSE FILE 623

H-3559

- 1 Amend House File 623 as follows:
- 2 1. Page 6, by inserting after line 4, the
- 3 following:
- 4 "Of the amount appropriated pursuant to this
- 5 subsection, \$50,000 shall be used to support the green
- 6 thumb program for the employment of the elderly in
- 7 conservation and outdoor recreation related fields in
- 8 coordination with other agencies as provided by law."

By BLACK of Jasper

H-3559 FILED MARCH 29, 1993

**WITHDRAWN**  
*9/30/93*

HOUSE FILE 623

H-3520

- 1 Amend House File 623 as follows:
  - 2 1. Page 9, line 27, by striking the figure
  - 3 "6,250,000" and inserting the following: "8,547,275".
- |                          |                      |
|--------------------------|----------------------|
| By SHOULTZ of Black Hawk | CONNORS of Polk      |
| BLACK of Jasper          | HOLVECK of Polk      |
| WISE of Lee              | BURKE of Marshall    |
| BELL of Jasper           | WEIGEL of Chickasaw  |
| McCOY of Polk            | BEATTY of Warren     |
| NELSON of Pottawattamie  | DICKINSON of Jackson |
| O'BRIEN of Boone         | HAMMOND of Story     |
| HENDERSON of Scott       | NEUHAUSER of Johnson |
| MURPHY of Dubuque        | MCKINNEY of Dallas   |
| HARPER of Black Hawk     | HANSEN of Woodbury   |
| JOCHUM of Dubuque        | LARKIN of Lee        |
| BRAND of Benton          | ARNOULD of Scott     |
| MAY of Worth             | KOENIGS of Mitchell  |
| SCHRADER of Marion       | BRAMMER of Linn      |
| KREIMAN of Davis         | BERNAU of Story      |
| FOGARTY of Palo Alto     | GILL of Woodbury     |
| MORELAND of Wapello      | BAKER of Polk        |
| DVORSKY of Johnson       | WITT of Black Hawk   |

H-3520 FILED MARCH 26, 1993

*Lost 3/30/93 (p. 950)*

HOUSE FILE 623

H-3536

- 1 Amend House File 623 as follows:
- 2 1. Page 15, by inserting after line 2 the
- 3 following:
- 4 "Sec. \_\_\_\_ . REDUCTION OF UPPER LEVEL MANAGEMENT.
- 5 In order to right size upper level management in state
- 6 government, the department of management, in
- 7 consultation with the department of personnel, shall,
- 8 after discussion and collaboration with the department
- 9 of agriculture and land stewardship and the department
- 10 of natural resources, make reductions of upper level
- 11 management staff and employees with salaries over
- 12 \$60,000 per year from those existing in those
- 13 departments on July 1, 1993, as part of the effort
- 14 across all departments and agencies of state
- 15 government to achieve a net state general fund savings
- 16 of at least \$2,000,000 by June 30, 1994. The
- 17 department of agriculture and land stewardship and the
- 18 department of natural resources shall review all staff
- 19 positions in their respective departments with
- 20 particular emphasis on upper level management staff
- 21 and shall determine whether there are superfluous
- 22 positions and management responsibilities which can be
- 23 reorganized in order to eliminate positions. As part
- 24 of the effort for general fund savings under this
- 25 section, the departments shall make reductions of
- 26 those positions which are determined to be superfluous
- 27 or are possible to eliminate through reorganization."
- 28 2. By renumbering as necessary.

By PETERSON of Carroll

H-3536 FILED MARCH 29, 1993

*Lost 3/30/93 (p. 947)*

HOUSE FILE 623

E-3541

1 Amend House File 623 as follows:  
 2 1. Page 12, by inserting after line 5, the  
 3 following:  
 4 "Sec. 100. BRUSHY CREEK RECREATION AREA --  
 5 LIMITATION ON FUNDING SOURCES. Notwithstanding 1989  
 6 Iowa Acts, chapter 311, the department of natural  
 7 resources shall not use moneys deposited in the Iowa  
 8 resources enhancement and protection fund created in  
 9 section 455A.18, or marine fuel tax receipts collected  
 10 pursuant to section 452A.79, for purposes of funding  
 11 or supporting a dam and water impoundment at the  
 12 Brushy Creek state recreation area, if the funding or  
 13 support involves clearing land in the area,  
 14 constructing the dam or water impoundment, or  
 15 maintaining the dam or water impoundment."  
 16 2. Page 22, by inserting after line 21 the  
 17 following:  
 18 "Sec. \_\_\_\_ . EFFECTIVE DATE. Section 100 of this  
 19 Act, being deemed of immediate importance, takes  
 20 effect upon enactment."  
 21 3. Title page, line 2, by striking the words "and  
 22 making" and inserting the following: "making".  
 23 4. Title page, line 3, by inserting after the  
 24 word "changes" the following: ", and providing an  
 25 effective date".  
 26 5. By renumbering as necessary.  
 By WITT of Black Hawk CARPENTER of Polk  
 GARMAN of Story GRUNDBERG of Polk  
 LUNDBY of Linn DICKINSON of Jackson  
 HANSON of Delaware HENDERSON of Scott  
 OSTERBERG of Linn BODDICKER of Cedar  
 GRUBBS of Scott FALLON of Polk  
 NEUHAUSER of Johnson BRAND of Benton  
 DODERER of Johnson BRANDSTAD of Winnebago  
 HAMMOND of Story

E-3541 FILED MARCH 29, 1993  
*Not German 3/30/93 (p.942)*

HOUSE FILE 623

E-3553

1 Amend House File 623 as follows:  
 2 1. Page 5, line 32, by striking the figure  
 3 "1,705,345" and inserting the following: "1,626,345".  
 4 2. Page 5, line 33, by striking the figure  
 5 "116.70" and inserting the following: "115.70".  
 6 3. Page 16, by inserting after line 33 the  
 7 following:  
 8 "Sec. \_\_\_\_ . Section 455A.7, subsection 2, Code  
 9 1993, is amended by striking the subsection."  
 10 4. By renumbering as necessary.  
 By SHOULTZ of Black Hawk

E-3553 FILED MARCH 29, 1993  
*Last 3/30/93 (p.935)*

## HOUSE FILE 623

H-3566

1 Amend House File 623 as follows:

2 1. By striking page 9, line 29 through page 11,  
3 line 9.

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

6 "Sec. 100. CLEAN APPROPRIATION -- ORGANIC NUTRIENT  
7 MANAGEMENT PROGRAM.

8 1. Notwithstanding 1992 Iowa Acts, chapter 1247,  
9 section 45, notwithstanding the requirement in section  
10 99E.10, subsection 1, to transfer lottery revenue  
11 remaining after expenses are deducted, notwithstanding  
12 the requirement under section 99E.20, subsection 2,  
13 for the commissioner to certify and transfer a portion  
14 of the lottery fund to the CLEAN fund, and  
15 notwithstanding the appropriations and allocations in  
16 section 99E.34, \$900,000 of lottery revenues received  
17 during the fiscal year beginning July 1, 1992, and  
18 ending June 30, 1993, in excess of the amount  
19 projected for the fiscal year beginning July 1, 1992,  
20 and ending June 30, 1993, as specified in the  
21 governor's budget report for that fiscal year after  
22 deductions for expenses as provided in section 99E.10,  
23 subsection 1, shall not be transferred to or deposited  
24 in either the general fund of the state or into the  
25 CLEAN fund, but shall be transferred to and deposited  
26 in the organic nutrient management account of the  
27 water protection fund created in section 161C.4 for  
28 purposes of administering the organic nutrient  
29 management program.

30 2. The moneys transferred to and deposited in the  
31 organic nutrient management account pursuant to  
32 subsection 1 shall be used as follows:

33 a. Not more than 2 percent of the amount shall be  
34 used for purposes of administering the program by the  
35 soil conservation division.

36 b. The amount of moneys allocated in cost-share  
37 payments to a person qualifying under the program  
38 shall not exceed 50 percent of the estimated cost of  
39 establishing a system or 50 percent of the actual  
40 cost, whichever is less.

41 c. A person qualifying under the program shall not  
42 receive more than \$7,500 in financial incentives under  
43 this program."

44 3. Page 15, by inserting after line 14, the  
45 following:

46 "Sec. 101. Section 161C.2, subsection 1, Code  
47 1993, is amended to read as follows:

48 1. Each soil and water conservation district,  
49 alone and whenever practical in conjunction with other  
50 districts, shall carry out district-wide and multiple-

H-3566

H-3566

Page 2

1 district projects to support water protection  
2 practices in the district or districts, including  
3 projects to protect this state's groundwater and  
4 surface water from point and nonpoint sources of  
5 contamination, including but not limited to  
6 contamination by agricultural drainage wells,  
7 sinkholes, sedimentation, or chemical pollutants.  
8 Moneys used to support the water protection projects  
9 and practices may include moneys allocated from the  
10 water protection fund as provided by rules adopted by  
11 the division. However, the projects and practices  
12 shall not be supported from the fund's organic  
13 nutrient management account.

14 Sec. 102. NEW SECTION. 161C.2A ORGANIC NUTRIENT  
15 MANAGEMENT PROGRAM.

16 1. The division shall establish an organic  
17 nutrient management program to provide for the  
18 allocation of cost-share moneys as financial  
19 incentives to an eligible person applying to  
20 participate in the program. The financial incentives  
21 shall be used for purposes of establishing organic  
22 nutrient management systems which shall facilitate the  
23 proper utilization of livestock waste as a nutrient  
24 source, and to protect the water resources of this  
25 state from livestock waste runoff.

26 2. Moneys used to support financial incentives  
27 shall be allocated from the organic nutrient  
28 management account of the water protection fund  
29 created in section 161C.4.

30 3. A person shall not be eligible to participate  
31 in this program, unless the person is both of the  
32 following;

33 a. An individual who is actively engaged in  
34 farming as defined in section 9H.1, or the person is a  
35 family farm corporation, family farm limited  
36 partnership, or a family trust, all as defined in  
37 section 9H.1.

38 b. An owner of agricultural land eligible to  
39 receive a family farm tax credit pursuant to chapter  
40 425A.

41 4. The division shall adopt rules to administer  
42 this section, including rules relating to the  
43 execution of a contract to establish an organic  
44 nutrient management system. The rules may require  
45 that an eligible person participating in the program  
46 maintain the organic nutrient management system for a  
47 minimum number of years as a condition to receiving  
48 financial incentives. The agreement may be enforced  
49 by the division or by a soil and water conservation  
50 district as provided by the division, in the same

H-3566

-2-

H-3566

Page 3

1 manner as provided for a contract establishing soil  
2 and water conservation practices under chapter 161A.  
3 Sec. 103. Section 161C.4, unnumbered paragraph 1,  
4 Code 1993, is amended to read as follows:  
5 A water protection fund is created within the  
6 division. The fund is composed of money appropriated  
7 by the general assembly for that purpose, and moneys  
8 available to and obtained or accepted by the state  
9 soil conservation committee from the United States or  
10 private sources for placement in the fund. The fund  
11 shall be divided into ~~two~~ three accounts, the water  
12 quality protection account, ~~and~~ the water protection  
13 practices account, ~~and~~ the organic nutrient management  
14 account. The first account shall be used to carry out  
15 water quality protection projects to protect the  
16 state's surface and groundwater from point and  
17 nonpoint sources of contamination. The second account  
18 shall be used to establish water protection practices  
19 with individual landowners including but not limited  
20 to woodland establishment and protection,  
21 establishment of native grasses and forbs, sinkhole  
22 management, agricultural drainage well management,  
23 streambank stabilization, grass waterway  
24 establishment, stream buffer strip establishment, and  
25 erosion control structure construction. Twenty-five  
26 percent of funds appropriated to the water protection  
27 practices account shall be used for woodland  
28 establishment and protection, and establishment of  
29 native grasses and forbs. Soil and water conservation  
30 district commissioners shall give priority to  
31 applications for practices that implement their soil  
32 and water resource conservation plan. The organic  
33 nutrient management account shall only be used to  
34 support the organic nutrient management program as  
35 provided in section 161C.2A. The fund shall be a  
36 revolving fund from which moneys may be used for  
37 loans, grants, administrative costs, and cost-  
38 sharing."

39 4. Page 22, by striking lines 20 and 21 and in-  
40 setting the following:

41 "Sec. \_\_\_\_ . EFFECTIVE DATE. Sections 100, 101,  
42 102, and 103 of this Act, being deemed of immediate  
43 importance, take effect upon enactment."

44 5. Title page, line 2, by striking the words "and  
45 making" and inserting the following: "making".

46 6. Title page, line 3, by inserting after the  
47 word "changes" the following: ", and providing an  
48 effective date".

By OSTERBERG of Linn

H-3566 FILED MARCH 29, 1993

*Lost 3/30/93*

*(P. 940)*

HOUSE FILE 623

H-3560

1 Amend House File 623 as follows:

2 1. Page 15, by inserting after line 14 the  
3 following:

4 "Sec. \_\_\_\_ . Section 161A.6, unnumbered paragraph 5,  
5 Code 1993, is amended to read as follows:

6 The commissioners shall provide for the execution  
7 of surety bonds for all employees and officers who  
8 shall be entrusted with funds or property; shall  
9 provide for the keeping of a full and accurate record  
10 of all proceedings and of all resolutions,  
11 regulations, and orders issued or adopted; and shall  
12 ~~provide for a biennial audit of the accounts of~~  
13 ~~receipts and disbursements~~ and shall regularly report  
14 to the division a summary of financial information  
15 regarding moneys controlled by the commissioners,  
16 which are not audited by the state, according to rules  
17 adopted by the division."

18 2. By renumbering as necessary.

By HAHN of Muscatine

H-3560 FILED MARCH 29, 1993

*Adopted*  
*3/30/93*  
*(p.947)*



HOUSE FILE 623

H-3567

Amend House File 623 as follows:

- 1. Page 12, by striking lines 6 through 10.
- 2. By striking page 21, line 21 through page 22, 4 line 8.
- 3. Page 22, by striking lines 20 and 21.

By DAGGETT of Union  
MAY of Worth

H-3567 FILED MARCH 29, 1993

*Adapted 3/30/93 (p.943)*

HOUSE FILE 623

H-3568

Amend House File 623 as follows:

- 1. Page 10, line 22, by inserting after the figure "9H.1." the following: "A person shall not be eligible to participate in this program, unless the person is an owner of agricultural land eligible to receive a family farm tax credit as provided in chapter 425A."

By DICKINSON of Jackson

H-3568 FILED MARCH 29, 1993

*Not 3/30/93 (p.941)*

HOUSE FILE 623

H-3569

Amend House File 623 as follows:

- 1. Page 22, by inserting after line 8, the following:
  - "Sec. \_\_\_\_ . Section 483A.1, subsection 1, Code 1993, is amended by adding the following new paragraph:
    - NEW PARAGRAPH. e. Lifetime license for legal residents permanently disabled or sixty-five years of age or older
      - ..... \$ 10.50
    - Sec. \_\_\_\_ . Section 483A.1, subsection 3, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:
      - 3. Hunting and fishing combined licenses:
        - a. Legal residents except as otherwise provided
          - ..... \$ 23.50
        - b. Lifetime license for legal residents permanently disabled or sixty-five years of age or older
          - ..... \$ 30.50".

By DICKINSON of Jackson

H-3569 FILED MARCH 29, 1993

*Not Germane  
3/30/93 (p.948)*

H-3574

## HOUSE FILE 623

1 Amend the amendment, H-3566, to House File 623 as  
2 follows:  
3 1. By striking page 1, line 4 through page 3,  
4 line 48.

By SHOULTZ of Black Hawk  
WISE of Lee

H-3574 FILED MARCH 30, 1993  
LOST

H-3575

## HOUSE FILE 623

1 Amend the amendment, H-3542, to House File 623 as  
2 follows:  
3 1. Page 1, by striking lines 4 through 15, and  
4 inserting the following:  
5 "Sec. 100. BRUSHY CREEK RECREATION AREA --  
6 EQUESTRIAN LAND. The equestrian campground located at  
7 the Brushy Creek state recreation area as of January  
8 1, 1993, shall be designated as the permanent north  
9 equestrian campground. There shall be a direct and  
10 well-maintained trail from the north equestrian  
11 campground through the state preserve to an equestrian  
12 campground located to the south which shall be  
13 designated as the south equestrian campground."

By O'BRIEN of Boone  
GREIG of Emmet

H-3575 FILED MARCH 30, 1993  
ADOPTED

H-3580

## HOUSE FILE 623

1 Amend the amendment, H-3559, to House File 623 as  
2 follows:  
3 1. Page 1, by inserting before line 2, the  
4 following:  
5 "1. Page 6, line 3, by striking the figure  
6 "5,337,474" and inserting the following: "5,387,474".  
7  
8 "199.63" and inserting the following: "204.93"."  
9 2. Page 1, line 8, by inserting after the word  
10 "law," the following:  
11 "Of the amount of FAS provided in this subsection,  
12 5 FAS shall be used to support the program."

By BLACK of Jasper

H-3580 FILED MARCH 30, 1993  
LOST

4-1-93 Senate - Appropriation  
 (P. 1141) Senate 4/13/93 Amend/Do Pass w/  
 (P. 1170) 4/14/93 Motion to Repeal S-3485  
 HOUSE FILE 623  
 BY COMMITTEE ON APPROPRIATIONS  
 Senate 4/15/93 Motion to Repeal  
 (SUCCESSOR TO LSB 1064HA)

(As Amended and Passed by the House March 30, 1993)

Passed House, Date 4/22/93 (P. 1549) Passed Senate, Date 4-14-93  
 Vote: Ayes 68 Nays 31 Vote: Ayes 50 Nays 0

Approved May 20, 1993 48/1  
4/23/93 (P. 1318)

A BILL FOR

- 1 An Act relating to appropriations and revenue involving
- 2 agriculture and natural resources, and making related
- 3 statutory changes.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5
- 6 House Amendments \_\_\_\_\_
- 7 Deleted Language \*
- 8
- 9
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1 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
2 Section 1. GENERAL APPROPRIATION. There is appropriated  
3 from the general fund of the state to the department of  
4 agriculture and land stewardship for the fiscal year beginning  
5 July 1, 1993, and ending June 30, 1994, the following amounts,  
6 or so much thereof as is necessary, to be used for the  
7 purposes designated:

8 1. ADMINISTRATIVE DIVISION

9 a. For salaries, support, maintenance, the support of the  
10 state 4-H foundation, support of the statistics bureau, and  
11 miscellaneous purposes:

12 ..... \$ 1,055,960

13 Of the funds appropriated in this paragraph "a", \$35,000  
14 shall be allocated to the state 4-H foundation to foster the  
15 development of Iowa's youth and to encourage them to study the  
16 subject of agriculture.

17 Of the funds appropriated in this paragraph "a", \$140,000  
18 and 5.00 FTEs shall be allocated to the statistics bureau to  
19 provide county-by-county information on land in farms,  
20 production by crop, acres by crop, and county prices by crop.  
21 This information shall be made available to the department of  
22 revenue and finance for use in the productivity formula for  
23 valuing and equalizing the values of agricultural land.

24 b. For the operations of the dairy trade practices bureau:  
25 ..... \$ 70,565

26 c. For the operations of the agricultural marketing  
27 bureau:  
28 ..... \$ 817,276

29 Of the funds appropriated in this paragraph "c", \$313,880  
30 and 7.00 FTEs shall be used to support horticulture.

31 d. For the purpose of performing commercial feed audits:  
32 ..... \$ 59,474

33 e. For the purpose of performing fertilizer audits:  
34 ..... \$ 59,474

35 f. Funds appropriated by this subsection are for the

1 salaries and support of not more than the following full-time  
2 equivalent positions:

3 ..... FTEs 52.20

4 2. REGULATORY DIVISION

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

8 ..... \$ 3,741,392

9 ..... FTEs 128.90

10 b. To cover the costs of inspection, sampling, analysis,  
11 and other expenses necessary for the administration of  
12 chapters 192, 194, and 195:

13 ..... \$ 636,682

14 3. LABORATORY DIVISION

15 a. For salaries, support, maintenance, and miscellaneous  
16 purposes, including the administration of the gypsy moth  
17 program:

18 ..... \$ 782,329

19 Of the amount appropriated under this paragraph "a",  
20 \$110,000 shall be used to administer a program relating to the  
21 detection, surveillance, and eradication of the gypsy moth.  
22 The department shall allocate and use the appropriation made  
23 under this paragraph before moneys other than those  
24 appropriated under this paragraph are used to support the  
25 program.

26 b. For the operations of the commercial feed programs:

27 ..... \$ 726,740

28 c. For the operations of the pesticide programs:

29 ..... \$ 1,186,603

30 d. For the operations of the fertilizer programs:

31 ..... \$ 624,317

32 e. Funds appropriated by this subsection are for the  
33 salaries and support of not more than the following full-time  
34 equivalent positions:

35 ..... FTEs 78.00

1 4. SOIL CONSERVATION DIVISION

2 a. For salaries, support, maintenance, assistance to soil  
3 conservation districts, miscellaneous purposes, and for not  
4 more than the following full-time equivalent positions:

5 .....	\$ 5,131,529
6 .....	FTEs 170.52

7 Of the funds appropriated in this paragraph "a", \$323,500  
8 shall be used to reimburse commissioners of soil and water  
9 conservation districts for administrative expenses. Moneys  
10 used for the payment of meeting dues by counties shall be  
11 matched on a dollar-for-dollar basis by the soil conservation  
12 division.

13 b. To provide financial incentives for soil conservation  
14 practices under chapter 161A:

15 .....	\$ 5,875,106
----------	--------------

16 c. The following requirements apply to the moneys  
17 appropriated in paragraph "b":

18 (1) Not more than 5 percent of the moneys appropriated in  
19 paragraph "b" may be allocated for cost sharing to abate  
20 complaints filed under section 161A.47.

21 (2) Of the moneys appropriated in paragraph "b", 5 percent  
22 shall be allocated for financial incentives to establish  
23 practices to protect watersheds above publicly owned lakes of  
24 the state from soil erosion and sediment as provided in  
25 section 161A.73.

26 (3) Not more than 30 percent of a district's allocation of  
27 moneys as financial incentives may be provided for the purpose  
28 of establishing management practices to control soil erosion  
29 on land that is row cropped, including but not limited to no-  
30 till planting, ridge-till planting, contouring, and contour  
31 strip-cropping as provided in section 161A.73.

32 (4) The state soil conservation committee created in  
33 section 161A.4 may allocate moneys to conduct research and  
34 demonstration projects to promote conservation tillage and  
35 nonpoint source pollution control practices.

1 (5) The financial incentive payments may be used in  
2 combination with department of natural resources moneys.

3 d. The provisions of section 8.33 shall not apply to the  
4 moneys appropriated in paragraph "b". Unencumbered or  
5 unobligated moneys remaining on June 30, 1997, from moneys  
6 appropriated in paragraph "b" for the fiscal year beginning  
7 July 1, 1993, shall revert to the general fund on August 31,  
8 1997.

9 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is  
10 appropriated from the general fund of the state to the  
11 department of agriculture and land stewardship for the fiscal  
12 year beginning July 1, 1993, and ending June 30, 1994, the  
13 following amount, or so much thereof as is necessary, to be  
14 used for the purposes designated:

15 For salaries, support, maintenance, and miscellaneous  
16 purposes, to be used by the department to continue and expand  
17 the farmers' market coupon program by providing federal  
18 special supplemental food program recipients with coupons  
19 redeemable at farmers' markets, and for not more than the  
20 following full-time equivalent positions:

21 .....	\$	186,751
22 .....	FTEs	1.00

23 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

24 1. There is appropriated from the general fund of the  
25 state to the department of agriculture and land stewardship  
26 for the fiscal year beginning July 1, 1993, and ending June  
27 30, 1994, the following amount, or so much thereof as is  
28 necessary, to be used for the purpose designated:

29 For support of the pseudorabies eradication program:  
30 ..... \$ 900,000

31 2. Persons, including organizations interested in swine  
32 production in this state and in the promotion of Iowa pork  
33 products who contribute support to the program, are encouraged  
34 to increase financial support for purposes of ensuring the  
35 program's effective continuation.

1 Sec. 4. HORSE AND DOG BREEDING. There is appropriated  
2 from the funds available under section 99D.13 to the  
3 regulatory division of the department of agriculture and land  
4 stewardship for the fiscal year beginning July 1, 1993, and  
5 ending June 30, 1994, the following amount, or so much thereof  
6 as is necessary, to be used for the purpose designated:

7 For salaries, support, maintenance, and miscellaneous  
8 purposes for the administration of section 99D.22:  
9 ..... \$ 182,560

10 INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

11 Sec. 5. APPROPRIATION. There is appropriated from the  
12 general fund of the state to the interstate agricultural grain  
13 marketing commission for the fiscal year beginning July 1,  
14 1993, and ending June 30, 1994, the following amount, or so  
15 much thereof as is necessary, to be used for the purpose  
16 designated:

17 For carrying out duties of the commission as provided in  
18 Article IV of the interstate compact on agricultural grain  
19 marketing as provided in chapter 183:  
20 ..... \$ 75,000

21 DEPARTMENT OF NATURAL RESOURCES

22 Sec. 6. GENERAL APPROPRIATION. There is appropriated from  
23 the general fund of the state to the department of natural  
24 resources for the fiscal year beginning July 1, 1993, and  
25 ending June 30, 1994, the following amounts, or so much  
26 thereof as is necessary, to be used for the purposes  
27 designated:

28 1. ADMINISTRATIVE AND SUPPORT SERVICES

29 For salaries, support, maintenance, miscellaneous purposes,  
30 and for not more than the following full-time equivalent  
31 positions:

32 ..... \$ 1,705,345  
33 ..... FTEs 116.70

34 2. PARKS AND PRESERVES DIVISION

35 For salaries, support, maintenance, miscellaneous purposes,



1 and for not more than the following full-time equivalent  
2 positions:

3 ..... \$ 5,337,474  
4 ..... FTEs 199.83

5 The department shall transfer all managerial  
6 responsibilities relating to property known as Plum Grove in  
7 Iowa City to the department of cultural affairs.

8 3. FORESTS AND FORESTRY DIVISION

9 For salaries, support, maintenance, miscellaneous purposes,  
10 and for not more than the following full-time equivalent  
11 positions:

12 ..... \$ 1,416,046  
13 ..... FTEs 48.71

14 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

15 For salaries, support, maintenance, miscellaneous purposes,  
16 and for not more than the following full-time equivalent  
17 positions:

18 ..... \$ 1,642,474  
19 ..... FTEs 53.00

20 5. ENVIRONMENTAL PROTECTION DIVISION

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

24 ..... \$ 2,089,046  
25 ..... FTEs 169.00

26 6. FISH AND WILDLIFE DIVISION

27 For not more than the following full-time equivalent  
28 positions:

29 ..... FTEs 338.78

30 7. WASTE MANAGEMENT ASSISTANCE DIVISION

31 For not more than the following full-time equivalent  
32 positions:

33 ..... FTEs 18.75

34 Sec. 7. STATE FISH AND GAME PROTECTION FUND --

35 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

1 1. There is appropriated from the state fish and game  
2 protection fund to the division of fish and wildlife of the  
3 department of natural resources for the fiscal year beginning  
4 July 1, 1993, and ending June 30, 1994, the following amount,  
5 or so much thereof as is necessary, to be used for the  
6 purposes designated:

7 For administrative support, and for salaries, support,  
8 maintenance, equipment, and miscellaneous purposes:  
9 ..... \$ 19,933,807

10 2. The department shall not expend more moneys from the  
11 fish and game protection fund than provided in this section,  
12 unless the expenditure derives from contributions made by a  
13 private entity, or a grant or moneys received from the federal  
14 government, and is approved by the natural resource  
15 commission. The department of natural resources shall  
16 promptly notify the legislative fiscal bureau of the  
17 commission's approval, and the chairpersons and ranking  
18 members of the joint appropriations subcommittee on  
19 agriculture and natural resources concerning the commission's  
20 approval.

21 Sec. 8. MARINE FUEL TAX RECEIPTS -- CAPITALS; NONCAPITALS;  
22 AND BOATING FACILITIES AND ACCESS. There is appropriated from  
23 the marine fuel tax receipts deposited in the general fund of  
24 the state to the department of natural resources for the  
25 fiscal year beginning July 1, 1993, and ending June 30, 1994,  
26 the following amounts, or so much thereof as is necessary, to  
27 be used for the purposes designated:

28 1. For purposes of funding capitals traditionally funded  
29 from marine fuel tax receipts for the purposes specified in  
30 section 452A.79:  
31 ..... \$ 1,650,000

32 Notwithstanding section 8.33, the unencumbered or  
33 unobligated moneys remaining on June 30, 1994, from moneys  
34 appropriated for purposes of funding capitals traditionally  
35 funded from marine fuel tax receipts as provided in this

1 subsection 1 for the fiscal year beginning July 1, 1993, shall  
2 revert on September 30, 1995.

3 2. For purposes of funding expenditures traditionally  
4 funded from marine fuel tax revenues, but not considered as  
5 capitals or operations:

6 ..... \$ 200,000

7 3. For purposes of maintaining and developing boating  
8 facilities and access to public waters by the parks and  
9 preserves division:

10 ..... \$ 411,311

11 Sec. 9. ALL-TERRAIN VEHICLE AND SNOWMOBILE FEES --TRANSFER  
12 FOR ENFORCEMENT PURPOSES. There is transferred on July 1,  
13 1993, from the fees deposited under section 321G.7 to the fish  
14 and game protection fund and appropriated to the department of  
15 natural resources for the fiscal year beginning July 1, 1993,  
16 and ending June 30, 1994, the following amount, or so much  
17 thereof as is necessary, to be used for the purpose  
18 designated:

19 For the purpose of enforcing snowmobile laws as part of the  
20 state snowmobile program administered by the department of  
21 natural resources:

22 ..... \$ 100,000

23 Sec. 10. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.  
24 There is transferred on July 1, 1993, from the fees deposited  
25 under section 462A.52 to the fish and game protection fund and  
26 appropriated to the department of natural resources for the  
27 fiscal year beginning July 1, 1993, and ending June 30, 1994,  
28 the following amount, or so much thereof as is necessary, to  
29 be used for the purpose designated:

30 For purposes of administration and enforcement of  
31 navigation laws and water safety:

32 ..... \$ 950,000

33 IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

34 Sec. 11. LIVESTOCK PRODUCERS ASSISTANCE PROGRAM.

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

1 state to Iowa state university of science and technology, for  
2 the fiscal year beginning July 1, 1993, and ending June 30,  
3 1994, the following amount, or so much thereof as is  
4 necessary, to be used for the purposes designated:

5 To establish and administer a livestock producers  
6 assistance program to provide on-site assistance to persons  
7 involved in livestock production in order to increase the  
8 efficiency, productivity, and profitability of their  
9 operations:

10 ..... \$ 300,000

11 2. As a condition of this appropriation, the university  
12 shall strive to ensure that the program becomes increasingly  
13 self-sufficient.

14 3. The provisions of section 8.33 shall not apply to the  
15 moneys appropriated in this section. Unencumbered or  
16 unobligated moneys remaining on June 30, 1997, from moneys  
17 appropriated in this section for the fiscal year beginning  
18 July 1, 1993, shall revert to the general fund on August 31,  
19 1997.

20 REAP

21 Sec. 12. REAP. Notwithstanding the amount of the standing  
22 appropriation from the general fund of the state under section  
23 455A.18, subsection 3, there is appropriated from the general  
24 fund of the state to the Iowa resources enhancement and  
25 protection fund, in lieu of the appropriation made in section  
26 455A.18, for the fiscal year beginning July 1, 1993, and  
27 ending June 30, 1994, the sum of \$6.250,000, of which all  
28 moneys shall be allocated as provided in section 455A.19.

