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SENATE FILE 2314
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2257)

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Vote: Ayes 40 Nays 7

(P. 1391)
Passed House, Date 4/11/94
Vote: Ayes 43 Nays 57

Approved May 13, 1994
Stem released

A BILL FOR

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

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

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SF 2314

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, 1994, and ending June 30, 1995, 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, and for the salaries and support of
12 not more than the following full-time equivalent positions:
13 \$ 1,892,481
14 FTEs 47.45

15 (1) Of the funds appropriated in this paragraph "a",
16 \$316,000 and 7.00 FTEs shall be used to support horticulture.

17 (2) Of the amount appropriated in this paragraph "a",
18 \$50,000 shall be allocated to the state 4-H foundation to
19 foster the development of Iowa's youth and to encourage them
20 to study the subject of agriculture.

21 (3) Of the amount appropriated in this paragraph "a",
22 \$129,000 and 4.00 FTEs shall be allocated to the statistics
23 bureau to provide county-by-county information on land in
24 farms, production by crop, acres by crop, and county prices by
25 crop. This information shall be made available to the
26 department of revenue and finance for use in the productivity
27 formula for valuing and equalizing the values of agricultural
28 land.

29 (4) Of the amount appropriated in this paragraph "a", \$500
30 shall be allocated as state aid to support the north Iowa
31 poultry expo.

32 (5) Of the amount appropriated in this paragraph "a", not
33 more than \$5,000 shall be allocated to the Iowa junior angus
34 association for the development of a commemorative pin in
35 connection with the 1994 angus junior national show.

1 b. For the operations of the dairy trade practices bureau:
2 \$ 70,719
3 c. For the purpose of performing commercial feed audits:
4 \$ 59,834
5 d. For the purpose of performing fertilizer audits:
6 \$ 59,834
7 2. REGULATORY DIVISION
8 a. For salaries, support, maintenance, miscellaneous
9 purposes, and for not more than the following full-time
10 equivalent positions:
11 \$ 3,700,175
12 FTEs 121.00
13 b. To cover the costs of inspection, sampling, analysis,
14 and other expenses necessary for the administration of
15 chapters 192, 194, and 195:
16 \$ 639,622
17 3. LABORATORY DIVISION
18 a. For salaries, support, maintenance, and miscellaneous
19 purposes, including the administration of the gypsy moth
20 program, and for not more than the following full-time
21 equivalent positions:
22 \$ 777,271
23 FTEs 76.10
24 Of the amount appropriated under this paragraph "a",
25 \$110,000 shall be used to administer a program relating to the
26 detection, surveillance, and eradication of the gypsy moth.
27 The department shall allocate and use the appropriation made
28 under this paragraph before moneys other than those
29 appropriated under this paragraph are used to support the
30 program.
31 b. For the operations of the commercial feed programs:
32 \$ 728,934
33 c. For the operations of the pesticide programs:
34 \$ 1,201,261
35 d. For the operations of the fertilizer programs:

1 \$ 621,257

2 4. SOIL CONSERVATION DIVISION

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

6 \$ 5,146,655

7 FTEs 159.30

8 Of the funds appropriated in this paragraph "a", \$330,000
9 shall be used to reimburse commissioners of soil and water
10 conservation districts for administrative expenses. Moneys
11 used for the payment of meeting dues by counties shall be
12 matched on a dollar-for-dollar basis by the soil conservation
13 division.

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

16 \$ 5,918,606

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

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

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

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

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

1 nonpoint source pollution control practices.

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

4 d. The provisions of section 8.33 shall not apply to the
5 moneys appropriated in paragraph "b". Unencumbered or
6 unobligated moneys remaining on June 30, 1998, from moneys
7 appropriated in paragraph "b" for the fiscal year beginning
8 July 1, 1994, shall revert to the general fund on August 31,
9 1998.

10 Sec. 2. LEVEE RECONSTRUCTION.

11 1. To the extent that moneys are available or appropriated
12 for the fiscal year beginning July 1, 1994, and ending June
13 30, 1995, to support the purposes of this section, the
14 division of soil conservation of the department of agriculture
15 and land stewardship shall provide financial incentives for
16 soil conservation practices for the purposes of providing
17 assistance in repairing and reconstructing levees.

18 2. Of the amount available or appropriated for purposes of
19 carrying out this section, the division shall allocate four
20 percent to each of the twenty-five soil and water conservation
21 districts requiring the most amount of assistance to
22 reconstruct and repair levees, as determined by the division.

23 3. The commissioners of each district receiving moneys
24 shall use the moneys to assist persons in reconstructing or
25 repairing levees damaged by floods occurring during 1993. The
26 following conditions shall apply:

27 a. The division shall award the moneys based upon
28 applications for specific projects submitted by the districts.
29 The share of a district's allocation which is unencumbered or
30 unobligated on November 1, 1994, shall be allocated among the
31 selected districts to support applications which could not
32 otherwise be funded under this section, as determined by the
33 division.

34 b. The moneys shall be awarded on a cost-share basis. A
35 person shall not receive more than 40 percent of the total

1 cost of repair or reconstruction.

2 c. Moneys shall not be used to support a project, if other
3 state or federal moneys have been contributed to support the
4 project.

5 d. Moneys shall only be used to support a project which
6 restores a levee to its condition prior to the flood damage.
7 However, moneys may support improvements which are incidental
8 to the repairs or reconstruction.

9 e. A person shall not be eligible to receive assistance
10 under this section, unless the person is an individual who is
11 actively engaged in farming as provided in section 9H.1,
12 subsection 1, paragraphs "a" through "c", or the person is a
13 family corporation, family farm limited partnership, family
14 trust, or family farm limited liability company, as defined in
15 section 9H.1.

16 4. Notwithstanding section 8.33, moneys appropriated
17 pursuant to this section which are unencumbered or unobligated
18 on June 30, 1995, shall be credited to the conservation
19 practices revolving loan fund created pursuant to section
20 161A.71.

21 Sec. 3. FARMERS' MARKET COUPON PROGRAM. There is
22 appropriated from the general fund of the state to the
23 department of agriculture and land stewardship for the fiscal
24 year beginning July 1, 1994, and ending June 30, 1995, the
25 following amount, or so much thereof as is necessary, to be
26 used for the purposes designated:

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

33	\$	198,750
34	FTEs	1.00

35 Sec. 4. PSEUDORABIES ERADICATION PROGRAM.

1 1. There is appropriated from the general fund of the
2 state to the department of agriculture and land stewardship
3 for the fiscal year beginning July 1, 1994, and ending June
4 30, 1995, the following amount, or so much thereof as is
5 necessary, to be used for the purpose designated:

6 For support of the pseudorabies eradication program:
7 \$ 900,100

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

13 Sec. 5. HORSE AND DOG RACING. There is appropriated from
14 the moneys available under section 99D.13 to the regulatory
15 division of the department of agriculture and land stewardship
16 for the fiscal year beginning July 1, 1994, and ending June
17 30, 1995, the following amount, or so much thereof as is
18 necessary, to be used for the purpose designated:

19 For salaries, support, maintenance, and miscellaneous
20 purposes for the administration of section 99D.22:
21 \$ 185,964

22 Sec. 6. INTERSTATE COMPACT ON AGRICULTURAL GRAIN
23 MARKETING. There is appropriated from the general fund of the
24 state to the interstate agricultural grain marketing
25 commission for the fiscal year beginning July 1, 1994, and
26 ending June 30, 1995, the following amount, or so much thereof
27 as is necessary, to be used for the purpose designated:

28 For carrying out duties of the commission as provided in
29 Article IV of the interstate compact on agricultural grain
30 marketing as provided in chapter 183:
31 \$ 78,000

32 DEPARTMENT OF NATURAL RESOURCES

33 Sec. 7. GENERAL APPROPRIATION. There is appropriated from
34 the general fund of the state to the department of natural
35 resources for the fiscal year beginning July 1, 1994, and

1 ending June 30, 1995, the following amounts, or so much
2 thereof as is necessary, to be used for the purposes
3 designated:

4 1. ADMINISTRATIVE AND SUPPORT SERVICES

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

8	\$	1,852,012
9	FTEs	115.50

10 2. PARKS AND PRESERVES DIVISION

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

14	\$	5,365,960
15	FTEs	195.73

16 3. FORESTS AND FORESTRY DIVISION

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

20	\$	1,426,916
21	FTEs	48.71

22 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

26	\$	1,651,984
27	FTEs	52.00

28 5. ENVIRONMENTAL PROTECTION DIVISION

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

32	\$	1,797,940
33	FTEs	176.00

34 b. Of the amount appropriated in paragraph "a", \$10,500
35 shall be used by the division for purposes of studying the

1 effects of urban contamination, if any, of state waters. The
2 department shall prepare a report based on the study which
3 shall be delivered to the secretary of the senate and chief
4 clerk of the house of representatives not later than January
5 6, 1995.

6 c. Of the amount appropriated in paragraph "a", \$279,000
7 shall be allocated to the administration account of the water
8 quality protection fund established pursuant to section
9 455B.183A as enacted in this Act. Of the number of FTEs
10 authorized pursuant to paragraph "a", 15.00 FTEs shall be
11 dedicated to carrying out the provisions of chapter 455B
12 relating to the administration, regulation, and enforcement of
13 the federal Safe Drinking Water Act and to support the program
14 to assist supply systems as provided in section 455B.183B.
15 However, limitations on full-time equivalent positions
16 provided in paragraph "a" of this subsection shall not limit
17 the number of additional full-time equivalent positions
18 supported by moneys deposited in the water quality protection
19 fund as provided in section 455B.183A, as enacted in this Act,
20 in order to carry out the provisions of division III of
21 chapter 455B relating to the administration, regulation, and
22 enforcement of the federal Safe Drinking Water Act, and the
23 administration of the program to assist supply systems
24 pursuant to section 455B.183B as enacted in this Act.

25 d. In administering the program to assist supply systems
26 pursuant to section 455B.183B, as enacted in this Act, the
27 department shall develop public-private partnerships as
28 described in that section, in order to provide technical
29 assistance and vulnerability and viability studies. In
30 providing assistance under this paragraph, the department
31 shall provide priority to systems serving a population of
32 seven thousand or less. At least two FTEs shall be allocated
33 to provide assistance to systems serving a population of seven
34 thousand or less.

35 6. FISH AND WILDLIFE DIVISION

1 For not more than the following full-time equivalent
2 positions:
3 FTEs 338.93

4 7. WASTE MANAGEMENT ASSISTANCE DIVISION

5 For not more than the following full-time equivalent
6 positions:
7 FTEs 16.75

8 Sec. 8. STATE FISH AND GAME PROTECTION FUND -- APPRO-
9 PRIATION TO THE DIVISION OF FISH AND WILDLIFE.

10 1. There is appropriated from the state fish and game
11 protection fund to the division of fish and wildlife of the
12 department of natural resources for the fiscal year beginning
13 July 1, 1994, and ending June 30, 1995, the following amount,
14 or so much thereof as is necessary, to be used for the
15 purposes designated:

16 For administrative support, and for salaries, support,
17 maintenance, equipment, and miscellaneous purposes:
18 \$ 20,420,670

19 2. The department shall not expend more moneys from the
20 fish and game protection fund than provided in this section,
21 unless the expenditure derives from contributions made by a
22 private entity, or a grant or moneys received from the federal
23 government, and is approved by the natural resource
24 commission. The department of natural resources shall
25 promptly notify the legislative fiscal bureau of the
26 commission's approval, and the chairpersons and ranking
27 members of the joint appropriations subcommittee on
28 agriculture and natural resources concerning the commission's
29 approval.

30 Sec. 9. MARINE FUEL TAX RECEIPTS -- NONCAPITALS AND
31 BOATING FACILITIES AND ACCESS. There is appropriated from the
32 marine fuel tax receipts deposited in the general fund of the
33 state to the department of natural resources for the fiscal
34 year beginning July 1, 1994, and ending June 30, 1995, the
35 following amounts, or so much thereof as is necessary, to be

1 used for the purposes designated:

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

5 \$ 200,000

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

9 \$ 411,311

10 Notwithstanding section 8.33, the unencumbered or
11 unobligated moneys remaining on June 30, 1995, from moneys
12 appropriated in subsection 1, may be expended during the
13 fiscal year beginning July 1, 1995, and ending June 30, 1996,
14 and shall not revert to the general fund until August 31,
15 1996.

16 Sec. 10. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT
17 PURPOSES. There is transferred on July 1, 1994, from the fees
18 deposited under section 321G.7 to the fish and game protection
19 fund and appropriated to the department of natural resources
20 for the fiscal year beginning July 1, 1994, and ending June
21 30, 1995, the following amount, or so much thereof as is
22 necessary, to be used for the purpose designated:

23 For the purpose of enforcing snowmobile laws as part of the
24 state snowmobile program administered by the department of
25 natural resources:

26 \$ 100,000

27 Sec. 11. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.
28 There is transferred on July 1, 1994, from the fees deposited
29 under section 462A.52 to the fish and game protection fund and
30 appropriated to the department of natural resources for the
31 fiscal year beginning July 1, 1994, and ending June 30, 1995,
32 the following amount, or so much thereof as is necessary, to
33 be used for the purpose designated:

34 For purposes of administration and enforcement of
35 navigation laws and water safety:

1 \$ 1,571,590

2 Of the amount transferred in this section, \$371,590 shall
3 be used to purchase additional equipment used for the
4 enforcement of navigation laws and water safety.

5 RESOURCES ENHANCEMENT AND PROTECTION

6 Sec. 12. GENERAL APPROPRIATION. Notwithstanding the
7 amount of the standing appropriation from the general fund of
8 the state under section 455A.18, subsection 3, there is
9 appropriated from the general fund of the state to the Iowa
10 resources enhancement and protection fund, in lieu of the
11 appropriation made in section 455A.18, for the fiscal year
12 beginning July 1, 1994, and ending June 30, 1995, the sum of
13 \$7,000,000, of which all moneys shall be allocated as provided
14 in section 455A.19.

15 ANIMAL INDUSTRY APPROPRIATIONS

16 Sec. 13. LIVESTOCK PRODUCERS ASSISTANCE.

17 1. There is appropriated from the general fund of the
18 state to Iowa state university of science and technology, for
19 the fiscal year beginning July 1, 1994, and ending June 30,
20 1995, the following amount, or so much thereof as is
21 necessary, to be used for the purposes designated:

22 For the administration of the livestock producers
23 assistance program established pursuant to section 266.39C,
24 including salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-time
26 equivalent positions:
27 \$ 200,000
28 FTEs 8.28

29 2. As a condition of this appropriation, the university
30 shall strive to ensure that the program becomes increasingly
31 self-sufficient. The university shall adopt a plan detailing
32 the manner in which the program will become self-sufficient,
33 including the expected amount of state funds necessary to
34 support the program until it becomes self-sufficient, the
35 sources of revenue expected to contribute to the program, and

1 the amount each source is expected to contribute to the
2 program. The plan shall be submitted to the legislative
3 fiscal bureau by November 1, 1994.

4 3. The provisions of section 8.33 shall not apply to the
5 moneys appropriated in this section. Unencumbered or unobli-
6 gated moneys remaining on June 30, 1998, from moneys
7 appropriated in this section for the fiscal year beginning
8 July 1, 1994, shall revert to the general fund on August 31,
9 1998.

10 Sec. 14. ORGANIC NUTRIENT MANAGEMENT.

11 1. There is appropriated from the general fund of the
12 state to the department of agriculture and land stewardship
13 for the fiscal year beginning July 1, 1994, and ending June
14 30, 1995, the following amount, or so much thereof as is
15 necessary, to be used for the purposes designated:

16 For deposit in the organic nutrient management fund for
17 administration of the organic nutrient management program, as
18 provided in section 161C.6:

19 \$ 900,000

20 2. Notwithstanding section 161C.5, unencumbered or
21 unobligated moneys remaining on June 30, 1998, from moneys
22 appropriated in this section for the fiscal year beginning
23 July 1, 1994, shall revert to the general fund on August 31,
24 1998.

25 3. The department shall transfer moneys appropriated to
26 the organic nutrient management account created pursuant to
27 1993 Iowa Acts, chapter 176, section 14, to the organic
28 nutrient management fund as established pursuant to this Act.
29 The department shall eliminate the account.

30 RELATED APPROPRIATIONS

31 Sec. 15. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE
32 UNDERGROUND STORAGE TANK BOARD -- TRANSFER. There is
33 appropriated from the unassigned revenue fund administered by
34 the Iowa comprehensive underground storage tank board, to the
35 department of natural resources for the fiscal year beginning

1 July 1, 1994, and ending June 30, 1995, the following amount,
2 or so much thereof as is necessary, to be used for the purpose
3 designated:

4 For administration expenses of the underground storage tank
5 section of the department of natural resources:

6 \$ 75,000

7 MISCELLANEOUS

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

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

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

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

- 25 1. The fertilizer fund created in section 200.9.
- 26 2. The pesticide fund created in section 206.12.
- 27 3. The dairy trade practices trust fund pursuant to
28 section 192A.30.
- 29 4. The milk fund created in section 192.111.
- 30 5. The commercial feed fund created in section 198.9.
- 31 6. The marine fuel tax fund created in section 452A.79.
- 32 7. The energy research and development fund provided in
33 section 473.11, enacted in 1993 Iowa Acts, chapter 11.

34 The departments designated in this section shall prepare
35 reports detailing revenue from receipts traditionally

1 deposited into each of the funds. A report shall be submitted
2 to the legislative fiscal bureau at least once for each three-
3 month period as designated by the legislative fiscal bureau.

4 Sec. 18. DEPARTMENTAL INFORMATION REQUIRED.

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

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

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

1 the accounting system has been closed for that fiscal year.

2 Sec. 19. PREFERENCE PROVIDED -- PERSONS MEETING
3 ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM. In its
4 employment of persons in temporary positions in conservation
5 and outdoor recreation, the department of natural resources
6 shall give preference to persons meeting eligibility
7 requirements for the green thumb program and to persons
8 working toward an advanced education in natural resources and
9 conservation.

10 Sec. 20. AIR QUALITY STANDARDS. During the fiscal year
11 for which funds are appropriated to the department of natural
12 resources under this Act, the department shall not require the
13 installation or use of equipment to control the emission of
14 dust or other particulate matter on or by facilities for
15 storage of grain which are located within the ambient air
16 quality attainment areas for suspended particulates. However,
17 this subsection shall not be effective upon the delegation by
18 the United States to this state of the air operating permit
19 program as provided by the federal Clean Air Act Amendments of
20 1990, Pub. L. No. 101-549.

21 Sec. 21. AIR QUALITY PROGRAM -- NONGENERAL FUND SUPPORT.
22 The department of natural resources for the fiscal year
23 beginning July 1, 1994, and ending June 30, 1995, shall not
24 use moneys appropriated from the general fund of the state
25 pursuant to this Act, to support any purpose related to
26 carrying out the duties of the commission under section
27 455B.133 or the director under section 455B.134, or for
28 carrying out the provisions of chapter 455B, division II.

29 Notwithstanding section 455B.133B, the department may use
30 moneys deposited in the air contaminant source fund created in
31 section 455B.133B during the fiscal year for any purpose
32 related to carrying out the duties of the commission under
33 section 455B.133 or the director under section 455B.134, or
34 for carrying out the provisions of chapter 455B, division II.

35 Sec. 22. MORATORIUM -- LEASE-PURCHASE CONTRACTS. The

1 department of agriculture and land stewardship or the
2 department of natural resources shall not become a party to a
3 lease-purchase contract for the purchase of property acquired
4 by the department for the period beginning July 1, 1994, and
5 ending June 30, 1995. A person, including the department of
6 general services, shall not be a party to a lease-purchase
7 contract for the purchase of property on behalf of either
8 department for that same period. This section shall not alter
9 the obligations of a party to a lease-purchase contract
10 executed prior to the effective date of this Act. The
11 department of agriculture and land stewardship, the department
12 of natural resources, or a person acting on behalf of either
13 department, shall not extend the terms of any existing lease-
14 purchase contract which would expire on or before the
15 effective date of this Act.

16 Sec. 23. RENEWABLE FUEL PRODUCTION INFRASTRUCTURE PROGRAM.

17 1. The general assembly finds and declares that motor
18 vehicles will increasingly operate using renewable fuel rather
19 than rapidly depleting petroleum products, and that the
20 construction and maintenance of roads and highways will be
21 financed from the sale of renewable fuel, including but not
22 limited to ethanol and soydiesel based products. The division
23 of soil conservation of the department of agriculture and land
24 stewardship shall establish and administer a renewable fuel
25 production infrastructure program in order to protect
26 renewable fuel sources.

27 2. All unobligated and unencumbered moneys appropriated to
28 the wind erosion control fund, and any moneys which have been
29 credited to the division of soil conservation of the
30 department of agriculture and land stewardship for purposes of
31 planting or maintaining wind erosion control barriers, as
32 originally provided in 1978 Acts, chapter 1108, section 7, and
33 subsequently amended, shall be transferred to the conservation
34 practices revolving loan fund created in section 161A.71.

35 3. The division shall allocate the moneys to provide loans

1 to persons as provided in section 161A.71. The moneys must be
2 used to reestablish or repair a permanent soil and water
3 conservation practice which the commissioners of the soil and
4 water conservation district in which the land is located finds
5 necessary or advisable to meet the soil loss limits
6 established for that land. In order to be eligible to receive
7 the loan, the person must participate in an emergency soil
8 conservation program administered by the United States
9 department of agriculture and produce agricultural commodities
10 capable of being processed into a renewable fuel. The
11 agricultural commodity must be produced on land served by the
12 permanent soil and water conservation practice.

13 Sec. 24. RULES REQUIRED -- PESTICIDE AND FERTILIZER
14 CONTAMINATED SITES. By December 31, 1994, the environmental
15 protection commission shall adopt rules as provided in chapter
16 17A and required pursuant to section 455B.601, including rules
17 to establish criteria for the classification and
18 prioritization of sites upon which pesticide and fertilizer
19 contamination has been discovered.

20 STATUTORY CHANGES

21 Sec. 25. 1987 Iowa Acts, chapter 233, section 204,
22 subsection 5, as amended by 1989 Iowa Acts, chapter 311,
23 section 21, as amended by 1990 Iowa Acts, chapter 1260,
24 section 20, is amended to read as follows:

25 5. It is the intention of the general assembly in adopting
26 the appropriation under subsection 1 and this subsection to
27 cease funding for the department's implementation of the
28 federal Resource Conservation and Recovery Act permit program
29 for hazardous waste facilities in this state. Section
30 455B.411, subsections 6, 9, and 10, section 455B.412,
31 subsections 2 through 4, and sections 455B.413 through
32 455B.421 are suspended and do not apply as they pertain to
33 that permit program, but are not suspended and do apply as
34 they pertain to abandoned and uncontrolled sites, used oil,
35 and site licensing under chapter 455B, division IV, part 6.

1 The suspension provided by this subsection begins July 1, 1987
2 and ends June 30, ~~1994~~ 1999.

3 Sec. 26. 1993 Iowa Acts, chapter 176, section 25,
4 subsection 2, is amended to read as follows:

5 2. Notwithstanding section 8.33, unencumbered or
6 unobligated moneys remaining on June 30, 1993, from moneys
7 appropriated pursuant to 1992 Iowa Acts, Second Extraordinary
8 Session, chapter 1001, section 402, may be expended during the
9 fiscal year period beginning July 1, 1993, and ending June 30,
10 ~~1994~~ 1995, and shall not revert to the general fund until
11 August 31, ~~1994~~ 1995.

12 Sec. 27. Section 8.23, Code 1993, is amended by adding the
13 following new unnumbered paragraph after unnumbered paragraph
14 1:

15 NEW UNNUMBERED PARAGRAPH. On or before September 1, as
16 part of estimates of expenditure requirements, including
17 proposed expenditures, for the ensuing fiscal year, as
18 provided in this section, the department of agriculture and
19 land stewardship and the department of natural resources shall
20 transmit to the director estimates relating to contracts,
21 including proposed contracts, involving lease-purchase
22 arrangements, under which that department expects to receive a
23 benefit. The transmittal shall include all of the following:

- 24 1. A description of the object of the contract.
- 25 2. The administrative unit, including division or bureau,
26 responsible for the purchased object of the contract.
- 27 3. The total cost of all payments due or expected under
28 the contract.
- 29 4. The amount required or expected to be paid under the
30 contract for the ensuing fiscal year.
- 31 5. The contract's termination or expected termination
32 date.

33 Sec. 28. Section 159.29, subsection 2, unnumbered
34 paragraph 1, Code 1993, is amended to read as follows:

35 An owner of an agricultural drainage well and a landholder

1 whose land is drained by the well or wells of another person
2 shall develop, in consultation with the department of
3 agriculture and land stewardship and the department of natural
4 resources, a plan which proposes alternatives to the use of
5 agricultural drainage wells by July 1, ~~1994~~ 1996.

6 Sec. 29. NEW SECTION. 161C.5 ORGANIC NUTRIENT MANAGEMENT
7 FUND.

8 1. An organic nutrient management fund is created in the
9 state treasury under the control of the division. The fund is
10 composed of moneys, appropriated by the general assembly, and
11 moneys available to and obtained or accepted by the division
12 or the state soil conservation committee, from the United
13 States or private sources for placement in the fund.

14 2. Moneys in the fund are subject to an annual audit by
15 the auditor of state. The fund is subject to warrants by the
16 director of revenue and finance, drawn upon the written
17 requisition of the division.

18 3. The fund shall be used to support the organic nutrient
19 management program provided in section 161C.6. Moneys shall
20 be used to provide financial incentives and to pay for
21 administrative expenses incurred by the division. Not more
22 than two percent of the moneys shall be used to pay for
23 administering the organic nutrient management program. Moneys
24 expended for financial incentives shall be allocated on a
25 cost-share basis. The division may adopt rules to administer
26 this section.

27 4. The division shall not in any manner directly or
28 indirectly pledge the credit of the state.

29 5. Section 8.33 shall not apply to moneys in the fund.
30 Moneys earned as income, including as interest, from the fund
31 shall remain in the fund until expended as provided in this
32 section.

33 Sec. 30. NEW SECTION. 161C.6 ORGANIC NUTRIENT MANAGEMENT
34 PROGRAM.

35 1. The division shall establish an organic nutrient

1 management program as provided by rules which shall be adopted
2 by the division. The program shall be supported from moneys
3 deposited in the organic nutrient management fund.

4 2. a. The program shall provide financial incentives to
5 establish livestock manure management systems to facilitate
6 the proper utilization of livestock manure as a nutrient
7 source, and to protect the water resources of the state from
8 livestock manure runoff.

9 b. A person shall not be eligible to participate in the
10 program, unless the person is an individual family farmer, an
11 individual actively engaged in farming as provided in section
12 9H.1, subsection 1, paragraphs "a" through "c", or the person
13 is a family farm corporation, family farm limited partnership,
14 a family farm trust, or a family farm limited liability
15 company, all as defined in section 9H.1.

16 c. The amount of moneys allocated in cost-share payments
17 to a person qualifying under the organic nutrient management
18 program shall not exceed fifty percent of the estimated cost
19 of establishing the system or fifty percent of the actual
20 cost, whichever is less.

21 d. The department shall not allocate moneys to a person
22 who is a party to a legal or administrative action, including
23 a contested case proceeding under chapter 17A, which relates
24 to an alleged violation of chapter 455B involving the disposal
25 of livestock waste, until the action is resolved. The
26 department of natural resources shall cooperate with the
27 division by providing information necessary to administer this
28 paragraph.

29 e. A person shall not use moneys allocated pursuant to
30 this section for purposes of paying an amount imposed pursuant
31 to a fine or civil penalty, or for remediating or restoring
32 the condition of an area contaminated by livestock waste.

33 f. A person qualifying under the program shall not receive
34 more than seven thousand five hundred dollars in financial
35 incentives during any fiscal year beginning on July 1 and

1 ending on June 30. A person who has received financial
2 assistance in a prior fiscal year is eligible to receive
3 financial assistance in a subsequent fiscal year, unless the
4 financial assistance is used to support the establishment of a
5 system previously receiving assistance under this program.

6 Sec. 31. NEW SECTION. 169.4A PROVISION OF VETERINARY
7 SERVICES.

8 A business corporation or partnership, other than a
9 professional corporation organized under chapter 496C, or a
10 veterinarian licensed under this chapter, shall not provide
11 veterinary medical services, own a veterinary clinic, or
12 practice in this state, except as otherwise provided in this
13 chapter.

14 Sec. 32. Section 173.14B, subsection 2, Code 1993, is
15 amended to read as follows:

16 2. The board may issue negotiable bonds and notes of the
17 authority in principal amounts which are necessary to provide
18 sufficient funds for achievement of its corporate purposes,
19 the payment of interest on its bonds and notes, the
20 establishment of reserves to secure its bonds and notes, and
21 all other expenditures of the board incident to and necessary
22 or convenient to carry out its purposes and powers, subject to
23 authorization and approval required under subsection 1.
24 However, the total principal amount of bonds and notes
25 outstanding at any time under subsection 1 and this subsection
26 shall not exceed six twenty-five million dollars. The bonds
27 and notes are deemed to be investment securities and
28 negotiable instruments within the meaning of and for all
29 purposes of the uniform commercial code.

30 Sec. 33. Section 190.14, subsection 1, Code 1993, is
31 amended to read as follows:

32 1. The department shall administer this chapter consistent
33 with the provisions of the "Grade 'A' Pasteurized Milk
34 Ordinance, ~~1989~~ 1993 Revision", as provided in section
35 192.102.

1 Sec. 34. Section 191.9, subsection 1, Code 1993, is
2 amended to read as follows:

3 1. The department shall administer this chapter consistent
4 with the provisions of the "Grade 'A' Pasteurized Milk
5 Ordinance, ~~1989~~ 1993 Revision", as provided in section
6 192.102.

7 Sec. 35. Section 192.102, Code 1993, is amended to read as
8 follows:

9 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

10 The department shall adopt, by rule, the "Grade 'A'
11 Pasteurized Milk Ordinance, ~~1989~~ 1993 Revision", including a
12 subsequent revision of the ordinance. If the ordinance
13 specifies that compliance with a provision of the ordinance's
14 appendices is mandatory, the department shall also adopt that
15 provision. The department shall not amend the ordinance,
16 unless the department explains each amendment and reasons for
17 the amendment in the Iowa administrative bulletin when the
18 rules are required to be published pursuant to chapter 17A.
19 The department shall administer this chapter consistent with
20 the provisions of the ordinance.

21 Sec. 36. Section 192.110, subsection 2, Code Supplement
22 1993, is amended to read as follows:

23 2. The facilities and equipment used to produce, store, or
24 transport milk or milk products comply with requirements of
25 the "Grade 'A' Pasteurized Milk Ordinance, ~~1989~~ 1993 Revision"
26 as provided in section 192.102.

27 Sec. 37. NEW SECTION. 266.39D LIVESTOCK PRODUCERS
28 ASSISTANCE PROGRAM.

29 Iowa state university shall establish and administer a
30 livestock producers assistance program to provide on-site
31 assistance to persons involved in livestock production in
32 order to increase the efficiency, productivity, and
33 profitability of their operations. The program, to every
34 extent practicable, shall be supported by nonstate moneys.
35 The university shall submit a report to the legislative fiscal

1 bureau by November 1 of each year, if the university expects
2 that state moneys may be required to support the program
3 during the subsequent state fiscal year. The report shall
4 include all expected sources of revenues and the amounts
5 expected to be contributed by these sources for the subsequent
6 state fiscal year.

7 Sec. 38. Section 455B.105, subsection 11, paragraph b,
8 Code 1993, is amended to read as follows:

9 b. The Except as otherwise provided in this chapter, fees
10 collected by the department under this subsection shall be
11 remitted to the treasurer of state and credited to the general
12 fund of the state.

13 Sec. 39. NEW SECTION. 455B.183A WATER QUALITY PROTECTION
14 FUND.

15 1. A water quality protection fund is created in the state
16 treasury under the control of the department. The fund
17 consists of moneys appropriated to the fund by the general
18 assembly, moneys deposited into the fund from fees described
19 in subsection 2, and other moneys available to and obtained or
20 accepted by the department from the United States government
21 or private sources for placement in the fund. The fund is
22 divided into two accounts, including the administration
23 account and the public water supply system account. Moneys in
24 the administration account shall be used for purposes of
25 carrying out the provisions of this division, which relate to
26 the administration, regulation, and enforcement of the federal
27 Safe Drinking Water Act. Moneys in the public water supply
28 system account shall be used to support the program to assist
29 supply systems, as provided in section 455B.183B.

30 2. The commission shall adopt fees as required pursuant to
31 section 455B.105 for permits required for public water supply
32 systems as provided in sections 455B.174 and 455B.183. At
33 least half of the collected fees shall be deposited in the
34 public water supply system account. The remainder of the
35 collected fees shall be deposited into the administration

1 account. The fees shall be for each of the following:

2 a. The construction, installation, or modification of a
3 public water supply system. The amount of the fees may be
4 based on the type of system being constructed, installed, or
5 modified.