29 Sec. 13. REAP APPROPRIATION -- ORGANIC NUTRIENT MANAGEMENT  
30 PROGRAM.

31 1. Prior to any appropriation made pursuant to section  
32 455E.11, subsection 2, paragraph "c", there is appropriated  
33 for the fiscal year beginning July 1, 1993, and ending June  
34 30, 1994, from the household hazardous waste account of the  
35 groundwater protection fund created in section 455E.11, to the

1 Iowa resources enhancement and protection fund created in  
 2 section 455A.18 for deposit in the soil and water enhancement  
 3 account provided pursuant to section 455A.19, subsection 1,  
 4 paragraph "c", the following amount, or so much thereof as is  
 5 necessary, to be used for the purposes designated:

6 For purposes of supporting an organic nutrient management  
 7 program as provided in this section:

8 ..... \$ 900,000

9 2. The program shall be administered by the division of  
 10 soil conservation of the department of agriculture and land  
 11 stewardship. The division shall provide for the allocation of  
 12 cost-share moneys as financial incentives to eligible persons  
 13 applying to participate in the program. The financial  
 14 incentives shall be used for purposes of establishing organic  
 15 nutrient management systems which shall facilitate the proper  
 16 utilization of livestock waste as a nutrient source, and to  
 17 protect the water resources of this state from livestock waste  
 18 runoff. A person shall not be eligible to participate in this  
 19 program, unless the person is an individual who is actively  
 20 engaged in farming as defined in section 9H.1, or the person  
 21 is a family farm corporation, family farm limited partnership,  
 22 or a family trust, all as defined in section 9H.1. The  
 23 division shall adopt procedures relating to the administration  
 24 of this section, including procedures relating to the  
 25 execution of a contract to establish an organic nutrient  
 26 management system. The procedures may require that an  
 27 eligible person participating in the program maintain the  
 28 organic nutrient management system for a minimum number of  
 29 years as a condition to receiving financial incentives. The  
 30 agreement may be enforced by the division or by a soil and  
 31 water conservation district as provided by the division, in  
 32 the same manner as provided for a contract establishing soil  
 33 and water conservation practices under chapter 161A.

34 3. The appropriation made pursuant to subsection 1 shall  
 35 be used as follows:

1 a. Not more than 2 percent of the amount shall be used for  
2 purposes of administering the program by the soil conservation  
3 division.

4 b. The amount of moneys allocated in cost-share payments  
5 to a person qualifying under the program shall not exceed 50  
6 percent of the estimated cost of establishing a system or 50  
7 percent of the actual cost, whichever is less.

8 c. A person qualifying under the program shall not receive  
9 more than \$7,500 in financial incentives under this program.

10 Sec. 14. REAP -- DEAPPROPRIATION. The appropriation from  
11 the general fund of the state to the Iowa resources  
12 enhancement and protection fund for the fiscal year beginning  
13 July 1, 1992, and ending June 30, 1993, in 1992 Iowa Acts,  
14 chapter 1239, section 12, is reduced, as a result of the  
15 governor's item veto in section 12, by the following amounts  
16 for the purposes designated:

- 17 1. Allocation to the department of natural resources, in  
18 subsection 2, paragraph "a":  
19 ..... \$ 500,000
- 20 2. Allocation to the department of agriculture and land  
21 stewardship, in subsection 2, paragraph "b":  
22 ..... \$ 400,000

23 MISCELLANEOUS

24 Sec. 15. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE  
25 UNDERGROUND STORAGE TANK BOARD -- TRANSFER. There is  
26 appropriated from the unassigned revenue fund administered by  
27 the Iowa comprehensive underground storage tank board, to the  
28 department of natural resources for the fiscal year beginning  
29 July 1, 1993, and ending June 30, 1994, the following amount,  
30 or so much thereof as is necessary, to be used for the purpose  
31 designated:

- 32 For administration expenses of the underground storage tank  
33 section of the department of natural resources:  
34 ..... \$ 145,000

35 However, this appropriation is reduced to the extent that

1 the board determines that other state expenditures qualify as  
2 a match for moneys appropriated by the United States for  
3 purposes of supporting the activities performed by the  
4 department in carrying out the underground storage tank  
5 program.

\* 6 Sec. 16. STATE NURSERIES. Notwithstanding section 17A.2,  
7 subsection 10, paragraph "g", the department of natural  
8 resources shall adopt administrative rules establishing prices  
9 of plant material grown at the state forest nurseries to cover  
10 all expenses related to the growing of the plants.

11 The department shall develop programs to encourage the wise  
12 management and preservation of existing woodlands and shall  
13 continue its efforts to encourage forestation and  
14 reforestation on private and public lands in the state.

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

18 Sec. 17. TRUST FUND INFORMATION. The department of  
19 revenue and finance in cooperation with the department of  
20 agriculture and land stewardship and the department of natural  
21 resources shall track receipts to the general fund which have  
22 traditionally been deposited into the following funds:

- 23 1. The fertilizer fund created in section 200.9.
- 24 2. The pesticide fund created in section 206.12.
- 25 3. The dairy trade practices trust fund pursuant to  
26 section 192A.30.
- 27 4. The milk fund created in section 192.111.
- 28 5. The commercial feed fund created in section 198.9.
- 29 6. The marine fuel tax fund created in section 452A.79.
- 30 7. The energy research and development fund provided in  
31 section 473.16.

32 The departments designated in this section shall prepare  
33 reports detailing revenue from receipts traditionally  
34 deposited into each of the funds. A report shall be submitted  
35 to the legislative fiscal bureau at least once for each three-

1 month period as designated by the legislative fiscal bureau.

2 Sec. 18. DEPARTMENTAL INFORMATION REQUIRED.

3 1. The department of agriculture and land stewardship and  
4 the department of natural resources, in cooperation as  
5 necessary with the department of management and the department  
6 of personnel, shall provide a list to the legislative fiscal  
7 bureau, on a quarterly basis, of all permanent positions added  
8 to or deleted from the departments' table of organization in  
9 the previous fiscal quarter. This list shall include at least  
10 the position number, salary range, projected funding source or  
11 sources of each position, and the reason for the addition or  
12 deletion. The legislative fiscal bureau may use this  
13 information to assist in the establishment of the full-time  
14 equivalent position limits authorized in law for the  
15 departments.

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

27 3. The department of agriculture and land stewardship  
28 shall provide the legislative fiscal bureau information and  
29 financial data on at least a monthly basis, relating to the  
30 internal budget system used by the department. The  
31 information shall include but is not limited to financial data  
32 covering the department's budget prior to the start of the  
33 fiscal year, and to the department's actual expenditures after  
34 the accounting system has been closed for that fiscal year.

35 Sec. 19. GRAIN DUST -- EXCEPTION TO QUALITY STANDARDS.



1 During the fiscal year for which funds are appropriated by  
2 section 6 of this Act, the department of natural resources  
3 shall not require the installation or use of equipment to  
4 control the emission of dust or other particulate matter on or  
5 by facilities for storage of grain which are located within  
6 the ambient air quality attainment areas for suspended  
7 particulates. However, this section shall not be effective  
8 upon the delegation by the United States to the state of the  
9 air operating permit program as provided by the federal Clean  
10 Air Act Amendments of 1990, Pub. L. No. 101-549.

11 Sec. 20. DEPARTMENTAL STUDIES AND PROJECTS.

12 1. The department of agriculture and land stewardship and  
13 the department of inspections and appeals shall jointly study  
14 methods of coordinating inspections currently performed by the  
15 department of agriculture and land stewardship, including but  
16 not limited to the inspections of weights and measures. The  
17 departments shall study methods to increase efficiency and  
18 cost-savings. The departments shall prepare and submit a  
19 report to the general assembly not later than January 10,  
20 1994, detailing findings and recommendations of the  
21 departments.

22 2. The department of agriculture and land stewardship  
23 shall establish a pilot project in a geographic area in which  
24 the inspections of weights and measures are performed based  
25 upon criteria which prioritizes inspections according to those  
26 weights and measures which are most likely not to be in  
27 compliance with state standards.

28 Sec. 21. DEPOSIT OF MONEYS IN TRUST FUNDS. Fees collected  
29 by the department of agriculture and land stewardship for  
30 deposit in the fertilizer fund pursuant to sections 200.4,  
31 200.8, and 201.13 shall only be deposited in the fertilizer  
32 fund created in section 200.9. Fees collected by the  
33 department of agriculture and land stewardship pursuant to  
34 section 206.12, subsection 3, shall only be deposited in the  
35 pesticide fund created in section 206.12. Fees paid to the

1 secretary of agriculture pursuant to section 192A.30 shall  
2 only be deposited in the dairy trade practices trust fund.  
3 Fees collected by the department of agriculture and land  
4 stewardship under sections 192.111, 192.133, 194.14, 194.19,  
5 194.20, and 195.9 shall only be deposited into the milk fund  
6 established in section 192.111. Fees collected by the  
7 department of agriculture and land stewardship pursuant to  
8 section 198.9 shall only be deposited into the commercial feed  
9 fund. Moneys derived from the excise tax on the sale of motor  
10 fuel used in watercraft as provided in sections 452A.79 and  
11 452A.84 shall only be deposited into the marine fuel tax fund.  
12 Moneys accepted for deposit pursuant to section 473.16 shall  
13 only be deposited into the energy research and development  
14 fund as provided in that section. Any provision in an Act  
15 which is enacted by the 1993 general assembly and which  
16 provides for the transfer or deposit of these moneys to the  
17 general fund of the state or which extends the period of  
18 deposit for such moneys to the general fund of the state  
19 beyond June 30, 1993, shall not be effective, regardless of  
20 when the Act was enacted.

21 Sec. 22. REDUCTIONS IN FULL-TIME EQUIVALENT POSITIONS --  
22 GENERAL FUND SUPPORTED APPROPRIATIONS. The number of full-  
23 time equivalent positions, as defined in section 8.36, within  
24 the department of natural resources which are reduced in this  
25 Act from the number of full-time equivalent positions provided  
26 for pursuant to 1992 Iowa Acts, chapter 1239, apply only to  
27 full-time equivalent positions supported by appropriations  
28 from the general fund of the state.

29 STATUTORY CHANGES

30 Sec. 23. Section 18.18, Code 1993, is amended by adding  
31 the following new subsection:

32 NEW SUBSECTION. 9. The department shall, whenever  
33 technically feasible, purchase and use degradable loose foam  
34 packing material manufactured from grain starches or other  
35 renewable resources, unless the cost of the packing material

1 is more than ten percent greater than the cost of packing  
2 material made from nonrenewable resources. For the purposes  
3 of this subsection, "packing material" means material, other  
4 than an exterior packing shell, that is used to stabilize,  
5 protect, cushion, or brace the contents of a package.

6 Sec. 24. Section 161A.6, unnumbered paragraph 5, Code  
7 1993, is amended to read as follows:

8 The commissioners shall provide for the execution of surety  
9 bonds for all employees and officers who shall be entrusted  
10 with funds or property; shall provide for the keeping of a  
11 full and accurate record of all proceedings and of all  
12 resolutions, regulations, and orders issued or adopted; and  
13 ~~shall provide for a biennial audit of the accounts of receipts~~  
14 ~~and disbursements~~ and shall regularly report to the division a  
15 summary of financial information regarding moneys controlled  
16 by the commissioners, which are not audited by the state,  
17 according to rules adopted by the division.

18 Sec. 25. Section 206.8, subsection 3, Code 1993, is  
19 amended by striking the subsection and inserting in lieu  
20 thereof the following:

21 3. This section shall not apply to either of the  
22 following:

23 a. A pesticide applicator who applies pesticides which are  
24 owned and furnished to the pesticide applicator by another  
25 person, if the pesticide applicator does not charge for the  
26 sale of the pesticides.

27 b. A federal, state, county, or municipal governmental  
28 entity which provides pesticides only for its own programs.

\*29 Sec. 26. Section 216B.3, Code 1993, is amended by adding  
30 the following new subsection:

31 NEW SUBSECTION. 12A. The commission shall, whenever  
32 technically feasible, purchase and use degradable loose foam  
33 packing material manufactured from grain starches or other  
34 renewable resources, unless the cost of the packing material  
35 is more than ten percent greater than the cost of packing

1 material made from nonrenewable resources. For the purposes  
2 of this subsection, "packing material" means material, other  
3 than an exterior packing shell, that is used to stabilize,  
4 protect, cushion, or brace the contents of a package.

5 Sec. 27. Section 262.9, Code 1993, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 4A. The board shall, whenever technically  
8 feasible, purchase and use degradable loose foam packing  
9 material manufactured from grain starches or other renewable  
10 resources, unless the cost of the packing material is more  
11 than ten percent greater than the cost of packing material  
12 made from renewable resources. For the purposes of this  
13 subsection, "packing material" means material, other than an  
14 exterior packing shell, that is used to stabilize, protect,  
15 cushion, or brace the contents of a package.

16 Sec. 28. Section 307.21, Code 1993, is amended by adding  
17 the following new subsection:

18 NEW SUBSECTION. 4A. The administrator shall, whenever  
19 technically feasible, purchase and use degradable loose foam  
20 packing material manufactured from grain starches or other  
21 renewable resources, unless the cost of the packing material  
22 is more than ten percent greater than the cost of packing  
23 material made from nonrenewable resources. For the purposes  
24 of this subsection, "packing material" means material, other  
25 than an exterior packing shell, that is used to stabilize,  
26 protect, cushion, or brace the contents of a package.

27 Sec. 29. NEW SECTION. 455B.104 PERMITS ISSUED BY THE  
28 DEPARTMENT -- APPROVAL BY DEFAULT.

29 The department shall either approve or deny a permit to a  
30 person applying for a permit under this chapter, within six  
31 months from the date that the department receives a completed  
32 application for the permit. An application which is not  
33 approved or denied within the six-month period shall be  
34 approved by default. The department shall issue a permit to  
35 the applicant within ten days following the date of default

1 approval. However, this section shall not apply to  
2 applications for permits which are issued under Division II,  
3 or Division IV, parts 2 through 7.

4 Sec. 30. Section 455B.310, subsection 2, paragraph b,  
5 subparagraphs (4) and (5), Code 1993, are amended to read as  
6 follows:

7 ~~{4}--Twenty-seven-and-one-half-cents-per-ton-per-year-is~~  
8 ~~appropriated-to-the-department-to-provide-low-or-no-interest~~  
9 ~~loans-to-Iowa-businesses-for-the-manufacture-or-remanufacture~~  
10 ~~of-products-from-postconsumer-materials-or-to-Iowa-businesses~~  
11 ~~which-purchase-equipment-to-achieve-source-reductions.--The~~  
12 ~~department,-in-consultation-with-the-department-of-economic~~  
13 ~~development,-shall-develop-rating-criteria-for-the-program~~  
14 ~~including-criteria-which-give-priority-in-the-approval-of~~  
15 ~~loans-to-firms-involved-in-tire-recycling.--The-department,-in~~  
16 ~~cooperation-with-the-department-of-economic-development,-shall~~  
17 ~~provide-technical-assistance-to-and-monitoring-of-the~~  
18 ~~technical-operations-of-projects-funded-under-this-section.~~

19 {5} (4) Five cents per ton per year is appropriated to the  
20 department of economic development to establish, in  
21 cooperation with the department of natural resources, a  
22 marketing initiative to assist Iowa businesses producing  
23 recycling or reclamation equipment or services, recyclable  
24 products, or products from recycled materials to expand into  
25 national markets. Efforts shall include the reuse and  
26 recycling of sawdust. ~~For-each-fiscal-year-beginning-July-1,~~  
27 ~~1991,-and-ending-June-30,-1992,-and-beginning-July-1,-1992,~~  
28 ~~and-ending-June-30,-1993,-fifty-thousand-dollars-of-the-moneys~~  
29 ~~appropriated-under-this-subparagraph-shall-be-allocated-for~~  
30 ~~the-purposes-of-developing-advanced-microbiological~~  
31 ~~technologies-for-reduction,-destruction,-or-disposal-of-wet~~  
32 ~~solid-waste.--For-each-fiscal-year-beginning-July-1,-1993,-and~~  
33 ~~thereafter,-fifty-thousand-dollars-of-the-moneys-appropriated~~  
34 ~~under-this-subparagraph-shall-be-used-by-the-department-of~~  
35 ~~economic-development-to-provide-grants-or-loans-to-Iowa~~

1 businesses-which-have-participated-in-the-waste-reduction  
2 assistance-program-of-the-department-of-natural-resources-or  
3 the-program-provided-by-the-waste-reduction-center-at-the  
4 university-of-northern-Iowa, and-which-have-identified-needs  
5 for-equipment-or-retooling-to-achieve-waste-reduction.

6 Sec. 31. Section 455B.310, subsection 2, paragraph b, Code  
7 1993, is amended by adding the following new subparagraphs:

8 NEW SUBPARAGRAPH. (5) Five cents per ton per year is  
9 appropriated to the university of northern Iowa to develop and  
10 maintain the Iowa waste reduction center for the safe and  
11 economic management of solid waste and hazardous substances  
12 established at the university of northern Iowa.

13 NEW SUBPARAGRAPH. (6) Eight cents per ton per year is  
14 appropriated to the department of natural resources for the  
15 provision of assistance to public and private entities in  
16 developing and implementing waste reduction and minimization  
17 programs for Iowa industries.

18 NEW SUBPARAGRAPH. (7) The remaining moneys are  
19 appropriated to the department of natural resources to be used  
20 in accordance with section 455E.11, subsection 2, paragraph  
21 "a", subparagraph (8), subparagraph subdivision (b),  
22 subparagraph subdivision subparts (i) through (iv).

23 Sec. 32. Section 455E.11, subsection 2, paragraph a, Code  
24 1993, is amended by adding the following new subparagraph:

25 NEW SUBPARAGRAPH. (11A) Each additional seventy-five  
26 cents per ton per year received from the additional tonnage  
27 fee imposed pursuant to section 455B.310, subsection 2,  
28 paragraph "b", shall be allocated for the following purposes:

29 (a) Ten cents per ton per year is appropriated to the  
30 department of natural resources to establish a program to  
31 provide competitive grants to regional coordinating councils  
32 for projects in regional economic development centers related  
33 to a by-products and waste exchange system. Grantees under  
34 this program shall coordinate activities with other available  
35 state or multistate waste exchanges, including but not limited

1 to the by-products and waste search service at the university  
2 of northern Iowa. The department shall consult with the  
3 department of economic development and the waste reduction  
4 center at the university of northern Iowa in establishing  
5 criteria for and the awarding of grants under this program.  
6 The department of natural resources shall expend not more than  
7 thirty thousand dollars of the moneys appropriated under this  
8 subparagraph subdivision to contract with the by-products and  
9 waste search service at the university of northern Iowa to  
10 provide training and other technical services to grantees  
11 under the program. If regional economic development centers  
12 cease to exist, the department shall transfer existing  
13 contracts to one or more community colleges or councils of  
14 governments and shall revise the criteria and rules for this  
15 program to allow community colleges or councils of governments  
16 to be applicants for competitive grants.

17 (b) Fifteen cents per ton per year is appropriated to the  
18 department of natural resources to establish three permanent  
19 household hazardous waste collection sites so that both urban  
20 and rural population are served and so that collection  
21 services are available to the public on a regular basis. An  
22 additional five cents per ton per year is appropriated to the  
23 department to be used for the payment of transportation costs  
24 related to household hazardous waste collection programs.

25 (c) Twelve and one-half cents per ton per year is  
26 appropriated to the department of natural resources to provide  
27 additional toxic cleanup days. Departmental rules adopted for  
28 implementation of toxic cleanup days shall provide sufficient  
29 flexibility to respond to the household hazardous material  
30 collection needs of both small and large communities.

31 (d) Five cents per ton per year is appropriated to the  
32 department of economic development to establish, in  
33 cooperation with the department of natural resources, a  
34 marketing initiative to assist Iowa businesses producing  
35 recycling or reclamation equipment or services, recyclable

1 products, or products from recycled materials to expand into  
2 national markets. Efforts shall include the reuse and  
3 recycling of sawdust.

4 (e) Five cents per ton per year is appropriated to the  
5 university of northern Iowa to develop and maintain the Iowa  
6 waste reduction center for the safe and economic management of  
7 solid waste and hazardous substances established at the  
8 university of northern Iowa.

9 (f) Eight cents per ton per year is appropriated to the  
10 department of natural resources for the provision of  
11 assistance to public and private entities in developing and  
12 implementing waste reduction and minimization programs for  
13 Iowa industries.

14 (g) The remaining moneys are appropriated to the  
15 department of natural resources to be used in accordance with  
16 subparagraph (8), subparagraph subdivision (b), subparagraph  
17 subdivision subparts (i) through (iv).

18 Sec. 33. NEW SECTION. 461A.17A PAYMENT IN LIEU OF  
19 PROPERTY TAXES.

20 The director of the department of natural resources shall  
21 submit a budget request to pay the annual property taxes on  
22 property held by the department. The budget request shall be  
23 submitted to the general assembly as part of the annual budget  
24 proposal provided in section 455A.4. The amount of the  
25 payment shall be based on property acquired on or after July  
26 1, 1993, which would otherwise be subject to the levy of  
27 property taxes. The assessed value of property held by the  
28 department shall be that determined under section 427.1,  
29 subsection 31, and the director may protest the assessed value  
30 in the manner provided by law for any property owner to  
31 protest an assessment. For the purposes of chapter 257, the  
32 assessed value of any property which was acquired by the  
33 department on or after July 1, 1993, shall be included in the  
34 valuation base of the school district and the payments made  
35 pursuant to this section shall be considered as property tax



1 revenues and not as miscellaneous income. The county  
2 treasurer shall certify the amount of taxes due to the  
3 department. The taxes shall be paid annually from the  
4 departmental fund or account from which the property  
5 acquisition was funded. If the departmental fund or account  
6 has no moneys, no longer exists, or if the acquisition of  
7 property was made without an expenditure of funds by the  
8 department, the taxes shall be paid from funds in the manner  
9 provided by the general assembly. If the total amount of  
10 taxes due, as certified to the department, exceeds the amount  
11 available for expenditure under this section, the property  
12 taxes due shall be reduced proportionately so that the total  
13 amount due equals the amount available for expenditure.

\*14 Sec. 34. Section 904.312, Code 1993, is amended by adding  
15 the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. The director shall, whenever  
17 technically feasible, purchase and use degradable loose foam  
18 packing material manufactured from grain starches or other  
19 renewable resources, unless the cost of the packing material  
20 is more than ten percent greater than the cost of packing  
21 material made from nonrenewable resources. For the purposes  
22 of this subsection, "packing material" means material, other  
23 than an exterior packing shell, that is used to stabilize,  
24 protect, cushion, or brace the contents of a package.

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HOUSE FILE 623

S-3485

1 Amend House File 623, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

6 Section 1. GENERAL APPROPRIATION. There is  
7 appropriated from the general fund of the state to the  
8 department of agriculture and land stewardship for the  
9 fiscal year beginning July 1, 1993, and ending June  
10 30, 1994, the following amounts, or so much thereof as  
11 is necessary, to be used for the purposes designated:

12 1. ADMINISTRATIVE DIVISION

13 a. For salaries, support, maintenance, the support  
14 of the state 4-H foundation, support of the statistics  
15 bureau, and miscellaneous purposes:

16 ..... \$ 1,017,045

17 Of the funds appropriated in this paragraph "a",  
18 \$35,000 shall be allocated to the state 4-H foundation  
19 to foster the development of Iowa's youth and to  
20 encourage them to study the subject of agriculture.

21 Of the funds appropriated in this paragraph "a",  
22 \$112,000 and 3.00 FTEs shall be allocated to the  
23 statistics bureau to provide county-by-county  
24 information on land in farms, production by crop,  
25 acres by crop, and county prices by crop. This  
26 information shall be made available to the department  
27 of revenue and finance for use in the productivity  
28 formula for valuing and equalizing the values of  
29 agricultural land.

30 b. For the operations of the dairy trade practices  
31 bureau:

32 ..... \$ 70,565

33 c. For the operations of the agricultural  
34 marketing bureau:

35 ..... \$ 817,276

36 Of the funds appropriated in this paragraph "c",  
37 \$325,000 and 7.00 FTEs shall be used to support  
38 horticulture.

39 d. For the purpose of performing commercial feed  
40 audits:

41 ..... \$ 59,474

42 e. For the purpose of performing fertilizer  
43 audits:

44 ..... \$ 59,474

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

48 ..... FTEs 50.20

49 2. REGULATORY DIVISION

50 a. For salaries, support, maintenance,

S-3485

S-3485

Page 2

1 miscellaneous purposes, and for not more than the  
 2 following full-time equivalent positions:  
 3 ..... \$ 3,649,904  
 4 ..... FTEs 128.90

5 b. To cover the costs of inspection, sampling,  
 6 analysis, and other expenses necessary for the  
 7 administration of chapters 192, 194, and 195:  
 8 ..... \$ 636,682

9 3. LABORATORY DIVISION

10 a. For salaries, support, maintenance, and  
 11 miscellaneous purposes, including the administration  
 12 of the gypsy moth program:  
 13 ..... \$ 782,329

14 Of the amount appropriated under this paragraph  
 15 "a", \$110,000 shall be used to administer a program  
 16 relating to the detection, surveillance, and  
 17 eradication of the gypsy moth. The department shall  
 18 allocate and use the appropriation made under this  
 19 paragraph before moneys other than those appropriated  
 20 under this paragraph are used to support the program.

21 b. For the operations of the commercial feed  
 22 programs:  
 23 ..... \$ 726,740

24 c. For the operations of the pesticide programs:  
 25 ..... \$ 1,186,603

26 d. For the operations of the fertilizer programs:  
 27 ..... \$ 624,317

28 e. Funds appropriated by this subsection are for  
 29 the salaries and support of not more than the  
 30 following full-time equivalent positions:  
 31 ..... FTEs 78.00

32 4. SOIL CONSERVATION DIVISION

33 a. For salaries, support, maintenance, assistance  
 34 to soil conservation districts, miscellaneous  
 35 purposes, and for not more than the following full-  
 36 time equivalent positions:  
 37 ..... \$ 5,138,029  
 38 ..... FTEs 170.52

39 Of the funds appropriated in this paragraph "a",  
 40 \$330,000 shall be used to reimburse commissioners of  
 41 soil and water conservation districts for  
 42 administrative expenses. Moneys used for the payment  
 43 of meeting dues by counties shall be matched on a  
 44 dollar-for-dollar basis by the soil conservation  
 45 division.

46 b. To provide financial incentives for soil  
 47 conservation practices under chapter 161A:  
 48 ..... \$ 5,950,000

49 c. The following requirements apply to the moneys  
 50 appropriated in paragraph "b":

S-3485

S-3485

Page 3

1 (1) Not more than 5 percent of the moneys  
2 appropriated in paragraph "b" may be allocated for  
3 cost sharing to abate complaints filed under section  
4 161A.47.

5 (2) Of the moneys appropriated in paragraph "b", 5  
6 percent shall be allocated for financial incentives to  
7 establish practices to protect watersheds above  
8 publicly owned lakes of the state from soil erosion  
9 and sediment as provided in section 161A.73.

10 (3) Not more than 30 percent of a district's  
11 allocation of moneys as financial incentives may be  
12 provided for the purpose of establishing management  
13 practices to control soil erosion on land that is row  
14 cropped, including but not limited to no-till  
15 planting, ridge-till planting, contouring, and contour  
16 strip-cropping as provided in section 161A.73.

17 (4) The state soil conservation committee created  
18 in section 161A.4 may allocate moneys to conduct  
19 research and demonstration projects to promote  
20 conservation tillage and nonpoint source pollution  
21 control practices.

22 (5) The financial incentive payments may be used  
23 in combination with department of natural resources  
24 moneys.

25 d. The provisions of section 8.33 shall not apply  
26 to the moneys appropriated in paragraph "b".  
27 Unencumbered or unobligated moneys remaining on June  
28 30, 1997, from moneys appropriated in paragraph "b"  
29 for the fiscal year beginning July 1, 1993, shall  
30 revert to the general fund on August 31, 1997.

31 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is  
32 appropriated from the general fund of the state to the  
33 department of agriculture and land stewardship for the  
34 fiscal year beginning July 1, 1993, and ending June  
35 30, 1994, the following amount, or so much thereof as  
36 is necessary, to be used for the purposes designated:

37 For salaries, support, maintenance, and	
38 miscellaneous purposes, to be used by the department	
39 to continue and expand the farmers' market coupon	
40 program by providing federal special supplemental food	
41 program recipients with coupons redeemable at farmers'	
42 markets, and for not more than the following full-time	
43 equivalent positions:	
44 .....	\$ 186,751
45 .....	FTEs 1.00

46 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.  
47 1. There is appropriated from the general fund of  
48 the state to the department of agriculture and land  
49 stewardship for the fiscal year beginning July 1,  
50 1993, and ending June 30, 1994, the following amount,

S-3485

S-3485

Page 4

1 or so much thereof as is necessary, to be used for the  
2 purpose designated:

3 For support of the pseudorabies eradication  
4 program:

5 ..... \$ 900,000

6 2. Persons, including organizations interested in  
7 swine production in this state and in the promotion of  
8 Iowa pork products who contribute support to the  
9 program, are encouraged to increase financial support  
10 for purposes of ensuring the program's effective  
11 continuation.

12 Sec. 4. HORSE AND DOG BREEDING. There is  
13 appropriated from the funds available under section  
14 99D.13 to the regulatory division of the department of  
15 agriculture and land stewardship for the fiscal year  
16 beginning July 1, 1993, and ending June 30, 1994, the  
17 following amount, or so much thereof as is necessary,  
18 to be used for the purpose designated:

19 For salaries, support, maintenance, and  
20 miscellaneous purposes for the administration of  
21 section 99D.22:

22 ..... \$ 182,560

23 INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

24 Sec. 5. APPROPRIATION. There is appropriated from  
25 the general fund of the state to the interstate  
26 agricultural grain marketing commission for the fiscal  
27 year beginning July 1, 1993, and ending June 30, 1994,  
28 the following amount, or so much thereof as is  
29 necessary, to be used for the purpose designated:

30 For carrying out duties of the commission as  
31 provided in Article IV of the interstate compact on  
32 agricultural grain marketing as provided in chapter  
33 183:

34 ..... \$ 75,000

35 DEPARTMENT OF NATURAL RESOURCES

36 Sec. 6. GENERAL APPROPRIATION. There is  
37 appropriated from the general fund of the state to the  
38 department of natural resources for the fiscal year  
39 beginning July 1, 1993, and ending June 30, 1994, the  
40 following amounts, or so much thereof as is necessary,  
41 to be used for the purposes designated:

42 1. ADMINISTRATIVE AND SUPPORT SERVICES

43 For salaries, support, maintenance, miscellaneous  
44 purposes, and for not more than the following full-  
45 time equivalent positions:

46 ..... \$ 1,705,345

47 ..... FTEs 116.70

48 2. PARKS AND PRESERVES DIVISION

49 For salaries, support, maintenance, miscellaneous  
50 purposes, and for not more than the following full-

S-3485

Page 5

time equivalent positions:	\$	5,387,474
.....	FTEs	204.83

3 .....  
 4 The department shall transfer all managerial  
 5 responsibilities relating to property known as Plum  
 6 Grove in Iowa City to the department of cultural  
 7 affairs.

8 3. FORESTS AND FORESTRY DIVISION

9 For salaries, support, maintenance, miscellaneous  
 10 purposes, and for not more than the following full-  
 11 time equivalent positions:

.....	\$	1,416,046
.....	FTEs	48.71

14 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

15 For salaries, support, maintenance, miscellaneous  
 16 purposes, and for not more than the following full-  
 17 time equivalent positions:

.....	\$	1,642,474
.....	FTEs	53.00

20 5. ENVIRONMENTAL PROTECTION DIVISION

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

.....	\$	2,064,046
.....	FTEs	169.00

25 6. FISH AND WILDLIFE DIVISION

26 For not more than the following full-time  
 27 equivalent positions:

.....	FTEs	338.78
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30 7. WASTE MANAGEMENT ASSISTANCE DIVISION

31 For not more than the following full-time  
 32 equivalent positions:

.....	FTEs	18.75
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34 Sec. 7. STATE FISH AND GAME PROTECTION FUND --  
 35 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

36 1. There is appropriated from the state fish and  
 37 game protection fund to the division of fish and  
 38 wildlife of the department of natural resources for  
 39 the fiscal year beginning July 1, 1993, and ending  
 40 June 30, 1994, the following amount, or so much  
 41 thereof as is necessary, to be used for the purposes  
 42 designated:

43 For administrative support, and for salaries,  
 44 support, maintenance, equipment, and miscellaneous  
 45 purposes:

.....	\$	19,933,807
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47 2. The department shall not expend more moneys  
 48 from the fish and game protection fund than provided  
 49 in this section, unless the expenditure derives from  
 50 contributions made by a private entity, or a grant or

S-3485

S-3485

Page 6

1 moneys received from the federal government, and is  
2 approved by the natural resource commission. The  
3 department of natural resources shall promptly notify  
4 the legislative fiscal bureau of the commission's  
5 approval, and the chairpersons and ranking members of  
6 the joint appropriations subcommittee on agriculture  
7 and natural resources concerning the commission's  
8 approval.