6 b. The operation of a public water supply system,
7 including any part of the system. The fees may be based on
8 the type and size of community served by the system. The
9 commission shall adopt a fee schedule. The commission shall
10 calculate all fees in the schedule to produce total revenues
11 equaling nine hundred thousand dollars for the fiscal year
12 beginning July 1, 1994, and ending June 30, 1995, one million
13 dollars for the fiscal year beginning July 1, 1995, and ending
14 June 30, 1996, and one million two hundred thousand dollars
15 for each subsequent fiscal year. By May 1 of each year, the
16 department shall estimate the total revenue expected to be
17 collected from the overpayment of fees, (which are all fees in
18 excess of the amount of the total revenues which are expected
19 to be collected under the current fee schedule) and the total
20 revenue expected to be collected from the payment of fees
21 during the next fiscal year. The commission shall adjust the
22 fees if the estimate exceeds the amount of revenue required to
23 be deposited in the fund pursuant to this paragraph.

24 3. Moneys in the fund are subject to an annual audit by
25 the auditor of state. The fund is subject to warrants by the
26 director of revenue and finance, drawn upon the written
27 requisition of the department.

28 4. Section 8.33 does not apply to moneys in the fund.
29 Moneys earned as income, including interest from the fund
30 shall remain in the fund until expended.

31 5. On or before November 15 of each fiscal year, the
32 department shall transmit to the department of management and
33 the legislative fiscal bureau information regarding the fund
34 and accounts, including all of the following:

35 a. The balance of unobligated and unencumbered moneys in

1 each account as of November 1.

2 b. A summary of revenue deposited in and expenditures from
3 each account during the current fiscal year.

4 c. Estimates of revenues expected to be deposited into the
5 public water supply system account during the current fiscal
6 year, and an estimate of the expected balance of unobligated
7 and unencumbered moneys in the account on June 30 of the
8 current fiscal year.

9 Sec. 40. NEW SECTION. 455B.183B PROGRAM TO ASSIST SUPPLY
10 SYSTEMS.

11 1. The state of Iowa declares its intention to retain its
12 jurisdiction to enforce areas provided under the federal Safe
13 Drinking Water Act as delegated to the state by the United
14 States.

15 2. The department shall establish a program to assist
16 supply systems, in order to provide assistance to ensure safe
17 public water supplies. The department in administering the
18 program shall provide technical advice and perform
19 vulnerability and viability studies of public water supply
20 systems.

21 3. Whenever practical, the department may enter into a
22 contract with a person qualified to provide assistance
23 services under this section, if the agreement for the services
24 is cost-effective and the quality of the services ensures
25 compliance with state and federal law. A person entering into
26 a contract with the department for the purpose of providing
27 the services shall be deemed to be an agent of the department,
28 and shall have the same authority as provided to the
29 department, unless the contract specifies otherwise. The
30 department shall review assistance services performed by a
31 person under a contract to ensure that quality cost-effective
32 service is being provided.

33 4. The program shall be supported by moneys deposited in
34 the public water supply system account created in the water
35 quality protection fund established pursuant to section

1 455B.183A.

2 Sec. 41. NEW SECTION. 455B.183C PERSONNEL -- DEPARTMENT
3 OF MANAGEMENT.

4 Notwithstanding any limitation upon the department's number
5 of full-time equivalent positions as defined in section 8.36A,
6 any point limitation on personnel, or any other limitation
7 upon the number of personnel or their employment
8 classification, imposed by the department of management, the
9 department may employ the number of full-time equivalent
10 positions which equals the number of positions allocated by
11 the general assembly to the department for each applicable
12 fiscal year in order to carry out the provisions of this
13 division relating to the administration, regulation, and
14 enforcement of the federal Safe Drinking Water Act and the
15 program to assist supply systems, but only to the extent that
16 moneys used to support the positions derive from moneys
17 deposited in the public water supply system account as
18 provided in section 455B.183A. If a specific number of full-
19 time equivalent positions are not allocated by the general
20 assembly, the department may fill any number of positions
21 required to administer the program, to the extent the
22 positions are supported by the account.

23 Sec. 42. RULES REQUIRED. The department of natural
24 resources shall adopt all rules necessary to implement
25 sections 455B.183A and 455B.183B by December 31, 1994. All
26 rules shall be adopted pursuant to chapter 17A.

27 Sec. 43. EFFECTIVE DATE. Sections 23, 25, 26, 39, 40, 41,
28 42, and this section of this Act, being deemed of immediate
29 importance, take effect upon enactment.

30 EXPLANATION

31 This bill appropriates for the 1994-1995 fiscal year moneys
32 to the department of agriculture and land stewardship and the
33 department of natural resources. It provides appropriations
34 to various programs, including the farmers market coupon
35 program, and the pseudorabies eradication program. It also

1 appropriates moneys to support the Interstate Compact on
2 Agricultural Grain Marketing. It makes appropriations from
3 the general fund of the state and the state fish and game
4 protection fund. It appropriates moneys from marine fuel tax
5 receipts for purposes of funding expenditures traditionally
6 funded from marine fuel tax revenues, and for maintaining and
7 developing boating facilities. The bill transfers moneys to
8 the fish and game protection fund for purposes of enforcing
9 snowmobile laws and navigation laws and water safety laws.

10 The bill appropriates moneys to support a livestock
11 producers assistance program and an organic nutrient
12 management program, established in 1993. The bill codifies
13 these programs.

14 Moneys are appropriated for the administration and expenses
15 of the underground storage tank section of the department of
16 natural resources. The bill requires the department of
17 natural resources to adopt rules establishing prices of plant
18 material grown at the state forest nurseries to cover all
19 expenses related to the growing of plants, and to develop
20 programs to encourage the wise management and preservation of
21 existing woodland. The bill requires the department of
22 revenue and finance to track receipts to the general fund
23 which have traditionally been deposited in a number of funds.
24 The bill provides for a number of reporting requirements by
25 the department of agriculture and land stewardship and the
26 department of natural resources. The bill provides for
27 eligibility requirements for the green thumb program
28 administered by the department of natural resources.

29 The bill also makes a number of statutory changes. It
30 delays the implementation of the federal Resource Conservation
31 and Recovery Act permit program for hazardous waste facilities
32 in this state until June 30, 1999. It imposes reporting
33 requirements for the department of agriculture and land
34 stewardship and the department of natural resources regarding
35 lease-purchase agreements.

1 The bill extends the period required for a landholder to
2 prepare a plan which proposes alternatives to agricultural
3 drainage wells. The bill restricts persons who may own a
4 veterinary clinic or practice veterinary medicine in the
5 state. The bill increases the bonding limit of the Iowa state
6 fair board. The bill also updates the "Grade 'A' Pasteurized
7 Milk Ordinance" adopted by reference in several chapters of
8 the Code.

9 The bill creates a water quality protection fund under the
10 control of the department of natural resources. The fund is
11 in part supported by fees imposed for the construction,
12 installation, or modification of a public water supply system,
13 and the operation of a public water supply system. The bill
14 also creates a program to provide assistance to ensure safe
15 public water supplies. The department of natural resources is
16 required to provide technical advice and perform vulnerability
17 and viability studies of public water supply systems.

18 The bill provides for effective dates for a number of
19 sections.

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SENATE FILE 2314

S-5261

Amend Senate File 2314 as follows:

1. Page 5, line 17, by striking the words "pursuant to" and inserting the following: "for purposes of carrying out".
2. Page 8, line 10, by inserting after the figure "15.00" the following: "additional".
3. Page 15, line 17, by striking the word "subsection" and inserting the following: "section".
4. Page 19, line 20, by inserting after the word "incentives" the following: "under the program".
5. Page 19, by striking line 21 and inserting the following: "expenses incurred by the division in administering the program. Not more".
6. Page 19, line 23, by striking the words "organic nutrient management".
7. Page 24, line 29, by striking the word "fund" and inserting the following: "fund,".
8. Page 26, by striking line 17 and inserting the following: "deposited in the water quality protection fund, as".
9. Page 26, line 22, by striking the word "account" and inserting the following: "fund".

By EMIL J. HUSAK
BRAD BANKS

S-5261 FILED MARCH 21, 1994
ADOPTED

SENATE FILE 2314

S-5262

Amend Senate File 2314 as follows:

1. Page 23, by inserting after line 6 the following:
"Sec. ____ . Section 352.7, subsection 2, Code Supplement 1993, is amended to read as follows:
2. Within sixty days after receipt, the county board shall adopt the proposal or any modification of the proposal it deems appropriate, unless to do so would be inconsistent with the purposes of this chapter. The board may deny a proposal, if the board determines that the disposal of waste from livestock produced in the area cannot be effectively administered."
 2. By renumbering as necessary.
- By BERL E. PRIEBE
BRAD BANKS
H. KAY HEDGE
- DERRYL McLAREN
EMIL J. HUSAK

S-5262 FILED MARCH 21, 1994
ADOPTED

(p. 780) 3-21-94 House Appr?
(p. 926) 3-28-94 House Amend
w/H 5745
(p. 1392) 4/11/94
Motion to R/C by Corbett

SENATE FILE **2314**
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2257)

(AS AMENDED AND PASSED BY THE SENATE MARCH 21, 1994)

- New Language by the Senate
- * - Language Stricken by the Senate

Re- Passed Senate, Date 4/18/94 (p. 1336) ~~Failed~~ ~~Passed~~ House, Date 4/11/94 (p. 1391)
 Vote: Ayes 47 Nays 2 Vote: Ayes 43 Nays 57
 Approved May 13, 1994 ~~Item Deleted~~ Passed House, 65-31 (p. 1602) 4/14/94
Passed 4/20/94 Passed 4/20/94
Vote - 49-1 Vote 57-42
(p. 1400) (P. 2005)

A BILL FOR

- 1 An Act relating to appropriations and revenue involving
- 2 agriculture and natural resources, making related statutory
- 3 changes, and providing fees.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5

Conf. Comm. Senate File 2314, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees.

ON THE PART OF THE HOUSE:

JAMES HAHN, Chair
SANDY GREINER
BOB RAFFERTY

ON THE PART OF THE SENATE:

EMIL J. HUSAK, Chair
BRAD BANKS
BILL FINK
DERRYL McLAREN
BERL E. PRIEBE

S.F. 2314

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APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following **second** conference committee on **Senate File 2314** on the part of the Senate: Senators Murphy, Chair; Husak, Priebe, McLaren and Banks.
4-19-94

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, 1994, and ending June 30, 1995, 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, and for the salaries and support of
12 not more than the following full-time equivalent positions:

13	\$	1,892,481
14	FTEs	47.45

15 (1) Of the funds appropriated in this paragraph "a",
16 \$316,000 and 7.00 FTEs shall be used to support horticulture.

17 (2) Of the amount appropriated in this paragraph "a",
18 \$50,000 shall be allocated to the state 4-H foundation to
19 foster the development of Iowa's youth and to encourage them
20 to study the subject of agriculture.

21 (3) Of the amount appropriated in this paragraph "a",
22 \$129,000 and 4.00 FTEs shall be allocated to the statistics
23 bureau to provide county-by-county information on land in
24 farms, production by crop, acres by crop, and county prices by
25 crop. This information shall be made available to the
26 department of revenue and finance for use in the productivity
27 formula for valuing and equalizing the values of agricultural
28 land.

29 (4) Of the amount appropriated in this paragraph "a", \$500
30 shall be allocated as state aid to support the north Iowa
31 poultry expo.

32 (5) Of the amount appropriated in this paragraph "a", not
33 more than \$5,000 shall be allocated to the Iowa junior angus
34 association for the development of a commemorative pin in
35 connection with the 1994 angus junior national show.

1 b. For the operations of the dairy trade practices bureau:
 2 \$ 70,719
 3 c. For the purpose of performing commercial feed audits:
 4 \$ 59,834
 5 d. For the purpose of performing fertilizer audits:
 6 \$ 59,834
 7 2. REGULATORY DIVISION
 8 a. For salaries, support, maintenance, miscellaneous
 9 purposes, and for not more than the following full-time
 10 equivalent positions:
 11 \$ 3,700,175
 12 FTEs 121.00
 13 b. To cover the costs of inspection, sampling, analysis,
 14 and other expenses necessary for the administration of
 15 chapters 192, 194, and 195:
 16 \$ 639,622
 17 3. LABORATORY DIVISION
 18 a. For salaries, support, maintenance, and miscellaneous
 19 purposes, including the administration of the gypsy moth
 20 program, and for not more than the following full-time
 21 equivalent positions:
 22 \$ 777,271
 23 FTEs 76.10
 24 Of the amount appropriated under this paragraph "a",
 25 \$110,000 shall be used to administer a program relating to the
 26 detection, surveillance, and eradication of the gypsy moth.
 27 The department shall allocate and use the appropriation made
 28 under this paragraph before moneys other than those
 29 appropriated under this paragraph are used to support the
 30 program.
 31 b. For the operations of the commercial feed programs:
 32 \$ 728,934
 33 c. For the operations of the pesticide programs:
 34 \$ 1,201,261
 35 d. For the operations of the fertilizer programs:

1 \$ 621,257

2 4. SOIL CONSERVATION DIVISION

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

6 \$ 5,146,655

7 FTEs 159.30

8 Of the funds appropriated in this paragraph "a", \$330,000
9 shall be used to reimburse commissioners of soil and water
10 conservation districts for administrative expenses. Moneys
11 used for the payment of meeting dues by counties shall be
12 matched on a dollar-for-dollar basis by the soil conservation
13 division.

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

16 \$ 5,918,606

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

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

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

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

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

1 nonpoint source pollution control practices.

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

4 d. The provisions of section 8.33 shall not apply to the
5 moneys appropriated in paragraph "b". Unencumbered or
6 unobligated moneys remaining on June 30, 1998, from moneys
7 appropriated in paragraph "b" for the fiscal year beginning
8 July 1, 1994, shall revert to the general fund on August 31,
9 1998.

10 Sec. 2. LEVEE RECONSTRUCTION.

11 1. To the extent that moneys are available or appropriated
12 for the fiscal year beginning July 1, 1994, and ending June
13 30, 1995, to support the purposes of this section, the
14 division of soil conservation of the department of agriculture
15 and land stewardship shall provide financial incentives for
16 soil conservation practices for the purposes of providing
17 assistance in repairing and reconstructing levees.

18 2. Of the amount available or appropriated for purposes of
19 carrying out this section, the division shall allocate four
20 percent to each of the twenty-five soil and water conservation
21 districts requiring the most amount of assistance to
22 reconstruct and repair levees, as determined by the division.

23 3. The commissioners of each district receiving moneys
24 shall use the moneys to assist persons in reconstructing or
25 repairing levees damaged by floods occurring during 1993. The
26 following conditions shall apply:

27 a. The division shall award the moneys based upon
28 applications for specific projects submitted by the districts.
29 The share of a district's allocation which is unencumbered or
30 unobligated on November 1, 1994, shall be allocated among the
31 selected districts to support applications which could not
32 otherwise be funded under this section, as determined by the
33 division.

34 b. The moneys shall be awarded on a cost-share basis. A
35 person shall not receive more than 40 percent of the total

1 cost of repair or reconstruction.

2 c. Moneys shall not be used to support a project, if other
3 state or federal moneys have been contributed to support the
4 project.

5 d. Moneys shall only be used to support a project which
6 restores a levee to its condition prior to the flood damage.
7 However, moneys may support improvements which are incidental
8 to the repairs or reconstruction.

9 e. A person shall not be eligible to receive assistance
10 under this section, unless the person is an individual who is
11 actively engaged in farming as provided in section 9H.1,
12 subsection 1, paragraphs "a" through "c", or the person is a
13 family corporation, family farm limited partnership, family
14 trust, or family farm limited liability company, as defined in
15 section 9H.1.

16 4. Notwithstanding section 8.33, moneys appropriated for
17 purposes of carrying out this section which are unencumbered
18 or unobligated on June 30, 1995, shall be credited to the
19 conservation practices revolving loan fund created pursuant to
20 section 161A.71.

21 Sec. 3. FARMERS' MARKET COUPON PROGRAM. There is
22 appropriated from the general fund of the state to the
23 department of agriculture and land stewardship for the fiscal
24 year beginning July 1, 1994, and ending June 30, 1995, the
25 following amount, or so much thereof as is necessary, to be
26 used for the purposes designated:

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

33	\$	198,750
34	FTEs	1.00

35 Sec. 4. PSEUDORABIES ERADICATION PROGRAM.

1 1. There is appropriated from the general fund of the
2 state to the department of agriculture and land stewardship
3 for the fiscal year beginning July 1, 1994, and ending June
4 30, 1995, the following amount, or so much thereof as is
5 necessary, to be used for the purpose designated:

6 For support of the pseudorabies eradication program:
7 \$ 900,100

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

13 Sec. 5. HORSE AND DOG RACING. There is appropriated from
14 the moneys available under section 99D.13 to the regulatory
15 division of the department of agriculture and land stewardship
16 for the fiscal year beginning July 1, 1994, and ending June
17 30, 1995, the following amount, or so much thereof as is
18 necessary, to be used for the purpose designated:

19 For salaries, support, maintenance, and miscellaneous
20 purposes for the administration of section 99D.22:
21 \$ 185,964

22 Sec. 6. INTERSTATE COMPACT ON AGRICULTURAL GRAIN
23 MARKETING. There is appropriated from the general fund of the
24 state to the interstate agricultural grain marketing
25 commission for the fiscal year beginning July 1, 1994, and
26 ending June 30, 1995, the following amount, or so much thereof
27 as is necessary, to be used for the purpose designated:

28 For carrying out duties of the commission as provided in
29 Article IV of the interstate compact on agricultural grain
30 marketing as provided in chapter 183:
31 \$ 78,000

32 DEPARTMENT OF NATURAL RESOURCES

33 Sec. 7. GENERAL APPROPRIATION. There is appropriated from
34 the general fund of the state to the department of natural
35 resources for the fiscal year beginning July 1, 1994, and

1 ending June 30, 1995, the following amounts, or so much
2 thereof as is necessary, to be used for the purposes
3 designated:

4 1. ADMINISTRATIVE AND SUPPORT SERVICES

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

8 \$ 1,852,012
9 FTEs 115.50

10 2. PARKS AND PRESERVES DIVISION

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

14 \$ 5,365,960
15 FTEs 195.73

16 3. FORESTS AND FORESTRY DIVISION

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

20 \$ 1,426,916
21 FTEs 48.71

22 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

26 \$ 1,651,984
27 FTEs 52.00

28 5. ENVIRONMENTAL PROTECTION DIVISION

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

32 \$ 1,797,940
33 FTEs 176.00

34 b. Of the amount appropriated in paragraph "a", \$10,500
35 shall be used by the division for purposes of studying the

1 effects of urban contamination, if any, of state waters. The
2 department shall prepare a report based on the study which
3 shall be delivered to the secretary of the senate and chief
4 clerk of the house of representatives not later than January
5 6, 1995.

6 c. Of the amount appropriated in paragraph "a", \$279,000
7 shall be allocated to the administration account of the water
8 quality protection fund established pursuant to section
9 455B.183A as enacted in this Act. Of the number of FTEs
10 authorized pursuant to paragraph "a", 15.00 additional FTEs
11 shall be dedicated to carrying out the provisions of chapter
12 455B relating to the administration, regulation, and
13 enforcement of the federal Safe Drinking Water Act and to
14 support the program to assist supply systems as provided in
15 section 455B.183B. However, limitations on full-time
16 equivalent positions provided in paragraph "a" of this
17 subsection shall not limit the number of additional full-time
18 equivalent positions supported by moneys deposited in the
19 water quality protection fund as provided in section
20 455B.183A, as enacted in this Act, in order to carry out the
21 provisions of division III of chapter 455B relating to the
22 administration, regulation, and enforcement of the federal
23 Safe Drinking Water Act, and the administration of the program
24 to assist supply systems pursuant to section 455B.183B as
25 enacted in this Act.

26 d. In administering the program to assist supply systems
27 pursuant to section 455B.183B, as enacted in this Act, the
28 department shall develop public-private partnerships as
29 described in that section, in order to provide technical
30 assistance and vulnerability and viability studies. In
31 providing assistance under this paragraph, the department
32 shall provide priority to systems serving a population of
33 seven thousand or less. At least two FTEs shall be allocated
34 to provide assistance to systems serving a population of seven
35 thousand or less.

1 6. FISH AND WILDLIFE DIVISION

2 For not more than the following full-time equivalent
3 positions:

4 FTEs 338.93

5 7. WASTE MANAGEMENT ASSISTANCE DIVISION

6 For not more than the following full-time equivalent
7 positions:

8 FTEs 16.75

9 Sec. 8. STATE FISH AND GAME PROTECTION FUND -- APPRO-
10 PRIATION TO THE DIVISION OF FISH AND WILDLIFE.

11 1. There is appropriated from the state fish and game
12 protection fund to the division of fish and wildlife of the
13 department of natural resources for the fiscal year beginning
14 July 1, 1994, and ending June 30, 1995, the following amount,
15 or so much thereof as is necessary, to be used for the
16 purposes designated:

17 For administrative support, and for salaries, support,
18 maintenance, equipment, and miscellaneous purposes:
19 \$ 20,420,670

20 2. The department shall not expend more moneys from the
21 fish and game protection fund than provided in this section,
22 unless the expenditure derives from contributions made by a
23 private entity, or a grant or moneys received from the federal
24 government, and is approved by the natural resource
25 commission. The department of natural resources shall
26 promptly notify the legislative fiscal bureau of the
27 commission's approval, and the chairpersons and ranking
28 members of the joint appropriations subcommittee on
29 agriculture and natural resources concerning the commission's
30 approval.

31 Sec. 9. MARINE FUEL TAX RECEIPTS -- NONCAPITALS AND
32 BOATING FACILITIES AND ACCESS. There is appropriated from the
33 marine fuel tax receipts deposited in the general fund of the
34 state to the department of natural resources for the fiscal
35 year beginning July 1, 1994, and ending June 30, 1995, the

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

3 1. 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 2. 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 Notwithstanding section 8.33, the unencumbered or
12 unobligated moneys remaining on June 30, 1995, from moneys
13 appropriated in subsection 1, may be expended during the
14 fiscal year beginning July 1, 1995, and ending June 30, 1996,
15 and shall not revert to the general fund until August 31,
16 1996.

17 Sec. 10. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT
18 PURPOSES. There is transferred on July 1, 1994, from the fees
19 deposited under section 321G.7 to the fish and game protection
20 fund and appropriated to the department of natural resources
21 for the fiscal year beginning July 1, 1994, and ending June
22 30, 1995, the following amount, or so much thereof as is
23 necessary, to be used for the purpose designated:

24 For the purpose of enforcing snowmobile laws as part of the
25 state snowmobile program administered by the department of
26 natural resources:

27 \$ 100,000

28 Sec. 11. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.
29 There is transferred on July 1, 1994, from the fees deposited
30 under section 462A.52 to the fish and game protection fund and
31 appropriated to the department of natural resources for the
32 fiscal year beginning July 1, 1994, and ending June 30, 1995,
33 the following amount, or so much thereof as is necessary, to
34 be used for the purpose designated:

35 For purposes of administration and enforcement of

1 navigation laws and water safety:

2 \$ 1,571,590

3 Of the amount transferred in this section, \$371,590 shall
4 be used to purchase additional equipment used for the
5 enforcement of navigation laws and water safety.

6 RESOURCES ENHANCEMENT AND PROTECTION

7 Sec. 12. GENERAL APPROPRIATION. Notwithstanding the
8 amount of the standing appropriation from the general fund of
9 the state under section 455A.18, subsection 3, there is
10 appropriated from the general fund of the state to the Iowa
11 resources enhancement and protection fund, in lieu of the
12 appropriation made in section 455A.18, for the fiscal year
13 beginning July 1, 1994, and ending June 30, 1995, the sum of
14 \$7,000,000, of which all moneys shall be allocated as provided
15 in section 455A.19.

16 ANIMAL INDUSTRY APPROPRIATIONS

17 Sec. 13. LIVESTOCK PRODUCERS ASSISTANCE.

18 1. There is appropriated from the general fund of the
19 state to Iowa state university of science and technology, for
20 the fiscal year beginning July 1, 1994, and ending June 30,
21 1995, the following amount, or so much thereof as is
22 necessary, to be used for the purposes designated:

23 For the administration of the livestock producers
24 assistance program established pursuant to section 266.39C,
25 including salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-time
27 equivalent positions:

28 \$ 200,000
29 FTEs 8.28

30 2. As a condition of this appropriation, the university
31 shall strive to ensure that the program becomes increasingly
32 self-sufficient. The university shall adopt a plan detailing
33 the manner in which the program will become self-sufficient,
34 including the expected amount of state funds necessary to
35 support the program until it becomes self-sufficient, the

1 sources of revenue expected to contribute to the program, and
2 the amount each source is expected to contribute to the
3 program. The plan shall be submitted to the legislative
4 fiscal bureau by November 1, 1994.

5 3. The provisions of section 8.33 shall not apply to the
6 moneys appropriated in this section. Unencumbered or unobli-
7 gated moneys remaining on June 30, 1998, from moneys
8 appropriated in this section for the fiscal year beginning
9 July 1, 1994, shall revert to the general fund on August 31,
10 1998.

11 Sec. 14. ORGANIC NUTRIENT MANAGEMENT.

12 1. There is appropriated from the general fund of the
13 state to the department of agriculture and land stewardship
14 for the fiscal year beginning July 1, 1994, and ending June
15 30, 1995, the following amount, or so much thereof as is
16 necessary, to be used for the purposes designated:

17 For deposit in the organic nutrient management fund for
18 administration of the organic nutrient management program, as
19 provided in section 161C.6:

20 \$ 900,000

21 2. Notwithstanding section 161C.5, unencumbered or
22 unobligated moneys remaining on June 30, 1998, from moneys
23 appropriated in this section for the fiscal year beginning
24 July 1, 1994, shall revert to the general fund on August 31,
25 1998.

26 3. The department shall transfer moneys appropriated to
27 the organic nutrient management account created pursuant to
28 1993 Iowa Acts, chapter 176, section 14, to the organic
29 nutrient management fund as established pursuant to this Act.
30 The department shall eliminate the account.

31 RELATED APPROPRIATIONS

32 Sec. 15. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE
33 UNDERGROUND STORAGE TANK BOARD -- TRANSFER. There is
34 appropriated from the unassigned revenue fund administered by
35 the Iowa comprehensive underground storage tank board, to the

1 department of natural resources for the fiscal year beginning
2 July 1, 1994, and ending June 30, 1995, the following amount,
3 or so much thereof as is necessary, to be used for the purpose
4 designated:

5 For administration expenses of the underground storage tank
6 section of the department of natural resources:
7 \$ 75,000

8 MISCELLANEOUS

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

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

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

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

- 26 1. The fertilizer fund created in section 200.9.
- 27 2. The pesticide fund created in section 206.12.
- 28 3. The dairy trade practices trust fund pursuant to
29 section 192A.30.
- 30 4. The milk fund created in section 192.111.
- 31 5. The commercial feed fund created in section 198.9.
- 32 6. The marine fuel tax fund created in section 452A.79.
- 33 7. The energy research and development fund provided in
34 section 473.11, enacted in 1993 Iowa Acts, chapter 11.

35 The departments designated in this section shall prepare

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

5 Sec. 18. DEPARTMENTAL INFORMATION REQUIRED.

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

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

30 3. The department of agriculture and land stewardship
31 shall provide the legislative fiscal bureau information and
32 financial data on at least a monthly basis, relating to the
33 internal budget system used by the department. The
34 information shall include but is not limited to financial data
35 covering the department's budget prior to the start of the

1 fiscal year, and to the department's actual expenditures after
2 the accounting system has been closed for that fiscal year.

3 Sec. 19. PREFERENCE PROVIDED -- PERSONS MEETING
4 ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM. In its
5 employment of persons in temporary positions in conservation
6 and outdoor recreation, the department of natural resources
7 shall give preference to persons meeting eligibility
8 requirements for the green thumb program and to persons
9 working toward an advanced education in natural resources and
10 conservation.

11 Sec. 20. AIR QUALITY STANDARDS. During the fiscal year
12 for which funds are appropriated to the department of natural
13 resources under this Act, the department shall not require the
14 installation or use of equipment to control the emission of
15 dust or other particulate matter on or by facilities for
16 storage of grain which are located within the ambient air
17 quality attainment areas for suspended particulates. However,
18 this section shall not be effective upon the delegation by the
19 United States to this state of the air operating permit
20 program as provided by the federal Clean Air Act Amendments of
21 1990, Pub. L. No. 101-549.

22 Sec. 21. AIR QUALITY PROGRAM -- NONGENERAL FUND SUPPORT.
23 The department of natural resources for the fiscal year
24 beginning July 1, 1994, and ending June 30, 1995, shall not
25 use moneys appropriated from the general fund of the state
26 pursuant to this Act, to support any purpose related to
27 carrying out the duties of the commission under section
28 455B.133 or the director under section 455B.134, or for
29 carrying out the provisions of chapter 455B, division II.

30 Notwithstanding section 455B.133B, the department may use
31 moneys deposited in the air contaminant source fund created in
32 section 455B.133B during the fiscal year for any purpose
33 related to carrying out the duties of the commission under
34 section 455B.133 or the director under section 455B.134, or
35 for carrying out the provisions of chapter 455B, division II.

1 Sec. 22. MORATORIUM -- LEASE-PURCHASE CONTRACTS. The
2 department of agriculture and land stewardship or the
3 department of natural resources shall not become a party to a
4 lease-purchase contract for the purchase of property acquired
5 by the department for the period beginning July 1, 1994, and
6 ending June 30, 1995. A person, including the department of
7 general services, shall not be a party to a lease-purchase
8 contract for the purchase of property on behalf of either
9 department for that same period. This section shall not alter
10 the obligations of a party to a lease-purchase contract
11 executed prior to the effective date of this Act. The
12 department of agriculture and land stewardship, the department
13 of natural resources, or a person acting on behalf of either
14 department, shall not extend the terms of any existing lease-
15 purchase contract which would expire on or before the
16 effective date of this Act.

17 Sec. 23. RENEWABLE FUEL PRODUCTION INFRASTRUCTURE PROGRAM.
18 1. The general assembly finds and declares that motor
19 vehicles will increasingly operate using renewable fuel rather
20 than rapidly depleting petroleum products, and that the
21 construction and maintenance of roads and highways will be
22 financed from the sale of renewable fuel, including but not
23 limited to ethanol and soydiesel based products. The division
24 of soil conservation of the department of agriculture and land
25 stewardship shall establish and administer a renewable fuel
26 production infrastructure program in order to protect
27 renewable fuel sources.

28 2. All unobligated and unencumbered moneys appropriated to
29 the wind erosion control fund, and any moneys which have been
30 credited to the division of soil conservation of the
31 department of agriculture and land stewardship for purposes of
32 planting or maintaining wind erosion control barriers, as
33 originally provided in 1978 Acts, chapter 1108, section 7, and
34 subsequently amended, shall be transferred to the conservation
35 practices revolving loan fund created in section 161A.71.

1 3. The division shall allocate the moneys to provide loans
2 to persons as provided in section 161A.71. The moneys must be
3 used to reestablish or repair a permanent soil and water
4 conservation practice which the commissioners of the soil and
5 water conservation district in which the land is located finds
6 necessary or advisable to meet the soil loss limits
7 established for that land. In order to be eligible to receive
8 the loan, the person must participate in an emergency soil
9 conservation program administered by the United States
10 department of agriculture and produce agricultural commodities
11 capable of being processed into a renewable fuel. The
12 agricultural commodity must be produced on land served by the
13 permanent soil and water conservation practice.

14 Sec. 24. RULES REQUIRED -- PESTICIDE AND FERTILIZER
15 CONTAMINATED SITES. By December 31, 1994, the environmental
16 protection commission shall adopt rules as provided in chapter
17 17A and required pursuant to section 455B.601, including rules
18 to establish criteria for the classification and
19 prioritization of sites upon which pesticide and fertilizer
20 contamination has been discovered.

21 STATUTORY CHANGES

22 Sec. 25. 1987 Iowa Acts, chapter 233, section 204,
23 subsection 5, as amended by 1989 Iowa Acts, chapter 311,
24 section 21, as amended by 1990 Iowa Acts, chapter 1260,
25 section 20, is amended to read as follows:

26 5. It is the intention of the general assembly in adopting
27 the appropriation under subsection 1 and this subsection to
28 cease funding for the department's implementation of the
29 federal Resource Conservation and Recovery Act permit program
30 for hazardous waste facilities in this state. Section
31 455B.411, subsections 6, 9, and 10, section 455B.412,
32 subsections 2 through 4, and sections 455B.413 through
33 455B.421 are suspended and do not apply as they pertain to
34 that permit program, but are not suspended and do apply as
35 they pertain to abandoned and uncontrolled sites, used oil,

1 and site licensing under chapter 455B, division IV, part 6.
2 The suspension provided by this subsection begins July 1, 1987
3 and ends June 30, ~~1994~~ 1999.

4 Sec. 26. 1993 Iowa Acts, chapter 176, section 25,
5 subsection 2, is amended to read as follows:

6 2. Notwithstanding section 8.33, unencumbered or
7 unobligated moneys remaining on June 30, 1993, from moneys
8 appropriated pursuant to 1992 Iowa Acts, Second Extraordinary
9 Session, chapter 1001, section 402, may be expended during the
10 fiscal year period beginning July 1, 1993, and ending June 30,
11 ~~1994~~ 1995, and shall not revert to the general fund until
12 August 31, ~~1994~~ 1995.