9 Sec. 8. MARINE FUEL TAX RECEIPTS -- CAPITALS;  
10 NONCAPITALS; AND BOATING FACILITIES AND ACCESS. There  
11 is appropriated from the marine fuel tax receipts  
12 deposited in the general fund of the state to the  
13 department of natural resources for the fiscal year  
14 beginning July 1, 1993, and ending June 30, 1994, the  
15 following amounts, or so much thereof as is necessary,  
16 to be used for the purposes designated:

- 17 1. For purposes of funding expenditures  
18 traditionally funded from marine fuel tax revenues,  
19 but not considered as capitals or operations:  
20 ..... \$ 200,000
- 21 2. For purposes of maintaining and developing  
22 boating facilities and access to public waters by the  
23 parks and preserves division:  
24 ..... \$ 411,311

25 Notwithstanding section 8.33, the unencumbered or  
26 unobligated moneys remaining on June 30, 1994, from  
27 moneys appropriated by this section as provided in  
28 subsections 1 and 2, may be expended during the fiscal  
29 year beginning July 1, 1994, and ending June 30, 1995,  
30 and shall not revert to the general fund until August  
31 31, 1995.

32 Sec. 9. ALL-TERRAIN VEHICLE AND SNOWMOBILE FEES --  
33 TRANSFER FOR ENFORCEMENT PURPOSES. There is  
34 transferred on July 1, 1993, from the fees deposited  
35 under section 321G.7 to the fish and game protection  
36 fund and appropriated to the department of natural  
37 resources for the fiscal year beginning July 1, 1993,  
38 and ending June 30, 1994, the following amount, or so  
39 much thereof as is necessary, to be used for the  
40 purpose designated:

- 41 For the purpose of enforcing snowmobile laws as  
42 part of the state snowmobile program administered by  
43 the department of natural resources:  
44 ..... \$ 100,000

45 Sec. 10. VESSEL FEES -- TRANSFER FOR ENFORCEMENT  
46 PURPOSES. There is transferred on July 1, 1993, from  
47 the fees deposited under section 462A.52 to the fish  
48 and game protection fund and appropriated to the  
49 department of natural resources for the fiscal year  
50 beginning July 1, 1993, and ending June 30, 1994, the

S-3485

S-3485

Page 7

following amount, or so much thereof as is necessary, to be used for the purpose designated:

3 For purposes of administration and enforcement of  
4 navigation laws and water safety:  
5 ..... \$ 950,000

6 IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY  
7 Sec. 11. LIVESTOCK PRODUCERS ASSISTANCE PROGRAM.

8 1. There is appropriated from the general fund of  
9 the state to Iowa state university of science and  
10 technology, for the fiscal year beginning July 1,  
11 1993, and ending June 30, 1994, the following amount,  
12 or so much thereof as is necessary, to be used for the  
13 purposes designated:

14 To establish and administer a livestock producers  
15 assistance program to provide on-site assistance to  
16 persons involved in livestock production in order to  
17 increase the efficiency, productivity, and  
18 profitability of their operations:  
19 ..... \$ 300,000

20 2. As a condition of this appropriation, the  
21 university shall strive to ensure that the program  
22 becomes increasingly self-sufficient.

23 3. The provisions of section 8.33 shall not apply  
24 to the moneys appropriated in this section.  
25 Unencumbered or unobligated moneys remaining on June  
26 30, 1997, from moneys appropriated in this section for  
27 the fiscal year beginning July 1, 1993, shall revert  
28 to the general fund on August 31, 1997.

29 RESOURCE ENHANCEMENT AND PROTECTION

30 Sec. 12. GENERAL APPROPRIATION. Notwithstanding  
31 the amount of the standing appropriation from the  
32 general fund of the state under section 455A.18,  
33 subsection 3, there is appropriated from the general  
34 fund of the state to the Iowa resources enhancement  
35 and protection fund, in lieu of the appropriation made  
36 in section 455A.18, for the fiscal year beginning July  
37 1, 1993, and ending June 30, 1994, the sum of  
38 \$7,500,000, of which all moneys shall be allocated as  
39 provided in section 455A.19.

40 Sec. 13. DEAPPROPRIATION. The appropriation from  
41 the general fund of the state to the Iowa resources  
42 enhancement and protection fund for the fiscal year  
43 beginning July 1, 1992, and ending June 30, 1993, in  
44 1992 Iowa Acts, chapter 1239, section 12, is reduced,  
45 as a result of the governor's item veto in section 12,  
46 by the following amounts for the purposes designated:

47 1. Allocation to the department of natural  
48 resources, in subsection 2, paragraph "a":  
49 ..... \$ 500,000

50 2. Allocation to the department of agriculture and

S-3485



S-3485

Page 8

1 land stewardship, in subsection 2, paragraph "b":  
2 ..... \$ 400,000

3 MISCELLANEOUS

4 Sec. 14. APPROPRIATION -- ORGANIC NUTRIENT  
5 MANAGEMENT PROGRAM.

6 i. Prior to any appropriation made pursuant to  
7 section 455E.11, subsection 2, paragraph "c", there is  
8 appropriated for the fiscal year beginning July 1,  
9 1993, and ending June 30, 1994, from the household  
10 hazardous waste account of the groundwater protection  
11 fund created in section 455E.11, to the water  
12 protection fund created in section 161C.4 for deposit  
13 in the organic nutrient management account, the  
14 following amount, or so much thereof as is necessary,  
15 to be used for the purposes designated:

16 For purposes of supporting an organic nutrient  
17 management program as provided in this Act:  
18 ..... \$ 900,000

19 2. The appropriation shall be used as follows:

20 a. Not more than 2 percent of the amount shall be  
21 used for purposes of administering the program by the  
22 soil conservation division.

23 b. The amount of moneys allocated in cost-share  
24 payments to a person qualifying under the program  
25 shall not exceed 50 percent of the estimated cost of  
26 establishing a system or 50 percent of the actual  
27 cost, whichever is less.

28 c. A person qualifying under the program shall not  
29 receive more than \$7,500 in financial incentives under  
30 this program.

31 Sec. 15. REVENUE ADMINISTERED BY THE IOWA  
32 COMPREHENSIVE UNDERGROUND STORAGE TANK BOARD --  
33 TRANSFER. There is appropriated from the unassigned

34 revenue fund administered by the Iowa comprehensive  
35 underground storage tank board, to the department of  
36 natural resources for the fiscal year beginning July  
37 1, 1993, and ending June 30, 1994, the following  
38 amount, or so much thereof as is necessary, to be used  
39 for the purpose designated:

40 For administration expenses of the underground  
41 storage tank section of the department of natural  
42 resources:  
43 ..... \$ 145,000

44 However, this appropriation is reduced to the  
45 extent that the board determines that other state  
46 expenditures qualify as a match for moneys  
47 appropriated by the United States for purposes of  
48 supporting the activities performed by the department  
49 in carrying out the underground storage tank program.

50 Sec. 16. STATE NURSERIES. Notwithstanding section  
S-3485 -8-

S-3485

Page 9

1 17A.2, subsection 10, paragraph "g", the department of  
2 natural resources shall adopt administrative rules  
3 establishing prices of plant material grown at the  
4 state forest nurseries to cover all expenses related  
5 to the growing of the plants.

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

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

15 Sec. 17. TRUST FUND INFORMATION. The department  
16 of revenue and finance in cooperation with the  
17 department of agriculture and land stewardship and the  
18 department of natural resources shall track receipts  
19 to the general fund which have traditionally been  
20 deposited into the following funds:

21 1. The fertilizer fund created in section 200.9.

22 2. The pesticide fund created in section 206.12.

23 3. The dairy trade practices trust fund pursuant  
24 to section 192A.30.

25 4. The milk fund created in section 192.111.

26 5. The commercial feed fund created in section  
27 198.9.

28 6. The marine fuel tax fund created in section  
29 452A.79.

30 7. The energy research and development fund  
31 provided in section 473.11, enacted in 1993 Acts,  
32 Senate File 74.

33 The departments designated in this section shall  
34 prepare reports detailing revenue from receipts  
35 traditionally deposited into each of the funds. A  
36 report shall be submitted to the legislative fiscal  
37 bureau at least once for each three-month period as  
38 designated by the legislative fiscal bureau.

39 Sec. 18. DEPARTMENTAL INFORMATION REQUIRED.

40 1. The department of agriculture and land  
41 stewardship and the department of natural resources,  
42 in cooperation as necessary with the department of  
43 management and the department of personnel, shall  
44 provide a list to the legislative fiscal bureau, on a  
45 quarterly basis, of all permanent positions added to  
46 or deleted from the departments' table of organization  
47 in the previous fiscal quarter. This list shall  
48 include at least the position number, salary range,  
49 projected funding source or sources of each position,  
50 and the reason for the addition or deletion. The

S-3485

-9-

S-3485

Page 10

1 legislative fiscal bureau may use this information to  
2 assist in the establishment of the full-time  
3 equivalent position limits authorized in law for the  
4 departments.

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

18 3. The department of agriculture and land  
19 stewardship shall provide the legislative fiscal  
20 bureau information and financial data on at least a  
21 monthly basis, relating to the internal budget system  
22 used by the department. The information shall include  
23 but is not limited to financial data covering the  
24 department's budget prior to the start of the fiscal  
25 year, and to the department's actual expenditures  
26 after the accounting system has been closed for that  
27 fiscal year.

28 Sec. 19. AIR QUALITY STANDARDS.

29 1. During the fiscal year for which funds are  
30 appropriated by section 6 of this Act, the department  
31 of natural resources shall not require the  
32 installation or use of equipment to control the  
33 emission of dust or other particulate matter on or by  
34 facilities for storage of grain which are located  
35 within the ambient air quality attainment areas for  
36 suspended particulates. However, this subsection  
37 shall not be effective upon the delegation by the  
38 United States to this state of the air operating  
39 permit program as provided by the federal Clean Air  
40 Act Amendments of 1990, Pub. L. No. 101-549.

41 2. Notwithstanding section 455B.133A, the annual  
42 fee of twenty-five dollars per ton on hazardous air  
43 pollutants imposed pursuant to that section is not  
44 required to be paid, if both of the following occur:

45 a. The Seventy-fifth General Assembly does not  
46 enact legislation which authorizes the state to assume  
47 responsibilities delegated by the United States  
48 relating to the air operating permit program as  
49 provided by the federal Clean Air Act Amendments of  
50 1990, Pub. L. No. 101-549.

S-3485

-10-

S-3485

Page 11

1 b. The fee on hazardous air pollutants included in  
2 Title III of the federal Clean Air Act Amendments of  
3 1990 is imposed by the United States.

4 Sec. 20. DEPARTMENTAL STUDIES AND PROJECTS.

5 1. The department of agriculture and land  
6 stewardship and the department of inspections and  
7 appeals shall jointly study methods of coordinating  
8 inspections currently performed by the department of  
9 agriculture and land stewardship, including but not  
10 limited to the inspections of weights and measures.  
11 The departments shall study methods to increase  
12 efficiency and cost-savings. The departments shall  
13 prepare and submit a report to the general assembly  
14 not later than January 10, 1994, detailing findings  
15 and recommendations of the departments.

16 2. The department of agriculture and land  
17 stewardship shall establish a pilot project in a  
18 geographic area in which the inspections of weights  
19 and measures are performed based upon criteria which  
20 prioritizes inspections according to those weights and  
21 measures which are most likely not to be in compliance  
22 with state standards.

23 3. The department of natural resources shall study  
24 the effects of urban contamination, if any, of state  
25 waters. The department shall prepare a report based  
26 on the study which shall be delivered to the secretary  
27 of the senate and chief clerk of the house of  
28 representatives not later than January 10, 1994.

29 Sec. 21. LEASE-PURCHASE CONTRACTS -- PROHIBITION.

30 By June 30, 1994, the department of natural resources,  
31 or a person acting on behalf of the department,  
32 including the department of general services, shall  
33 complete the terms and pay the full amount due under  
34 any lease-purchase contract for the purchase of  
35 personal property acquired by, or on behalf of the  
36 department, which was executed after June 30, 1992.  
37 This section shall not alter the obligation of the  
38 department to reimburse a person who acts to complete  
39 the terms or pays an amount due under a lease-purchase  
40 contract. However, the department must reimburse the  
41 person the full amount due by June 30, 1994. The  
42 department shall not extend the terms of any existing  
43 lease-purchase contract which would expire on or  
44 before June 30, 1994.

45 Sec. 22. PREFERENCE PROVIDED -- PERSONS MEETING  
46 ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM.

47 In its employment of persons in temporary positions in  
48 conservation and outdoor recreation, the department of  
49 natural resources shall give preference to persons  
50 meeting eligibility requirements for the green thumb

S-3485

-11-

S-3485

Page 12

1 program and to persons working toward an advanced  
2 education in natural resources and conservation.

3 Sec. 23. REDUCTIONS IN FULL-TIME EQUIVALENT  
4 POSITIONS -- GENERAL FUND SUPPORTED APPROPRIATIONS.

5 The number of full-time equivalent positions, as  
6 defined in section 8.36A, within the department of  
7 natural resources which are reduced in this Act from  
8 the number of full-time equivalent positions provided  
9 for pursuant to 1992 Iowa Acts, chapter 1239, apply  
10 only to full-time equivalent positions supported by  
11 appropriations from the general fund of the state.

12 Sec. 24. REVERSION POSTPONEMENT.

13 1. Notwithstanding section 8.33, and 1992 Iowa  
14 Acts, chapter 1239, section 8, unencumbered or  
15 unobligated moneys remaining on June 30, 1993, from  
16 moneys appropriated for purposes of funding projects  
17 traditionally funded from marine fuel tax receipts as  
18 provided in 1992 Iowa Acts, chapter 1239, section 8,  
19 subsections 1 and 4, and may be expended during the  
20 fiscal year beginning July 1, 1993, and ending June  
21 30, 1994, and shall not revert to the general fund  
22 until August 31, 1994.

23 2. Notwithstanding section 8.33, unencumbered or  
24 unobligated moneys remaining on June 30, 1993, from  
25 moneys appropriated pursuant to 1992 Iowa Acts,  
26 chapter 1001, section 402, and may be expended during  
27 the fiscal year beginning July 1, 1993, and ending  
28 June 30, 1994, and shall not revert to the general  
29 fund until August 31, 1994.

30 STATUTORY CHANGES

31 Sec. 25. Section 18.12, subsection 10, Code 1993,  
32 is amended by adding the following new paragraph:

33 NEW PARAGRAPH. f. Notwithstanding this  
34 subsection, the director shall not do either of the  
35 following:

36 (1) Enter into a lease-purchase contract or  
37 facilitate the execution of a lease-purchase contract  
38 for the acquisition of personal property, if the  
39 property is to be under the control of the department  
40 of natural resources, or the department is to be the  
41 principal user or beneficiary of the property.

42 (2) Enter into a lease-purchase contract or  
43 facilitate the execution of a lease-purchase contract  
44 for the acquisition of personal property, if the  
45 property is to be under the control of the department  
46 of agriculture and land stewardship, or the department  
47 is to be the principal user or beneficiary of the  
48 property.

49 Sec. 26. Section 18.18, Code 1993, is amended by  
50 adding the following new subsection:

S-3485

-12-

S-3485

Page 13

NEW SUBSECTION. 9. The department shall, whenever technically feasible, purchase and use degradable loose foam packing material manufactured from grain starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources. For the purposes of this subsection, "packing material" means material, other than an exterior packing shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

Sec. 27. NEW SECTION. 159.5A LEASE-PURCHASE CONTRACTS -- PROHIBITION.

The department shall not execute or be a party to a lease-purchase contract for the acquisition of personal property.

Sec. 28. Section 161A.6, unnumbered paragraph 5, Code 1993, is amended to read as follows:

The commissioners shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall ~~provide for a biennial audit of the accounts of receipts and disbursements~~ and shall regularly report to the division a summary of financial information regarding moneys controlled by the commissioners, which are not audited by the state, according to rules adopted by the division.

Sec. 29. Section 161C.2, subsection 1, Code 1993, is amended to read as follows:

1. Each soil and water conservation district, alone and whenever practical in conjunction with other districts, shall carry out district-wide and multiple-district projects to support water protection practices in the district or districts, including projects to protect this state's groundwater and surface water from point and nonpoint sources of contamination, including but not limited to contamination by agricultural drainage wells, sinkholes, sedimentation, or chemical pollutants. Moneys used to support the water protection projects and practices may include moneys allocated from the water protection fund as provided by rules adopted by the division. However, the projects and practices shall not be supported from the fund's organic nutrient management account.

Sec. 30. NEW SECTION. 161C.2A ORGANIC NUTRIENT MANAGEMENT PROGRAM.

3485

-13-

S-3485

Page 14

1 1. The division shall establish an organic  
2 nutrient management program to provide for the  
3 allocation of cost-share moneys as financial  
4 incentives to an eligible person applying to  
5 participate in the program. The financial incentives  
6 shall be used for purposes of establishing organic  
7 nutrient management systems which shall facilitate the  
8 proper utilization of livestock waste as a nutrient  
9 source, and to protect the water resources of this  
10 state from livestock waste runoff.

11 2. Moneys used to support financial incentives  
12 shall be allocated from the organic nutrient  
13 management account of the water protection fund  
14 created in section 161C.4.

15 3. A person shall not be eligible to participate  
16 in this program, unless the person is an individual  
17 who is actively engaged in farming as defined in  
18 section 9H.1, or the person is a family farm  
19 corporation, family farm limited partnership, or a  
20 family trust, all as defined in section 9H.1.

21 4. The division shall adopt rules to administer  
22 this section, including rules relating to the  
23 execution of a contract to establish an organic  
24 nutrient management system. The rules may require  
25 that an eligible person participating in the program  
26 maintain the organic nutrient management system for a  
27 minimum number of years as a condition to receiving  
28 financial incentives. The agreement may be enforced  
29 by the division or by a soil and water conservation  
30 district as provided by the division, in the same  
31 manner as provided for a contract establishing soil  
32 and water conservation practices under chapter 161A.

33 Sec. 31. Section 161C.4, unnumbered paragraph 1,  
34 Code 1993, is amended to read as follows:

35 A water protection fund is created within the  
36 division. The fund is composed of money appropriated  
37 by the general assembly for that purpose, and moneys  
38 available to and obtained or accepted by the state  
39 soil conservation committee from the United States or  
40 private sources for placement in the fund. The fund  
41 shall be divided into ~~two~~ three accounts, the water  
42 quality protection account, ~~and~~ the water protection  
43 practices account, ~~and the organic nutrient management~~  
44 account. The first account shall be used to carry out  
45 water quality protection projects to protect the  
46 state's surface and groundwater from point and  
47 nonpoint sources of contamination. The second account  
48 shall be used to establish water protection practices  
49 with individual landowners including but not limited  
50 to woodland establishment and protection,

S-3485

-14-

S-3485

Page 15

1 establishment of native grasses and forbs, sinkhole  
2 management, agricultural drainage well management,  
3 streambank stabilization, grass waterway  
4 establishment, stream buffer strip establishment, and  
5 erosion control structure construction. Twenty-five  
6 percent of funds appropriated to the water protection  
7 practices account shall be used for woodland  
8 establishment and protection, and establishment of  
9 native grasses and forbs. Soil and water conservation  
10 district commissioners shall give priority to  
11 applications for practices that implement their soil  
12 and water resource conservation plan. The organic  
13 nutrient management account shall only be used to  
14 support the organic nutrient management program as  
15 provided in section 161C.2A. The fund shall be a  
16 revolving fund from which moneys may be used for  
17 loans, grants, administrative costs, and cost-sharing.

18 Sec. 32. Section 173.9, unnumbered paragraph 1,  
19 Code 1993, is amended by striking the paragraph and  
20 inserting in lieu thereof the following:

21 The board shall appoint a secretary who shall serve  
22 at the pleasure of the board. The secretary shall do  
23 all of the following:

24 Sec. 33. Section 206.8, subsection 3, Code 1993,  
25 is amended by striking the subsection and inserting in  
26 lieu thereof the following:

27 3. This section shall not apply to either of the  
28 following:

29 a. A pesticide applicator who applies pesticides  
30 which are owned and furnished to the pesticide  
31 applicator by another person, if the pesticide  
32 applicator does not charge for the sale of the  
33 pesticides.

34 b. A federal, state, county, or municipal  
35 governmental entity which provides pesticides only for  
36 its own programs.

37 Sec. 34. Section 216B.3, Code 1993, is amended by  
38 adding the following new subsection:

39 NEW SUBSECTION. 12A. The commission shall,  
40 whenever technically feasible, purchase and use  
41 degradable loose foam packing material manufactured  
42 from grain starches or other renewable resources,  
43 unless the cost of the packing material is more than  
44 ten percent greater than the cost of packing material  
45 made from nonrenewable resources. For the purposes of  
46 this subsection, "packing material" means material,  
47 other than an exterior packing shell, that is used to  
48 stabilize, protect, cushion, or brace the contents of  
49 a package.

50 Sec. 35. Section 262.9, Code 1993, is amended by

S-3485

-15-



S-3485

Page 16

1 adding the following new subsection:

2 NEW SUBSECTION. 4A. The board shall, whenever  
3 technically feasible, purchase and use degradable  
4 loose foam packing material manufactured from grain  
5 starches or other renewable resources, unless the cost  
6 of the packing material is more than ten percent  
7 greater than the cost of packing material made from  
8 nonrenewable resources. For the purposes of this  
9 subsection, "packing material" means material, other  
10 than an exterior packing shell, that is used to  
11 stabilize, protect, cushion, or brace the contents of  
12 a package.

13 Sec. 36. Section 307.21, Code 1993, is amended by  
14 adding the following new subsection:

15 NEW SUBSECTION. 4A. The administrator shall,  
16 whenever technically feasible, purchase and use  
17 degradable loose foam packing material manufactured  
18 from grain starches or other renewable resources,  
19 unless the cost of the packing material is more than  
20 ten percent greater than the cost of packing material  
21 made from nonrenewable resources. For the purposes of  
22 this subsection, "packing material" means material,  
23 other than an exterior packing shell, that is used to  
24 stabilize, protect, cushion, or brace the contents of  
25 a package.

26 Sec. 37. NEW SECTION. 455A.11 LEASE-PURCHASE  
27 CONTRACTS -- PROHIBITION.

28 The department shall not execute or be a party to a  
29 lease-purchase contract for the acquisition of  
30 personal property.

31 Sec. 38. NEW SECTION. 455B.104 PERMITS ISSUED BY  
32 THE DEPARTMENT -- APPROVAL BY DEFAULT.

33 The department shall either approve or deny a  
34 permit to a person applying for a permit under this  
35 chapter, within six months from the date that the  
36 department receives a completed application for the  
37 permit. An application which is not approved or  
38 denied within the six-month period shall be approved  
39 by default. The department shall issue a permit to  
40 the applicant within ten days following the date of  
41 default approval. However, this section shall not  
42 apply to applications for permits which are issued  
43 under Division II, or Division IV, parts 2 through 7.

44 Sec. 39. Section 455B.310, subsection 2, paragraph  
45 b, subparagraphs (4) and (5), Code 1993, are amended  
46 to read as follows:

47 ~~(4)--Twenty-seven-and-one-half-cents-per-ton-per~~  
48 ~~year-is-appropriated-to-the-department-to-provide-low~~  
49 ~~or-no-interest-loans-to-Iowa-businesses-for-the~~  
50 ~~manufacture-or-remanufacture-of-products-from~~

S-3485

-16-

S-3485

Page 17

1 postconsumer materials or to Iowa businesses which  
2 purchase equipment to achieve source reductions. The  
3 department, in consultation with the department of  
4 economic development, shall develop rating criteria  
5 for the program including criteria which give priority  
6 in the approval of loans to firms involved in tire  
7 recycling. The department, in cooperation with the  
8 department of economic development, shall provide  
9 technical assistance to and monitoring of the  
10 technical operations of projects funded under this  
11 section.

12 --- (5) (4) Five cents per ton per year is  
13 appropriated to the department of economic development  
14 to establish, in cooperation with the department of  
15 natural resources, a marketing initiative to assist  
16 Iowa businesses producing recycling or reclamation  
17 equipment or services, recyclable products, or  
18 products from recycled materials to expand into  
19 national markets. Efforts shall include the reuse and  
20 recycling of sawdust. For each fiscal year beginning  
21 July 17, 1991, and ending June 30, 1992, and beginning  
22 July 17, 1992, and ending June 30, 1993, fifty thousand  
23 dollars of the moneys appropriated under this  
24 subparagraph shall be allocated for the purposes of  
25 developing advanced microbiological technologies for  
26 reduction, destruction, or disposal of wet solid  
27 waste. For each fiscal year beginning July 17, 1993,  
28 and thereafter, fifty thousand dollars of the  
29 moneys appropriated under this subparagraph shall be  
30 used by the department of economic development to  
31 provide grants or loans to Iowa businesses which have  
32 participated in the waste reduction assistance program  
33 of the department of natural resources or the program  
34 provided by the waste reduction center at the  
35 university of northern Iowa, and which have identified  
36 needs for equipment or retooling to achieve waste  
37 reduction.

38 Sec. 40. Section 455B.310, subsection 2, paragraph  
39 b, Code 1993, is amended by adding the following new  
40 subparagraphs:

41 NEW SUBPARAGRAPH. (5) Five cents per ton per year  
42 is appropriated to the university of northern Iowa to  
43 develop and maintain the Iowa waste reduction center  
44 for the safe and economic management of solid waste  
45 and hazardous substances established at the university  
46 of northern Iowa.

47 NEW SUBPARAGRAPH. (6) Eight cents per ton per  
48 year is appropriated to the department of natural  
49 resources for the provision of assistance to public  
50 and private entities in developing and implementing

S-3485

-17-

S-3485

Page 18

1 waste reduction and minimization programs for Iowa  
2 industries.

3 NEW SUBPARAGRAPH. (7) The remaining moneys are  
4 appropriated to the department of natural resources to  
5 be used in accordance with section 455E.11, subsection  
6 2, paragraph "a", subparagraph (8), subparagraph  
7 subdivision (b), subparagraph subdivision subparts (i)  
8 through (iv).

9 Sec. 41. Section 455E.11, subsection 2, paragraph  
10 a, Code 1993, is amended by adding the following new  
11 subparagraph:

12 NEW SUBPARAGRAPH. (11A) Each additional seventy-  
13 five cents per ton per year received from the  
14 additional tonnage fee imposed pursuant to section  
15 455B.310, subsection 2, paragraph "b", shall be  
16 allocated for the following purposes:

17 (a) Ten cents per ton per year is appropriated to  
18 the department of natural resources to establish a  
19 program to provide competitive grants to regional  
20 coordinating councils for projects in regional  
21 economic development centers related to a by-products  
22 and waste exchange system. Grantees under this  
23 program shall coordinate activities with other  
24 available state or multistate waste exchanges,  
25 including but not limited to the by-products and waste  
26 search service at the university of northern Iowa.  
27 The department shall consult with the department of  
28 economic development and the waste reduction center at  
29 the university of northern Iowa in establishing  
30 criteria for and the awarding of grants under this  
31 program. The department of natural resources shall  
32 expend not more than thirty thousand dollars of the  
33 moneys appropriated under this subparagraph  
34 subdivision to contract with the by-products and waste  
35 search service at the university of northern Iowa to  
36 provide training and other technical services to  
37 grantees under the program. If regional economic  
38 development centers cease to exist, the department  
39 shall transfer existing contracts to one or more  
40 community colleges or councils of governments and  
41 shall revise the criteria and rules for this program  
42 to allow community colleges or councils of governments  
43 to be applicants for competitive grants.

44 (b) Fifteen cents per ton per year is appropriated  
45 to the department of natural resources to establish  
46 three permanent household hazardous waste collection  
47 sites so that both urban and rural population are  
48 served and so that collection services are available  
49 to the public on a regular basis. An additional five  
50 cents per ton per year is appropriated to the

S-3485

-18-

S-3485

Page 19

1 department to be used for the payment of  
2 transportation costs related to household hazardous  
3 waste collection programs.

4 (c) Twelve and one-half cents per ton per year is  
5 appropriated to the department of natural resources to  
6 provide additional toxic cleanup days. Departmental  
7 rules adopted for implementation of toxic cleanup days  
8 shall provide sufficient flexibility to respond to the  
9 household hazardous material collection needs of both  
10 small and large communities.

11 (d) Five cents per ton per year is appropriated to  
12 the department of economic development to establish,  
13 in cooperation with the department of natural  
14 resources, a marketing initiative to assist Iowa  
15 businesses producing recycling or reclamation  
16 equipment or services, recyclable products, or  
17 products from recycled materials to expand into  
18 national markets. Efforts shall include the reuse and  
19 recycling of sawdust. Fifty thousand dollars of the  
20 moneys appropriated under this subparagraph shall be  
21 used by the department of economic development to  
22 provide grants or loans to Iowa businesses which have  
23 participated in the waste reduction assistance program  
24 of the department of natural resources or the program  
25 provided by the waste reduction center at the  
26 university of northern Iowa, and which have identified  
27 needs for equipment or retooling to achieve waste  
28 reduction.

29 (e) Five cents per ton per year is appropriated to  
30 the university of northern Iowa to develop and  
31 maintain the Iowa waste reduction center for the safe  
32 and economic management of solid waste and hazardous  
33 substances established at the university of northern  
34 Iowa.

35 (f) Eight cents per ton per year is appropriated  
36 to the department of natural resources for the  
37 provision of assistance to public and private entities  
38 in developing and implementing waste reduction and  
39 minimization programs for Iowa industries.

40 (g) The remaining moneys are appropriated to the  
41 department of natural resources to be used in  
42 accordance with subparagraph (8), subparagraph  
43 subdivision (b), subparagraph subdivision subparts (i)  
44 through (iv).

45 Sec. 42. NEW SECTION. 461A.17A PAYMENT IN LIEU  
46 OF PROPERTY TAXES.

47 The director of the department of natural resources  
48 shall submit a budget request to pay the annual  
49 property taxes on property held by the department.  
50 The budget request shall be submitted to the general

S-3485

-19-

S-3485

Page 20

1 assembly as part of the annual budget proposal  
2 provided in section 455A.4. The amount of the payment  
3 shall be based on property acquired on or after July  
4 1, 1993, which would otherwise be subject to the levy  
5 of property taxes. The assessed value of property  
6 held by the department shall be that determined under  
7 section 427.1, subsection 31, and the director may  
8 protest the assessed value in the manner provided by  
9 law for any property owner to protest an assessment.  
10 For the purposes of chapter 257, the assessed value of  
11 any property which was acquired by the department on  
12 or after July 1, 1993, shall be included in the  
13 valuation base of the school district and the payments  
14 made pursuant to this section shall be considered as  
15 property tax revenues and not as miscellaneous income.  
16 The county treasurer shall certify the amount of taxes  
17 due to the department. The taxes shall be paid  
18 annually from the departmental fund or account from  
19 which the property acquisition was funded. If the  
20 departmental fund or account has no moneys, no longer  
21 exists, or if the acquisition of property was made  
22 without an expenditure of funds by the department, the  
23 taxes shall be paid from funds in the manner provided  
24 by the general assembly. If the total amount of taxes  
25 due, as certified to the department, exceeds the  
26 amount available for expenditure under this section,  
27 the property taxes due shall be reduced  
28 proportionately so that the total amount due equals  
29 the amount available for expenditure.