13 Sec. 27. Section 8.23, Code 1993, is amended by adding the
14 following new unnumbered paragraph after unnumbered paragraph
15 1:

16 NEW UNNUMBERED PARAGRAPH. On or before September 1, as
17 part of estimates of expenditure requirements, including
18 proposed expenditures, for the ensuing fiscal year, as
19 provided in this section, the department of agriculture and
20 land stewardship and the department of natural resources shall
21 transmit to the director estimates relating to contracts,
22 including proposed contracts, involving lease-purchase
23 arrangements, under which that department expects to receive a
24 benefit. The transmittal shall include all of the following:

- 25 1. A description of the object of the contract.
- 26 2. The administrative unit, including division or bureau,
27 responsible for the purchased object of the contract.
- 28 3. The total cost of all payments due or expected under
29 the contract.
- 30 4. The amount required or expected to be paid under the
31 contract for the ensuing fiscal year.
- 32 5. The contract's termination or expected termination
33 date.

34 Sec. 28. Section 159.29, subsection 2, unnumbered
35 paragraph 1, Code 1993, is amended to read as follows:

1 An owner of an agricultural drainage well and a landholder
2 whose land is drained by the well or wells of another person
3 shall develop, in consultation with the department of
4 agriculture and land stewardship and the department of natural
5 resources, a plan which proposes alternatives to the use of
6 agricultural drainage wells by July 1, ~~1994~~ 1996.

7 Sec. 29. NEW SECTION. 161C.5 ORGANIC NUTRIENT MANAGEMENT
8 FUND.

9 1. An organic nutrient management fund is created in the
10 state treasury under the control of the division. The fund is
11 composed of moneys appropriated by the general assembly, and
12 moneys available to and obtained or accepted by the division
13 or the state soil conservation committee, from the United
14 States or private sources for placement in the fund.

15 2. Moneys in the fund are subject to an annual audit by
16 the auditor of state. The fund is subject to warrants by the
17 director of revenue and finance, drawn upon the written
18 requisition of the division.

19 3. The fund shall be used to support the organic nutrient
20 management program provided in section 161C.6. Moneys shall
21 be used to provide financial incentives under the program and
22 to pay for expenses incurred by the division in administering
23 the program. Not more than two percent of the moneys shall be
24 used to pay for administering the program. Moneys expended
25 for financial incentives shall be allocated on a cost-share
26 basis. The division may adopt rules to administer this
27 section.

28 4. The division shall not in any manner directly or
29 indirectly pledge the credit of the state.

30 5. Section 8.33 shall not apply to moneys in the fund.
31 Moneys earned as income, including as interest, from the fund
32 shall remain in the fund until expended as provided in this
33 section.

34 Sec. 30. NEW SECTION. 161C.6 ORGANIC NUTRIENT MANAGEMENT
35 PROGRAM.

1 1. The division shall establish an organic nutrient
2 management program as provided by rules which shall be adopted
3 by the division. The program shall be supported from moneys
4 deposited in the organic nutrient management fund.

5 2. a. The program shall provide financial incentives to
6 establish livestock manure management systems to facilitate
7 the proper utilization of livestock manure as a nutrient
8 source, and to protect the water resources of the state from
9 livestock manure runoff.

10 b. A person shall not be eligible to participate in the
11 program, unless the person is an individual family farmer, an
12 individual actively engaged in farming as provided in section
13 9H.1, subsection 1, paragraphs "a" through "c", or the person
14 is a family farm corporation, family farm limited partnership,
15 a family farm trust, or a family farm limited liability
16 company, all as defined in section 9H.1.

17 c. The amount of moneys allocated in cost-share payments
18 to a person qualifying under the organic nutrient management
19 program shall not exceed fifty percent of the estimated cost
20 of establishing the system or fifty percent of the actual
21 cost, whichever is less.

22 d. The department shall not allocate moneys to a person
23 who is a party to a legal or administrative action, including
24 a contested case proceeding under chapter 17A, which relates
25 to an alleged violation of chapter 455B involving the disposal
26 of livestock waste, until the action is resolved. The
27 department of natural resources shall cooperate with the
28 division by providing information necessary to administer this
29 paragraph.

30 e. A person shall not use moneys allocated pursuant to
31 this section for purposes of paying an amount imposed pursuant
32 to a fine or civil penalty, or for remediating or restoring
33 the condition of an area contaminated by livestock waste.

34 f. A person qualifying under the program shall not receive
35 more than seven thousand five hundred dollars in financial

1 incentives during any fiscal year beginning on July 1 and
2 ending on June 30. A person who has received financial
3 assistance in a prior fiscal year is eligible to receive
4 financial assistance in a subsequent fiscal year, unless the
5 financial assistance is used to support the establishment of a
6 system previously receiving assistance under this program.

7 Sec. 31. NEW SECTION. 169.4A PROVISION OF VETERINARY
8 SERVICES.

9 A business corporation or partnership, other than a
10 professional corporation organized under chapter 496C, or a
11 veterinarian licensed under this chapter, shall not provide
12 veterinary medical services, own a veterinary clinic, or
13 practice in this state, except as otherwise provided in this
14 chapter.

15 Sec. 32. Section 173.14B, subsection 2, Code 1993, is
16 amended to read as follows:

17 2. The board may issue negotiable bonds and notes of the
18 authority in principal amounts which are necessary to provide
19 sufficient funds for achievement of its corporate purposes,
20 the payment of interest on its bonds and notes, the
21 establishment of reserves to secure its bonds and notes, and
22 all other expenditures of the board incident to and necessary
23 or convenient to carry out its purposes and powers, subject to
24 authorization and approval required under subsection 1.
25 However, the total principal amount of bonds and notes
26 outstanding at any time under subsection 1 and this subsection
27 shall not exceed ~~six~~ twenty-five million dollars. The bonds
28 and notes are deemed to be investment securities and
29 negotiable instruments within the meaning of and for all
30 purposes of the uniform commercial code.

31 Sec. 33. Section 190.14, subsection 1, Code 1993, is
32 amended to read as follows:

33 1. The department shall administer this chapter consistent
34 with the provisions of the "Grade 'A' Pasteurized Milk
35 Ordinance, 1989 1993 Revision", as provided in section

1 192.102.

2 Sec. 34. Section 191.9, subsection 1, Code 1993, is
3 amended to read as follows:

4 1. The department shall administer this chapter consistent
5 with the provisions of the "Grade 'A' Pasteurized Milk
6 Ordinance, ~~1989~~ 1993 Revision", as provided in section
7 192.102.

8 Sec. 35. Section 192.102, Code 1993, is amended to read as
9 follows:

10 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

11 The department shall adopt, by rule, the "Grade 'A'
12 Pasteurized Milk Ordinance, ~~1989~~ 1993 Revision", including a
13 subsequent revision of the ordinance. If the ordinance
14 specifies that compliance with a provision of the ordinance's
15 appendices is mandatory, the department shall also adopt that
16 provision. The department shall not amend the ordinance,
17 unless the department explains each amendment and reasons for
18 the amendment in the Iowa administrative bulletin when the
19 rules are required to be published pursuant to chapter 17A.
20 The department shall administer this chapter consistent with
21 the provisions of the ordinance.

22 Sec. 36. Section 192.110, subsection 2, Code Supplement
23 1993, is amended to read as follows:

24 2. The facilities and equipment used to produce, store, or
25 transport milk or milk products comply with requirements of
26 the "Grade 'A' Pasteurized Milk Ordinance, ~~1989~~ 1993 Revision"
27 as provided in section 192.102.

28 Sec. 37. NEW SECTION. 266.39D LIVESTOCK PRODUCERS
29 ASSISTANCE PROGRAM.

30 Iowa state university shall establish and administer a
31 livestock producers assistance program to provide on-site
32 assistance to persons involved in livestock production in
33 order to increase the efficiency, productivity, and
34 profitability of their operations. The program, to every
35 extent practicable, shall be supported by nonstate moneys.

1 The university shall submit a report to the legislative fiscal
2 bureau by November 1 of each year, if the university expects
3 that state moneys may be required to support the program
4 during the subsequent state fiscal year. The report shall
5 include all expected sources of revenues and the amounts
6 expected to be contributed by these sources for the subsequent
7 state fiscal year.

8 Sec. 38. Section 352.7, subsection 2, Code Supplement
9 1993, is amended to read as follows:

10 2. Within sixty days after receipt, the county board shall
11 adopt the proposal or any modification of the proposal it
12 deems appropriate, unless to do so would be inconsistent with
13 the purposes of this chapter. The board may deny a proposal,
14 if the board determines that the disposal of waste from
15 livestock produced in the area cannot be effectively
16 administered.

17 Sec. 39. Section 455B.105, subsection 11, paragraph b,
18 Code 1993, is amended to read as follows:

19 b. Except as otherwise provided in this chapter, fees
20 collected by the department under this subsection shall be
21 remitted to the treasurer of state and credited to the general
22 fund of the state.

23 Sec. 40. NEW SECTION. 455B.183A WATER QUALITY PROTECTION
24 FUND.

25 1. A water quality protection fund is created in the state
26 treasury under the control of the department. The fund
27 consists of moneys appropriated to the fund by the general
28 assembly, moneys deposited into the fund from fees described
29 in subsection 2, and other moneys available to and obtained or
30 accepted by the department from the United States government
31 or private sources for placement in the fund. The fund is
32 divided into two accounts, including the administration
33 account and the public water supply system account. Moneys in
34 the administration account shall be used for purposes of
35 carrying out the provisions of this division, which relate to

1 the administration, regulation, and enforcement of the federal
2 Safe Drinking Water Act. Moneys in the public water supply
3 system account shall be used to support the program to assist
4 supply systems, as provided in section 455B.183B.

5 2. The commission shall adopt fees as required pursuant to
6 section 455B.105 for permits required for public water supply
7 systems as provided in sections 455B.174 and 455B.183. At
8 least half of the collected fees shall be deposited in the
9 public water supply system account. The remainder of the
10 collected fees shall be deposited into the administration
11 account. The fees shall be for each of the following:

12 a. The construction, installation, or modification of a
13 public water supply system. The amount of the fees may be
14 based on the type of system being constructed, installed, or
15 modified.

16 b. The operation of a public water supply system,
17 including any part of the system. The fees may be based on
18 the type and size of community served by the system. The
19 commission shall adopt a fee schedule. The commission shall
20 calculate all fees in the schedule to produce total revenues
21 equaling nine hundred thousand dollars for the fiscal year
22 beginning July 1, 1994, and ending June 30, 1995, one million
23 dollars for the fiscal year beginning July 1, 1995, and ending
24 June 30, 1996, and one million two hundred thousand dollars
25 for each subsequent fiscal year. By May 1 of each year, the
26 department shall estimate the total revenue expected to be
27 collected from the overpayment of fees, (which are all fees in
28 excess of the amount of the total revenues which are expected
29 to be collected under the current fee schedule) and the total
30 revenue expected to be collected from the payment of fees
31 during the next fiscal year. The commission shall adjust the
32 fees if the estimate exceeds the amount of revenue required to
33 be deposited in the fund pursuant to this paragraph.

34 3. Moneys in the fund are subject to an annual audit by
35 the auditor of state. The fund is subject to warrants by the

1 director of revenue and finance, drawn upon the written
2 requisition of the department.

3 4. Section 8.33 does not apply to moneys in the fund.
4 Moneys earned as income, including interest from the fund,
5 shall remain in the fund until expended.

6 5. On or before November 15 of each fiscal year, the
7 department shall transmit to the department of management and
8 the legislative fiscal bureau information regarding the fund
9 and accounts, including all of the following:

10 a. The balance of unobligated and unencumbered moneys in
11 each account as of November 1.

12 b. A summary of revenue deposited in and expenditures from
13 each account during the current fiscal year.

14 c. Estimates of revenues expected to be deposited into the
15 public water supply system account during the current fiscal
16 year, and an estimate of the expected balance of unobligated
17 and unencumbered moneys in the account on June 30 of the
18 current fiscal year.

19 Sec. 41. NEW SECTION. 455B.183B PROGRAM TO ASSIST SUPPLY
20 SYSTEMS.

21 1. The state of Iowa declares its intention to retain its
22 jurisdiction to enforce areas provided under the federal Safe
23 Drinking Water Act as delegated to the state by the United
24 States.

25 2. The department shall establish a program to assist
26 supply systems, in order to provide assistance to ensure safe
27 public water supplies. The department in administering the
28 program shall provide technical advice and perform
29 vulnerability and viability studies of public water supply
30 systems.

31 3. Whenever practical, the department may enter into a
32 contract with a person qualified to provide assistance
33 services under this section, if the agreement for the services
34 is cost-effective and the quality of the services ensures
35 compliance with state and federal law. A person entering into

1 a contract with the department for the purpose of providing
2 the services shall be deemed to be an agent of the department,
3 and shall have the same authority as provided to the
4 department, unless the contract specifies otherwise. The
5 department shall review assistance services performed by a
6 person under a contract to ensure that quality cost-effective
7 service is being provided.

8 4. The program shall be supported by moneys deposited in
9 the public water supply system account created in the water
10 quality protection fund established pursuant to section
11 455B.183A.

12 Sec. 42. NEW SECTION. 455B.183C PERSONNEL -- DEPARTMENT
13 OF MANAGEMENT.

14 Notwithstanding any limitation upon the department's number
15 of full-time equivalent positions as defined in section 8.36A,
16 any point limitation on personnel, or any other limitation
17 upon the number of personnel or their employment
18 classification, imposed by the department of management, the
19 department may employ the number of full-time equivalent
20 positions which equals the number of positions allocated by
21 the general assembly to the department for each applicable
22 fiscal year in order to carry out the provisions of this
23 division relating to the administration, regulation, and
24 enforcement of the federal Safe Drinking Water Act and the
25 program to assist supply systems, but only to the extent that
26 moneys used to support the positions derive from moneys
27 deposited in the water quality protection fund, as provided in
28 section 455B.183A. If a specific number of full-time
29 equivalent positions are not allocated by the general
30 assembly, the department may fill any number of positions
31 required to administer the program, to the extent the
32 positions are supported by the fund.

33 Sec. 43. RULES REQUIRED. The department of natural
34 resources shall adopt all rules necessary to implement
35 sections 455B.183A and 455B.183B by December 31, 1994. All

1 rules shall be adopted pursuant to chapter 17A.

2 Sec. 44. EFFECTIVE DATE. Sections 23, 25, 26, 40, 41, 42,
3 43, and this section of this Act, being deemed of immediate
4 importance, take effect upon enactment.

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SENATE FILE 2314

H-5745

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, line 13, by striking the figure
4 "1,892,481" and inserting the following: "1,887,481".

5 2. Page 1, line 18, by striking the figure
6 "50,000" and inserting the following: "35,000".

7 3. Page 1, by striking lines 29 through 35 and
8 inserting the following:

9 "() Of the amount appropriated and the number
10 of FTEs allocated in this paragraph "a", \$90,000 and
11 1.4 FTEs shall be used to support a livestock market
12 news program."

13 4. Page 5, line 33, by striking the figure
14 "198,750" and inserting the following: "188,750".

15 5. Page 7, line 32, by striking the figure
16 "1,797,940" and inserting the following: "2,342,940".

17 6. Page 7, line 33, by striking the figure
18 "176.00" and inserting the following: "172.00".

19 7. By striking page 7, line 34, through page 8,
20 line 5.

21 8. Page 8, by inserting before line 6 the
22 following:

23 " . Of the amount appropriated and the number of
24 FTEs allocated under this paragraph "a", \$45,000 and 1
25 FTE shall be used to support facilitating the review
26 and approval of permits related to livestock
27 operations."

28 9. Page 8, by striking lines 6 through 35 and
29 inserting the following:

30 " . Of the amount appropriated and the number of
31 FTEs allocated in paragraph "a", \$779,000 and 10.00
32 additional FTEs shall be used to carry out the
33 provisions of chapter 455B relating to the
34 administration, regulation, and enforcement of the
35 federal Safe Drinking Act."

36 10. Page 11, line 28, by striking the figure
37 "200,000" and inserting the following: "270,318".

38 11. Page 12, line 20, by striking the figure
39 "900,000" and inserting the following: "300,000".

40 12. Page 13, by inserting after line 8 the
41 following:

42 "Sec. . DEPARTMENTAL STUDY -- COMMERCIAL
43 WEIGHING AND MEASURING DEVICES. The department of
44 agriculture and land stewardship shall study its
45 licensing structure for the inspection of commercial
46 weighing and measuring devices, including fees
47 required to be paid by licensees pursuant to section
48 214.3. The department shall examine the relationship
49 between fees and the costs incurred in administration,
50 regulation, and enforcement of provisions relating to

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1 the licensing of the devices. The department shall
2 submit a report, including findings and
3 recommendations, to the governor and the general
4 assembly by January 9, 1995."

5 13. Page 13, by striking lines 22 through 35 and
6 inserting the following: "revenue and finance in
7 cooperation with each appropriate agency shall track
8 receipts to the general fund which under law were
9 previously collected to be used for specific purposes,
10 or to be credited to, or be deposited to a particular
11 account or fund, as provided in section 8.60.

12 The department of revenue and finance and each
13 appropriate agency shall prepare".

14 14. Page 15, by striking lines 23 through 29.

15 15. Page 16, by striking lines 1 through 16 and
16 inserting the following:

17 "Sec. . LEASE-PURCHASE -- BUDGET SUBMISSION.
18 This section applies to each state agency receiving an
19 appropriation in this Act. The departmental estimate
20 required under section 8.23 for the fiscal period
21 beginning July 1, 1995, which includes the state
22 agency, shall provide an itemized list indicating the
23 nature and amount of each lease-purchase contract
24 payment included in the estimate for proposed
25 contracts which have not been reported by the state
26 agency to the legislative fiscal committee of the
27 legislative council pursuant to section 8.46 prior to
28 the submission of the estimate. The governor shall
29 include in the governor's budget for the fiscal year
30 beginning July 1, 1995, a listing indicating the
31 nature and amount of each lease-purchase contract
32 which was itemized in a departmental estimate in ac-
33 cordance with this section and is included in the
34 governor's budget. A state agency receiving an
35 appropriation in this Act shall not enter into a
36 lease-purchase contract during the fiscal year
37 beginning July 1, 1995, unless the contract was
38 itemized in a departmental estimate and included in
39 the governor's budget in accordance with this
40 section."

41 16. By striking page 16, line 17 through page 17,
42 line 13, and inserting the following:

43 "Sec. 100. SOIL CONSERVATION ASSISTANCE. There is
44 appropriated from the unobligated and unencumbered
45 moneys deposited or required to be deposited in the
46 water protection practices account of the water
47 protection fund established in section 161C.4 to the
48 division of soil conservation within the department of
49 agriculture and land stewardship for the fiscal period
50 beginning July 1, 1993, and ending June 30, 1995, the

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Page 3

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

3 For the purpose of providing interest-free loans to
4 persons who receive assistance from the United States
5 department of agriculture under the emergency
6 conservation program:

7 \$ 500,000

8 The loans shall be made in order to provide any
9 matching moneys required to be contributed by a person
10 receiving assistance under the federal program. The
11 division shall seek to cooperate with the soil
12 conservation service in implementing this section.
13 The moneys must be repaid to the water protection
14 practices account within five years from the date that
15 the moneys are loaned. Moneys which are unobligated
16 or unencumbered on June 30, 1995, shall be credited
17 back to the account. In administering these moneys,
18 the department may contract, sue, and be sued, and
19 adopt rules necessary to carry out the provisions of
20 this section. However, the division shall not in any
21 manner directly or indirectly pledge the credit of
22 this state."

23 17. Page 21, by striking lines 7 through 14.

24 18. Page 22, by inserting after line 27 the
25 following:

26 "Sec. ____ . NEW SECTION. 214.4 TAGGING OF
27 EQUIPMENT.

28 1. If the department does not receive payment of
29 the license fee required pursuant to section 214.3
30 within one month from the due date, the department
31 shall send a notice to the owner or operator of the
32 device. The notice shall be delivered by certified
33 mail. The notice shall state all of the following:

34 a. The owner or operator is delinquent in the
35 payment of the required fee.

36 b. The owner or operator has fifteen days after
37 receipt of the notice to pay the license fee required
38 pursuant to section 214.3.

39 c. If the department does not receive payment of
40 the license fee as required, the department may
41 summarily tag and remove from service the commercial
42 weighing and measuring device.

43 2. If the license fee is not received by the
44 department within fifteen days after receipt of the
45 notice by the owner or operator of the commercial
46 weighing and measuring device, the department may tag
47 and remove from service the device for which the
48 license fee has not been paid."

49 19. By striking page 23, line 8, through page 27,
50 line 4, and inserting the following:

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Page 4

1 "Sec. ____ . EFFECTIVE DATE. Sections 25, 26, and
 2 100, and this section of this Act, being deemed of
 3 immediate importance, take effect upon enactment."
 4 20. By renumbering as necessary.

By COMMITTEE ON APPROPRIATIONS
 CORBETT of Linn, Chairperson

H-5745 FILED MARCH 28, 1994

Adopted
4-7-94
(P 1244)

SENATE FILE 2314

H-5730

1 Amend Senate File 2314, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 17, by inserting after line 20 the
 4 following:
 5 "Sec. ____ . BISON -- SESQUICENTENNIAL STATE MAMMAL.
 6 The species Bison bison, also known as the North
 7 American bison or buffalo, is designated and shall be
 8 known as the official state mammal for the period of
 9 Iowa's sesquicentennial, from 1846 through 1996. The
 10 secretary of state and the editor of the Iowa official
 11 register shall include an appropriate photograph
 12 illustrating the North American bison or buffalo,
 13 accompanied by suitable text designating the North
 14 American bison or buffalo as the official state mammal
 15 for the period of the Iowa sesquicentennial, in the
 16 portion of the Iowa official register that contains
 17 the other symbols of Iowa, including, but not limited
 18 to, the great seal, the state flower, the song of
 19 Iowa, the state bird, the state rock, and the state
 20 tree."
 21 2. By numbering, renumbering, and changing
 22 internal references as necessary.

By BODDICKER of Cedar
 BLACK of Jasper

H-5730 FILED MARCH 28, 1994

Pat Lerman
4-7-94

P. 1256

SENATE FILE 2314

H-5949

1 Amend Senate File 2314, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 11, by inserting after line 15 the
 4 following:
 5 "The amount of moneys appropriated for salaries,
 6 support, maintenance, and miscellaneous purposes for
 7 the general office of the governor in Senate File
 8 2229, as enacted by the Seventy-fifth General
 9 Assembly, is reduced by \$61,368, and the number of
 10 FTEs allocated to the general office of the governor
 11 pursuant to that Act is reduced by 1.00 FTE. The
 12 amount of the reduction is appropriated to the Iowa
 13 resources enhancement and protection fund to
 14 supplement moneys otherwise appropriated to the Iowa
 15 resources enhancement and protection fund in this
 16 Act."

By McCOY of Polk

H-5949 FILED APRIL 4, 1994

*Not Hermone
4-7-94 (P. 1246)*

SENATE FILE 2314

H-5953

1 Amend Senate File 2314, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 11, by inserting after line 15 the
 4 following:
 5 "If, for the fiscal year beginning July 1, 1993,
 6 and ending June 30, 1994, state revenues are
 7 \$5,211,000 or more than the estimate provided on
 8 December 15, 1993, by the revenue estimating
 9 conference as provided in section 8.22A, there is
 10 appropriated an additional \$5,000,000 from the general
 11 fund of the state to the Iowa resources enhancement
 12 and protection fund, for the fiscal year beginning
 13 July 1, 1994, and ending June 30, 1995, of which all
 14 moneys shall be allocated as provided in section
 15 455A.19."

By SHOULTZ of Black Hawk
LUNDBY of Linn
SCHRADER of Marion

H-5953 FILED APRIL 4, 1994

*Lost 4-7-93
(P. 1248)*

*Motion to R/C 4-7-94
Motion Prevailed 4-7-94
Defered 4-7-94*

*Lost 4-11-93
(P. 1380)*

SENATE FILE 2314

H-5871

1 Amend the amendment, H-5745, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, by inserting after line 48 the
5 following:

6 "____. Page 23, line 11, by striking the words
7 "the proposal or" and inserting the following: "or
8 deny the proposal or may adopt".

9 _____. Page 23, by striking lines 13 through 16 and
10 inserting the following: "the purposes of this
11 chapter.""

12 2. Page 3, line 49, by striking the figure "8"
13 and inserting the following: "17".

14 3. By renumbering as necessary.

By KOENIGS of Mitchell

H-5871 FILED MARCH 30, 1994

Lox 4-7-94 (P. 1239)

SENATE FILE 2314

H-5872

1 Amend the amendment, H-5745, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

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

6 ""Sec. _____. Section 455B.105, Code 1993, is
7 amended by adding the following new subsection:

8 NEW SUBSECTION. 12. Adopt rules for the disposal
9 of livestock waste by application on land, including
10 but not limited to application rates and practices,
11 and the disposal of wastes on land based on climate,
12 flooding, terrain, proximity to bodies of water, and
13 nonagricultural uses."

14 2. By renumbering as necessary.

By OLLIE of Clinton

H-5872 FILED MARCH 30, 1994

outg order 4/7/94 (P. 1240)

SENATE FILE 2314

H-5870

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 2, line 11, by striking the figure
4 "3,700,175" and inserting the following: "3,715,675".

5 2. Page 2, line 12, by striking the figure
6 "121.00" and inserting the following: "122.50".

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

9 "Of the moneys appropriated and the FTEs allocated
10 pursuant to this lettered paragraph, an additional
11 \$15,000 and 1.5 additional FTEs shall be allocated for
12 purposes of supporting meat and poultry inspections as
13 provided in chapter 189A."

By SCHRADER of Marion

H-5870 FILED MARCH 30, 1994

WITHDRAWN

4-7-94

(P. 1244)

SENATE FILE 2314

H-5982

1 Amend the amendment, H-5745, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting before line 13 the
5 following:
6 "____". Page 3, line 6, by striking the figure
7 "5,146,655" and inserting the following: "5,269,655".
8 _____. Page 3, line 7, by striking the figure
9 "159.30" and inserting the following: "164.30".
10 2. Page 1, line 39, by striking the figure
11 "300,000" and inserting the following: "177,000".

By WEIGEL of Chickasaw
BRAND of Benton

H-5982 FILED APRIL 5, 1994

Last 4-6-94 (p. 1201)

SENATE FILE 2314

H-5983

1 Amend the amendment, H-5745, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting before line 13 the
5 following:
6 "____". Page 3, line 6, by striking the figure
7 "5,146,655" and inserting the following: "5,376,655".
8 _____. Page 3, line 7, by striking the figure
9 "159.30" and inserting the following: "167.80".
10 2. Page 1, line 39, by striking the figure
11 "300,000" and inserting the following: "70,000".

By WEIGEL of Chickasaw
BRAND of Benton

H-5983 FILED APRIL 5, 1994

WITHDRAWN

*4-7-94**(p. 1243)*

SENATE FILE 2314

H-6007

1 Amend Senate File 2314, as amended, passed and
2 reprinted by the Senate, as follows:

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

5 "Sec. ____ . Section 321.453, Code 1993, as amended
6 by 1994 Iowa Acts, Senate File 2080, section 3, is
7 amended by striking the section and inserting in lieu
8 thereof the following:

9 321.453 EXCEPTIONS.

10 The provisions of this chapter governing size,
11 weight, and load, and the permit requirements of
12 chapter 321E do not apply to fire apparatus, to road
13 maintenance equipment owned by or under lease to any
14 state or local authority, to implements of husbandry
15 temporarily moved upon a highway, to implements moved
16 from farm site to farm site or between the retail
17 seller and a farm purchaser within a one hundred mile
18 radius from the retail seller's place of business, to
19 indivisible implements of husbandry temporarily moved
20 between the place of manufacture and a retail seller
21 or a farm purchaser, to implements received and moved
22 by a retail seller of implements of husbandry in
23 exchange for an implement purchased, or to implements
24 of husbandry moved for repairs, except on any part of
25 the interstate highway system. A vehicle, carrying an
26 implement of husbandry, which is exempted from the
27 permit requirements under this section shall be
28 equipped with an amber flashing light under section
29 321.423, shall be equipped with warning flags on that
30 portion of the vehicle which protrudes into oncoming
31 traffic, and shall only operate from thirty minutes
32 prior to sunrise to thirty minutes following sunset."

33 2. By renumbering as necessary.

By EDDIE of Buena Vista

H-6007 FILED APRIL 6, 1994

Adopted
4-7-94
(P.1259)

SENATE FILE 2314

H-6016

1 Amend the amendment, H-5953, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 12, by inserting after the word
5 "for" the following: "use in".

6 2. Page 1, line 15, by inserting after the figure
7 "455A.19." the following: "However, the moneys
8 appropriated pursuant to this section shall only be
9 used for supporting projects or programs relating to
10 the increased precipitation, including flooding,
11 occurring in the state during 1993. Notwithstanding
12 section 455A.18, moneys which are appropriated
13 pursuant to this section which are unobligated or
14 unencumbered on June 30, 1995, shall revert from the
15 fund and its various accounts to the general fund of
16 the state."

17 3. Page 1, by inserting after line 15 the
18 following:

19 "_____. Page 27, by inserting before line 5 the
20 following:

21 "Sec. _____. EFFECTIVE DATE. Section 12 of this
22 Act, being deemed of immediate importance, takes
23 effect upon enactment."

24 _____. Title page, line 3, by inserting after the
25 word "fees" the following: "and an effective date".
By SHOULTZ of Black Hawk

H-6016 FILED APRIL 6, 1994

adopted 4-7-94 (p. 1247)

SENATE FILE 2314

H-6017

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 2, line 11, by striking the figure
4 "3,700,175" and inserting the following: "3,715,675".

5 2. Page 2, line 12, by striking the figure
6 "121.00" and inserting the following: "122.50".

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

9 "Of the moneys appropriated and the FTEs allocated
10 pursuant to this lettered paragraph, an additional
11 \$15,500 and 1.5 additional FTEs shall be allocated for
12 purposes of supporting meat and poultry inspections as
13 provided in chapter 189A."

By SCHRADER of Marion

H-6017 FILED APRIL 6, 1994

adopted 4-7-94

(p. 1245)

SENATE FILE 2314

H-6018

- 1 Amend the amendment, H-5745, to Senate File 2314,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, by inserting after line 48 the
 5 following:
 6 "____. Page 23, line 11, by striking the words
 7 "the proposal or" and inserting the following: "or
 8 deny the proposal or may adopt".
 9 _____. Page 23, by striking lines 13 through 16 and
 10 inserting the following: "the purposes of this
 11 chapter."
 12 2. Page 3, line 49, by striking the figure "8"
 13 and inserting the following: "17".
 14 3. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-6018 FILED APRIL 6, 1994

*Out of order (P. 1239)
4-7-94*

SENATE FILE 2314

H-6019

- 1 Amend Senate File 2314, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 15, by inserting after line 35 the
 4 following:
 5 "Notwithstanding 1993 Iowa Acts, chapter 180,
 6 section 17, if, for the fiscal year beginning July 1,
 7 1993, and ending June 30, 1994, more than \$39,400,000
 8 is transferred from the lottery fund to the general
 9 fund pursuant to 1993 Iowa Acts, chapter 180, section
 10 17, and after moneys not transferred to the general
 11 fund are appropriated from the lottery fund as
 12 provided in 1993 Iowa Acts, chapter 180, the first
 13 \$280,000 shall be transferred from the lottery fund to
 14 the air contaminant source fund created in section
 15 455B.133B for use in the fiscal year beginning July 1,
 16 1994, and ending June 30, 1995, of which all moneys
 17 shall be expended as provided in this section."
 18 2. Page 27, by inserting before line 5 the
 19 following:
 20 "Sec. _____. EFFECTIVE DATE. Section 21 of this
 21 Act, being deemed of immediate importance, takes
 22 effect upon enactment."
 23 3. Title page, line 3, by inserting after the
 24 word "fees" the following: "and an effective date".

By SHOULTZ of Black Hawk

H-6019 FILED APRIL 6, 1994

WITHDRAWN*4-7-94
(P. 1256)*

SENATE FILE 2314

H-6023

1 Amend Senate File 2314, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 13, by inserting after line 20 the
4 following:

5 "Sec. 600. CONFINEMENT FEEDING OPERATIONS.

6 1. As used in this section, unless the context
7 otherwise requires:

8 a. "Confinement feeding operation" means a totally
9 roofed facility or facilities, with a total capacity
10 of more than five million pounds of live animal weight
11 used to produce animals in which manure is stored or
12 removed as a liquid or semi-liquid, or as dry manure
13 if the facility or facilities are used to produce
14 poultry. For the purpose of this section, the
15 determination of live animal weight capacity shall be
16 based on the average animal weight capacity during a
17 production cycle and the maximum animal capacity of
18 the confinement feeding operation.

19 b. "Department" means the department of natural
20 resources.

21 c. "Family member" means a person related to
22 another person as a spouse, parent, grandparent,
23 lineal ascendant of a grandparent or a spouse, or
24 lineal descendant of a grandparent or a spouse, or a
25 person acting in a fiduciary capacity for a person
26 described in this paragraph.