30 Sec. 43. Section 904.312, Code 1993, is amended by  
31 adding the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. The director shall,  
33 whenever technically feasible, purchase and use  
34 degradable loose foam packing material manufactured  
35 from grain starches or other renewable resources,  
36 unless the cost of the packing material is more than  
37 ten percent greater than the cost of packing material  
38 made from nonrenewable resources. For the purposes of  
39 this subsection, "packing material" means material,  
40 other than an exterior packing shell, that is used to  
41 stabilize, protect, cushion, or brace the contents of  
42 a package.

43 Sec. 44. EFFECTIVE DATES. Section 13 of this Act,  
44 being deemed of immediate importance, takes effect  
45 upon enactment."

46 2. Title page, line 2, by striking the words "and  
47 making" and inserting the following: "making".

48 3. Title page, line 3, by inserting after the  
49 word "changes" the following: ", and providing an  
50 effective date".

By COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson

S-3485 FILED APRIL 13, 1993

*Adopted*  
*4-14-93*  
*(v. 1166)*

## HOUSE FILE 623

S-3493

1 Amend the amendment, S-3485, to House File 623, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 4, by striking lines 12 and 13, and  
5 inserting the following:

6 "Sec. 700. HORSE AND DOG RACING.

7 1. There is appropriated from the moneys available  
8 under section".

9 2. Page 4, by inserting after line 22, the  
10 following:

11 "2. a. The state veterinarian shall assume  
12 responsibilities performed by the Iowa racing and  
13 gaming commission in supervising and regulating the  
14 health of animals racing under chapter 99D.

15 b. Notwithstanding sections of this Act amending  
16 chapter 99D, the Iowa racing and gaming commission  
17 shall satisfy all current contracts with commission  
18 veterinarians. The commission shall not renew or  
19 extend a contract beyond December 1, 1993. As each  
20 contract expires, a departmental veterinarian shall  
21 assume responsibilities of the commission  
22 veterinarian. The Iowa racing and gaming commission  
23 shall support payments under existing contracts with  
24 other commission veterinarians from moneys  
25 appropriated to the commission pursuant to Senate File  
26 266, as enacted by the seventy-fifth general assembly  
27 for the fiscal year beginning July 1, 1993, and ending  
28 June 30, 1994. However, moneys remaining which would  
29 otherwise be used to support a commission veterinarian  
30 shall be transferred to the department within ten days  
31 after the cessation of duties by that commission  
32 veterinarian.

33 c. The total amount of the moneys used to support  
34 all veterinarians of the commission and the  
35 department, as required to administer chapter 99D, and  
36 testing by Iowa state university of science and  
37 technology shall not exceed \$645,000, unless the  
38 commission determines that additional moneys  
39 transferred to the department are required to support  
40 departmental veterinarians at a particular track.

41 d. Unless the commission determines that  
42 additional moneys transferred to the department are  
43 required to support departmental veterinarians at a  
44 particular track, not more than \$45,000 shall be used  
45 to support a veterinarian at the Waterloo track, not  
46 more than \$90,000 shall be used to support a  
47 veterinarian at the Council Bluffs track, not more  
48 than \$45,000 shall be used to support a veterinarian  
49 at the Dubuque track, not more than \$75,000 shall be  
50 used to support a veterinarian at the Des Moines

S-3493

S-3493

Page 2

1 track, and not more than \$390,000 shall be used to  
2 support Iowa state university of science and  
3 technology.

4 e. The racing and gaming commission and the  
5 department of agriculture and land stewardship shall  
6 provide for the orderly transition of responsibilities  
7 under this Act, including the adoption of rules and  
8 the transfer of personnel required to implement this  
9 Act."

10 3. Page 13, by inserting after line 11, the  
11 following:

12 "Sec. \_\_\_\_\_. Section 99D.2, Code 1993, is amended by  
13 adding the following new subsection:

14 NEW SUBSECTION. 9. "State veterinarian" means the  
15 veterinarian appointed by the secretary of agriculture  
16 pursuant to section 159.5.

17 Sec. \_\_\_\_\_. Section 99D.13, subsection 2, Code 1993,  
18 is amended to read as follows:

19 2. Winnings from each racetrack forfeited under  
20 subsection 1 shall escheat to the state and to the  
21 extent appropriated by the general assembly shall be  
22 used by the department of agriculture and land  
23 stewardship to administer section 99D.22. The  
24 remainder shall be paid-over-to-the-commission used by  
25 the state veterinarian to pay all or part of the cost  
26 of drug testing at the tracks. The remainder shall be  
27 paid over to the commission. To the extent the  
28 remainder paid over to the commission, less the cost  
29 of drug testing, is from unclaimed winnings from  
30 harness racing meets, the remainder shall be used as  
31 provided in subsection 3. To the extent the remainder  
32 paid to the commission, less the cost of drug testing,  
33 is from unclaimed winnings from licensed dog tracks,  
34 the commission shall remit annually five thousand  
35 dollars, or an equal portion of that amount, to each  
36 licensed dog track to carry out the racing dog  
37 adoption program pursuant to section 99D.27. To the  
38 extent the remainder paid over to the commission, less  
39 the cost of drug testing, is from unclaimed winnings  
40 from tracks licensed for dog or horse races, the  
41 commission, on an annual basis, shall remit one-third  
42 of the amount to the treasurer of the city in which  
43 the racetrack is located, one-third of the amount to  
44 the treasurer of the county in which the racetrack is  
45 located, and one-third of the amount to the racetrack  
46 from which it was forfeited. If the racetrack is not  
47 located in a city, then one-third shall be deposited  
48 as provided in chapter 556. The amount received by  
49 the racetrack under this subsection shall be used only  
50 for retiring the debt of the racetrack facilities and

S-3493

S-3493

Page 3

1 for capital improvements to the racetrack facilities.  
2 Sec. \_\_\_\_ . Section 99D.23, Code 1993, is amended to  
3 read as follows:

4 99D.23 COMMISSION STATE VETERINARIAN AND-CHEMIST.

5 1. The state veterinarian shall supervise and  
6 regulate the health of animals racing under this  
7 chapter. The department of agriculture and land  
8 stewardship may employ or contract with persons  
9 required to assist the state veterinarian in  
10 performing duties required under this chapter. The  
11 department shall designate or appoint departmental  
12 veterinarians to assist the state veterinarian. The  
13 department and the racing and gaming commission shall  
14 at all times cooperate in administering this chapter,  
15 and shall share records and information, including  
16 results of inspections and tests as required.

17 2. The commission department of agriculture and  
18 land stewardship shall employ one or more chemists or  
19 contract with a qualified chemical laboratory to  
20 determine by chemical testing and analysis of saliva,  
21 urine, blood, or other excretions or body fluids  
22 whether a substance or drug has been introduced which  
23 may affect the outcome of a race or whether an action  
24 has been taken or a substance or drug has been  
25 introduced which may interfere with the testing  
26 procedure. The commission department of agriculture  
27 and land stewardship shall adopt rules under chapter  
28 17A concerning procedures and actions taken on  
29 positive drug reports. The commission department of  
30 agriculture and land stewardship may adopt by  
31 reference the standards of the national association of  
32 state racing commissioners, the association of  
33 official racing chemists, and New York jockey club, or  
34 the United States trotting association, or may adopt  
35 any other procedure or standard. The commission  
36 department has the authority to retain and preserve by  
37 freezing, test samples for future analysis.

38 3. The commission department of agriculture and  
39 land stewardship shall employ or contract with one or  
40 more veterinarians under the direction of the state  
41 veterinarian to extract or procure the saliva, urine,  
42 blood, or other excretions or body fluids of the  
43 horses or dogs for the chemical testing purposes of  
44 this section. A commission departmental veterinarian  
45 shall be in attendance at every race meeting held in  
46 this state.

47 4. A chemist or veterinarian who willfully or  
48 intentionally fails to perform the functions or duties  
49 of employment required by this section shall be banned  
50 for life from employment at a race meeting held in

S-3493

-3-



S-3493

Page 4

1 this state.

2 4 5. The commission state veterinarian shall keep  
3 a continuing record of the racing soundness of all  
4 horses examined by a commission departmental  
5 veterinarian at a racetrack.

6 Sec. \_\_\_\_\_. Section 99D.25, subsections 3, 4, 5, 7,  
7 9, 10, and 11, Code 1993, are amended to read as  
8 follows:

9 3. The All of the following conduct is prohibited:

10 a. The entering of a horse or dog in a race by the  
11 trainer or owner of the horse or dog if the trainer or  
12 owner knows or if by the exercise of reasonable care  
13 the trainer or owner should know that the horse or dog  
14 is drugged or numbed.

15 b. The drugging or numbing of a horse or dog with  
16 knowledge or with reason to believe that the horse or  
17 dog will compete in a race while so drugged or numbed.  
18 However, the commission department of agriculture and  
19 land stewardship may by rule establish permissible  
20 trace levels of substances foreign to the natural  
21 horse or dog that the commission department determines  
22 to be innocuous.

23 c. The willful failure by the operator of a racing  
24 facility to disqualify a horse or dog from competing  
25 in a race if the operator has been notified that the  
26 horse or dog is drugged or numbed, or was not properly  
27 made available for tests or inspections as required by  
28 the commission, and department of agriculture and land  
29 stewardship.

30 d. The willful failure by the operator of a racing  
31 facility to prohibit a horse or dog from racing if the  
32 operator has been notified that the horse or dog has  
33 been suspended from racing.

34 4. ~~The owners owner of a horse or dog and their~~  
35 ~~agents and employees or an agent or employee of the~~  
36 ~~owner shall permit a member of the commission or a~~  
37 ~~person employed or appointed by the commission the~~  
38 ~~department of agriculture and land stewardship to make~~  
39 ~~conduct or order tests as the commission state~~  
40 ~~veterinarian deems proper in order to determine~~  
41 ~~whether a the horse or dog has been improperly~~  
42 ~~drugged. The fact that purse money has been~~  
43 ~~distributed prior to the issuance of a test report~~  
44 ~~shall not be deemed a finding that no a chemical~~  
45 ~~substance has not been administered unlawfully to the~~  
46 ~~horse or dog earning the purse money. The findings of~~  
47 ~~the commission department of agriculture and land~~  
48 ~~stewardship that a horse or dog has been improperly~~  
49 ~~drugged by a narcotic or other drug are prima facie~~  
50 ~~evidence of the fact. The results of the tests shall~~

S-3493

S-3493

Page 5

be kept on file by the commission department of agriculture and land stewardship for at least one year following the tests.

5. Every horse which suffers a breakdown on the racetrack, in training, or in competition, and is destroyed, and every other horse which expires while stabled on the racetrack under the jurisdiction of the commission, shall undergo a postmortem examination at a time and place acceptable to the commission state veterinarian to determine the injury or sickness which resulted in euthanasia or natural death. The postmortem examination shall be conducted by a veterinarian employed by the owner or the owner's trainer in the presence of and in consultation with the commission a department veterinarian. Test samples shall be obtained from the carcass upon which the postmortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. When practical, blood and urine test samples should be procured prior to euthanasia. The owner of the deceased horse is responsible for payment of any charges due the veterinarian employed to conduct the postmortem examination. The services of the commission department veterinarian and the laboratory testing of postmortem samples shall be made available by the commission department of agriculture and land stewardship without charge to the owner. A record of every postmortem shall be filed with the commission state veterinarian by the owner's veterinarian within seventy-two hours of the death and shall be submitted on a form supplied by the commission state veterinarian. Each owner and trainer accepts the responsibility for the postmortem examination provided herein as a requisite for maintaining the occupational license issued by the commission state veterinarian.

7. Any horse which in the opinion of the commission a department veterinarian has suffered a traumatic injury or disability such that a controlled program of phenylbutazone administration would not aid in restoring the racing soundness of the horse shall not be allowed to race while medicated with phenylbutazone or with phenylbutazone present in the horse's bodily systems.

9. Before a horse is allowed to race using phenylbutazone, the veterinarian attending the horse shall certify to the commission department veterinarian the course of treatment followed in administering the phenylbutazone.

S-3493

-5-

S-3493

Page 6

1 10. ~~The commission~~ department veterinarian shall  
2 conduct random tests of bodily substances of horses  
3 entered to race each day of a race meeting to aid in  
4 the detection of any unlawful drugging. The tests  
5 shall be conducted both prior to and after a race.  
6 ~~The commission~~ department veterinarian shall also test  
7 any horse that breaks down during a race and shall  
8 perform an autopsy on any horse that is killed or  
9 subsequently destroyed as a result of accident during  
10 a race.

11 11. Veterinarians must submit daily to the  
12 ~~commission~~ a department veterinarian on a prescribed  
13 form a report of all medications and other substances  
14 which the veterinarian prescribed, administered, or  
15 dispensed for horses registered at a current race  
16 meeting. A logbook detailing other professional  
17 services performed while on the grounds of a racetrack  
18 shall be kept by veterinarians and shall be made  
19 immediately available to ~~the commission~~ a department  
20 veterinarian or the stewards upon request.

21 Sec. \_\_\_\_\_. Section 99D.25A, subsections 3 through  
22 7, Code 1993, are amended to read as follows:

23 3. If a horse is to race with phenylbutazone in  
24 its system, the trainer shall be responsible for  
25 marking the information on the entry blank for each  
26 race in which the horse shall use phenylbutazone.  
27 Changes made after the time of entry must be submitted  
28 on the prescribed form to ~~the commission~~ a department  
29 veterinarian no later than scratch time.

30 4. If a test detects concentrations of  
31 phenylbutazone in the system of a horse in excess of  
32 the level permitted in this section, the commission,  
33 upon receiving information from the department of  
34 agriculture and land stewardship, shall assess a civil  
35 penalty against the trainer of two hundred dollars for  
36 the first offense and five hundred dollars for a  
37 second offense. The penalty for a third or subsequent  
38 offense shall be in the discretion of the commission.  
39 A penalty assessed under this subsection shall not  
40 affect the placing of the horse in the race.

41 5. Lasix may be administered to certified  
42 bleeders. Upon request, any horse placed on the  
43 bleeder list shall, in its next race, be permitted the  
44 use of lasix. Once a horse has raced with lasix, it  
45 must continue to race with lasix in all subsequent  
46 races unless a request is made to discontinue the use.  
47 If the use of lasix is discontinued, the horse shall  
48 be prohibited from again racing with lasix unless it  
49 is later observed to be bleeding. Requests for the  
50 use of or discontinuance of lasix must be made to the

S-3493

-6-

## HOUSE FILE 623

S-3489

1 Amend the amendment, S-3485, to House File 623, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 12, by inserting after line 11, the  
5 following:

6 "Sec. 100. BRUSHY CREEK RECREATION AREA. The  
7 campground used for equestrian activities on the  
8 northern part of the Brushy Creek recreation area  
9 shall be a permanent campground for such activities.  
10 The department in conjunction with the Brushy Creek  
11 recreation trails advisory board shall implement the  
12 provisions of section 455A.8A, as enacted in this Act,  
13 including the development and completion of trail  
14 improvements during the construction of the dam. The  
15 recreational improvements shall be completed upon  
16 completion of the dam."

17 2. Page 16, by inserting after line 25 the  
18 following:

19 "Sec. 200. Section 455A.8, subsection 2, Code  
20 1993, is amended to read as follows:

21 2. Each voting member of the board shall serve  
22 three years, and shall be eligible for reappointment.  
23 However, the park ranger responsible for Brushy Creek  
24 shall be replaced by the ranger's successor, and the  
25 person representing the state advisory board for  
26 preserves shall serve at the pleasure of the board.  
27 The members department shall reimburse each member,  
28 other than the director or the director's designee and  
29 the park ranger, are-entitled-to for actual expenses  
30 incurred by the member in performance of the duties of  
31 the board. A majority of voting members constitutes a  
32 quorum, and the affirmative vote of a majority present  
33 is necessary for any action taken by the board, except  
34 that a lesser number may adjourn a meeting. A vacancy  
35 in the membership of the board does not impair the  
36 rights of a quorum to exercise all rights and perform  
37 all duties of the board. The board shall meet as  
38 required, but at least twice a year. The board shall  
39 meet upon call of the chairperson, or upon written  
40 request of three members of the board. Written notice  
41 of the time and place of the meeting shall be given to  
42 each member.

43 Sec. 300. NEW SECTION. 455A.8A BRUSHY CREEK AREA  
44 -- TRAIL IMPROVEMENTS.

45 The department, in cooperation with the Brushy  
46 Creek recreation trails advisory board, shall provide  
47 for trail improvements in the recreation area and the  
48 state preserve adjoining the recreation area. The  
49 department shall establish and maintain a system of  
50 trails in the recreation area and the preserve. The

S-3489

-1-

S-3489

Page 2

1 trails shall be established or maintained to ensure  
2 the minimum possible disturbance to the natural  
3 terrain and the natural growth of vegetation,  
4 including but not limited to trees. The system of  
5 trails shall include equestrian and pedestrian trails.  
6 The department in conjunction with the board shall  
7 provide for the location, type, and distance of  
8 trails, consistent with this section. The pedestrian  
9 trails shall be located in view of scenic attractions,  
10 including the lake and the valley. The trails shall  
11 be established and maintained in areas where hunting  
12 is permitted. The department and the board shall plan  
13 for the development of the lake shore.

14 The northern and southern part of the area shall be  
15 connected by trails. The northern part of the area  
16 shall include an equestrian campground which shall be  
17 maintained by the department. Trails shall exist on  
18 the eastern and western sides of the lake. An  
19 equestrian trail shall extend across the dam. There  
20 shall be established convenient road crossings. The  
21 southern part of the area shall include an area  
22 designed to securely confine horses. The southern  
23 part of the area shall also include pedestrian trails.  
24 The department shall post signs on the trails, the  
25 campground, and at the confinement area."

26 3. Page 20, by inserting after line 45, the  
27 following:

28 "Sec. \_\_\_\_ . EFFECTIVE DATE. Sections 100, 200, and  
29 300 of this Act, being deemed of immediate importance,  
30 take effect upon enactment."

31 4. By renumbering and correcting internal  
32 references as necessary.

By BERL E. PRIEBE  
JAMES B. KERSTEN

S-3489 FILED APRIL 14, 1993

ADOPTED

## HOUSE FILE 623

S-3496

1 Amend the amendment, S-3485, to House File 623, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 15, by inserting after line 23 the  
5 following:

6 "Sec. \_\_\_\_\_. Section 206.5, subsection 3, Code 1993,  
7 is amended to read as follows:

8 3. a. ~~Commercial-applicators~~ A commercial  
9 applicator shall choose between a one-year  
10 certification for which the applicator shall pay a  
11 thirty dollar fee or a three-year certification for  
12 which the applicator shall pay a seventy-five dollar  
13 fee. ~~Public-applicators-are-exempt-from-the-thirty~~  
14 ~~and-seventy-five-dollar-certification-fees-and-instead~~  
15 ~~are-subject-to~~ A public applicator shall choose  
16 between a one-year certification for which the  
17 applicator shall pay a ~~ten-dollar-annual-certification~~  
18 ten dollar fee or a three-year certification for which  
19 the applicator shall pay a fifteen dollar fee for a  
20 three-year-certification. The A private applicator  
21 shall pay a fifteen dollar fee for a three-year  
22 certification.

23 b. To be initially certified as a commercial,  
24 public, or private applicator shall-be-tested-prior-to  
25 initial-certification, a person must complete an  
26 educational program which shall consist of an  
27 examination required to be passed by the person. in  
28 addition,-a After initial certification the  
29 commercial, public, or private applicator shall-be  
30 reexamined-every-three-years-following-initial  
31 certification-before-the-applicator-is-eligible-for-a  
32 renewal-of must renew the certification by completing  
33 the educational program which shall consist of either  
34 an examination or continuing instructional courses.  
35 However,-a The commercial, public, or private  
36 applicator must pass the examination each third year  
37 following initial certification or may elect to attend  
38 two hours of continuing instructional courses each  
39 year.

40 The department shall adopt rules providing for the  
41 program requirements which shall at least include the  
42 safe handling, application, and storage of pesticides,  
43 the correct calibration of equipment used for the  
44 application of pesticides, and the effects of  
45 pesticides upon the groundwater. The department shall  
46 adopt by rule criteria for allowing a person required  
47 to be certified to complete either a written or oral  
48 examination. The department shall administer the  
49 instructional courses, by either teaching the courses  
50 or selecting persons to teach the courses, according

S-3496

S-3496

Page 2

1 to criteria as provided by rules adopted by the  
2 department. The department shall, to the extent  
3 possible, select persons to teach the courses in each  
4 county. The department is not required to compensate  
5 persons selected to teach the courses. In selecting  
6 persons, the department shall rely upon organizations  
7 interested in the application of pesticides, including  
8 associations representing pesticide applicators and  
9 associations representing agricultural producers. The  
10 Iowa cooperative extension service in agriculture and  
11 home economics of Iowa state university of science and  
12 technology shall cooperate with the department in  
13 administering the instructional courses. The Iowa  
14 cooperative extension service may teach courses, train  
15 persons selected to teach courses, or distribute  
16 informational materials to persons teaching the  
17 courses.

18 c. A commercial, public, or private applicator  
19 need is not required to be certified to apply  
20 pesticides for a period of twenty-one days from the  
21 date of initial employment if the commercial, public,  
22 or private applicator is under the direct supervision  
23 of a certified applicator. For the purposes of this  
24 section, "under the direct supervision of" means that  
25 the application of a pesticide is made by a competent  
26 person acting under the instructions and control of a  
27 certified applicator who is physically present, by  
28 being in sight or hearing distance of the supervised  
29 person.

30 Sec. \_\_\_\_ . Section 206.5, subsection 4, Code 1993,  
31 is amended to read as follows:

32 4. A commercial applicator who applies pesticides  
33 to agricultural land may, in lieu of the requirement  
34 of direct supervision, elect to be exempt from the  
35 certification requirements for a commercial applicator  
36 for a period of twenty-one days, if the applicator  
37 meets the requirements of a private applicator. ~~The~~  
38 ~~test shall include, but is not limited to, the area of~~  
39 ~~safe handling of agricultural chemicals and the~~  
40 ~~effects of these chemicals on groundwater. -- The~~  
41 ~~secretary shall also adopt, by rule, the criteria for~~  
42 ~~the allowance of the selection of the written or oral~~  
43 ~~examination by a person requiring certification."~~

44 2. By renumbering as necessary.

By BRAD BANKS

S-3496 FILED APRIL 14, 1993

ADOPTED

S-3493

Page 7

1 ~~commission~~ a department veterinarian by the horse's  
2 trainer or assistant trainer on a form prescribed by  
3 the ~~commission~~ state veterinarian on or before the day  
4 of entry into the race for which the request is made.

5 6. Once a horse has been permitted the use of  
6 lasix, it must be brought to the detention barn for  
7 treatment not less than four hours prior to scheduled  
8 post time for the race in which it is entered to  
9 start. After the lasix treatment, the ~~commission~~  
10 department of agriculture and land stewardship, by  
11 rule, may authorize the release of the horse from the  
12 detention barn before the scheduled post time. If a  
13 horse is brought to the detention barn late, the  
14 ~~commission~~, upon receiving information from the  
15 department of agriculture and land stewardship, shall  
16 assess a civil penalty of one hundred dollars against  
17 the trainer.

18 7. A horse entered to race with lasix must be  
19 treated at least four hours prior to post time. The  
20 lasix shall be administered intravenously by a  
21 veterinarian employed by the owner or trainer of the  
22 horse under the visual supervision of ~~the-commission~~ a  
23 department veterinarian. The practicing veterinarian  
24 ~~must deposit with the-commission~~ a department  
25 veterinarian at the detention barn an unopened supply  
26 of lasix and sterile hypodermic needles and syringes  
27 to be used for the administrations. Lasix shall only  
28 be administered in a dose level of two hundred fifty  
29 milligrams. ~~The-commission~~ A department veterinarian  
30 shall extract a test sample of the horse's blood,  
31 urine, or saliva to determine whether the horse was  
32 improperly drugged both before the lasix was  
33 administered and after the race is run.

34 Sec. \_\_\_\_ . Section 159.5, Code 1993, is amended by  
35 adding the following new subsection:

36 NEW SUBSECTION. 16. Appoint a state veterinarian  
37 who shall be responsible for regulating areas relating  
38 to animal health as provided by the secretary."

39 4. Page 20, by inserting after line 45, the  
40 following: .

41 "Sec. \_\_\_\_ . EFFECTIVE DATE. Section 700 of this  
42 Act, being deemed of immediate importance takes effect  
43 upon enactment."

44 5. By renumbering and correcting internal  
45 references as necessary.

By BERL E. PRIEBE

S-3493 FILED APRIL 14, 1993

ADOPTED



## HOUSE FILE 623

S-3491

- 1 Amend the amendment, S-3485, to House File 623, as  
2 amended, passed, and reprinted by the House, as  
3 follows:
- 4 1. Page 12, line 19, by striking the words "and  
5 may" and inserting the following: "may".
- 6 2. Page 12, line 26, by striking the words and  
7 figures "chapter 1001, section 402, and may" and  
8 inserting the following: "Second Extraordinary  
9 Session, chapter 1001, section 402, may".
- 10 3. Page 14, line 17, by striking the word  
11 "defined" and inserting the following: "provided".
- 12 4. Page 14, line 18, by inserting after the  
13 figure "9H.1," the following: "subsection 1,  
14 paragraphs "a" through "c",".
- 15 5. By striking page 16, line 44 through page 18,  
16 line 8, and inserting the following:  
17 "Sec. \_\_\_\_ . Section 455B.310, subsection 2,  
18 paragraph b, Code 1993, is amended by striking the  
19 paragraph and inserting in lieu thereof the following:  
20 b. In addition to the tonnage fee amounts imposed  
21 under this subsection, the tonnage fee shall be  
22 increased by seventy-five cents per ton of solid  
23 waste. The moneys collected under this paragraph are  
24 appropriated and shall be used as provided in section  
25 455E.11, subsection 2, paragraph "a", subparagraph  
26 (iiA)."
- 27 6. Page 19, by striking lines 19 through 28, and  
28 inserting the following: "recycling of sawdust."
- 29 7. Page 19, line 43, by striking the figure "(i)"  
30 and inserting the following: "(ii)".
- 31 8. Page 20, line 43, by striking the word and  
32 figure "Section 13" and inserting the following:  
33 "Sections 13 and 24".
- 34 9. Page 20, line 44, by striking the word "takes"  
35 and inserting the following: "take".
- 36 10. Page 20, lines 49 and 50, by striking the  
37 words "an effective date" and inserting the following:  
38 "effective dates".

By EMIL J. HUSAK  
BRAD BANKS

S-3491 FILED APRIL 14, 1993  
ADOPTED

## HOUSE FILE 623

3497

Amend the amendment, S-3485, to House File 623, as amended, passed, and reprinted by the House, as follows:

1. Page 15, by inserting after line 23 the following:

"Sec. \_\_\_\_ . NEW SECTION. 200.22 LOCAL LEGISLATION -- PROHIBITION.

1. As used in this section:

a. "Local governmental entity" means any political subdivision, or any state authority which is not the general assembly or under the direction of a principal central department as enumerated in section 7E.5, including a city as defined in section 362.2, a county as provided in chapter 331, or any special purpose district.

b. "Local legislation" means any ordinance, motion, resolution, amendment, regulation, or rule adopted by a local governmental entity.

2. The provisions of this chapter and rules adopted by the department pursuant to this chapter shall preempt local legislation adopted by a local governmental entity relating to the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, or manufacture of a fertilizer or soil conditioner. A local governmental entity shall not adopt or continue in effect local legislation relating to the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, or manufacture of a fertilizer or soil conditioner, regardless of whether a statute or rule adopted by the department applies to preempt the local legislation. Local legislation in violation of this section is void and unenforceable.

3. This section does not apply to local legislation of general applicability to commercial activity."

2. Page 15, by inserting after line 36 the following:

"Sec. \_\_\_\_ . NEW SECTION. 206.34 LOCAL LEGISLATION -- PROHIBITION.

1. As used in this section:

a. "Local governmental entity" means any political subdivision, or any state authority which is not the general assembly or under the direction of a principal central department as enumerated in section 7E.5, including a city as defined in section 362.2, a county as provided in chapter 331, or any special purpose district.

b. "Local legislation" means any ordinance,

3497

S-3497

Page 2

1 motion, resolution, amendment, regulation, or rule  
2 adopted by a local governmental entity.  
3 2. The provisions of this chapter and rules  
4 adopted by the department pursuant to this chapter  
5 shall preempt local legislation adopted by a local  
6 governmental entity relating to the use, sale,  
7 distribution, storage, transportation, disposal,  
8 formulation, labeling, registration, or manufacture of  
9 a pesticide. A local governmental entity shall not  
10 adopt or continue in effect local legislation relating  
11 to the use, sale, distribution, storage,  
12 transportation, disposal, formulation, labeling,  
13 registration, or manufacture of a pesticide,  
14 regardless of whether a statute or rule adopted by the  
15 department applies to preempt the local legislation.  
16 Local legislation in violation of this section is void  
17 and unenforceable.  
18 3. This section does not apply to local  
19 legislation of general applicability to commercial  
20 activity."  
21 3. By renumbering and correcting internal  
22 references as necessary.

By BRAD BANKS

S-3497 FILED APRIL 14, 1993  
WITHDRAWN

SENATE AMENDMENT TO HOUSE FILE 623

H-4011

1 Amend House File 623, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

6 Section 1. GENERAL APPROPRIATION. There is  
7 appropriated from the general fund of the state to the  
8 department of agriculture and land stewardship for the  
9 fiscal year beginning July 1, 1993, and ending June  
10 30, 1994, the following amounts, or so much thereof as  
11 is necessary, to be used for the purposes designated:

12 1. ADMINISTRATIVE DIVISION

13 a. For salaries, support, maintenance, the support  
14 of the state 4-H foundation, support of the statistics  
15 bureau, and miscellaneous purposes:

16 ..... \$ 1,017,045

17 Of the funds appropriated in this paragraph "a",  
18 \$35,000 shall be allocated to the state 4-H foundation  
19 to foster the development of Iowa's youth and to  
20 encourage them to study the subject of agriculture.

21 Of the funds appropriated in this paragraph "a",  
22 \$112,000 and 3.00 FTEs shall be allocated to the  
23 statistics bureau to provide county-by-county  
24 information on land in farms, production by crop,  
25 acres by crop, and county prices by crop. This  
26 information shall be made available to the department  
27 of revenue and finance for use in the productivity  
28 formula for valuing and equalizing the values of  
29 agricultural land.

30 b. For the operations of the dairy trade practices  
31 bureau:

32 ..... \$ 70,565

33 c. For the operations of the agricultural  
34 marketing bureau:

35 ..... \$ 817,276

36 Of the funds appropriated in this paragraph "c",  
37 \$325,000 and 7.00 FTEs shall be used to support  
38 horticulture.