27 2. A person who holds an interest in a confinement
28 feeding operation which is located on thirty-six or
29 fewer square miles of land in which the person or a
30 family member holds an interest shall dispose of
31 manure produced from the operation in compliance with
32 this section. The disposal must be made by any of the
33 following methods:

34 a. The application of manure on land in accordance
35 with rates which do not exceed rates recommended by
36 the department of natural resources, as provided in
37 567 IAC ch. 65.

38 b. The transfer of manure to a person who disposes
39 of the manure in a manner consistent with this
40 section. The transfer must be accomplished by a
41 document executed by both persons.

42 c., Any other manner of disposal by a person or a
43 family member which is approved by the department.

44 3. A person shall be subject to penalties as
45 provided in this section, unless the person submits
46 evidence of compliance to the department in order to
47 obtain a permit for the establishment of a confinement
48 feeding operation, or in order to continue the
49 operation of the feeding operation. The person shall
50 submit the evidence of compliance in a manner

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1 prescribed by the department. The evidence of
 2 compliance shall include all of the following:
 3 a. The name and address of the person.
 4 b. The location of the confinement feeding
 5 operation.
 6 c. A disposal plan which specifies handling,
 7 storage, and disposal practices.
 8 d. A legal description of the site subject to the
 9 disposal of the manure, and any other application of
 10 manure which will be applied to the site.
 11 e. A copy of a document accomplishing a transfer
 12 of the manure.
 13 f. Any other information required by the
 14 department in order to ensure that the person is
 15 complying with this section, including the records of
 16 the rates of application of manure on the site.
 17 4. A person subject to this section shall comply
 18 with this section, including submitting evidence of
 19 compliance, within sixty days following the effective
 20 date of this Act. A person who does not comply with
 21 this section shall be subject to a civil penalty of
 22 not more than one thousand dollars which shall be
 23 assessed and collected as provided in section
 24 455B.109. Each day that a person fails to comply with
 25 this section constitutes a separate violation. The
 26 department of natural resources and the attorney
 27 general shall have sole enforcement authority under
 28 this section, as provided in section 455B.109."

29 2. Page 27, by inserting before line 5 the
 30 following:

31 "Sec. ____ . REPEAL. Section 600 of this Act is
 32 repealed on July 1, 1995.

33 Sec. ____ . EFFECTIVE DATE. Section 600 of this
 34 Act, being deemed of immediate importance, takes
 35 effect upon enactment."

36 3. Title page, line 3, by inserting after the
 37 word "fees" the following: ", the repeal of a
 38 section, and effective dates".

39 4. By renumbering as necessary.

By IVERSON of Wright
 McNEAL of Hardin

WISE of Lee
 EDDIE of Buena Vista

H-6023 FILED APRIL 6, 1994

*Not Hermone 4-7-94
 (p. 1256)*

SENATE FILE 2314

H-6024

1 Amend Senate File 2314, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 9, line 20, by striking the figure "2."
 4 2. Page 9, line 21, by striking the word
 5 "section" and inserting the following: "subsection".
 6 3. Page 9, by inserting after line 30 the
 7 following:
 8 "2. There is appropriated from the state fish and
 9 game fund to the department of natural resources for
 10 the fiscal year beginning July 1, 1994, and ending
 11 June 30, 1995, the amount required to match moneys on
 12 a dollar-for-dollar basis with moneys expended
 13 pursuant to section 456A.16, for the purposes
 14 specified in that section."

By OSTERBERG of Linn

H-6024 FILED APRIL 6, 1994

WITHDRAWN

4-7-94

(P. 1246)

SENATE FILE 2314

H-6025

1 Amend Senate File 2314, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 11, by inserting after line 15 the
4 following:

5 "Sec. ____ . BLUFFLANDS. For the fiscal year
6 beginning July 1, 1994, and ending June 30, 1995,
7 there is appropriated from the general fund of the
8 state to the blufflands protection revolving fund, ten
9 percent of the amount in state revenues which exceed
10 the estimate of the revenue estimating conference on
11 December 15, 1993, as provided in section 8.22A, but
12 not more than \$1,000,000 of which all moneys shall be
13 allocated as provided in section 161A.80."

14 2. Page 19, by inserting before line 7 the
15 following:

16 "Sec. ____ . NEW SECTION. 161A.80 BLUFFLANDS
17 PROTECTION PROGRAM -- REVOLVING FUND.

18 1. As used in this section, unless the context
19 otherwise requires:

20 a. "Bluffland" means a cliff, headland, or hill
21 with a broad steep face along the channel or
22 floodplain of a river.

23 b. "Conservation organization" means a nonprofit
24 corporation incorporated in Iowa or an entity
25 organized and operated primarily to enhance and
26 protect natural resources in this state.

27 2. A blufflands protection revolving fund is
28 created in the state treasury. The proceeds of the
29 revolving fund are appropriated to make loans to
30 conservation organizations which agree to purchase
31 conservation easements on blufflands along the
32 Mississippi or Missouri river or to purchase
33 blufflands along the Mississippi or Missouri river for
34 resale with restrictive covenants attached to the
35 property. The administrative director of the division
36 of soil conservation shall administer the revolving
37 fund. Notwithstanding section 12C.7, interest or
38 earnings on investments made pursuant to this section
39 or as provided in section 12B.10 shall be credited to
40 the blufflands protection revolving fund.
41 Notwithstanding section 8.33, unobligated or
42 unencumbered funds appropriated to the blufflands
43 protection revolving fund shall not revert at the
44 close of a fiscal year.

45 3. The administrative director of the division
46 shall establish a blufflands protection program to
47 demonstrate creative land protection techniques and
48 encourage private landowners to protect the natural
49 beauty of the blufflands along the Mississippi and
50 Missouri rivers. The commissioners of each soil and

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1 water conservation district which has a boundary which
2 is coterminous with the Mississippi or Missouri river
3 shall cooperate with and assist the director in
4 administering the blufflands protection program within
5 their respective districts. The director shall
6 provide, by rule, for a uniform application form, the
7 content of the form, provisions for a loan agreement
8 model conservation easement and restrictive covenant
9 requirements for blufflands, and minimum
10 qualifications of conservation organizations which are
11 eligible to participate in the blufflands protection
12 program. The administrative director shall specify
13 the eligible purposes for which a loan authorized
14 under this section can be expended including, but not
15 limited to, the purchase of blufflands, the
16 acquisition of conservation easements on blufflands,
17 the establishment of landowner associations, payment
18 for loss of land value due to restrictive covenants,
19 and payment for administrative and legal costs.

20 4. An applicant for a loan from the blufflands
21 protection revolving fund shall apply to the soil and
22 water conservation district of the county in which the
23 bluffland is located. The application shall be on
24 forms prepared by the division and shall include the
25 information required by rule of the division. Each
26 conservation organization which applies for a loan
27 under this section shall demonstrate its financial
28 capability to qualify for a loan to the commissioners
29 and its commitment to natural resource protection and
30 appropriate development. If there is a loss of value
31 of a blufflands protection project funded under this
32 section resulting from restrictive covenants, the
33 conservation organization shall be forgiven seventy-
34 five percent of the amount of the loss not exceeding
35 the amount of the loan. If a loan is used to purchase
36 a conservation easement on a blufflands protection
37 project, the conservation organization shall be
38 forgiven seventy-five percent of the loan. The
39 application shall be reviewed and feasibility of the
40 proposed project shall be investigated by the
41 commissioners of the district and its report and
42 recommendation shall be sent to the administrative
43 director and the committee for approval.

44 5. Except as otherwise provided in this
45 subsection, each loan made under this section shall be
46 for a period not to exceed five years, shall bear no
47 interest for the first year, and shall be repayable to
48 the blufflands protection revolving fund. After the
49 first year and for each subsequent year that the
50 principal remains unpaid, interest shall be charged

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1 against any unpaid balance of the loan. The interest
 2 rate shall be set at the prevailing market rate for
 3 similar real estate in the county as determined by the
 4 director. All interest payments shall be credited to
 5 the blufflands protection revolving fund. Each loan
 6 shall be repaid as provided in the loan agreement.
 7 However, interest on the principal of a loan shall be
 8 due and payable thirty days after the conclusion of
 9 the second year and each subsequent year that the
 10 principal or a part of the principal remains unpaid.
 11 A loan may be extended annually beyond the original
 12 five years with the approval of the district
 13 commissioners and the administrative director.

14 6. The administrative director may:
 15 a. Contract, sue and be sued, and adopt
 16 administrative rules pursuant to chapter 17A and
 17 approved by the committee, necessary to carry out this
 18 section, but the administrative director, the
 19 committee, or the district commissioners shall not
 20 directly or indirectly pledge the credit of the state
 21 of Iowa.

22 b. Authorize payment from the blufflands
 23 protection revolving fund from moneys received under
 24 section 99F.11, subsection 4, and from any income
 25 received by investments of any money in the fund for
 26 costs, commissions, attorney fees, and other
 27 reasonable expenses related to and necessary for the
 28 making and protecting of direct loans under this
 29 section, and for recovery of moneys loaned or the
 30 management of property acquired in connection with the
 31 loans."

32 3. By renumbering as necessary.

By OSTERBERG of Linn

H-6025 FILED APRIL 6, 1994

Not Hermon 4-7-94 (p. 1251)

SENATE FILE 2314

H-5998

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 21, by inserting after line 6 the
4 following:

5 " . The division shall maintain records
 6 regarding each award of financial incentives under
 7 this section, including the name of the person; the
 8 amount of the award; the location of the livestock
 9 manure management system established with financial
 10 incentive moneys; and whether the person is a family
 11 farm corporation, family farm limited partnership,
 12 family trust, or a family farm limited liability
 13 company."

14 2. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-5998 FILED APRIL 6, 1994

adopted 4-7-94 (p. 1258) Now out of order 4-11-94 (p. 1391)

SENATE FILE 2314

H-6026

1 Amend the amendment, H-5745, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 39, by striking the figure
5 "300,000" and inserting the following: "200,000".

6 2. Page 2, by inserting after line 42 the
7 following:

8 "Sec. ____ . PURPLE LOOSESTRIFE. There is
9 appropriated to the department of agriculture and land
10 stewardship from the general fund of the state for the
11 fiscal year beginning July 1, 1994, and ending June
12 30, 1995, the following amount, or so much thereof as
13 is necessary, to be used for the purposes designated:

14 For purposes relating to the control of purple
15 loosestrife (*lythrum salicaria*):

16 \$ 100,000

17 1. Of the moneys appropriated in this section,
18 \$50,000 shall be allocated to the department of plant
19 pathology at Iowa State university of science and
20 technology for purposes of conducting a survey
21 regarding the level of infestation of purple
22 loosestrife in this state. Iowa state university
23 shall study methods to biologically control the
24 expansion of the plant.

25 2. Of the moneys appropriated in this section,
26 \$50,000 shall be allocated to county boards of
27 supervisors applying to the department for a share of
28 the amount. A board receiving assistance under this
29 subsection shall cooperate with the county weed
30 commissioner to develop a plan to combat severe
31 infestations of purple loosestrife by using biological
32 control methods."

33 3. By renumbering as necessary.

By OSTERBERG of Linn

H-6026 FILED APRIL 6, 1994

DEFER

*Last 94
4-7-94
(p. 1243)*

SENATE FILE 2314

H-6027

1 Amend the amendment, H-5745, to Senate File 2314,
 2 as amended, passed, and reprinted by the Senate as
 3 follows:
 4 1. Page 1, line 16, by striking the figure
 5 "2,342,940" and inserting the following: "1,842,940".
 6 2. Page 1, line 18, by striking the figure
 7 "172.00" and inserting the following: "177.00".
 8 3. Page 1, by striking lines 28 through 35.
 9 4. By striking page 3, line 49 through page 4,
 10 line 3, and inserting the following:
 11 "____". Page 23, by striking lines 8 through 16.
 12 "____". Page 27, by striking lines 2 and 3 and
 13 inserting the following:
 14 "Sec. ____ EFFECTIVE DATE. Sections 25, 26, 40,
 15 41, 42, 43, 100, and this section of this Act, being
 16 deemed of immediate"."

By OSTERBERG of Linn

H-6027 FILED APRIL 6, 1994

LOST

SENATE FILE 2314

H-6028

1 Amend the amendment, H-5745, to Senate File 2314,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 35 the
 5 following:
 6 "____". Page 11, line 14, by striking the figure
 7 "7,000,000" and inserting the following:
 8 "7,300,000".
 9 2. Page 1, by striking lines 38 and 39 and
 10 inserting the following:
 11 "____". Page 12, by striking lines 11 through 30."
 12 3. By renumbering as necessary.

By McCOY of Polk

H-6028 FILED APRIL 6, 1994

LOST 4-6-94

SENATE FILE 2314

H-6032

1 Amend the amendment, H-5745, to Senate File 2314,
 2 as amended, passed, and reprinted by the Senate as
 3 follows:
 4 1. Page 1, line 4, by striking the figure
 5 "1,887,481" and inserting the following: "1,867,481".
 6 2. Page 1, by inserting after line 14 the
 7 following:
 8 "____". Page 7, line 8, by striking the figure
 9 "1,852,012" and inserting the following: "1,827,012".
 10 "____". Page 7, line 26, by striking the figure
 11 "1,651,984" and inserting the following:
 12 "1,626,984".
 13 3. Page 1, line 16, by striking the figure
 14 "2,342,940" and inserting the following: "2,442,940".
 15 4. Page 1, line 37, by striking the figure
 16 "270,318" and inserting the following: "240,318".

By HAHN of Muscatine

H-6032 FILED APRIL 6, 1994

A. Adopted
 4-7-94
 P. 1241
 B. adopted
 4-7-94
 (P. 1242)
 C. adopted
 4-7-94
 (P. 1242)
 D. Adopted
 4-7-94
 (P. 1243)

SENATE FILE 2314

H-6033

1 Amend the House amendment, H-6023, to Senate File
2 2314, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 28 the
5 following:

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

8 "Sec. _____. NEW SECTION. 331.302A CONFINEMENT
9 FEEDING OPERATIONS.

10 If the department of natural resources adopts rules
11 affecting confinement feeding operations, the board of
12 supervisors in the county where the operation is
13 located may enforce the rules, pursuant to this
14 section. The board must deliver a notice to the
15 department, stating that an operation may be in
16 violation of department rules. The board shall de-
17 liver the notice only after approval of the action by
18 resolution. The notice shall be in writing and shall
19 state the location of the operation, the name and
20 address of the owner, and an explanation of the
21 possible violation. The board may inform the de-
22 partment that the board reserves its right to enforce
23 the rules as provided in this section, if the
24 department fails to initiate an enforcement action or
25 continue an enforcement action which results in an
26 administrative hearing or a settlement of the case.
27 The county may begin enforcement proceedings after
28 fourteen calendar days following delivery of the
29 notice, unless the department commences and maintains
30 active enforcement of its rules. Once the county
31 begins an enforcement action, it shall be the party in
32 interest in the case and have sole authority and
33 responsibility to carry out the action. The county
34 may refer any case to the attorney general. The
35 department of natural resources may assume the
36 enforcement action from the county. However, if the
37 department assumes the enforcement action, the
38 department shall be required to resolve the action.
39 The county shall bring the enforcement action
40 according to the same procedures used for a county
41 infraction as provided in section 331.307. However,
42 the civil penalty may be for any amount that could be
43 assessed by the department. The department shall
44 reimburse the county for fifty percent of the costs
45 incurred by the county in enforcing the action."
46 2. By renumbering as necessary.

By McNEAL of Hardin

H-6033 FILED APRIL 6, 1994

WITHDRAWN

4-7-94

SENATE FILE 2314

H-6035

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate as follows:

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

5 "Sec. ____ . Section 352.6, unnumbered paragraph 1,
6 Code Supplement 1993, is amended to read as follows:

7 An owner of farmland may submit a proposal to the
8 county board for the creation or expansion of an
9 agricultural area within the county. The proposal
10 shall include the payment of an amount set by the
11 board which shall be not more than the amount required
12 to pay for administrative expenses of the county in
13 providing a notice and hearing on the proposal as
14 provided in section 352.7. An agricultural area, at
15 its creation, shall include at least three hundred
16 acres of farmland, however, a smaller area may be
17 created if the farmland is adjacent to farmland
18 subject to an agricultural land preservation ordinance
19 pursuant to section 335.27 or adjacent to land located
20 within an existing agricultural area. The proposal
21 shall include a description of the proposed area to be
22 created or expanded, including its boundaries. The
23 territory shall be as compact and as nearly adjacent
24 as feasible. Land shall not be included in an
25 agricultural area without the consent of the owner.
26 Agricultural areas shall not exist within the
27 corporate limits of a city. The county board may
28 consult with the department of natural resources when
29 creating or expanding an agricultural area contiguous
30 to a location which is under the direct supervision of
31 the department, including a state park, state
32 preserve, state recreation area, or sovereign lake.
33 Agricultural areas may be created in a county which
34 has adopted zoning ordinances. Except as provided in
35 this section, the use of the land in agricultural
36 areas is limited to farm operations."