39 d. For the purpose of performing commercial feed  
40 audits:

41 ..... \$ 59,474

42 e. For the purpose of performing fertilizer  
43 audits:

44 ..... \$ 59,474

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

48 ..... FTEs 50.20

49 2. REGULATORY DIVISION

50 a. For salaries, support, maintenance,

H-4011

H-4011

Page 2

1 miscellaneous purposes, and for not more than the  
2 following full-time equivalent positions:  
3 ..... \$ 3,649,904  
4 ..... FTEs 128.90  
5 b. To cover the costs of inspection, sampling,  
6 analysis, and other expenses necessary for the  
7 administration of chapters 192, 194, and 195:  
8 ..... \$ 636,682  
9 3. LABORATORY DIVISION  
10 a. For salaries, support, maintenance, and  
11 miscellaneous purposes, including the administration  
12 of the gypsy moth program:  
13 ..... \$ 782,329  
14 Of the amount appropriated under this paragraph  
15 "a", \$110,000 shall be used to administer a program  
16 relating to the detection, surveillance, and  
17 eradication of the gypsy moth. The department shall  
18 allocate and use the appropriation made under this  
19 paragraph before moneys other than those appropriated  
20 under this paragraph are used to support the program.  
21 b. For the operations of the commercial feed  
22 programs:  
23 ..... \$ 726,740  
24 c. For the operations of the pesticide programs:  
25 ..... \$ 1,186,603  
26 d. For the operations of the fertilizer programs:  
27 ..... \$ 624,317  
28 e. Funds appropriated by this subsection are for  
29 the salaries and support of not more than the  
30 following full-time equivalent positions:  
31 ..... FTEs 78.00  
32 4. SOIL CONSERVATION DIVISION  
33 a. For salaries, support, maintenance, assistance  
34 to soil conservation districts, miscellaneous  
35 purposes, and for not more than the following full-  
36 time equivalent positions:  
37 ..... \$ 5,138,029  
38 ..... FTEs 170.52  
39 Of the funds appropriated in this paragraph "a",  
40 \$330,000 shall be used to reimburse commissioners of  
41 soil and water conservation districts for  
42 administrative expenses. Moneys used for the payment  
43 of meeting dues by counties shall be matched on a  
44 dollar-for-dollar basis by the soil conservation  
45 division.  
46 b. To provide financial incentives for soil  
47 conservation practices under chapter 161A:  
48 ..... \$ 5,950,000  
49 c. The following requirements apply to the moneys  
50 appropriated in paragraph "b":

H-4011

H-4011

Page 3

(1) Not more than 5 percent of the moneys appropriated in paragraph "b" may be allocated for cost sharing to abate complaints filed under section 161A.47.

(2) Of the moneys appropriated in paragraph "b", 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

(3) Not more than 30 percent of a district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping as provided in section 161A.73.

(4) The state soil conservation committee created in section 161A.4 may allocate moneys to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

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

d. The provisions of section 8.33 shall not apply to the moneys appropriated in paragraph "b".

Unencumbered or unobligated moneys remaining on June 30, 1997, from moneys appropriated in paragraph "b" for the fiscal year beginning July 1, 1993, shall revert to the general fund on August 31, 1997.

Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, to be used by the department to continue and expand the farmers' market coupon program by providing federal special supplemental food program recipients with coupons redeemable at farmers' markets, and for not more than the following full-time equivalent positions:

.....	\$	186,751
.....	FTEs	1.00

Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount,

H-4011

H-4011

Page 4

1 or so much thereof as is necessary, to be used for the  
2 purpose designated:

3 For support of the pseudorabies eradication  
4 program:

5 ..... \$ 900,000

6 2. Persons, including organizations interested in  
7 swine production in this state and in the promotion of  
8 Iowa pork products who contribute support to the  
9 program, are encouraged to increase financial support  
10 for purposes of ensuring the program's effective  
11 continuation.

12 Sec. 4. HORSE AND DOG RACING.

13 1. There is appropriated from the moneys available  
14 under section 99D.13 to the regulatory division of the  
15 department of agriculture and land stewardship for the  
16 fiscal year beginning July 1, 1993, and ending June  
17 30, 1994, the following amount, or so much thereof as  
18 is necessary, to be used for the purpose designated:

19 For salaries, support, maintenance, and  
20 miscellaneous purposes for the administration of  
21 section 99D.22:

22 ..... \$ 182,560

23 2. a. The state veterinarian shall assume  
24 responsibilities performed by the Iowa racing and  
25 gaming commission in supervising and regulating the  
26 health of animals racing under chapter 99D.

27 b. Notwithstanding sections of this Act amending  
28 chapter 99D, the Iowa racing and gaming commission  
29 shall satisfy all current contracts with commission  
30 veterinarians. The commission shall not renew or  
31 extend a contract beyond December 1, 1993. As each  
32 contract expires, a departmental veterinarian shall  
33 assume responsibilities of the commission  
34 veterinarian. The Iowa racing and gaming commission  
35 shall support payments under existing contracts with  
36 other commission veterinarians from moneys  
37 appropriated to the commission pursuant to Senate File  
38 266, as enacted by the seventy-fifth general assembly  
39 for the fiscal year beginning July 1, 1993, and ending  
40 June 30, 1994. However, moneys remaining which would  
41 otherwise be used to support a commission veterinarian  
42 shall be transferred to the department within ten days  
43 after the cessation of duties by that commission  
44 veterinarian.

45 c. The total amount of the moneys used to support  
46 all veterinarians of the commission and the  
47 department, as required to administer chapter 99D, and  
48 testing by Iowa state university of science and  
49 technology shall not exceed \$645,000, unless the  
50 commission determines that additional moneys

H-4011

H-4011

Page 5

1 transferred to the department are required to support  
2 departmental veterinarians at a particular track.

3 d. Unless the commission determines that  
4 additional moneys transferred to the department are  
5 required to support departmental veterinarians at a  
6 particular track, not more than \$45,000 shall be used  
7 to support a veterinarian at the Waterloo track, not  
8 more than \$90,000 shall be used to support a  
9 veterinarian at the Council Bluffs track, not more  
10 than \$45,000 shall be used to support a veterinarian  
11 at the Dubuque track, not more than \$75,000 shall be  
12 used to support a veterinarian at the Des Moines  
13 track, and not more than \$390,000 shall be used to  
14 support Iowa state university of science and  
15 technology.

16 e. The racing and gaming commission and the  
17 department of agriculture and land stewardship shall  
18 provide for the orderly transition of responsibilities  
19 under this Act, including the adoption of rules and  
20 the transfer of personnel required to implement this  
21 Act.

22 INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

23 Sec. 5. APPROPRIATION. There is appropriated from  
24 the general fund of the state to the interstate  
25 agricultural grain marketing commission for the fiscal  
26 year beginning July 1, 1993, and ending June 30, 1994,  
27 the following amount, or so much thereof as is  
28 necessary, to be used for the purpose designated:

29 For carrying out duties of the commission as  
30 provided in Article IV of the interstate compact on  
31 agricultural grain marketing as provided in chapter  
32 183:

33 ..... \$ 75,000

34 DEPARTMENT OF NATURAL RESOURCES

35 Sec. 6. GENERAL APPROPRIATION. There is  
36 appropriated from the general fund of the state to the  
37 department of natural resources for the fiscal year  
38 beginning July 1, 1993, and ending June 30, 1994, the  
39 following amounts, or so much thereof as is necessary,  
40 to be used for the purposes designated:

41 1. ADMINISTRATIVE AND SUPPORT SERVICES

42 For salaries, support, maintenance, miscellaneous  
43 purposes, and for not more than the following full-  
44 time equivalent positions:

45 ..... \$ 1,705,345

46 ..... FTEs 116.70

47 2. PARKS AND PRESERVES DIVISION

48 For salaries, support, maintenance, miscellaneous  
49 purposes, and for not more than the following full-  
50 time equivalent positions:

H-4011



H-4011

Page 6

1	.....	\$	5,387,474
2	.....	FTEs	204.83

3 The department shall transfer all managerial  
 4 responsibilities relating to property known as Plum  
 5 Grove in Iowa City to the department of cultural  
 6 affairs.

7 3. FORESTS AND FORESTRY DIVISION

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

11	.....	\$	1,416,046
12	.....	FTEs	48.71

13 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

14 For salaries, support, maintenance, miscellaneous  
 15 purposes, and for not more than the following full-  
 16 time equivalent positions:

17	.....	\$	1,642,474
18	.....	FTEs	53.00

19 5. ENVIRONMENTAL PROTECTION DIVISION

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

23	.....	\$	2,064,046
24	.....	FTEs	169.00

25 6. FISH AND WILDLIFE DIVISION

26 For not more than the following full-time  
 27 equivalent positions:

28	.....	FTEs	338.78
----	-------	------	--------

29 7. WASTE MANAGEMENT ASSISTANCE DIVISION

30 For not more than the following full-time  
 31 equivalent positions:

32	.....	FTEs	18.75
----	-------	------	-------

33 Sec. 7. STATE FISH AND GAME PROTECTION FUND --  
 34 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

35 1. There is appropriated from the state fish and  
 36 game protection fund to the division of fish and  
 37 wildlife of the department of natural resources for  
 38 the fiscal year beginning July 1, 1993, and ending  
 39 June 30, 1994, the following amount, or so much  
 40 thereof as is necessary, to be used for the purposes  
 41 designated:

42 For administrative support, and for salaries,  
 43 support, maintenance, equipment, and miscellaneous  
 44 purposes:

45	.....	\$	19,933,807
----	-------	----	------------

46 2. The department shall not expend more moneys  
 47 from the fish and game protection fund than provided  
 48 in this section, unless the expenditure derives from  
 49 contributions made by a private entity, or a grant or  
 50 moneys received from the federal government, and is

H-4011

H-4011

Page 7

1 approved by the natural resource commission. The  
2 department of natural resources shall promptly notify  
3 the legislative fiscal bureau of the commission's  
4 approval, and the chairpersons and ranking members of  
5 the joint appropriations subcommittee on agriculture  
6 and natural resources concerning the commission's  
7 approval.

8 Sec. 8. MARINE FUEL TAX RECEIPTS -- CAPITALS;  
9 NONCAPITALS; AND BOATING FACILITIES AND ACCESS. There  
10 is appropriated from the marine fuel tax receipts  
11 deposited in the general fund of the state to the  
12 department of natural resources for the fiscal year  
13 beginning July 1, 1993, and ending June 30, 1994, the  
14 following amounts, or so much thereof as is necessary,  
15 to be used for the purposes designated:

- 16 1. For purposes of funding expenditures
- 17 traditionally funded from marine fuel tax revenues,
- 18 but not considered as capitals or operations:
- 19 ..... \$ 200,000
- 20 2. For purposes of maintaining and developing
- 21 boating facilities and access to public waters by the
- 22 parks and preserves division:
- 23 ..... \$ 411,311

24 Notwithstanding section 8.33, the unencumbered or  
25 unobligated moneys remaining on June 30, 1994, from  
26 moneys appropriated by this section as provided in  
27 subsections 1 and 2, may be expended during the fiscal  
28 year beginning July 1, 1994, and ending June 30, 1995,  
29 and shall not revert to the general fund until August  
30 31, 1995.

31 Sec. 9. ALL-TERRAIN VEHICLE AND SNOWMOBILE FEES --  
32 TRANSFER FOR ENFORCEMENT PURPOSES. There is  
33 transferred on July 1, 1993, from the fees deposited  
34 under section 321G.7 to the fish and game protection  
35 fund and appropriated to the department of natural  
36 resources for the fiscal year beginning July 1, 1993,  
37 and ending June 30, 1994, the following amount, or so  
38 much thereof as is necessary, to be used for the  
39 purpose designated:

- 40 For the purpose of enforcing snowmobile laws as
- 41 part of the state snowmobile program administered by
- 42 the department of natural resources:
- 43 ..... \$ 100,000

44 Sec. 10. VESSEL FEES -- TRANSFER FOR ENFORCEMENT  
45 PURPOSES. There is transferred on July 1, 1993, from  
46 the fees deposited under section 462A.52 to the fish  
47 and game protection fund and appropriated to the  
48 department of natural resources for the fiscal year  
49 beginning July 1, 1993, and ending June 30, 1994, the  
50 following amount, or so much thereof as is necessary,

H-4011

H-4011

Page 8

1 to be used for the purpose designated:

2 For purposes of administration and enforcement of  
3 navigation laws and water safety:  
4 ..... \$ 950,000

5 IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY  
6 Sec. 11. LIVESTOCK PRODUCERS ASSISTANCE PROGRAM.

7 1. There is appropriated from the general fund of  
8 the state to Iowa state university of science and  
9 technology, for the fiscal year beginning July 1,  
10 1993, and ending June 30, 1994, the following amount,  
11 or so much thereof as is necessary, to be used for the  
12 purposes designated:

13 To establish and administer a livestock producers  
14 assistance program to provide on-site assistance to  
15 persons involved in livestock production in order to  
16 increase the efficiency, productivity, and  
17 profitability of their operations:  
18 ..... \$ 300,000

19 2. As a condition of this appropriation, the  
20 university shall strive to ensure that the program  
21 becomes increasingly self-sufficient.

22 3. The provisions of section 8.33 shall not apply  
23 to the moneys appropriated in this section.  
24 Unencumbered or unobligated moneys remaining on June  
25 30, 1997, from moneys appropriated in this section for  
26 the fiscal year beginning July 1, 1993, shall revert  
27 to the general fund on August 31, 1997.

28 RESOURCE ENHANCEMENT AND PROTECTION

29 Sec. 12. GENERAL APPROPRIATION. Notwithstanding  
30 the amount of the standing appropriation from the  
31 general fund of the state under section 455A.18,  
32 subsection 3, there is appropriated from the general  
33 fund of the state to the Iowa resources enhancement  
34 and protection fund, in lieu of the appropriation made  
35 in section 455A.18, for the fiscal year beginning July  
36 1, 1993, and ending June 30, 1994, the sum of  
37 \$7,500,000, of which all moneys shall be allocated as  
38 provided in section 455A.19.

39 Sec. 13. DEAPPROPRIATION. The appropriation from  
40 the general fund of the state to the Iowa resources  
41 enhancement and protection fund for the fiscal year  
42 beginning July 1, 1992, and ending June 30, 1993, in  
43 1992 Iowa Acts, chapter 1239, section 12, is reduced,  
44 as a result of the governor's item veto in section 12,  
45 by the following amounts for the purposes designated:

46 1. Allocation to the department of natural  
47 resources, in subsection 2, paragraph "a":  
48 ..... \$ 500,000

49 2. Allocation to the department of agriculture and  
50 land stewardship, in subsection 2, paragraph "b":

H-4011

H-4011

Page 9

1 ..... \$ 400,000

MISCELLANEOUS

3 Sec. 14. APPROPRIATION -- ORGANIC NUTRIENT  
4 MANAGEMENT PROGRAM.

5 1. Prior to any appropriation made pursuant to  
6 section 455E.11, subsection 2, paragraph "c", there is  
7 appropriated for the fiscal year beginning July 1,  
8 1993, and ending June 30, 1994, from the household  
9 hazardous waste account of the groundwater protection  
10 fund created in section 455E.11, to the water  
11 protection fund created in section 161C.4 for deposit  
12 in the organic nutrient management account, the  
13 following amount, or so much thereof as is necessary,  
14 to be used for the purposes designated:

15 For purposes of supporting an organic nutrient  
16 management program as provided in this Act:

17 ..... \$ 900,000

18 2. The appropriation shall be used as follows:

19 a. Not more than 2 percent of the amount shall be  
20 used for purposes of administering the program by the  
21 soil conservation division.

22 b. The amount of moneys allocated in cost-share  
23 payments to a person qualifying under the program  
24 shall not exceed 50 percent of the estimated cost of  
25 establishing a system or 50 percent of the actual  
26 cost, whichever is less.

27 c. A person qualifying under the program shall not  
28 receive more than \$7,500 in financial incentives under  
29 this program.

30 Sec. 15. REVENUE ADMINISTERED BY THE IOWA  
31 COMPREHENSIVE UNDERGROUND STORAGE TANK BOARD --

32 TRANSFER. There is appropriated from the unassigned  
33 revenue fund administered by the Iowa comprehensive  
34 underground storage tank board, to the department of  
35 natural resources for the fiscal year beginning July  
36 1, 1993, and ending June 30, 1994, the following  
37 amount, or so much thereof as is necessary, to be used  
38 for the purpose designated:

39 For administration expenses of the underground  
40 storage tank section of the department of natural  
41 resources:

42 ..... \$ 145,000

43 However, this appropriation is reduced to the  
44 extent that the board determines that other state  
45 expenditures qualify as a match for moneys  
46 appropriated by the United States for purposes of  
47 supporting the activities performed by the department  
48 in carrying out the underground storage tank program.

49 Sec. 16. STATE NURSERIES. Notwithstanding section  
50 17A.2, subsection 10, paragraph "g", the department of

H-4011

H-4011

Page 10

1 natural resources shall adopt administrative rules  
2 establishing prices of plant material grown at the  
3 state forest nurseries to cover all expenses related  
4 to the growing of the plants.

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

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

14 Sec. 17. TRUST FUND INFORMATION. The department  
15 of revenue and finance in cooperation with the  
16 department of agriculture and land stewardship and the  
17 department of natural resources shall track receipts  
18 to the general fund which have traditionally been  
19 deposited into the following funds:

20 1. The fertilizer fund created in section 200.9.

21 2. The pesticide fund created in section 206.12.

22 3. The dairy trade practices trust fund pursuant  
23 to section 192A.30.

24 4. The milk fund created in section 192.111.

25 5. The commercial feed fund created in section  
26 198.9.

27 6. The marine fuel tax fund created in section  
28 452A.79.

29 7. The energy research and development fund  
30 provided in section 473.11, enacted in 1993 Acts,  
31 Senate File 74.

32 The departments designated in this section shall  
33 prepare reports detailing revenue from receipts  
34 traditionally deposited into each of the funds. A  
35 report shall be submitted to the legislative fiscal  
36 bureau at least once for each three-month period as  
37 designated by the legislative fiscal bureau.

38 Sec. 18. DEPARTMENTAL INFORMATION REQUIRED.

39 1. The department of agriculture and land  
40 stewardship and the department of natural resources,  
41 in cooperation as necessary with the department of  
42 management and the department of personnel, shall  
43 provide a list to the legislative fiscal bureau, on a  
44 quarterly basis, of all permanent positions added to  
45 or deleted from the departments' table of organization  
46 in the previous fiscal quarter. This list shall  
47 include at least the position number, salary range,  
48 projected funding source or sources of each position,  
49 and the reason for the addition or deletion. The  
50 legislative fiscal bureau may use this information to

H-4011

-10-

H-4011

Page 11

1 assist in the establishment of the full-time  
2 equivalent position limits authorized in law for the  
3 departments.

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

17 3. The department of agriculture and land  
18 stewardship shall provide the legislative fiscal  
19 bureau information and financial data on at least a  
20 monthly basis, relating to the internal budget system  
21 used by the department. The information shall include  
22 but is not limited to financial data covering the  
23 department's budget prior to the start of the fiscal  
24 year, and to the department's actual expenditures  
25 after the accounting system has been closed for that  
26 fiscal year.

27 Sec. 19. AIR QUALITY STANDARDS.

28 1. During the fiscal year for which funds are  
29 appropriated by section 6 of this Act, the department  
30 of natural resources shall not require the  
31 installation or use of equipment to control the  
32 emission of dust or other particulate matter on or by  
33 facilities for storage of grain which are located  
34 within the ambient air quality attainment areas for  
35 suspended particulates. However, this subsection  
36 shall not be effective upon the delegation by the  
37 United States to this state of the air operating  
38 permit program as provided by the federal Clean Air  
39 Act Amendments of 1990, Pub. L. No. 101-549.

40 2. Notwithstanding section 455B.133A, the annual  
41 fee of twenty-five dollars per ton on hazardous air  
42 pollutants imposed pursuant to that section is not  
43 required to be paid, if both of the following occur:

44 a. The Seventy-fifth General Assembly does not  
45 enact legislation which authorizes the state to assume  
46 responsibilities delegated by the United States  
47 relating to the air operating permit program as  
48 provided by the federal Clean Air Act Amendments of  
49 1990, Pub. L. No. 101-549.

50 b. The fee on hazardous air pollutants included in

H-4011

H-4011

Page 12

1 Title III of the federal Clean Air Act Amendments of  
2 1990 is imposed by the United States.

3 Sec. 20. DEPARTMENTAL STUDIES AND PROJECTS.

4 1. The department of agriculture and land  
5 stewardship and the department of inspections and  
6 appeals shall jointly study methods of coordinating  
7 inspections currently performed by the department of  
8 agriculture and land stewardship, including but not  
9 limited to the inspections of weights and measures.  
10 The departments shall study methods to increase  
11 efficiency and cost-savings. The departments shall  
12 prepare and submit a report to the general assembly  
13 not later than January 10, 1994, detailing findings  
14 and recommendations of the departments.

15 2. The department of agriculture and land  
16 stewardship shall establish a pilot project in a  
17 geographic area in which the inspections of weights  
18 and measures are performed based upon criteria which  
19 prioritizes inspections according to those weights and  
20 measures which are most likely not to be in compliance  
21 with state standards.

22 3. The department of natural resources shall study  
23 the effects of urban contamination, if any, of state  
24 waters. The department shall prepare a report based  
25 on the study which shall be delivered to the secretary  
26 of the senate and chief clerk of the house of  
27 representatives not later than January 10, 1994.

28 Sec. 21. LEASE-PURCHASE CONTRACTS -- PROHIBITION.

29 By June 30, 1994, the department of natural resources,  
30 or a person acting on behalf of the department,  
31 including the department of general services, shall  
32 complete the terms and pay the full amount due under  
33 any lease-purchase contract for the purchase of  
34 personal property acquired by, or on behalf of the  
35 department, which was executed after June 30, 1992.  
36 This section shall not alter the obligation of the  
37 department to reimburse a person who acts to complete  
38 the terms or pays an amount due under a lease-purchase  
39 contract. However, the department must reimburse the  
40 person the full amount due by June 30, 1994. The  
41 department shall not extend the terms of any existing  
42 lease-purchase contract which would expire on or  
43 before June 30, 1994.

44 Sec. 22. PREFERENCE PROVIDED -- PERSONS MEETING  
45 ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM.

46 In its employment of persons in temporary positions in  
47 conservation and outdoor recreation, the department of  
48 natural resources shall give preference to persons  
49 meeting eligibility requirements for the green thumb  
50 program and to persons working toward an advanced

H-4011

-12-

H-4011

Page 13

1 education in natural resources and conservation.

2 Sec. 23. REDUCTIONS IN FULL-TIME EQUIVALENT  
3 POSITIONS -- GENERAL FUND SUPPORTED APPROPRIATIONS.

4 The number of full-time equivalent positions, as  
5 defined in section 8.36A, within the department of  
6 natural resources which are reduced in this Act from  
7 the number of full-time equivalent positions provided  
8 for pursuant to 1992 Iowa Acts, chapter 1239, apply  
9 only to full-time equivalent positions supported by  
10 appropriations from the general fund of the state.

11 Sec. 24. BRUSHY CREEK RECREATION AREA. The  
12 campground used for equestrian activities on the  
13 northern part of the Brushy Creek recreation area  
14 shall be a permanent campground for such activities.  
15 The department in conjunction with the Brushy Creek  
16 recreation trails advisory board shall implement the  
17 provisions of section 455A.8A, as enacted in this Act,  
18 including the development and completion of trail  
19 improvements during the construction of the dam. The  
20 recreational improvements shall be completed upon  
21 completion of the dam.

22 Sec. 25. REVERSION POSTPONEMENT.

23 1. Notwithstanding section 8.33, and 1992 Iowa  
24 Acts, chapter 1239, section 8, unencumbered or  
25 unobligated moneys remaining on June 30, 1993, from  
26 moneys appropriated for purposes of funding projects  
27 traditionally funded from marine fuel tax receipts as  
28 provided in 1992 Iowa Acts, chapter 1239, section 8,  
29 subsections 1 and 4, may be expended during the fiscal  
30 year beginning July 1, 1993, and ending June 30, 1994,  
31 and shall not revert to the general fund until August  
32 31, 1994.

33 2. Notwithstanding section 8.33, unencumbered or  
34 unobligated moneys remaining on June 30, 1993, from  
35 moneys appropriated pursuant to 1992 Iowa Acts, Second  
36 Extraordinary Session, chapter 1001, section 402, may  
37 be expended during the fiscal year beginning July 1,  
38 1993, and ending June 30, 1994, and shall not revert  
39 to the general fund until August 31, 1994.

40 STATUTORY CHANGES

41 Sec. 26. Section 18.12, subsection 10, Code 1993,  
42 is amended by adding the following new paragraph:

43 NEW PARAGRAPH. f. Notwithstanding this  
44 subsection, the director shall not do either of the  
45 following:

46 (1) Enter into a lease-purchase contract or  
47 facilitate the execution of a lease-purchase contract  
48 for the acquisition of personal property, if the  
49 property is to be under the control of the department  
50 of natural resources, or the department is to be the

H-4011



H-4011

Page 14

1 principal user or beneficiary of the property.  
2 (2) Enter into a lease-purchase contract or  
3 facilitate the execution of a lease-purchase contract  
4 for the acquisition of personal property, if the  
5 property is to be under the control of the department  
6 of agriculture and land stewardship, or the department  
7 is to be the principal user or beneficiary of the  
8 property.

9 Sec. 27. Section 18.18, Code 1993, is amended by  
10 adding the following new subsection:

11 NEW SUBSECTION. 9. The department shall, whenever  
12 technically feasible, purchase and use degradable  
13 loose foam packing material manufactured from grain  
14 starches or other renewable resources, unless the cost  
15 of the packing material is more than ten percent  
16 greater than the cost of packing material made from  
17 nonrenewable resources. For the purposes of this  
18 subsection, "packing material" means material, other  
19 than an exterior packing shell, that is used to  
20 stabilize, protect, cushion, or brace the contents of  
21 a package.

22 Sec. 28. Section 99D.2, Code 1993, is amended by  
23 adding the following new subsection:

24 NEW SUBSECTION. 9. "State veterinarian" means the  
25 veterinarian appointed by the secretary of agriculture  
26 pursuant to section 159.5.

27 Sec. 29. Section 99D.13, subsection 2, Code 1993,  
28 is amended to read as follows:

29 2. Winnings from each racetrack forfeited under  
30 subsection 1 shall escheat to the state and to the  
31 extent appropriated by the general assembly shall be  
32 used by the department of agriculture and land  
33 stewardship to administer section 99D.22. The  
34 remainder shall be ~~paid over to the commission~~ used by  
35 the state veterinarian to pay all or part of the cost  
36 of drug testing at the tracks. The remainder shall be  
37 paid over to the commission. To the extent the  
38 remainder paid over to the commission, less the cost  
39 of drug testing, is from unclaimed winnings from  
40 harness racing meets, the remainder shall be used as  
41 provided in subsection 3. To the extent the remainder  
42 paid to the commission, less the cost of drug testing,  
43 is from unclaimed winnings from licensed dog tracks,  
44 the commission shall remit annually five thousand  
45 dollars, or an equal portion of that amount, to each  
46 licensed dog track to carry out the racing dog  
47 adoption program pursuant to section 99D.27. To the  
48 extent the remainder paid over to the commission, less  
49 the cost of drug testing, is from unclaimed winnings  
50 from tracks licensed for dog or horse races, the

H-4011

-14-

H-4011

Page 15

1 commission, on an annual basis, shall remit one-third  
2 of the amount to the treasurer of the city in which  
3 the racetrack is located, one-third of the amount to  
4 the treasurer of the county in which the racetrack is  
5 located, and one-third of the amount to the racetrack  
6 from which it was forfeited. If the racetrack is not  
7 located in a city, then one-third shall be deposited  
8 as provided in chapter 556. The amount received by  
9 the racetrack under this subsection shall be used only  
10 for retiring the debt of the racetrack facilities and  
11 for capital improvements to the racetrack facilities.

12 Sec. 30. Section 99D.23, Code 1993, is amended to  
13 read as follows:

14 99D.23 ~~COMMISSION STATE VETERINARIAN AND-CHEMIST.~~

15 1. The state veterinarian shall supervise and  
16 regulate the health of animals racing under this  
17 chapter. The department of agriculture and land  
18 stewardship may employ or contract with persons  
19 required to assist the state veterinarian in  
20 performing duties required under this chapter. The  
21 department shall designate or appoint departmental  
22 veterinarians to assist the state veterinarian. The  
23 department and the racing and gaming commission shall  
24 at all times cooperate in administering this chapter,  
25 and shall share records and information, including  
26 results of inspections and tests as required.

27 2. The ~~commission~~ department of agriculture and  
28 land stewardship shall employ one or more chemists or  
29 contract with a qualified chemical laboratory to  
30 determine by chemical testing and analysis of saliva,  
31 urine, blood, or other excretions or body fluids  
32 whether a substance or drug has been introduced which  
33 may affect the outcome of a race or whether an action  
34 has been taken or a substance or drug has been  
35 introduced which may interfere with the testing  
36 procedure. The ~~commission~~ department of agriculture  
37 and land stewardship shall adopt rules under chapter  
38 17A concerning procedures and actions taken on  
39 positive drug reports. The ~~commission~~ department of  
40 agriculture and land stewardship may adopt by  
41 reference the standards of the national association of  
42 state racing commissioners, the association of  
43 official racing chemists, and New York jockey club, or  
44 the United States trotting association, or may adopt  
45 any other procedure or standard. The ~~commission~~  
46 department has the authority to retain and preserve by  
47 freezing, test samples for future analysis.

48 3. The ~~commission~~ department of agriculture and  
49 land stewardship shall employ or contract with one or  
50 more veterinarians under the direction of the state

H-4011

-15-

H-4011

Page 16

1 veterinarian to extract or procure the saliva, urine,  
2 blood, or other excretions or body fluids of the  
3 horses or dogs for the chemical testing purposes of  
4 this section. A commission departmental veterinarian  
5 shall be in attendance at every race meeting held in  
6 this state.

7 3 4. A chemist or veterinarian who willfully or  
8 intentionally fails to perform the functions or duties  
9 of employment required by this section shall be banned  
10 for life from employment at a race meeting held in  
11 this state.

12 4 5. The commission state veterinarian shall keep  
13 a continuing record of the racing soundness of all  
14 horses examined by a commission departmental  
15 veterinarian at a racetrack.

16 Sec. 31. Section 99D.25, subsections 3, 4, 5, 7,  
17 9, 10, and 11, Code 1993, are amended to read as  
18 follows:

19 3. ~~The~~ All of the following conduct is prohibited:

20 a. The entering of a horse or dog in a race by the  
21 trainer or owner of the horse or dog if the trainer or  
22 owner knows or if by the exercise of reasonable care  
23 the trainer or owner should know that the horse or dog  
24 is drugged or numbed.

25 b. The drugging or numbing of a horse or dog with  
26 knowledge or with reason to believe that the horse or  
27 dog will compete in a race while so drugged or numbed.  
28 However, the commission department of agriculture and  
29 land stewardship may by rule establish permissible  
30 trace levels of substances foreign to the natural  
31 horse or dog that the commission department determines  
32 to be innocuous.

33 c. The willful failure by the operator of a racing  
34 facility to disqualify a horse or dog from competing  
35 in a race if the operator has been notified that the  
36 horse or dog is drugged or numbed, or was not properly  
37 made available for tests or inspections as required by  
38 the commission and department of agriculture and land  
39 stewardship.

40 d. The willful failure by the operator of a racing  
41 facility to prohibit a horse or dog from racing if the  
42 operator has been notified that the horse or dog has  
43 been suspended from racing.

44 4. The owners owner of a horse or dog ~~and their~~  
45 ~~agents and employees~~ or an agent or employee of the  
46 ~~owner shall permit a member of the commission or a~~  
47 ~~person employed or appointed by the commission the~~  
48 department of agriculture and land stewardship to make  
49 conduct or order tests as the commission state  
50 veterinarian deems proper in order to determine

H-4011

-16-

H-4011

Page 17

1 whether a the horse or dog has been improperly  
2 drugged. The fact that purse money has been  
3 distributed prior to the issuance of a test report  
4 shall not be deemed a finding that no a chemical  
5 substance has not been administered unlawfully to the  
6 horse or dog earning the purse money. The findings of  
7 the commission department of agriculture and land  
8 stewardship that a horse or dog has been improperly  
9 drugged by a narcotic or other drug are prima facie  
10 evidence of the fact. The results of the tests shall  
11 be kept on file by the commission department of  
12 agriculture and land stewardship for at least one year  
13 following the tests.

14 5. Every horse which suffers a breakdown on the  
15 racetrack, in training, or in competition, and is  
16 destroyed, and every other horse which expires while  
17 stabled on the racetrack under the jurisdiction of the  
18 commission, shall undergo a postmortem examination at  
19 a time and place acceptable to the commission state  
20 veterinarian to determine the injury or sickness which  
21 resulted in euthanasia or natural death. The  
22 postmortem examination shall be conducted by a  
23 veterinarian employed by the owner or the owner's  
24 trainer in the presence of and in consultation with  
25 the-commission a department veterinarian. Test  
26 samples shall be obtained from the carcass upon which  
27 the postmortem examination is conducted and shall be  
28 sent to a laboratory approved by the commission for  
29 testing for foreign substances and natural substances  
30 at abnormal levels. When practical, blood and urine  
31 test samples should be procured prior to euthanasia.  
32 The owner of the deceased horse is responsible for  
33 payment of any charges due the veterinarian employed  
34 to conduct the postmortem examination. The services  
35 of the commission department veterinarian and the  
36 laboratory testing of postmortem samples shall be made  
37 available by the commission department of agriculture  
38 and land stewardship without charge to the owner. A  
39 record of every postmortem shall be filed with the  
40 commission state veterinarian by the owner's  
41 veterinarian within seventy-two hours of the death and  
42 shall be submitted on a form supplied by the  
43 commission state veterinarian. Each owner and trainer  
44 accepts the responsibility for the postmortem  
45 examination provided herein as a requisite for  
46 maintaining the occupational license issued by the  
47 commission state veterinarian.

48 7. Any horse which in the opinion of the  
49 commission a department veterinarian has suffered a  
50 traumatic injury or disability such that a controlled

H-4011

-17-

H-4011

Page 18

1 program of phenylbutazone administration would not aid  
2 in restoring the racing soundness of the horse shall  
3 not be allowed to race while medicated with  
4 phenylbutazone or with phenylbutazone present in the  
5 horse's bodily systems.

6 9. Before a horse is allowed to race using  
7 phenylbutazone, the veterinarian attending the horse  
8 shall certify to the commission department  
9 veterinarian the course of treatment followed in  
10 administering the phenylbutazone.

11 10. The commission department veterinarian shall  
12 conduct random tests of bodily substances of horses  
13 entered to race each day of a race meeting to aid in  
14 the detection of any unlawful drugging. The tests  
15 shall be conducted both prior to and after a race.  
16 The commission department veterinarian shall also test  
17 any horse that breaks down during a race and shall  
18 perform an autopsy on any horse that is killed or  
19 subsequently destroyed as a result of accident during  
20 a race.

21 11. Veterinarians must submit daily to the  
22 commission a department veterinarian on a prescribed  
23 form a report of all medications and other substances  
24 which the veterinarian prescribed, administered, or  
25 dispensed for horses registered at a current race  
26 meeting. A logbook detailing other professional  
27 services performed while on the grounds of a racetrack  
28 shall be kept by veterinarians and shall be made  
29 immediately available to the commission a department  
30 veterinarian or the stewards upon request.

31 Sec. 32. Section 99D.25A, subsections 3 through 7,  
32 Code 1993, are amended to read as follows:

33 3. If a horse is to race with phenylbutazone in  
34 its system, the trainer shall be responsible for  
35 marking the information on the entry blank for each  
36 race in which the horse shall use phenylbutazone.  
37 Changes made after the time of entry must be submitted  
38 on the prescribed form to the commission a department  
39 veterinarian no later than scratch time.

40 4. If a test detects concentrations of  
41 phenylbutazone in the system of a horse in excess of  
42 the level permitted in this section, the commission,  
43 upon receiving information from the department of  
44 agriculture and land stewardship, shall assess a civil  
45 penalty against the trainer of two hundred dollars for  
46 the first offense and five hundred dollars for a  
47 second offense. The penalty for a third or subsequent  
48 offense shall be in the discretion of the commission.  
49 A penalty assessed under this subsection shall not  
50 affect the placing of the horse in the race.

H-4011

-18-

H-4011

Page 19

1 5. Lasix may be administered to certified  
2 bleeders. Upon request, any horse placed on the  
3 bleeder list shall, in its next race, be permitted the  
4 use of lasix. Once a horse has raced with lasix, it  
5 must continue to race with lasix in all subsequent  
6 races unless a request is made to discontinue the use.  
7 If the use of lasix is discontinued, the horse shall  
8 be prohibited from again racing with lasix unless it  
9 is later observed to be bleeding. Requests for the  
10 use of or discontinuance of lasix must be made to the  
11 commission a department veterinarian by the horse's  
12 trainer or assistant trainer on a form prescribed by  
13 the commission state veterinarian on or before the day  
14 of entry into the race for which the request is made.

15 6. Once a horse has been permitted the use of  
16 lasix, it must be brought to the detention barn for  
17 treatment not less than four hours prior to scheduled  
18 post time for the race in which it is entered to  
19 start. After the lasix treatment, the commission  
20 department of agriculture and land stewardship, by  
21 rule, may authorize the release of the horse from the  
22 detention barn before the scheduled post time. If a  
23 horse is brought to the detention barn late, the  
24 commission, upon receiving information from the  
25 department of agriculture and land stewardship, shall  
26 assess a civil penalty of one hundred dollars against  
27 the trainer.

28 7. A horse entered to race with lasix must be  
29 treated at least four hours prior to post time. The  
30 lasix shall be administered intravenously by a  
31 veterinarian employed by the owner or trainer of the  
32 horse under the visual supervision of the-commission a  
33 department veterinarian. The practicing veterinarian  
34 must deposit with the-commission a department  
35 veterinarian at the detention barn an unopened supply  
36 of lasix and sterile hypodermic needles and syringes  
37 to be used for the administrations. Lasix shall only  
38 be administered in a dose level of two hundred fifty  
39 milligrams. The-commission A department veterinarian  
40 shall extract a test sample of the horse's blood,  
41 urine, or saliva to determine whether the horse was  
42 improperly drugged both before the lasix was  
43 administered and after the race is run.

44 Sec. 33. Section 159.5, Code 1993, is amended by  
45 adding the following new subsection:

46 NEW SUBSECTION. 16. Appoint a state veterinarian  
47 who shall be responsible for regulating areas relating  
48 to animal health as provided by the secretary.

49 Sec. 34. NEW SECTION. 159.5A LEASE-PURCHASE CON-  
50 TRACTS -- PROHIBITION.

H-4011

-19-

H-4011

Page 20

1 The department shall not execute or be a party to a  
2 lease-purchase contract for the acquisition of  
3 personal property.

4 Sec. 35. Section 161A.6, unnumbered paragraph 5,  
5 Code 1993, is amended to read as follows:

6 The commissioners shall provide for the execution  
7 of surety bonds for all employees and officers who  
8 shall be entrusted with funds or property; shall  
9 provide for the keeping of a full and accurate record  
10 of all proceedings and of all resolutions,  
11 regulations, and orders issued or adopted; ~~and shall~~  
12 ~~provide for a biennial audit of the accounts of~~  
13 ~~receipts and disbursements~~ and shall regularly report  
14 to the division a summary of financial information  
15 regarding moneys controlled by the commissioners,  
16 which are not audited by the state, according to rules  
17 adopted by the division.

18 Sec. 36. Section 161C.2, subsection 1, Code 1993,  
19 is amended to read as follows:

20 1. Each soil and water conservation district,  
21 alone and whenever practical in conjunction with other  
22 districts, shall carry out district-wide and multiple-  
23 district projects to support water protection  
24 practices in the district or districts, including  
25 projects to protect this state's groundwater and  
26 surface water from point and nonpoint sources of  
27 contamination, including but not limited to  
28 contamination by agricultural drainage wells,  
29 sinkholes, sedimentation, or chemical pollutants.  
30 Moneys used to support the water protection projects  
31 and practices may include moneys allocated from the  
32 water protection fund as provided by rules adopted by  
33 the division. However, the projects and practices  
34 shall not be supported from the fund's organic  
35 nutrient management account.

36 Sec. 37. NEW SECTION. 161C.2A ORGANIC NUTRIENT  
37 MANAGEMENT PROGRAM.

38 1. The division shall establish an organic  
39 nutrient management program to provide for the  
40 allocation of cost-share moneys as financial  
41 incentives to an eligible person applying to  
42 participate in the program. The financial incentives  
43 shall be used for purposes of establishing organic  
44 nutrient management systems which shall facilitate the  
45 proper utilization of livestock waste as a nutrient  
46 source, and to protect the water resources of this  
47 state from livestock waste runoff.

48 2. Moneys used to support financial incentives  
49 shall be allocated from the organic nutrient  
50 management account of the water protection fund

H-4011

-20-

H-4011

Page 21

1 created in section 161C.4.

2 3. A person shall not be eligible to participate  
3 in this program, unless the person is an individual  
4 who is actively engaged in farming as provided in  
5 section 9H.1, subsection 1, paragraphs "a" through  
6 "c", or the person is a family farm corporation,  
7 family farm limited partnership, or a family trust,  
8 all as defined in section 9H.1.

9 4. The division shall adopt rules to administer  
10 this section, including rules relating to the  
11 execution of a contract to establish an organic  
12 nutrient management system. The rules may require  
13 that an eligible person participating in the program  
14 maintain the organic nutrient management system for a  
15 minimum number of years as a condition to receiving  
16 financial incentives. The agreement may be enforced  
17 by the division or by a soil and water conservation  
18 district as provided by the division, in the same  
19 manner as provided for a contract establishing soil  
20 and water conservation practices under chapter 161A.

21 Sec. 38. Section 161C.4, unnumbered paragraph 1,  
22 Code 1993, is amended to read as follows:

23 A water protection fund is created within the  
24 division. The fund is composed of money appropriated  
25 by the general assembly for that purpose, and moneys  
26 available to and obtained or accepted by the state  
27 soil conservation committee from the United States or  
28 private sources for placement in the fund. The fund  
29 shall be divided into ~~two~~ three accounts, the water  
30 quality protection account, ~~and~~ the water protection  
31 practices account, and the organic nutrient management  
32 account. The first account shall be used to carry out  
33 water quality protection projects to protect the  
34 state's surface and groundwater from point and  
35 nonpoint sources of contamination. The second account  
36 shall be used to establish water protection practices  
37 with individual landowners including but not limited  
38 to woodland establishment and protection,  
39 establishment of native grasses and forbs, sinkhole  
40 management, agricultural drainage well management,  
41 streambank stabilization, grass waterway  
42 establishment, stream buffer strip establishment, and  
43 erosion control structure construction. Twenty-five  
44 percent of funds appropriated to the water protection  
45 practices account shall be used for woodland  
46 establishment and protection, and establishment of  
47 native grasses and forbs. Soil and water conservation  
48 district commissioners shall give priority to  
49 applications for practices that implement their soil  
50 and water resource conservation plan. The organic

H-4011

-21-



H-4011

Page 22

1 nutrient management account shall only be used to  
2 support the organic nutrient management program as  
3 provided in section 161C.2A. The fund shall be a  
4 revolving fund from which moneys may be used for  
5 loans, grants, administrative costs, and cost-sharing.

6 Sec. 39. Section 173.9, unnumbered paragraph 1,  
7 Code 1993, is amended by striking the paragraph and  
8 inserting in lieu thereof the following:

9 The board shall appoint a secretary who shall serve  
10 at the pleasure of the board. The secretary shall do  
11 all of the following:

12 Sec. 40. Section 206.5, subsection 3, Code 1993,  
13 is amended to read as follows:

14 3. a. ~~Commercial-applicators~~ A commercial  
15 applicator shall choose between a one-year  
16 certification for which the applicator shall pay a  
17 thirty dollar fee or a three-year certification for  
18 which the applicator shall pay a seventy-five dollar  
19 fee. ~~Public-applicators-are-exempt-from-the-thirty~~  
20 ~~and-seventy-five-dollar-certification-fees-and-instead~~  
21 ~~are-subject-to~~ A public applicator shall choose  
22 between a one-year certification for which the  
23 applicator shall pay a ~~ten-dollar-annual-certification~~  
24 ten dollar fee or a three-year certification for which  
25 the applicator shall pay a fifteen dollar fee ~~for-a~~  
26 ~~three-year-certification.~~ The A private applicator  
27 shall pay a fifteen dollar fee for a three-year  
28 certification.

29 b. To be initially certified as a commercial,  
30 public, or private applicator ~~shall-be-tested-prior-to~~  
31 ~~initial-certification,~~ a person must complete an  
32 educational program which shall consist of an  
33 examination required to be passed by the person. In  
34 addition, ~~a~~ After initial certification the  
35 commercial, public, or private applicator ~~shall-be~~  
36 ~~reexamined-every-three-years-following-initial~~  
37 ~~certification-before-the-applicator-is-eligible-for-a~~  
38 ~~renewal-of~~ must renew the certification by completing  
39 the educational program which shall consist of either  
40 an examination or continuing instructional courses.  
41 However, ~~a~~ The commercial, public, or private  
42 applicator must pass the examination each third year  
43 following initial certification or may elect to attend  
44 two hours of continuing instructional courses each  
45 year.

46 The department shall adopt rules providing for the  
47 program requirements which shall at least include the  
48 safe handling, application, and storage of pesticides,  
49 the correct calibration of equipment used for the  
50 application of pesticides, and the effects of

H-4011

-22-

H-4011

Page 23

1 pesticides upon the groundwater. The department shall  
2 adopt by rule criteria for allowing a person required  
3 to be certified to complete either a written or oral  
4 examination. The department shall administer the  
5 instructional courses, by either teaching the courses  
6 or selecting persons to teach the courses, according  
7 to criteria as provided by rules adopted by the  
8 department. The department shall, to the extent  
9 possible, select persons to teach the courses in each  
10 county. The department is not required to compensate  
11 persons selected to teach the courses. In selecting  
12 persons, the department shall rely upon organizations  
13 interested in the application of pesticides, including  
14 associations representing pesticide applicators and  
15 associations representing agricultural producers. The  
16 Iowa cooperative extension service in agriculture and  
17 home economics of Iowa state university of science and  
18 technology shall cooperate with the department in  
19 administering the instructional courses. The Iowa  
20 cooperative extension service may teach courses, train  
21 persons selected to teach courses, or distribute  
22 informational materials to persons teaching the  
23 courses.

24 c. A commercial, public, or private applicator  
25 need is not required to be certified to apply  
26 pesticides for a period of twenty-one days from the  
27 date of initial employment if the commercial, public,  
28 or private applicator is under the direct supervision  
29 of a certified applicator. For the purposes of this  
30 section, "under the direct supervision of" means that  
31 the application of a pesticide is made by a competent  
32 person acting under the instructions and control of a  
33 certified applicator who is physically present, by  
34 being in sight or hearing distance of the supervised  
35 person.

36 Sec. 41. Section 206.5, subsection 4, Code 1993,  
37 is amended to read as follows:

38 4. A commercial applicator who applies pesticides  
39 to agricultural land may, in lieu of the requirement  
40 of direct supervision, elect to be exempt from the  
41 certification requirements for a commercial applicator  
42 for a period of twenty-one days, if the applicator  
43 meets the requirements of a private applicator. The  
44 ~~test shall include, but is not limited to, the area of~~  
45 ~~safe handling of agricultural chemicals and the~~  
46 ~~effects of these chemicals on groundwater. The~~  
47 ~~secretary shall also adopt, by rule, the criteria for~~  
48 ~~the allowance of the selection of the written or oral~~  
49 ~~examination by a person requiring certification.~~

50 Sec. 42. Section 206.8, subsection 3, Code 1993,

H-4011

-23-

H-4011

Page 24

1 is amended by striking the subsection and inserting in  
2 lieu thereof the following:

3 3. This section shall not apply to either of the  
4 following:

5 a. A pesticide applicator who applies pesticides  
6 which are owned and furnished to the pesticide  
7 applicator by another person, if the pesticide  
8 applicator does not charge for the sale of the  
9 pesticides.

10 b. A federal, state, county, or municipal  
11 governmental entity which provides pesticides only for  
12 its own programs.

13 Sec. 43. Section 216B.3, Code 1993, is amended by  
14 adding the following new subsection:

15 NEW SUBSECTION. 12A. The commission shall,  
16 whenever technically feasible, purchase and use  
17 degradable loose foam packing material manufactured  
18 from grain starches or other renewable resources,  
19 unless the cost of the packing material is more than  
20 ten percent greater than the cost of packing material  
21 made from nonrenewable resources. For the purposes of  
22 this subsection, "packing material" means material,  
23 other than an exterior packing shell, that is used to  
24 stabilize, protect, cushion, or brace the contents of  
25 a package.

26 Sec. 44. Section 262.9, Code 1993, is amended by  
27 adding the following new subsection:

28 NEW SUBSECTION. 4A. The board shall, whenever  
29 technically feasible, purchase and use degradable  
30 loose foam packing material manufactured from grain  
31 starches or other renewable resources, unless the cost  
32 of the packing material is more than ten percent  
33 greater than the cost of packing material made from  
34 nonrenewable resources. For the purposes of this  
35 subsection, "packing material" means material, other  
36 than an exterior packing shell, that is used to  
37 stabilize, protect, cushion, or brace the contents of  
38 a package.

39 Sec. 45. Section 307.21, Code 1993, is amended by  
40 adding the following new subsection:

41 NEW SUBSECTION. 4A. The administrator shall,  
42 whenever technically feasible, purchase and use  
43 degradable loose foam packing material manufactured  
44 from grain starches or other renewable resources,  
45 unless the cost of the packing material is more than  
46 ten percent greater than the cost of packing material  
47 made from nonrenewable resources. For the purposes of  
48 this subsection, "packing material" means material,  
49 other than an exterior packing shell, that is used to  
50 stabilize, protect, cushion, or brace the contents of

H-4011

-24-

H-4011

Page 25

1 a package.

2 Sec. 46. Section 455A.8, subsection 2, Code 1993,  
3 is amended to read as follows:

4 2. Each voting member of the board shall serve  
5 three years, and shall be eligible for reappointment.  
6 However, the park ranger responsible for Brushy Creek  
7 shall be replaced by the ranger's successor, and the  
8 person representing the state advisory board for  
9 preserves shall serve at the pleasure of the board.  
10 The members department shall reimburse each member,  
11 other than the director or the director's designee and  
12 the park ranger, ~~are-entitled-to~~ for actual expenses  
13 incurred by the member in performance of the duties of  
14 the board. A majority of voting members constitutes a  
15 quorum, and the affirmative vote of a majority present  
16 is necessary for any action taken by the board, except  
17 that a lesser number may adjourn a meeting. A vacancy  
18 in the membership of the board does not impair the  
19 rights of a quorum to exercise all rights and perform  
20 all duties of the board. The board shall meet as  
21 required, but at least twice a year. The board shall  
22 meet upon call of the chairperson, or upon written  
23 request of three members of the board. Written notice  
24 of the time and place of the meeting shall be given to  
25 each member.

26 Sec. 47. NEW SECTION. 455A.8A BRUSHY CREEK AREA  
27 -- TRAIL IMPROVEMENTS.

28 The department, in cooperation with the Brushy  
29 Creek recreation trails advisory board, shall provide  
30 for trail improvements in the recreation area and the  
31 state preserve adjoining the recreation area. The  
32 department shall establish and maintain a system of  
33 trails in the recreation area and the preserve. The  
34 trails shall be established or maintained to ensure  
35 the minimum possible disturbance to the natural  
36 terrain and the natural growth of vegetation,  
37 including but not limited to trees. The system of  
38 trails shall include equestrian and pedestrian trails.

39 The department in conjunction with the board shall  
40 provide for the location, type, and distance of  
41 trails, consistent with this section. The pedestrian  
42 trails shall be located in view of scenic attractions,  
43 including the lake and the valley. The trails shall  
44 be established and maintained in areas where hunting  
45 is permitted. The department and the board shall plan  
46 for the development of the lake shore.

47 The northern and southern part of the area shall be  
48 connected by trails. The northern part of the area  
49 shall include an equestrian campground which shall be  
50 maintained by the department. Trails shall exist on

H-4011

-25-

H-4011

Page 26

1 the eastern and western sides of the lake. An  
2 equestrian trail shall extend across the dam. There  
3 shall be established convenient road crossings. The  
4 southern part of the area shall include an area  
5 designed to securely confine horses. The southern  
6 part of the area shall also include pedestrian trails.  
7 The department shall post signs on the trails, the  
8 campground, and at the confinement area.

9 Sec. 48. NEW SECTION. 455A.11 LEASE-PURCHASE  
10 CONTRACTS -- PROHIBITION.

11 The department shall not execute or be a party to a  
12 lease-purchase contract for the acquisition of  
13 personal property.

14 Sec. 49. NEW SECTION. 455B.104 PERMITS ISSUED BY  
15 THE DEPARTMENT -- APPROVAL BY DEFAULT.

16 The department shall either approve or deny a  
17 permit to a person applying for a permit under this  
18 chapter, within six months from the date that the  
19 department receives a completed application for the  
20 permit. An application which is not approved or  
21 denied within the six-month period shall be approved  
22 by default. The department shall issue a permit to  
23 the applicant within ten days following the date of  
24 default approval. However, this section shall not  
25 apply to applications for permits which are issued  
26 under Division II, or Division IV, parts 2 through 7.

27 Sec. 50. Section 455B.310, subsection 2, paragraph  
28 b, Code 1993, is amended by striking the paragraph and  
29 inserting in lieu thereof the following:

30 b. In addition to the tonnage fee amounts imposed  
31 under this subsection, the tonnage fee shall be  
32 increased by seventy-five cents per ton of solid  
33 waste. The moneys collected under this paragraph are  
34 appropriated and shall be used as provided in section  
35 455E.11, subsection 2, paragraph "a", subparagraph  
36 (11A).

37 Sec. 51. Section 455E.11, subsection 2, paragraph  
38 a, Code 1993, is amended by adding the following new  
39 subparagraph:

40 NEW SUBPARAGRAPH. (11A) Each additional seventy-  
41 five cents per ton per year received from the  
42 additional tonnage fee imposed pursuant to section  
43 455B.310, subsection 2, paragraph "b", shall be  
44 allocated for the following purposes:

45 (a) Ten cents per ton per year is appropriated to  
46 the department of natural resources to establish a  
47 program to provide competitive grants to regional  
48 coordinating councils for projects in regional  
49 economic development centers related to a by-products  
50 and waste exchange system. Grantees under this

H-4011

-26-

H-4011

Page 27

1 program shall coordinate activities with other  
2 available state or multistate waste exchanges,  
3 including but not limited to the by-products and waste  
4 search service at the university of northern Iowa.  
5 The department shall consult with the department of  
6 economic development and the waste reduction center at  
7 the university of northern Iowa in establishing  
8 criteria for and the awarding of grants under this  
9 program. The department of natural resources shall  
10 expend not more than thirty thousand dollars of the  
11 moneys appropriated under this subparagraph  
12 subdivision to contract with the by-products and waste  
13 search service at the university of northern Iowa to  
14 provide training and other technical services to  
15 grantees under the program. If regional economic  
16 development centers cease to exist, the department  
17 shall transfer existing contracts to one or more  
18 community colleges or councils of governments and  
19 shall revise the criteria and rules for this program  
20 to allow community colleges or councils of governments  
21 to be applicants for competitive grants.

22 (b) Fifteen cents per ton per year is appropriated  
23 to the department of natural resources to establish  
24 three permanent household hazardous waste collection  
25 sites so that both urban and rural population are  
26 served and so that collection services are available  
27 to the public on a regular basis. An additional five  
28 cents per ton per year is appropriated to the  
29 department to be used for the payment of  
30 transportation costs related to household hazardous  
31 waste collection programs.

32 (c) Twelve and one-half cents per ton per year is  
33 appropriated to the department of natural resources to  
34 provide additional toxic cleanup days. Departmental  
35 rules adopted for implementation of toxic cleanup days  
36 shall provide sufficient flexibility to respond to the  
37 household hazardous material collection needs of both  
38 small and large communities.

39 (d) Five cents per ton per year is appropriated to  
40 the department of economic development to establish,  
41 in cooperation with the department of natural  
42 resources, a marketing initiative to assist Iowa  
43 businesses producing recycling or reclamation  
44 equipment or services, recyclable products, or  
45 products from recycled materials to expand into  
46 national markets. Efforts shall include the reuse and  
47 recycling of sawdust.

48 (e) Five cents per ton per year is appropriated to  
49 the university of northern Iowa to develop and  
50 maintain the Iowa waste reduction center for the safe

H-4011

H-4011

Page 28

1 and economic management of solid waste and hazardous  
2 substances established at the university of northern  
3 Iowa.

4 (f) Eight cents per ton per year is appropriated  
5 to the department of natural resources for the  
6 provision of assistance to public and private entities  
7 in developing and implementing waste reduction and  
8 minimization programs for Iowa industries.

9 (g) The remaining moneys are appropriated to the  
10 department of natural resources to be used in  
11 accordance with subparagraph (8), subparagraph  
12 subdivision (b), subparagraph subdivision subparts  
13 (ii) through (iv).

14 Sec. 52. NEW SECTION. 461A.17A PAYMENT IN LIEU  
15 OF PROPERTY TAXES.

16 The director of the department of natural resources  
17 shall submit a budget request to pay the annual  
18 property taxes on property held by the department.  
19 The budget request shall be submitted to the general  
20 assembly as part of the annual budget proposal  
21 provided in section 455A.4. The amount of the payment  
22 shall be based on property acquired on or after July  
23 1, 1993, which would otherwise be subject to the levy  
24 of property taxes. The assessed value of property  
25 held by the department shall be that determined under  
26 section 427.1, subsection 31, and the director may  
27 protest the assessed value in the manner provided by  
28 law for any property owner to protest an assessment.  
29 For the purposes of chapter 257, the assessed value of  
30 any property which was acquired by the department on  
31 or after July 1, 1993, shall be included in the  
32 valuation base of the school district and the payments  
33 made pursuant to this section shall be considered as  
34 property tax revenues and not as miscellaneous income.  
35 The county treasurer shall certify the amount of taxes  
36 due to the department. The taxes shall be paid  
37 annually from the departmental fund or account from  
38 which the property acquisition was funded. If the  
39 departmental fund or account has no moneys, no longer  
40 exists, or if the acquisition of property was made  
41 without an expenditure of funds by the department, the  
42 taxes shall be paid from funds in the manner provided  
43 by the general assembly. If the total amount of taxes  
44 due, as certified to the department, exceeds the  
45 amount available for expenditure under this section,  
46 the property taxes due shall be reduced  
47 proportionately so that the total amount due equals  
48 the amount available for expenditure.

49 Sec. 53. Section 904.312, Code 1993, is amended by  
50 adding the following new unnumbered paragraph:

H-4011

-28-

H-4011

Page 29

1 NEW UNNUMBERED PARAGRAPH. The director shall,  
2 whenever technically feasible, purchase and use  
3 degradable loose foam packing material manufactured  
4 from grain starches or other renewable resources,  
5 unless the cost of the packing material is more than  
6 ten percent greater than the cost of packing material  
7 made from nonrenewable resources. For the purposes of  
8 this subsection, "packing material" means material,  
9 other than an exterior packing shell, that is used to  
10 stabilize, protect, cushion, or brace the contents of  
11 a package.

12 Sec. 54. EFFECTIVE DATE. Section 4 of this Act,  
13 being deemed of immediate importance takes effect upon  
14 enactment.

15 Sec. 55. EFFECTIVE DATE. Sections 13 and 25 of  
16 this Act, being deemed of immediate importance, take  
17 effect upon enactment.

18 Sec. 56. EFFECTIVE DATE. Sections 24, 46, and 47  
19 of this Act, being deemed of immediate importance,  
20 take effect upon enactment."

21 2. Title page, line 2, by striking the words "and  
22 making" and inserting the following: "making".

23 3. Title page, line 3, by inserting after the  
24 word "changes" the following: ", and providing  
25 effective dates".

RECEIVED FROM THE SENATE

4011 FILED APRIL 15, 1993

*House Concurred 4/22/93*  
*(P.1599)*



## HOUSE FILE 623

H-4142

1 Amend the Senate amendment, H-4011, to House File  
2 623, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, line 16, by striking the figure  
5 "1,017,045" and inserting the following: "1,031,045".  
6 2. Page 1, line 22, by striking the figure  
7 "112,000" and inserting the following: "126,000".  
8 3. Page 1, line 22, by striking the figure "3.00"  
9 and inserting the following: "4.00".  
10 4. Page 1, line 37, by striking the figure  
11 "325,000" and inserting the following: "313,880".  
12 5. Page 2, line 3, by striking the figure  
13 "3,649,904" and inserting the following: "3,687,904".  
14 6. Page 2, line 48, by striking the figure  
15 "5,950,000" and inserting the following: "5,918,606".  
16 7. Page 6, line 1, by striking the figure  
17 "5,387,474" and inserting the following: "5,337,474".  
18 8. Page 6, line 2, by striking the figure  
19 "204.83" and inserting the following: "199.83".  
20 9. Page 8, line 37, by striking the figure  
21 "7,500,000" and inserting the following: "7,000,000".  
22 10. Page 9, by striking line 12 and inserting  
23 the following: "in an organic nutrient management  
24 account which shall be created by the division of soil  
25 conservation of the department of agriculture and land  
26 stewardship, the".  
27 11. Page 9, line 16, by striking the word "Act"  
28 and inserting the following: "section".  
29 12. Page 9, by striking line 18, and inserting  
30 the following:  
31 " \_\_\_\_ a. The division of soil conservation within  
32 the department of agriculture and land stewardship  
33 shall establish and administer an organic nutrient  
34 management program to provide for the allocation of  
35 cost-share moneys as financial incentives to eligible  
36 persons applying to participate in the program. The  
37 financial incentives shall be used for purposes of  
38 establishing organic nutrient management systems which  
39 shall facilitate the proper utilization of livestock  
40 waste as a nutrient source, and to protect the water  
41 resources of this state from livestock waste runoff.  
42 b. Moneys used to support water protection  
43 projects and practices pursuant to section 161C.2  
44 shall not be supported from the organic nutrient  
45 management account. Notwithstanding section 8.33,  
46 moneys in the organic nutrient management account  
47 shall not revert as provided in that section, but  
48 shall be expended as provided in this section in  
49 subsequent fiscal years.  
50 c. A person shall not be eligible to participate

H-4142

H-4142

Page 2

1 in this program, unless the person is an individual  
2 who is actively engaged in farming as provided in  
3 section 9H.1, subsection 1, paragraphs "a" through  
4 "c", or the person is a family farm corporation,  
5 family farm limited partnership, or a family trust,  
6 all as defined in section 9H.1.

7 d. The division shall adopt rules to administer  
8 this section, including rules relating to the  
9 execution of a contract to establish an organic  
10 nutrient management system. The rules may require  
11 that an eligible person participating in the program  
12 maintain the organic nutrient management system for a  
13 minimum number of years as a condition to receiving  
14 financial incentives. The agreement may be enforced  
15 by the division or by a soil and water conservation  
16 district as provided by the division, in the same  
17 manner as provided for a contract establishing soil  
18 and water conservation practices under chapter 161A.

19 . The appropriation provided in subsection 1  
20 shall be subject to the following conditions:"

21 13. Page 12, by striking lines 28 through 43.

22 14. Page 13, by inserting after line 21, the  
23 following:

24 "Sec. \_\_\_\_ . LIMITATION ON EXPENDITURES -- BRUSHY  
25 CREEK STATE RECREATION AREA. Not more than \$1,400,000  
26 shall be allocated in the fiscal year beginning July  
27 1, 1993, and ending June 30, 1994, from the open  
28 spaces account of the resources enhancement and  
29 protection fund created in section 455A.18, for  
30 purposes of supporting the construction of the dam and  
31 water impoundment at the Brushy Creek state recreation  
32 area."

33 15. By striking page 13, line 41 through page 14,  
34 line 8.

35 16. By striking page 19, line 49 through page 20,  
36 line 3.

37 17. By striking page 20, line 18 through page 22,  
38 line 5.

39 18. Page 26, by striking lines 9 through 13.

40 19. Page 26, by inserting before line 14 the  
41 following:

42 "Sec. \_\_\_\_ . Section 455A.19, subsection 1,  
43 paragraph a, Code 1993, is amended to read as follows:

44 a. Twenty-eight percent shall be allocated to the  
45 open spaces account. At least ten percent of the  
46 allocations to the account shall be made available to  
47 match private funds for open space projects on the  
48 cost-share basis of not less than twenty-five percent  
49 private funds pursuant to the rules adopted by the  
50 natural resources commission. Five percent of the

H-4142

-2-

H-4142

Page 3

1 funds allocated to the open spaces account shall be  
2 used to fund the protected waters program. This  
3 account shall be used by the department to implement  
4 the statewide open space acquisition, protection, and  
5 development programs.

6 PARAGRAPH DIVIDED. The department shall give  
7 priority to acquisition and control of open spaces of  
8 statewide significance. The department shall also use  
9 these funds for developments on state property. The  
10 total cost of an open spaces project funded under this  
11 paragraph "a" shall not exceed two million dollars  
12 unless a public hearing is held on the project in the  
13 area of the state affected by the project. However,  
14 on and after July 1, 1994, the following shall apply:

15 (1) If the total amount appropriated by the  
16 general assembly to the resources enhancement and  
17 protection fund, in any fiscal year as defined in  
18 section 8.36, is seven million dollars or more, not  
19 more than seventy-five percent of moneys in the open  
20 spaces account shall be allocated or obligated during  
21 that fiscal year to support a single project.

22 (2) If the total amount appropriated by the  
23 general assembly to the resources enhancement and  
24 protection fund, in any fiscal year as defined in  
25 section 8.36, is less than seven million dollars, not  
26 more than fifty percent of moneys in the open spaces  
27 account shall be allocated or obligated during that  
28 fiscal year to support a single project.

29 PARAGRAPH DIVIDED. Political subdivisions of the  
30 state shall be reimbursed for property tax dollars  
31 lost to open space acquisitions based on the  
32 reimbursement formula provided for in section 465A.4.  
33 There is appropriated from the open spaces account to  
34 the department the amount in that account, or so much  
35 thereof as is necessary, to carry out the open spaces  
36 program as specified in this paragraph "a". An  
37 appropriation made under this paragraph "a" shall  
38 continue in force for two fiscal years after the  
39 fiscal year in which the appropriation was made or  
40 until completion of the project. All unencumbered or  
41 unobligated funds remaining at the close of the fiscal  
42 year in which the project is completed or at the close  
43 of the final fiscal year, whichever date is earlier,  
44 shall revert to the open spaces account."

45 20. By renumbering as necessary.

By HAHN of Muscatine

H-4142 FILED APRIL 21, 1993

*A. Hopter* 4/22/93 (P. 1593)

## HOUSE FILE 623

H-4154

1 Amend the Senate amendment, H-4011, to House File  
2 623, as amended, passed, and reprinted by the House,  
3 as follows:

- 4 1. By striking page 22, line 12 through page 23,  
5 line 35.  
6 2. By renumbering as necessary.

By OSTERBERG of Linn

H-4154 FILED APRIL 22, 1993

LOST

## HOUSE FILE 623

H-4155

1 Amend amendment, H-4142, to the Senate amendment,  
2 H-4011, to House File 623, as amended, passed, and  
3 reprinted by the House, as follows:

4 1. Page 1, by inserting after line 19 the  
5 following:

6 "\_\_\_\_. Page 8, by inserting after line 28 the  
7 following:

8 "Sec. \_\_\_\_ . SPECIAL APPROPRIATION. Prior to any  
9 appropriation made pursuant to section 455E.11,  
10 subsection 2, paragraph "c", there is appropriated for  
11 the fiscal year beginning July 1, 1993, and ending  
12 June 30, 1994, from the household hazardous waste  
13 account of the groundwater protection fund created in  
14 section 455E.11, the sum of \$900,000, to the resource  
15 enhancement and protection fund created in section  
16 455A.18, of which all moneys shall be allocated as  
17 provided in section 455A.19."

18 2. By striking page 1, line 22 through page 2,  
19 line 20, and inserting the following:

20 "\_\_\_\_. Page 9, by striking lines 3 through 29."

21 3. By renumbering as necessary.

By SHOULTZ of Black Hawk

SCHRADER of Marion

BERNAU of Story

OSTERBERG of Linn

H-4155 FILED APRIL 22, 1993

LOST

## HOUSE FILE 623

H-4161

1 Amend the Senate amendment, H-4011, to House File  
2 623, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 13, by inserting after line 39 the  
5 following:

6 "Sec. \_\_\_\_ . DEPOSIT OF MONEYS IN TRUST FUNDS.

7 1. Fees collected by the department of agriculture  
8 and land stewardship for deposit in the fertilizer  
9 fund pursuant to sections 200.4, 200.8, and 201.13  
10 shall only be deposited in the fertilizer fund created  
11 in section 200.9. Fees collected by the department of  
12 agriculture and land stewardship pursuant to section  
13 206.12, subsection 3, shall only be deposited in the  
14 pesticide fund created in section 206.12. Fees paid  
15 to the secretary of agriculture pursuant to section  
16 192A.30 shall only be deposited in the dairy trade  
17 practices trust fund. Fees collected by the  
18 department of agriculture and land stewardship under  
19 sections 192.111, 192.133, 194.14, 194.19, 194.20, and  
20 195.9 shall only be deposited into the milk fund  
21 established in section 192.111. Fees collected by the  
22 department of agriculture and land stewardship  
23 pursuant to section 198.9 shall only be deposited into  
24 the commercial feed fund. Moneys derived from the  
25 excise tax on the sale of motor fuel used in  
26 watercraft as provided in sections 452A.79 and 452A.84  
27 shall only be deposited into the marine fuel tax fund.  
28 Moneys accepted for deposit pursuant to section 473.16  
29 shall only be deposited into the energy research and  
30 development fund as provided in that section. Any  
31 provision in an Act which is enacted by the 1993  
32 general assembly and which provides for the transfer  
33 or deposit of these moneys to the general fund of the  
34 state or which extends the period of deposit for such  
35 moneys to the general fund of the state beyond June  
36 30, 1993, shall not be effective, regardless of when  
37 the Act was enacted.

38 2. Moneys from fees to be deposited in the funds  
39 described in subsection 1, shall be appropriated for  
40 the fiscal year beginning July 1, 1993, and ending  
41 June 30, 1994, for purposes of supporting items  
42 provided in this Act traditionally supported by those  
43 funds, in lieu of appropriations made from the general  
44 fund of the state as provided in this Act. The amount  
45 appropriated to support each item from each of these  
46 funds shall be the same amount as provided in other  
47 sections of this Act used to support that item from  
48 the general fund of the state."

49 2. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-4161 FILED APRIL 22, 1993  
LOST

## HOUSE FILE 623

H-4162

1 Amend the Senate amendment, H-4011, to House File  
2 623, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 14, by inserting after line 21 the  
5 following:

6 "Sec. 100. Section 99B.6, subsection 1, paragraph  
7 k, Code 1993, is amended to read as follows:

8 k. No A person under the age of eighteen twenty-  
9 one years may shall not participate in the gambling  
10 except pursuant to sections 99B.3, 99B.4, 99B.5, and  
11 99B.7. Any licensee knowingly allowing a person under  
12 the age of eighteen twenty-one to participate in the  
13 gambling prohibited by this paragraph or any person  
14 knowingly participating in such gambling with a person  
15 under the age of eighteen twenty-one, shall-be is  
16 guilty of a simple misdemeanor."

17 2. Page 14, by inserting after line 26 the  
18 following:

19 "Sec. 101. Section 99D.11, subsection 6, paragraph  
20 b, Code 1993, is amended to read as follows:

21 b. The commission may authorize the licensee to  
22 simultaneously telecast within the racetrack  
23 enclosure, for the purpose of pari-mutuel wagering, a  
24 horse or dog race licensed by the racing authority of  
25 another state. It is the responsibility of each  
26 licensee to obtain the consent of appropriate racing  
27 officials in other states as required by the federal  
28 Interstate Horseracing Act of 1978, 15 U.S.C. § 3001-  
29 3007, to televise races for the purpose of conducting  
30 pari-mutuel wagering. A licensee may also obtain the  
31 permission of a person licensed by the commission to  
32 conduct horse or dog races in this state to televise  
33 races conducted by that person for the purpose of  
34 conducting pari-mutuel racing. However, arrangements  
35 made by a licensee to televise any race for the  
36 purpose of conducting pari-mutuel wagering are subject  
37 to the approval of the commission, and the commission  
38 shall select the races to be televised. The races  
39 selected by the commission shall be the same for all  
40 licensees approved by the commission to televise races  
41 for the purpose of conducting pari-mutuel wagering.  
42 The commission shall not authorize the simultaneous  
43 telecast or televising of and a licensee shall not  
44 simultaneously telecast or televise any horse or dog  
45 race for the purpose of conducting pari-mutuel  
46 wagering unless the simultaneous telecast or  
47 televising is done at the racetrack of a licensee that  
48 schedules no less than ~~ninety~~ sixty performances of  
49 nine live races each day of the season. For purposes  
50 of the taxes imposed under this chapter, races

H-4162

-1-

H-4162

Page 2

1 televised by a licensee for purposes of pari-mutuel  
2 wagering shall be treated as if the races were held at  
3 the racetrack of the licensee.

4 Sec. 102. Section 99D.11, subsection 6, Code 1993,  
5 is amended by adding the following new paragraph:

6 NEW PARAGRAPH. c. The commission shall provide,  
7 by rule, for the use and regulation of slot machines  
8 at pari-mutuel racetracks licensed under this chapter  
9 subject to approval in each affected county by a  
10 county-wide referendum. As a part of its regulatory  
11 authority, the commission may require that pari-mutuel  
12 racing purses are supplemented from on-site gambling  
13 revenues.

14 Sec. 103. Section 99D.11, subsection 7, Code 1993,  
15 is amended to read as follows:

16 7. A person under the age of eighteen twenty-one  
17 years shall not make a pari-mutuel wager."

18 3. Page 15, by inserting after line 11 the  
19 following:

20 "Sec. 104. Section 99D.24, subsection 2, Code  
21 1993, is amended to read as follows:

22 2. A person knowingly permitting a person under  
23 the age of eighteen twenty-one years to make a pari-  
24 mutuel wager is guilty of a simple misdemeanor."

25 4. Page 19, by inserting after line 43 the  
26 following:

27 "Sec. 105. Section 99E.18, subsection 2, Code  
28 1993, is amended to read as follows:

29 2. A ticket or share shall not be sold to a person  
30 who has not reached the age of eighteen twenty-one.  
31 This does not prohibit the lawful purchase of a ticket  
32 or share for the purpose of making a gift to a person  
33 who has not reached the age of eighteen twenty-one. A  
34 licensee or a licensee's employee who knowingly sells  
35 or offers to sell a lottery ticket or share to a  
36 person who has not reached the age of eighteen twenty-  
37 one is guilty of a simple misdemeanor. In addition  
38 the license of a licensee shall be suspended. A prize  
39 won by a person who has not reached the age of  
40 eighteen twenty-one but who purchases a winning ticket  
41 or share in violation of this subsection shall be  
42 forfeited.

43 Sec. 106. Section 99F.4, subsection 4, Code 1993,  
44 is amended to read as follows:

45 4. To regulate the wagering structure for gambling  
46 excursions including providing a maximum wager-of-five  
47 dollars-per-hand-or-play-and-maximum loss of two  
48 hundred one thousand dollars per individual player per  
49 gambling excursion.

50 Sec. 107. Section 99F.4, subsection 17, Code 1993,

H-4162

-2-

H-4162

Page 3

1 is amended to read as follows:

2 17. To define the duration of an excursion which  
3 shall be at least three hours during the excursion  
4 season. ~~For the off-season, the commission shall~~  
5 ~~adopt rules limiting times of admission to excursion~~  
6 ~~gambling boats consistent with maximum loss per player~~  
7 ~~per gambling excursion specified in subsection 4.~~

8 Sec. 108. Section 99F.7, subsection 5, paragraph  
9 a, Code 1993, is amended by striking the paragraph and  
10 inserting in lieu thereof the following:

11 a. The square footage allowed to be used for  
12 gambling activity shall be determined by the  
13 commission.

14 Sec. 109. Section 99F.9, subsection 2, Code 1993,  
15 is amended to read as follows:

16 2. Licensees shall only allow a maximum wager of  
17 ~~five dollars per hand or play and a maximum~~ loss of  
18 two hundred one thousand dollars per person during  
19 each gambling excursion. ~~However, the commission may~~  
20 ~~adopt rules allowing additional wagers consistent with~~  
21 ~~generally accepted wagering options in the games of~~  
22 ~~twenty-one and dice.~~

23 Sec. 110. Section 99F.9, subsection 6, Code 1993,  
24 is amended to read as follows:

25 6. A person under the age of eighteen twenty-one  
26 years shall not make a wager on an excursion gambling  
27 boat and shall not be allowed in the area of the  
28 excursion boat where gambling is being conducted.  
29 However, a person eighteen years of age or older may  
30 be employed to work in a gambling area.

31 Sec. 111. Section 99F.15, subsection 2, Code 1993,  
32 is amended to read as follows:

33 2. A person knowingly permitting a person under  
34 the age of eighteen twenty-one years to make a wager  
35 is guilty of a simple misdemeanor."

36 5. Page 29, by inserting after line 20 the  
37 following:

38 "Sec. \_\_\_\_ . EFFECTIVE DATE. Sections 100 through  
39 111 of this Act, and this section, being deemed of  
40 immediate importance, take effect upon enactment."

By SHOULTZ of Black Hawk

H-4162 FILED APRIL 22, 1993

NOT GERMANE, MOTION TO SUSPEND RULES, LOST



HOUSE AMENDMENT TO SENATE AMENDMENT TO  
HOUSE FILE 623

S-3602

- 1 Amend the Senate amendment, H-4011, to House File  
2 623, as amended, passed, and reprinted by the House,  
3 as follows:
- 4 1. Page 1, line 16, by striking the figure  
5 "1,017,045" and inserting the following: "1,031,045".
  - 6 2. Page 1, line 22, by striking the figure  
7 "112,000" and inserting the following: "126,000".
  - 8 3. Page 1, line 22, by striking the figure "3.00"  
9 and inserting the following: "4.00".
  - 10 4. Page 1, line 37, by striking the figure  
11 "325,000" and inserting the following: "313,880".
  - 12 5. Page 2, line 3, by striking the figure  
13 "3,649,904" and inserting the following: "3,687,904".
  - 14 6. Page 2, line 48, by striking the figure  
15 "5,950,000" and inserting the following: "5,918,606".
  - 16 7. Page 6, line 1, by striking the figure  
17 "5,387,474" and inserting the following: "5,337,474".
  - 18 8. Page 6, line 2, by striking the figure  
19 "204.83" and inserting the following: "199.83".
  - 20 9. Page 8, line 37, by striking the figure  
21 "7,500,000" and inserting the following: "7,000,000".
  - 22 10. Page 9, by striking line 12 and inserting  
23 the following: "in an organic nutrient management  
24 account which shall be created by the division of soil  
25 conservation of the department of agriculture and land  
26 stewardship, the".
  - 27 11. Page 9, line 16, by striking the word "Act"  
28 and inserting the following: "section".
  - 29 12. Page 9, by striking line 18, and inserting  
30 the following:  
31 " a. The division of soil conservation within  
32 the department of agriculture and land stewardship  
33 shall establish and administer an organic nutrient  
34 management program to provide for the allocation of  
35 cost-share moneys as financial incentives to eligible  
36 persons applying to participate in the program. The  
37 financial incentives shall be used for purposes of  
38 establishing organic nutrient management systems which  
39 shall facilitate the proper utilization of livestock  
40 waste as a nutrient source, and to protect the water  
41 resources of this state from livestock waste runoff.  
42 b. Moneys used to support water protection  
43 projects and practices pursuant to section 161C.2  
44 shall not be supported from the organic nutrient  
45 management account. Notwithstanding section 8.33,  
46 moneys in the organic nutrient management account  
47 shall not revert as provided in that section, but  
48 shall be expended as provided in this section in  
49 subsequent fiscal years.
  - 50 c. A person shall not be eligible to participate

S-3602

S-3602

Page 2

1 in this program, unless the person is an individual  
2 who is actively engaged in farming as provided in  
3 section 9H.1, subsection 1, paragraphs "a" through  
4 "c", or the person is a family farm corporation,  
5 family farm limited partnership, or a family trust,  
6 all as defined in section 9H.1.

7 d. The division shall adopt rules to administer  
8 this section, including rules relating to the  
9 execution of a contract to establish an organic  
10 nutrient management system. The rules may require  
11 that an eligible person participating in the program  
12 maintain the organic nutrient management system for a  
13 minimum number of years as a condition to receiving  
14 financial incentives. The agreement may be enforced  
15 by the division or by a soil and water conservation  
16 district as provided by the division, in the same  
17 manner as provided for a contract establishing soil  
18 and water conservation practices under chapter 161A.

19 \_\_\_\_\_. The appropriation provided in subsection 1  
20 shall be subject to the following conditions:"

21 13. Page 12, by striking lines 28 through 43.

22 14. Page 13, by inserting after line 21, the  
23 following:

24 "Sec. \_\_\_\_\_. LIMITATION ON EXPENDITURES -- BRUSHY  
25 CREEK STATE RECREATION AREA. Not more than \$1,400,000  
26 shall be allocated in the fiscal year beginning July  
27 1, 1993, and ending June 30, 1994, from the open  
28 spaces account of the resources enhancement and  
29 protection fund created in section 455A.18, for  
30 purposes of supporting the construction of the dam and  
31 water impoundment at the Brushy Creek state recreation  
32 area."

33 15. By striking page 13, line 41 through page 14,  
34 line 8.

35 16. By striking page 19, line 49 through page 20,  
36 line 3.

37 17. By striking page 20, line 18 through page 22,  
38 line 5.

39 18. Page 26, by striking lines 9 through 13.

40 19. Page 26, by inserting before line 14 the  
41 following:

42 "Sec. \_\_\_\_\_. Section 455A.19, subsection 1,  
43 paragraph a, Code 1993, is amended to read as follows:

44 a. Twenty-eight percent shall be allocated to the  
45 open spaces account. At least ten percent of the  
46 allocations to the account shall be made available to  
47 match private funds for open space projects on the  
48 cost-share basis of not less than twenty-five percent  
49 private funds pursuant to the rules adopted by the  
50 natural resources commission. Five percent of the

S-3602

S-3602

Page 3

1 funds allocated to the open spaces account shall be  
2 used to fund the protected waters program. This  
3 account shall be used by the department to implement  
4 the statewide open space acquisition, protection, and  
5 development programs.

6 PARAGRAPH DIVIDED. The department shall give  
7 priority to acquisition and control of open spaces of  
8 statewide significance. The department shall also use  
9 these funds for developments on state property. The  
10 total cost of an open spaces project funded under this  
11 paragraph "a" shall not exceed two million dollars  
12 unless a public hearing is held on the project in the  
13 area of the state affected by the project. However,  
14 on and after July 1, 1994, the following shall apply:

15 (1) If the total amount appropriated by the  
16 general assembly to the resources enhancement and  
17 protection fund, in any fiscal year as defined in  
18 section 8.36, is seven million dollars or more, not  
19 more than seventy-five percent of moneys in the open  
20 spaces account shall be allocated or obligated during  
21 that fiscal year to support a single project.

22 (2) If the total amount appropriated by the  
23 general assembly to the resources enhancement and  
24 protection fund, in any fiscal year as defined in  
25 section 8.36, is less than seven million dollars, not  
26 more than fifty percent of moneys in the open spaces  
27 account shall be allocated or obligated during that  
28 fiscal year to support a single project.

29 PARAGRAPH DIVIDED. Political subdivisions of the  
30 state shall be reimbursed for property tax dollars  
31 lost to open space acquisitions based on the  
32 reimbursement formula provided for in section 465A.4.  
33 There is appropriated from the open spaces account to  
34 the department the amount in that account, or so much  
35 thereof as is necessary, to carry out the open spaces  
36 program as specified in this paragraph "a". An  
37 appropriation made under this paragraph "a" shall  
38 continue in force for two fiscal years after the  
39 fiscal year in which the appropriation was made or  
40 until completion of the project. All unencumbered or  
41 unobligated funds remaining at the close of the fiscal  
42 year in which the project is completed or at the close  
43 of the final fiscal year, whichever date is earlier,  
44 shall revert to the open spaces account."

45 20. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3602 FILED APRIL 23, 1993  
CONCURRED

*Item Vetoed*



TERRY E. BRANSTAD  
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL  
DES MOINES, IOWA 50319

515 281-5211

May 20, 1993

RECEIVED

MAY 20 93

Legislative Service  
Bureau

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

Dear Madam Secretary:

I hereby transmit House File 623, an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing effective dates.

House File 623 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 4, subsection 2, Sections 27 through 32, and Section 49, in their entirety. These provisions would transfer the responsibilities for drug testing and occupational licensing at the dog and horse tracks from the Iowa Racing and Gaming Commission to the Department of Agriculture and Land Stewardship. All other regulatory authority over the tracks would remain with the Racing and Gaming Commission. Above all, Iowans must feel secure that all forms of gambling conducted in the state are adequately regulated and controlled to discourage criminal activity and to protect the public. Fragmenting the responsibilities would impair the state's ability to strictly enforce the regulations at the tracks. To insure that the public is protected and the highest level of integrity maintained, the Commission should retain its present regulatory authority.

I am unable to approve the item designated as Section 22, in its entirety. This provision relates to reductions in full time equivalent positions in the Department of Natural Resources. Decisions concerning personnel in the department are the prerogative of the executive branch. The director must have the flexibility to adjust personnel in response to needs within the department.

The Honorable Elaine Baxter  
May 20, 1993  
Page 2

I am unable to approve the item designated as Section 47, in its entirety. This provision would require the Department of Natural Resources to request a general fund appropriation to pay property taxes on land acquired by the department after July 1, 1993. This would be in addition to existing provisions for payment of taxes under REAP and the Wildlife Habitat stamp programs. Much of the land acquired by the department is purchased with funds from these programs, therefore property taxes are already being paid on the land.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 623 are hereby approved as of this date.

Sincerely,



Terry E. Branstad  
Governor

TEB/ps

cc: Secretary of the Senate  
Chief Clerk of the House

or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

a. For salaries, support, maintenance, the support of the state 4-H foundation, support of the statistics bureau, and miscellaneous purposes:

..... \$ 1,031,045

Of the funds appropriated in this paragraph "a", \$35,000 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

Of the funds appropriated in this paragraph "a", \$126,000 and 4.00 FTEs shall be allocated to the statistics bureau to provide county-by-county information on land in farms, production by crop, acres by crop, and county prices by crop. This information shall be made available to the department of revenue and finance for use in the productivity formula for valuing and equalizing the values of agricultural land.

b. For the operations of the dairy trade practices bureau:

..... \$ 70,565

c. For the operations of the agricultural marketing bureau:

..... \$ 817,276

Of the funds appropriated in this paragraph "c", \$313,880 and 7.00 FTEs shall be used to support horticulture.

d. For the purpose of performing commercial feed audits:

..... \$ 59,474

e. For the purpose of performing fertilizer audits:

..... \$ 59,474

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

..... FTEs 50.20

2. REGULATORY DIVISION

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

HOUSE FILE 623

AN ACT

RELATING TO APPROPRIATIONS AND REVENUE INVOLVING AGRICULTURE AND NATURAL RESOURCES, MAKING RELATED STATUTORY CHANGES, AND PROVIDING EFFECTIVE DATES.

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

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Section 1. GENERAL APPROPRIATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts,

..... \$ 3,687,904  
..... FTEs 128.90

b. To cover the costs of inspection, sampling, analysis, and other expenses necessary for the administration of chapters 192, 194, and 195:

..... \$ 636,682

3. LABORATORY DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, including the administration of the gypsy moth program:

..... \$ 782,329

Of the amount appropriated under this paragraph "a", \$110,000 shall be used to administer a program relating to the detection, surveillance, and eradication of the gypsy moth. The department shall allocate and use the appropriation made under this paragraph before moneys other than those appropriated under this paragraph are used to support the program.

b. For the operations of the commercial feed programs:

..... \$ 726,740

c. For the operations of the pesticide programs:

..... \$ 1,186,603

d. For the operations of the fertilizer programs:

..... \$ 624,317

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

..... FTEs 78.00

4. SOIL CONSERVATION DIVISION

a. For salaries, support, maintenance, assistance to soil conservation districts, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,138,029

..... FTEs 170.52

Of the funds appropriated in this paragraph "a", \$330,000 shall be used to reimburse commissioners of soil and water conservation districts for administrative expenses. Moneys

used for the payment of meeting dues by counties shall be matched on a dollar-for-dollar basis by the soil conservation division.

b. To provide financial incentives for soil conservation practices under chapter 161A:

..... \$ 5,918,606

c. The following requirements apply to the moneys appropriated in paragraph "b":

(1) Not more than 5 percent of the moneys appropriated in paragraph "b" may be allocated for cost sharing to abate complaints filed under section 161A.47.

(2) Of the moneys appropriated in paragraph "b", 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

(3) Not more than 30 percent of a district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping as provided in section 161A.73.

(4) The state soil conservation committee created in section 161A.4 may allocate moneys to conduct research and demonstration projects to promote conservation tillage and nonpoint source pollution control practices.

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

d. The provisions of section 8.33 shall not apply to the moneys appropriated in paragraph "b". Unencumbered or unobligated moneys remaining on June 30, 1997, from moneys appropriated in paragraph "b" for the fiscal year beginning July 1, 1993, shall revert to the general fund on August 31, 1997.

Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal

year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, to be used by the department to continue and expand the farmers' market coupon program by providing federal special supplemental food program recipients with coupons redeemable at farmers' markets, and for not more than the following full-time equivalent positions:

.....	\$	186,751
.....	FTEs	1.00

Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the pseudorabies eradication program:

.....	\$	900,000
-------	----	---------

2. Persons, including organizations interested in swine production in this state and in the promotion of Iowa pork products who contribute support to the program, are encouraged to increase financial support for purposes of ensuring the program's effective continuation.

Sec. 4. HORSE AND DOG RACING.

1. There is appropriated from the moneys available under section 99D.13 to the regulatory division of the department of agriculture and land stewardship for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, maintenance, and miscellaneous purposes for the administration of section 99D.22:

.....	\$	182,560
-------	----	---------

2. a. The state veterinarian shall assume responsibilities performed by the Iowa racing and gaming commission in supervising and regulating the health of animals racing under chapter 99D.

*Veloud*

b. Notwithstanding sections of this Act amending chapter 99D, the Iowa racing and gaming commission shall satisfy all current contracts with commission veterinarians. The commission shall not renew or extend a contract beyond December 1, 1993. As each contract expires, a departmental veterinarian shall assume responsibilities of the commission veterinarian. The Iowa racing and gaming commission shall support payments under existing contracts with other commission veterinarians from moneys appropriated to the commission pursuant to Senate File 266, as enacted by the seventy-fifth general assembly for the fiscal year beginning July 1, 1993, and ending June 30, 1994. However, moneys remaining which would otherwise be used to support a commission veterinarian shall be transferred to the department within ten days after the cessation of duties by that commission veterinarian.

c. The total amount of the moneys used to support all veterinarians of the commission and the department, as required to administer chapter 99D, and testing by Iowa state university of science and technology shall not exceed \$645,000, unless the commission determines that additional moneys transferred to the department are required to support departmental veterinarians at a particular track.

d. Unless the commission determines that additional moneys transferred to the department are required to support departmental veterinarians at a particular track, not more than \$45,000 shall be used to support a veterinarian at the Waterloo track, not more than \$90,000 shall be used to support a veterinarian at the Council Bluffs track, not more than \$45,000 shall be used to support a veterinarian at the Dubuque track, not more than \$75,000 shall be used to support a veterinarian at the Des Moines track, and not more than \$390,000 shall be used to support Iowa state university of science and technology.

e. The racing and gaming commission and the department of agriculture and land stewardship shall provide for the orderly transition of responsibilities under this Act, including the



adoption of rules and the transfer of personnel required to implement this Act.

INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

Sec. 5. APPROPRIATION. There is appropriated from the general fund of the state to the interstate agricultural grain marketing commission for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For carrying out duties of the commission as provided in Article IV of the interstate compact on agricultural grain marketing as provided in chapter 183:  
..... \$ 75,000

DEPARTMENT OF NATURAL RESOURCES

Sec. 6. GENERAL APPROPRIATION. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE AND SUPPORT SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:  
..... \$ 1,705,345  
..... FTEs 116.70

2. PARKS AND PRESERVES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:  
..... \$ 5,337,474  
..... FTEs 199.83

The department shall transfer all managerial responsibilities relating to property known as Plum Grove in Iowa City to the department of cultural affairs.

3. FORESTS AND FORESTRY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,416,046  
..... FTEs 48.71

4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,642,474  
..... FTEs 53.00

5. ENVIRONMENTAL PROTECTION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,064,046  
..... FTEs 169.00

6. FISH AND WILDLIFE DIVISION

For not more than the following full-time equivalent positions:  
..... FTEs 338.78

7. WASTE MANAGEMENT ASSISTANCE DIVISION

For not more than the following full-time equivalent positions:  
..... FTEs 18.75

Sec. 7. STATE FISH AND GAME PROTECTION FUND -- APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

1. There is appropriated from the state fish and game protection fund to the division of fish and wildlife of the department of natural resources for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For administrative support, and for salaries, support, maintenance, equipment, and miscellaneous purposes:  
..... \$ 19,933,807

2. The department shall not expend more moneys from the fish and game protection fund than provided in this section, unless the expenditure derives from contributions made by a private entity, or a grant or moneys received from the federal government, and is approved by the natural resource commission. The department of natural resources shall promptly notify the legislative fiscal bureau of the commission's approval, and the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources concerning the commission's approval.

Sec. 8. MARINE FUEL TAX RECEIPTS -- CAPITALS; NONCAPITALS; AND BOATING FACILITIES AND ACCESS. There is appropriated from the marine fuel tax receipts deposited in the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of funding expenditures traditionally funded from marine fuel tax revenues, but not considered as capitals or operations:

..... \$ 200,000

2. For purposes of maintaining and developing boating facilities and access to public waters by the parks and preserves division:

..... \$ 411,311

Notwithstanding section 8.33, the unencumbered or unobligated moneys remaining on June 30, 1994, from moneys appropriated by this section as provided in subsections 1 and 2, may be expended during the fiscal year beginning July 1, 1994, and ending June 30, 1995, and shall not revert to the general fund until August 31, 1995.

Sec. 9. ALL-TERRAIN VEHICLE AND SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1993, from the fees deposited under section 321G.7 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning

July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of enforcing snowmobile laws as part of the state snowmobile program administered by the department of natural resources:

..... \$ 100,000

Sec. 10. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1993, from the fees deposited under section 462A.52 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of administration and enforcement of navigation laws and water safety:

..... \$ 950,000

IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

Sec. 11. LIVESTOCK PRODUCERS ASSISTANCE PROGRAM.

1. There is appropriated from the general fund of the state to Iowa state university of science and technology, for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To establish and administer a livestock producers assistance program to provide on-site assistance to persons involved in livestock production in order to increase the efficiency, productivity, and profitability of their operations:

..... \$ 300,000

2. As a condition of this appropriation, the university shall strive to ensure that the program becomes increasingly self-sufficient.

3. The provisions of section 8.33 shall not apply to the moneys appropriated in this section. Unencumbered or unobligated moneys remaining on June 30, 1997, from moneys appropriated in this section for the fiscal year beginning

July 1, 1993, shall revert to the general fund on August 31, 1997.

RESOURCE ENHANCEMENT AND PROTECTION

Sec. 12. GENERAL APPROPRIATION. Notwithstanding the amount of the standing appropriation from the general fund of the state under section 455A.18, subsection 3, there is appropriated from the general fund of the state to the Iowa resources enhancement and protection fund, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the sum of \$7,000,000, of which all moneys shall be allocated as provided in section 455A.19.

Sec. 13. DEAPPROPRIATION. The appropriation from the general fund of the state to the Iowa resources enhancement and protection fund for the fiscal year beginning July 1, 1992, and ending June 30, 1993, in 1992 Iowa Acts, chapter 1239, section 12, is reduced, as a result of the governor's item veto in section 12, by the following amounts for the purposes designated:

- 1. Allocation to the department of natural resources, in subsection 2, paragraph "a":  
..... \$ 500,000
- 2. Allocation to the department of agriculture and land stewardship, in subsection 2, paragraph "b":  
..... \$ 400,000

MISCELLANEOUS

Sec. 14. APPROPRIATION -- ORGANIC NUTRIENT MANAGEMENT PROGRAM.

1. Prior to any appropriation made pursuant to section 455E.11, subsection 2, paragraph "c", there is appropriated for the fiscal year beginning July 1, 1993, and ending June 30, 1994, from the household hazardous waste account of the groundwater protection fund created in section 455E.11, to the water protection fund created in section 161C.4 for deposit in an organic nutrient management account which shall be created by the division of soil conservation of the department of agriculture and land stewardship, the following amount, or so

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

For purposes of supporting an organic nutrient management program as provided in this section:

..... \$ 900,000

2. a. The division of soil conservation within the department of agriculture and land stewardship shall establish and administer an organic nutrient management program to provide for the allocation of cost-share moneys as financial incentives to eligible persons applying to participate in the program. The financial incentives shall be used for purposes of establishing organic nutrient management systems which shall facilitate the proper utilization of livestock waste as a nutrient source, and to protect the water resources of this state from livestock waste runoff.

b. Moneys used to support water protection projects and practices pursuant to section 161C.2 shall not be supported from the organic nutrient management account. Notwithstanding section 8.33, moneys in the organic nutrient management account shall not revert as provided in that section, but shall be expended as provided in this section in subsequent fiscal years.

c. A person shall not be eligible to participate in this program, unless the person is an individual who is actively engaged in farming as provided in section 9H.1, subsection 1, paragraphs "a" through "c", or the person is a family farm corporation, family farm limited partnership, or a family trust, all as defined in section 9H.1.

d. The division shall adopt rules to administer this section, including rules relating to the execution of a contract to establish an organic nutrient management system. The rules may require that an eligible person participating in the program maintain the organic nutrient management system for a minimum number of years as a condition to receiving financial incentives. The agreement may be enforced by the division or by a soil and water conservation district as provided by the division, in the same manner as provided for a

contract establishing soil and water conservation practices under chapter 161A.

3. The appropriation provided in subsection 1 shall be subject to the following conditions:

a. Not more than 2 percent of the amount shall be used for purposes of administering the program by the soil conservation division.

b. The amount of moneys allocated in cost-share payments to a person qualifying under the program shall not exceed 50 percent of the estimated cost of establishing a system or 50 percent of the actual cost, whichever is less.

c. A person qualifying under the program shall not receive more than \$7,500 in financial incentives under this program.

Sec. 15. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE UNDERGROUND STORAGE TANK BOARD -- TRANSFER. There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive underground storage tank board, to the department of natural resources for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For administration expenses of the underground storage tank section of the department of natural resources:  
..... \$ 145,000

However, this appropriation is reduced to the extent that the board determines that other state expenditures qualify as a match for moneys appropriated by the United States for purposes of supporting the activities performed by the department in carrying out the underground storage tank program.

Sec. 16. STATE NURSERIES. Notwithstanding section 17A.2, subsection 10, paragraph "g", the department of natural resources shall adopt administrative rules establishing prices of plant material grown at the state forest nurseries to cover all expenses related to the growing of the plants.

The department shall develop programs to encourage the wise management and preservation of existing woodlands and shall

continue its efforts to encourage forestation and reforestation on private and public lands in the state.

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

Sec. 17. TRUST FUND INFORMATION. The department of revenue and finance in cooperation with the department of agriculture and land stewardship and the department of natural resources shall track receipts to the general fund which have traditionally been deposited into the following funds:

1. The fertilizer fund created in section 200.9.
2. The pesticide fund created in section 206.12.
3. The dairy trade practices trust fund pursuant to section 192A.30.
4. The milk fund created in section 192.111.
5. The commercial feed fund created in section 198.9.
6. The marine fuel tax fund created in section 452A.79.
7. The energy research and development fund provided in section 473.11, enacted in 1993 Acts, Senate File 74.

The departments designated in this section shall prepare reports detailing revenue from receipts traditionally deposited into each of the funds. A report shall be submitted to the legislative fiscal bureau at least once for each three-month period as designated by the legislative fiscal bureau.

Sec. 18. DEPARTMENTAL INFORMATION REQUIRED.

1. The department of agriculture and land stewardship and the department of natural resources, in cooperation as necessary with the department of management and the department of personnel, shall provide a list to the legislative fiscal bureau, on a quarterly basis, of all permanent positions added to or deleted from the departments' table of organization in the previous fiscal quarter. This list shall include at least the position number, salary range, projected funding source or sources of each position, and the reason for the addition or deletion. The legislative fiscal bureau may use this information to assist in the establishment of the full-time equivalent position limits authorized in law for the departments.

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

3. The department of agriculture and land stewardship shall provide the legislative fiscal bureau information and financial data on at least a monthly basis, relating to the internal budget system used by the department. The information shall include but is not limited to financial data covering the department's budget prior to the start of the fiscal year, and to the department's actual expenditures after the accounting system has been closed for that fiscal year.

Sec. 19. AIR QUALITY STANDARDS.

1. During the fiscal year for which funds are appropriated by section 6 of this Act, the department of natural resources shall not require the installation or use of equipment to control the emission of dust or other particulate matter on or by facilities for storage of grain which are located within the ambient air quality attainment areas for suspended particulates. However, this subsection shall not be effective upon the delegation by the United States to this state of the air operating permit program as provided by the federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549.

2. Notwithstanding section 455B.133A, the annual fee of twenty-five dollars per ton on hazardous air pollutants imposed pursuant to that section is not required to be paid, if both of the following occur:

a. The Seventy-fifth General Assembly does not enact legislation which authorizes the state to assume responsibilities delegated by the United States relating to

the air operating permit program as provided by the federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549.

b. The fee on hazardous air pollutants included in Title III of the federal Clean Air Act Amendments of 1990 is imposed by the United States.

Sec. 20. DEPARTMENTAL STUDIES AND PROJECTS.

1. The department of agriculture and land stewardship and the department of inspections and appeals shall jointly study methods of coordinating inspections currently performed by the department of agriculture and land stewardship, including but not limited to the inspections of weights and measures. The departments shall study methods to increase efficiency and cost-savings. The departments shall prepare and submit a report to the general assembly not later than January 10, 1994, detailing findings and recommendations of the departments.

2. The department of agriculture and land stewardship shall establish a pilot project in a geographic area in which the inspections of weights and measures are performed based upon criteria which prioritizes inspections according to those weights and measures which are most likely not to be in compliance with state standards.

3. The department of natural resources shall study the effects of urban contamination, if any, of state waters. The department shall prepare a report based on the study which shall be delivered to the secretary of the senate and chief clerk of the house of representatives not later than January 10, 1994.

Sec. 21. PREFERENCE PROVIDED -- PERSONS MEETING ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM. In its employment of persons in temporary positions in conservation and outdoor recreation, the department of natural resources shall give preference to persons meeting eligibility requirements for the green thumb program and to persons working toward an advanced education in natural resources and conservation.

Sec. 22. REDUCTIONS IN FULL-TIME EQUIVALENT POSITIONS -- GENERAL FUND SUPPORTED APPROPRIATIONS. The number of full-time equivalent positions, as defined in section 8.36A, within the department of natural resources which are reduced in this Act from the number of full-time equivalent positions provided for pursuant to 1992 Iowa Acts, chapter 1239, apply only to full-time equivalent positions supported by appropriations from the general fund of the state.

*Vetred*

Sec. 23. BRUSHY CREEK RECREATION AREA. The campground used for equestrian activities on the northern part of the Brushy Creek recreation area shall be a permanent campground for such activities. The department in conjunction with the Brushy Creek recreation trails advisory board shall implement the provisions of section 455A.8A, as enacted in this Act, including the development and completion of trail improvements during the construction of the dam. The recreational improvements shall be completed upon completion of the dam.

Sec. 24. LIMITATION ON EXPENDITURES -- BRUSHY CREEK STATE RECREATION AREA. Not more than \$1,400,000 shall be allocated in the fiscal year beginning July 1, 1993, and ending June 30, 1994, from the open spaces account of the resources enhancement and protection fund created in section 455A.18, for purposes of supporting the construction of the dam and water impoundment at the Brushy Creek state recreation area.

Sec. 25. REVERSION POSTPONEMENT.

1. Notwithstanding section 8.33, and 1992 Iowa Acts, chapter 1239, section 8, unencumbered or unobligated moneys remaining on June 30, 1993, from moneys appropriated for purposes of funding projects traditionally funded from marine fuel tax receipts as provided in 1992 Iowa Acts, chapter 1239, section 8, subsections 1 and 4, may be expended during the fiscal year beginning July 1, 1993, and ending June 30, 1994, and shall not revert to the general fund until August 31, 1994.

2. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining on June 30, 1993, from moneys appropriated pursuant to 1992 Iowa Acts, Second Extraordinary

*Vetred*

Session, chapter 1001, section 402, may be expended during the fiscal year beginning July 1, 1993, and ending June 30, 1994, and shall not revert to the general fund until August 31, 1994.

STATUTORY CHANGES

Sec. 26. Section 18.18, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The department shall, whenever technically feasible, purchase and use degradable loose foam packing material manufactured from grain starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources. For the purposes of this subsection, "packing material" means material, other than an exterior packing shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

Sec. 27. Section 99D.2, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 9. "State veterinarian" means the veterinarian appointed by the secretary of agriculture pursuant to section 159.5.

Sec. 28. Section 99D.13, subsection 2, Code 1993, is amended to read as follows:

2. Winnings from each racetrack forfeited under subsection 1 shall escheat to the state and to the extent appropriated by the general assembly shall be used by the department of agriculture and land stewardship to administer section 99D.22. The remainder shall be paid over to the commission used by the state veterinarian to pay all or part of the cost of drug testing at the tracks. The remainder shall be paid over to the commission. To the extent the remainder paid over to the commission, less the cost of drug testing, is from unclaimed winnings from harness racing meets, the remainder shall be used as provided in subsection 3. To the extent the remainder paid to the commission, less the cost of drug testing, is from unclaimed winnings from licensed dog tracks, the commission shall remit annually five thousand dollars, or an equal

portion of that amount, to each licensed dog track to carry out the racing dog adoption program pursuant to section 99D.27. To the extent the remainder paid over to the commission, less the cost of drug testing, is from unclaimed winnings from tracks licensed for dog or horse races, the commission, on an annual basis, shall remit one-third of the amount to the treasurer of the city in which the racetrack is located, one-third of the amount to the treasurer of the county in which the racetrack is located, and one-third of the amount to the racetrack from which it was forfeited. If the racetrack is not located in a city, then one-third shall be deposited as provided in chapter 556. The amount received by the racetrack under this subsection shall be used only for retiring the debt of the racetrack facilities and for capital improvements to the racetrack facilities.

Sec. 29. Section 99D.23, Code 1993, is amended to read as follows:

99D.23 COMMISSION STATE VETERINARIAN AND-CHEMIST.

1. The state veterinarian shall supervise and regulate the health of animals racing under this chapter. The department of agriculture and land stewardship may employ or contract with persons required to assist the state veterinarian in performing duties required under this chapter. The department shall designate or appoint departmental veterinarians to assist the state veterinarian. The department and the racing and gaming commission shall at all times cooperate in administering this chapter, and shall share records and information, including results of inspections and tests as required.

2. The commission department of agriculture and land stewardship shall employ one or more chemists or contract with a qualified chemical laboratory to determine by chemical testing and analysis of saliva, urine, blood, or other excretions or body fluids whether a substance or drug has been introduced which may affect the outcome of a race or whether an action has been taken or a substance or drug has been introduced which may interfere with the testing procedure.

The commission department of agriculture and land stewardship shall adopt rules under chapter 17A concerning procedures and actions taken on positive drug reports. The commission department of agriculture and land stewardship may adopt by reference the standards of the national association of state racing commissioners, the association of official racing chemists, and New York jockey club, or the United States trotting association, or may adopt any other procedure or standard. The commission department has the authority to retain and preserve by freezing, test samples for future analysis.

3. The commission department of agriculture and land stewardship shall employ or contract with one or more veterinarians under the direction of the state veterinarian to extract or procure the saliva, urine, blood, or other excretions or body fluids of the horses or dogs for the chemical testing purposes of this section. A commission departmental veterinarian shall be in attendance at every race meeting held in this state.

4. A chemist or veterinarian who willfully or intentionally fails to perform the functions or duties of employment required by this section shall be banned for life from employment at a race meeting held in this state.

5. The commission state veterinarian shall keep a continuing record of the racing soundness of all horses examined by a commission departmental veterinarian at a racetrack.

Sec. 30. Section 99D.25, subsections 3, 4, 5, 7, 9, 10, and 11, Code 1993, are amended to read as follows:

1. All of the following conduct is prohibited:

- a. The entering of a horse or dog in a race by the trainer or owner of the horse or dog if the trainer or owner knows or if by the exercise of reasonable care the trainer or owner should know that the horse or dog is drugged or numbed;
- b. The drugging or numbing of a horse or dog with knowledge or with reason to believe that the horse or dog will compete in a race while so drugged or numbed. However, the

commission department of agriculture and land stewardship may by rule establish permissible trace levels of substances foreign to the natural horse or dog that the commission department determines to be innocuous.

c. The willful failure by the operator of a racing facility to disqualify a horse or dog from competing in a race if the operator has been notified that the horse or dog is drugged or numbed, or was not properly made available for tests or inspections as required by the commission and department of agriculture and land stewardship.

d. The willful failure by the operator of a racing facility to prohibit a horse or dog from racing if the operator has been notified that the horse or dog has been suspended from racing.

4. The owners owner of a horse or dog and their agents and employees or an agent or employee of the owner shall permit a member of the commission or a person employed or appointed by the commission the department of agriculture and land stewardship to make conduct or order tests as the commission state veterinarian deems proper in order to determine whether a the horse or dog has been improperly drugged. The fact that purse money has been distributed prior to the issuance of a test report shall not be deemed a finding that no a chemical substance has not been administered unlawfully to the horse or dog earning the purse money. The findings of the commission department of agriculture and land stewardship that a horse or dog has been improperly drugged by a narcotic or other drug are prima facie evidence of the fact. The results of the tests shall be kept on file by the commission department of agriculture and land stewardship for at least one year following the tests.

5. Every horse which suffers a breakdown on the racetrack, in training, or in competition, and is destroyed, and every other horse which expires while stabled on the racetrack under the jurisdiction of the commission, shall undergo a postmortem examination at a time and place acceptable to the commission state veterinarian to determine the injury or sickness which

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resulted in euthanasia or natural death. The postmortem examination shall be conducted by a veterinarian employed by the owner or the owner's trainer in the presence of and in consultation with the commission a department veterinarian. Test samples shall be obtained from the carcass upon which the postmortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. When practical, blood and urine test samples should be procured prior to euthanasia. The owner of the deceased horse is responsible for payment of any charges due the veterinarian employed to conduct the postmortem examination. The services of the commission department veterinarian and the laboratory testing of postmortem samples shall be made available by the commission department of agriculture and land stewardship without charge to the owner. A record of every postmortem shall be filed with the commission state veterinarian by the owner's veterinarian within seventy-two hours of the death and shall be submitted on a form supplied by the commission state veterinarian. Each owner and trainer accepts the responsibility for the postmortem examination provided herein as a requisite for maintaining the occupational license issued by the commission state veterinarian.

7. Any horse which in the opinion of the commission a department veterinarian has suffered a traumatic injury or disability such that a controlled program of phenylbutazone administration would not aid in restoring the racing soundness of the horse shall not be allowed to race while medicated with phenylbutazone or with phenylbutazone present in the horse's bodily systems.

9. Before a horse is allowed to race using phenylbutazone, the veterinarian attending the horse shall certify to the commission department veterinarian the course of treatment followed in administering the phenylbutazone.

10. The commission department veterinarian shall conduct random tests of bodily substances of horses entered to race each day of a race meeting to aid in the detection of any



unlawful drugging. The tests shall be conducted both prior to and after a race. The commission department veterinarian shall also test any horse that breaks down during a race and shall perform an autopsy on any horse that is killed or subsequently destroyed as a result of accident during a race.

11. Veterinarians must submit daily to ~~the-commission a~~ department veterinarian on a prescribed form a report of all medications and other substances which the veterinarian prescribed, administered, or dispensed for horses registered at a current race meeting. A logbook detailing other professional services performed while on the grounds of a racetrack shall be kept by veterinarians and shall be made immediately available to ~~the-commission a~~ department veterinarian or the stewards upon request.

Sec. 31. Section 99D.25A, subsections 3 through 7, Code 1993, are amended to read as follows:

3. If a horse is to race with phenylbutazone in its system, the trainer shall be responsible for marking the information on the entry blank for each race in which the horse shall use phenylbutazone. Changes made after the time of entry must be submitted on the prescribed form to the commission a department veterinarian no later than scratch time.

4. If a test detects concentrations of phenylbutazone in the system of a horse in excess of the level permitted in this section, the commission, upon receiving information from the department of agriculture and land stewardship, shall assess a civil penalty against the trainer of two hundred dollars for the first offense and five hundred dollars for a second offense. The penalty for a third or subsequent offense shall be in the discretion of the commission. A penalty assessed under this subsection shall not affect the placing of the horse in the race.

5. Lasix may be administered to certified bleeders. Upon request, any horse placed on the bleeder list shall, in its next race, be permitted the use of lasix. Once a horse has raced with lasix, it must continue to race with lasix in all

subsequent races unless a request is made to discontinue the use. If the use of lasix is discontinued, the horse shall be prohibited from again racing with lasix unless it is later observed to be bleeding. Requests for the use of or discontinuance of lasix must be made to ~~the-commission a~~ department veterinarian by the horse's trainer or assistant trainer on a form prescribed by the commission state veterinarian on or before the day of entry into the race for which the request is made.

6. Once a horse has been permitted the use of lasix, it must be brought to the detention barn for treatment not less than four hours prior to scheduled post time for the race in which it is entered to start. After the lasix treatment, the commission department of agriculture and land stewardship, by rule, may authorize the release of the horse from the detention barn before the scheduled post time. If a horse is brought to the detention barn late, the commission, upon receiving information from the department of agriculture and land stewardship, shall assess a civil penalty of one hundred dollars against the trainer.

7. A horse entered to race with lasix must be treated at least four hours prior to post time. The lasix shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse under the visual supervision of ~~the-commission a~~ department veterinarian. The practicing veterinarian must deposit with ~~the-commission a~~ department veterinarian at the detention barn an unopened supply of lasix and sterile hypodermic needles and syringes to be used for the administrations. Lasix shall only be administered in a dose level of two hundred fifty milligrams. ~~The-commission A~~ department veterinarian shall extract a test sample of the horse's blood, urine, or saliva to determine whether the horse was improperly drugged both before the lasix was administered and after the race is run.

Sec. 32. Section 159.5, Code 1993, is amended by adding the following new subsection:

*Vote* { NEW SUBSECTION. 16. Appoint a state veterinarian who shall be responsible for regulating areas relating to animal health as provided by the secretary. } *Vote*

Sec. 33. Section 161A.6, unnumbered paragraph 5, Code 1993, is amended to read as follows:

The commissioners shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and ~~shall provide for a biennial audit of the accounts of receipts and disbursements and shall regularly report to the division a summary of financial information regarding moneys controlled by the commissioners, which are not audited by the state, according to rules adopted by the division.~~

Sec. 34. Section 173.9, unnumbered paragraph 1, Code 1993, is amended by striking the paragraph and inserting in lieu thereof the following:

The board shall appoint a secretary who shall serve at the pleasure of the board. The secretary shall do all of the following:

Sec. 35. Section 206.5, subsection 3, Code 1993, is amended to read as follows:

3. ~~a. Commercial applicators~~ A commercial applicator shall choose between a one-year certification for which the applicator shall pay a thirty dollar fee or a three-year certification for which the applicator shall pay a seventy-five dollar fee. Public applicators are exempt from the thirty and seventy-five dollar certification fees and instead are subject to A public applicator shall choose between a one-year certification for which the applicator shall pay a ten-dollar annual certification ten dollar fee or a three-year certification for which the applicator shall pay a fifteen dollar fee for a three-year certification. The A private applicator shall pay a fifteen dollar fee for a three-year certification.

b. To be initially certified as a commercial, public, or private applicator shall be tested prior to initial certification, a person must complete an educational program which shall consist of an examination required to be passed by the person. In addition, a After initial certification the commercial, public, or private applicator shall be reexamined every three years following initial certification before the applicator is eligible for a renewal of must renew the certification by completing the educational program which shall consist of either an examination or continuing instructional courses. However, a The commercial, public, or private applicator must pass the examination each third year following initial certification or may elect to attend two hours of continuing instructional courses each year.

The department shall adopt rules providing for the program requirements which shall at least include the safe handling, application, and storage of pesticides, the correct calibration of equipment used for the application of pesticides, and the effects of pesticides upon the groundwater. The department shall adopt by rule criteria for allowing a person required to be certified to complete either a written or oral examination. The department shall administer the instructional courses, by either teaching the courses or selecting persons to teach the courses, according to criteria as provided by rules adopted by the department. The department shall, to the extent possible, select persons to teach the courses in each county. The department is not required to compensate persons selected to teach the courses. In selecting persons, the department shall rely upon organizations interested in the application of pesticides, including associations representing pesticide applicators and associations representing agricultural producers. The Iowa cooperative extension service in agriculture and home economics of Iowa state university of science and technology shall cooperate with the department in administering the instructional courses. The Iowa cooperative extension service may teach courses, train persons selected to teach courses, or

distribute informational materials to persons teaching the courses.

c. A commercial, public, or private applicator need is not required to be certified to apply pesticides for a period of twenty-one days from the date of initial employment if the commercial, public, or private applicator is under the direct supervision of a certified applicator. For the purposes of this section, "under the direct supervision of" means that the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is physically present, by being in sight or hearing distance of the supervised person.

Sec. 36. Section 206.5, subsection 4, Code 1993, is amended to read as follows:

4. A commercial applicator who applies pesticides to agricultural land may, in lieu of the requirement of direct supervision, elect to be exempt from the certification requirements for a commercial applicator for a period of twenty-one days, if the applicator meets the requirements of a private applicator. ~~The test shall include, but is not limited to, the area of safe handling of agricultural chemicals and the effects of these chemicals on groundwater. The secretary shall also adopt, by rule, the criteria for the allowance of the selection of the written or oral examination by a person requiring certification.~~

Sec. 37. Section 206.8, subsection 3, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

3. This section shall not apply to either of the following:

a. A pesticide applicator who applies pesticides which are owned and furnished to the pesticide applicator by another person, if the pesticide applicator does not charge for the sale of the pesticides.

b. A federal, state, county, or municipal governmental entity which provides pesticides only for its own programs.

Sec. 38. Section 216B.3, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. The commission shall, whenever technically feasible, purchase and use degradable loose foam packing material manufactured from grain starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources. For the purposes of this subsection, "packing material" means material, other than an exterior packing shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

Sec. 39. Section 262.9, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. The board shall, whenever technically feasible, purchase and use degradable loose foam packing material manufactured from grain starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources. For the purposes of this subsection, "packing material" means material, other than an exterior packing shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

Sec. 40. Section 307.21, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. The administrator shall, whenever technically feasible, purchase and use degradable loose foam packing material manufactured from grain starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources. For the purposes of this subsection, "packing material" means material, other than an exterior packing shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

Sec. 41. Section 455A.8, subsection 2, Code 1993, is amended to read as follows:

2. Each voting member of the board shall serve three years, and shall be eligible for reappointment. However, the

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

Sec. 42. NEW SECTION. 455A.8A BRUSHY CREEK AREA -- TRAIL IMPROVEMENTS.

The department, in cooperation with the Brushy Creek recreation trails advisory board, shall provide for trail improvements in the recreation area and the state preserve adjoining the recreation area. The department shall establish and maintain a system of trails in the recreation area and the preserve. The trails shall be established or maintained to ensure the minimum possible disturbance to the natural terrain and the natural growth of vegetation, including but not limited to trees. The system of trails shall include equestrian and pedestrian trails.

The department in conjunction with the board shall provide for the location, type, and distance of trails, consistent with this section. The pedestrian trails shall be located in view of scenic attractions, including the lake and the valley. The trails shall be established and maintained in areas where hunting is permitted. The department and the board shall plan for the development of the lake shore.

The northern and southern part of the area shall be connected by trails. The northern part of the area shall include an equestrian campground which shall be maintained by the department. Trails shall exist on the eastern and western sides of the lake. An equestrian trail shall extend across the dam. There shall be established convenient road crossings. The southern part of the area shall include an area designed to securely confine horses. The southern part of the area shall also include pedestrian trails. The department shall post signs on the trails, the campground, and at the confinement area.

Sec. 43. Section 455A.19, subsection 1, paragraph a, Code 1993, is amended to read as follows:

a. Twenty-eight percent shall be allocated to the open spaces account. At least ten percent of the allocations to the account shall be made available to match private funds for open space projects on the cost-share basis of not less than twenty-five percent private funds pursuant to the rules adopted by the natural resources commission. Five percent of the funds allocated to the open spaces account shall be used to fund the protected waters program. This account shall be used by the department to implement the statewide open space acquisition, protection, and development programs.

PARAGRAPH DIVIDED. The department shall give priority to acquisition and control of open spaces of statewide significance. The department shall also use these funds for developments on state property. The total cost of an open spaces project funded under this paragraph "a" shall not exceed two million dollars unless a public hearing is held on the project in the area of the state affected by the project. However, on and after July 1, 1994, the following shall apply:

(1) If the total amount appropriated by the general assembly to the resources enhancement and protection fund, in any fiscal year as defined in section 8.36, is seven million dollars or more, not more than seventy-five percent of moneys in the open spaces account shall be allocated or obligated during that fiscal year to support a single project.

(2) If the total amount appropriated by the general assembly to the resources enhancement and protection fund, in any fiscal year as defined in section 8.36, is less than seven million dollars, not more than fifty percent of moneys in the open spaces account shall be allocated or obligated during that fiscal year to support a single project.

PARAGRAPH DIVIDED. Political subdivisions of the state shall be reimbursed for property tax dollars lost to open space acquisitions based on the reimbursement formula provided for in section 465A.4. There is appropriated from the open spaces account to the department the amount in that account, or so much thereof as is necessary, to carry out the open spaces program as specified in this paragraph "a". An appropriation made under this paragraph "a" shall continue in force for two fiscal years after the fiscal year in which the appropriation was made or until completion of the project. All unencumbered or unobligated funds remaining at the close of the fiscal year in which the project is completed or at the close of the final fiscal year, whichever date is earlier, shall revert to the open spaces account.

Sec. 44. NEW SECTION. 455B.104 PERMITS ISSUED BY THE DEPARTMENT -- APPROVAL BY DEFAULT.

The department shall either approve or deny a permit to a person applying for a permit under this chapter, within six months from the date that the department receives a completed application for the permit. An application which is not approved or denied within the six-month period shall be approved by default. The department shall issue a permit to the applicant within ten days following the date of default approval. However, this section shall not apply to applications for permits which are issued under Division II, or Division IV, parts 2 through 7.

Sec. 45. Section 455B.310, subsection 2, paragraph b, Code 1993, is amended by striking the paragraph and inserting in lieu thereof the following:

b. In addition to the tonnage fee amounts imposed under this subsection, the tonnage fee shall be increased by

seventy-five cents per ton of solid waste. The moneys collected under this paragraph are appropriated and shall be used as provided in section 455E.11, subsection 2, paragraph "a", subparagraph (11A).

Sec. 46. Section 455E.11, subsection 2, paragraph a, Code 1993, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (11A) Each additional seventy-five cents per ton per year received from the additional tonnage fee imposed pursuant to section 455B.310, subsection 2, paragraph "b", shall be allocated for the following purposes:

(a) Ten cents per ton per year is appropriated to the department of natural resources to establish a program to provide competitive grants to regional coordinating councils for projects in regional economic development centers related to a by-products and waste exchange system. Grantees under this program shall coordinate activities with other available state or multistate waste exchanges, including but not limited to the by-products and waste search service at the university of northern Iowa. The department shall consult with the department of economic development and the waste reduction center at the university of northern Iowa in establishing criteria for and the awarding of grants under this program. The department of natural resources shall expend not more than thirty thousand dollars of the moneys appropriated under this subparagraph subdivision to contract with the by-products and waste search service at the university of northern Iowa to provide training and other technical services to grantees under the program. If regional economic development centers cease to exist, the department shall transfer existing contracts to one or more community colleges or councils of governments and shall revise the criteria and rules for this program to allow community colleges or councils of governments to be applicants for competitive grants.

(b) Fifteen cents per ton per year is appropriated to the department of natural resources to establish three permanent household hazardous waste collection sites so that both urban and rural population are served and so that collection

services are available to the public on a regular basis. An additional five cents per ton per year is appropriated to the department to be used for the payment of transportation costs related to household hazardous waste collection programs.

(c) Twelve and one-half cents per ton per year is appropriated to the department of natural resources to provide additional toxic cleanup days. Departmental rules adopted for implementation of toxic cleanup days shall provide sufficient flexibility to respond to the household hazardous material collection needs of both small and large communities.

(d) Five cents per ton per year is appropriated to the department of economic development to establish, in cooperation with the department of natural resources, a marketing initiative to assist Iowa businesses producing recycling or reclamation equipment or services, recyclable products, or products from recycled materials to expand into national markets. Efforts shall include the reuse and recycling of sawdust.

(e) Five cents per ton per year is appropriated to the university of northern Iowa to develop and maintain the Iowa waste reduction center for the safe and economic management of solid waste and hazardous substances established at the university of northern Iowa.

(f) Eight cents per ton per year is appropriated to the department of natural resources for the provision of assistance to public and private entities in developing and implementing waste reduction and minimization programs for Iowa industries.

(g) The remaining moneys are appropriated to the department of natural resources to be used in accordance with subparagraph (8), subparagraph subdivision (b), subparagraph subdivision subparts (ii) through (iv).

Sec. 47. NEW SECTION. 461A.17A PAYMENT IN LIEU OF PROPERTY TAXES.

The director of the department of natural resources shall submit a budget request to pay the annual property taxes on property held by the department. The budget request shall be

*Veto*

submitted to the general assembly as part of the annual budget proposal provided in section 455A.4. The amount of the payment shall be based on property acquired on or after July 1, 1993, which would otherwise be subject to the levy of property taxes. The assessed value of property held by the department shall be that determined under section 427.1, subsection 31, and the director may protest the assessed value in the manner provided by law for any property owner to protest an assessment. For the purposes of chapter 257, the assessed value of any property which was acquired by the department on or after July 1, 1993, shall be included in the valuation base of the school district and the payments made pursuant to this section shall be considered as property tax revenues and not as miscellaneous income. The county treasurer shall certify the amount of taxes due to the department. The taxes shall be paid annually from the departmental fund or account from which the property acquisition was funded. If the departmental fund or account has no moneys, no longer exists, or if the acquisition of property was made without an expenditure of funds by the department, the taxes shall be paid from funds in the manner provided by the general assembly. If the total amount of taxes due, as certified to the department, exceeds the amount available for expenditure under this section, the property taxes due shall be reduced proportionately so that the total amount due equals the amount available for expenditure.

Sec. 48. Section 904.312, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director shall, whenever technically feasible, purchase and use degradable loose foam packing material manufactured from grain starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources. For the purposes of this subsection, "packing material" means material, other than an exterior packing shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

*Victor*  
Sec. 49. EFFECTIVE DATE. Section 4 of this Act, being }  
deemed of immediate importance takes effect upon enactment. }

Sec. 50. EFFECTIVE DATE. Sections 13 and 25 of this Act,  
being deemed of immediate importance, take effect upon  
enactment.

Sec. 51. EFFECTIVE DATE. Sections 23, 41, and 42 of this  
Act, being deemed of immediate importance, take effect upon  
enactment.

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HAROLD VAN MAANEN  
Speaker of the House

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LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 623, Seventy-fifth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

*Item Victor*  
Approved *May 20*, 1993

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TERRY E. BRANSTAD  
Governor