37 2. By renumbering as necessary.

By MAY of Worth
KOENIGS of Mitchell

H-6035 FILED APRIL 6, 1994

*Adopted 4-7-94
(P. 1260)*

SENATE FILE 2314

H-6034

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. _____ . NEW SECTION. 331.302A CONFINEMENT
6 FEEDING OPERATIONS.

7 If the department of natural resources adopts rules
8 affecting confinement feeding operations, the board of
9 supervisors in the county where the operation is
10 located may enforce the rules, pursuant to this
11 section. The board must deliver a notice to the
12 department, stating that an operation may be in
13 violation of department rules. The board shall de-
14 liver the notice only after approval of the action by
15 resolution. The notice shall be in writing and shall
16 state the location of the operation, the name and
17 address of the owner, and an explanation of the
18 possible violation. The board may inform the de-
19 partment that the board reserves its right to enforce
20 the rules as provided in this section, if the
21 department fails to initiate an enforcement action or
22 continue an enforcement action which results in an
23 administrative hearing or a settlement of the case.
24 The county may begin enforcement proceedings after
25 fourteen calendar days following delivery of the
26 notice, unless the department commences and maintains
27 active enforcement of its rules. Once the county
28 begins an enforcement action, it shall be the party in
29 interest in the case and have sole authority and
30 responsibility to carry out the action. The county
31 may refer any case to the attorney general. The
32 department of natural resources may assume the
33 enforcement action from the county. However, if the
34 department assumes the enforcement action, the
35 department shall be required to resolve the action.
36 The county shall bring the enforcement action
37 according to the same procedures used for a county
38 infraction as provided in section 331.307. However,
39 the civil penalty may be for any amount that could be
40 assessed by the department. The department shall
41 reimburse the county for fifty percent of the costs
42 incurred by the county in enforcing the action."

43 2. By renumbering as necessary.

By McNEAL of Hardin

H-6034 FILED APRIL 6, 1994

WITHDRAWN
4-7-94
(P. 1259)

SENATE FILE 2314

H-6050

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 13, by inserting after line 8 the
4 following:

5 "Sec. 900. COUNTY ZONING -- SWINE CONFINEMENT
6 FACILITIES.

7 Notwithstanding section 335.2, a county may enact,
8 implement, and enforce, an ordinance pursuant to
9 chapter 335, which regulates a swine confinement
10 facility or facilities which are part of a production
11 or feeding operation, if the production or feeding
12 operation has a capacity of six hundred twenty-five
13 thousand or more pounds of live weight of swine. For
14 purposes of this section, the determination of live
15 weight capacity shall be based on the average weight
16 capacity of swine during a production cycle and the
17 maximum swine capacity of the operation. This section
18 shall not apply to a swine confinement facility
19 constructed before the effective date of this section
20 of this Act."

21 2. Page 27, by inserting before line 5 the
22 following:

23 "Sec. _____. REPEAL. Section 900 of this Act is
24 repealed July 1, 1995.

25 Sec. _____. EFFECTIVE DATE. Section 900 of this
26 Act, being deemed of immediate importance, takes
27 effect upon enactment."

28 3. Title page, line 3, by inserting after the
29 word "fees" the following: "and an effective date".

By GARMAN of Story

H-6050 FILED APRIL 7, 1994
NOT GERMANE

SENATE FILE 2314

H-6051

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 23, by inserting after line 16 the
4 following:

5 "Sec. _____. Section 455A.18, Code Supplement 1993,
6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 4. Notwithstanding section 12C.7,
8 interest or earnings on investments or time deposits
9 of the moneys in the Iowa resources enhancement and
10 protection fund or any of its accounts shall be
11 credited to the Iowa resources enhancement and
12 protection fund."

By OSTERBERG of Linn

H-6051 FILED APRIL 7, 1994
ADOPTED

SENATE FILE 2314

H-6045

1 Amend the amendment, H-6024, to Senate File 2314,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking line 14 and inserting
 5 following: "relating to the control of purple
 6 loosestrife (lythrum salicaria). Of the amount
 7 appropriated in this section, one-half of the moneys
 8 shall be allocated to the department of plant
 9 pathology at Iowa State university of science and
 10 technology for purposes of conducting a survey
 11 regarding the level of infestation of purple
 12 loosestrife in this state. Iowa state university
 13 shall study methods to biologically control the
 14 expansion of the plant. One-half of the moneys shall
 15 be allocated to county boards of supervisors applying
 16 to the department for a share of the amount. A board
 17 receiving assistance under this subsection shall
 18 cooperate with the county weed commissioner to develop
 19 a plan to combat severe infestations of purple
 20 loosestrife by using biological control methods."
 21 2. By renumbering as necessary.

By MEYER of Sac
 EDDIE of Buena Vista

H-6045 FILED APRIL 7, 1994

OUT OF ORDER

4.7.94

SENATE FILE 2314

H-6046

1 Amend the amendment, H-5745, to Senate File 2314,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, line 49, by striking the figure "3"
 5 and inserting the following: "17".

By SHOULTZ of Black Hawk

H-6046 FILED APRIL 7, 1994

LOST

4.7.94
(P. 1244)

SENATE FILE 2314

H-6047

1 Amend the House amendment, H-6023, to Senate File
2 2314, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 28 the
5 following:

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

8 "Sec. _____. NEW SECTION. 331.302A LIVESTOCK
9 CONFINEMENT FEEDING OPERATIONS.

10 If the department of natural resources adopts rules
11 affecting livestock confinement feeding operations,
12 the board of supervisors in the county where the
13 operation is located may enforce the rules, pursuant
14 to this section. The board must deliver a notice to
15 the department, stating that an operation may be in
16 violation of department rules. The board shall de-
17 liver the notice only after approval of the action by
18 resolution. The notice shall be in writing and shall
19 state the location of the operation, the name and
20 address of the owner, and an explanation of the
21 possible violation. The board may inform the de-
22 partment that the board reserves its right to enforce
23 the rules as provided in this section, if the
24 department fails to initiate an investigation or
25 enforcement action or continue an enforcement action
26 which results in an administrative hearing or a
27 settlement of the case. The county may begin
28 enforcement proceedings after fourteen calendar days
29 following delivery of the notice, unless the depart-
30 ment commences and maintains active enforcement of its
31 rules. The county shall not initiate or continue an
32 enforcement action if the county receives notice and
33 results of the investigation by the department that
34 the department has conducted an investigation and has
35 determined that the operation is not in violation of
36 departmental rules. Once the county begins an
37 enforcement action, it shall be the party in interest
38 in the case and have sole authority and responsibility
39 to carry out the action. The county may refer any
40 case to the attorney general. The department of
41 natural resources may assume the enforcement action
42 from the county. However, if the department assumes
43 the enforcement action, the department shall be
44 required to resolve the action. The county shall
45 bring the enforcement action according to the same
46 procedures used for a county infraction as provided in
47 section 331.307. However, the civil penalty may be
48 for any amount that could be assessed by the
49 department. The department shall reimburse the county
50 for fifty percent of the costs incurred by the county

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1 in enforcing the action.""

2 2. By renumbering as necessary.

By McNEAL of Hardin

H-6047 FILED APRIL 7, 1994

ADOPTED 4-7-94 (P. 1255)

SENATE FILE 2314

H-6049

1 Amend the amendment, H-6023, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:4 1. Page 1, line 27, by inserting after the word
5 "person" the following: "required to submit evidence
6 of compliance, and".7 2. Page 1, line 46, by striking the words "to
8 the" and inserting the following: "as may be required
9 by the".

By IVERSON of Wright

H-6049 FILED APRIL 7, 1994

ADOPTED 4-7-94

SENATE FILE 2314

H-6041

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 4, by striking lines 18 through 22.

4 2. By renumbering as necessary.

By GREINER of Washington

H-6041 FILED APRIL 7, 1994

ADOPTED

4-7-94
(P. 1246)

SENATE FILE 2314

H-6052

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 23, by inserting after line 7 the
4 following:
5 "Sec. ____ . Section 335.2, Code 1993, is amended to
6 read as follows:
7 335.2 FARMS EXEMPT.
8 Except to the extent required to implement section
9 335.27, no ordinance adopted under this chapter
10 applies to land, farm houses, farm barns, farm
11 outbuildings or other buildings or structures which
12 are primarily adapted, by reason of nature and area,
13 for use for agricultural purposes, while so used.
14 However, the ordinances may apply to any of the
15 following:
16 1. A structure, building, dam, obstruction,
17 deposit, or excavation in or on the flood plains of
18 any river or stream.
19 2. A livestock production operation as provided in
20 this section.
21 a. As used in this section, "livestock production
22 operation" means either of the following:
23 (1) A confinement operation which is a totally
24 roofed structure used for feeding or breeding of
25 livestock and in which animal wastes are stored or
26 removed as a liquid, semi-liquid, or dry manure.
27 (2) A cattle feeding operation which is a lot,
28 yard, corral, or other area in which cattle are
29 confined primarily for purposes of feeding and growth
30 prior to slaughter, but not including an area which is
31 used for the raising of crops or other vegetation and
32 upon which cattle are allowed to graze.
33 b. An ordinance adopted by a county shall apply to
34 a livestock production operation if one of the
35 following applies:
36 (1) The livestock production operation is a
37 confinement operation with a capacity of more than six
38 hundred twenty-five thousand pounds of live animal
39 weight or a cattle feeding operation with a capacity
40 of more than one million six hundred thousand pounds
41 of live animal weight.
42 (2) The livestock production operation is subject
43 to an ownership or leasing interest held by a person
44 who holds an ownership or leasing interest in another
45 livestock production operation, and one of the
46 following applies:
47 (a) The combined live animal weight capacity of
48 all confinement operations in which the person holds
49 an interest exceeds six hundred twenty-five thousand
50 pounds.

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1 (b) The combined live animal weight capacity of
2 all cattle feeding operations exceeds one million six
3 hundred thousand pounds.

4 (c) The combined live animal weight capacity of
5 all livestock production operations exceeds one
6 million six hundred thousand pounds.

7 For purposes of this subsection, the determination
8 of live animal weight capacity shall be based on the
9 average animal weight capacity during a production
10 cycle and the maximum animal capacity of the animal
11 feeding operation."

12 2. By renumbering as necessary.

By OSTERBERG of Linn

H-6052 FILED APRIL 7, 1994

NOT GERMANE

SENATE FILE 2314

H-6053

1 Amend Senate File 2314, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 11, by inserting after line 15 the
4 following:

5 "If, for the fiscal year beginning July 1, 1993,
6 and ending June 30, 1994, state revenues are
7 \$2,500,000 or more than the estimate provided on
8 December 15, 1993, by the revenue estimating
9 conference as provided in section 8.22A, there is
10 appropriated an additional \$2,500,000 from the general
11 fund of the state to the Iowa resources enhancement
12 and protection fund, for use in the fiscal year
13 beginning July 1, 1994, and ending June 30, 1995, of
14 which all moneys shall be allocated as provided in
15 section 455A.19. However, the moneys appropriated
16 pursuant to this section shall only be used for
17 supporting projects or programs relating to the
18 increased precipitation, including flooding, occurring
19 in the state during 1993. Notwithstanding section
20 455A.18, moneys which are appropriated pursuant to
21 this section which are unobligated or unencumbered on
22 June 30, 1995, shall revert from the fund and its
23 various accounts to the general fund of the state."

24 . Page 27, by inserting before line 5 the
25 following:

26 "Sec. ____ . EFFECTIVE DATE. Section 12 of this
27 Act, being deemed of immediate importance, takes
28 effect upon enactment."

29 . Title page, line 3, by inserting after the
30 word "fees" the following: "and an effective date".

By MCCOY of Polk
SHOULTZ of Black Hawk
LONDBY of Linn

H-6053 FILED APRIL 7, 1994

*Lost 4-11-94
(p. 1381)*

SENATE FILE 2314

H-6066

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 17, by inserting after line 20 the
4 following:

5 "Sec. ____ . SIOUX CITY -- HONEY CAPITOL OF THE
6 WORLD. The city of Sioux City, is designated and
7 shall be known as the official honey capitol of the
8 world. The secretary of state and the editor of the
9 Iowa official register shall include an appropriate
10 photograph illustrating a jar of honey and a
11 representation of the city, accompanied by suitable
12 text designating Sioux City as the honey capitol of
13 the world."

14 2. By numbering, renumbering, and changing
15 internal references as necessary.

By HANSEN of Woodbury
GILL of Woodbury

H-6066 FILED APRIL 8, 1994

WITHDRAWN

4-11-94

(P. 1381)

SENATE FILE 2314

H-5981

1 Amend the amendment, H-5745, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 27, by inserting after the word
5 "operations." the following: "The department may
6 consult with the soil conservation division of the
7 department of agriculture and land stewardship and the
8 livestock and environmental coordinator regarding
9 livestock operation permits, as provided in this Act."

10 2. Page 1, by inserting after line 37 the
11 following:

12 "____. Page 12, by inserting after line 20 the
13 following:

14 "____. The division may consult with the department
15 of natural resources and the livestock and
16 environmental coordinator established in the office of
17 the governor regarding the organic nutrient management
18 program."

19 _____. Page 12, by inserting after line 30 the
20 following:

21 Sec. _____. LIVESTOCK AND ENVIRONMENTAL
22 COORDINATOR. The position established within the
23 office of governor responsible for coordinating
24 livestock production efforts shall be referred to as
25 the livestock and environmental coordinator. The
26 coordinator shall promote the expansion of livestock
27 production in this state in a manner which encourages
28 sound management practices and preserves the quality
29 of life traditionally enjoyed by residents of this
30 state, including practices which provide for the
31 effective disposal or application of organic nutrients
32 in a manner which does not negatively impact upon
33 environmental quality or nonagricultural uses. The
34 coordinator may regularly consult with the soil
35 conservation division of the department of agriculture
36 and land stewardship and the environmental protection
37 division of the department of natural resources.""

38 3. By renumbering as necessary.

By WEIGEL of Chickasaw
MERTZ of Kossuth

H-5981 FILED APRIL 5, 1994

Adopted 4-6-94

(P. 1204)

SENATE FILE 2314

H-5973

1 Amend the amendment, H-5745, to Senate File 2314,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, by striking line 23 and inserting the
 5 following:
 6 "_____. Page 21, line 9, by inserting after the
 7 word "partnership," the following: "established on or
 8 after the effective date of this Act, which is".
 9 _____ . Page 21, line 9, by inserting after the word
 10 "than" the following: "either".
 11 _____ . Page 21, line 10, by striking the figure
 12 "496C," the following: "496C".
 13 _____ . Page 21, line 14, by inserting after the
 14 word "chapter." the following: "However, this section
 15 shall not prohibit a person from owning an interest in
 16 real property or a building where a clinic is located,
 17 if veterinary medical services or a practice is
 18 conducted by the clinic by a professional corporation
 19 or a veterinarian licensed under this chapter.""

By HAHN of Muscatine

H-5973 FILED APRIL 5, 1994

Adopted 4-6-94 (p. 1205)

SENATE FILE 2314

H-5980

1 Amend Senate File 2314, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 23, by inserting after line 7 the
 4 following:
 5 "Sec. _____. Section 335.2, Code 1993, is amended to
 6 read as follows:
 7 335.2 FARMS EXEMPT.
 8 Except to the extent required to implement section
 9 335.27, no ordinance adopted under this chapter
 10 applies to land, farm houses, farm barns, farm
 11 outbuildings or other buildings or structures which
 12 are primarily adapted, by reason of nature and area,
 13 for use for agricultural purposes, while so used.
 14 However, the ordinances may apply to any of the
 15 following:
 16 1. A structure, building, dam, obstruction,
 17 deposit, or excavation in or on the flood plains of
 18 any river or stream.
 19 2. A confinement livestock breeding or feeding
 20 operation.
 21 3. A feedlot as defined in section 172D.1."
 22 2. By renumbering as necessary.

By OSTERBERG of Linn

H-5980 FILED APRIL 5, 1994

*not Linn**4-7-94**(p. 1258)*

SENATE FILE 2314

H-6065

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. By striking page 19, line 34 through page 21,
4 line 6 and inserting the following:

5 "Sec. ____ . NEW SECTION. 161C.6 ORGANIC NUTRIENT
6 MANAGEMENT PROGRAM.

7 1. An organic nutrient management program is
8 created. The program shall be governed by rules which
9 shall be adopted by the division. The program shall
10 be funded from moneys deposited in the organic
11 nutrient management fund.

12 2. a. The program shall provide financial
13 incentives to establish livestock organic nutrients
14 management systems to facilitate the proper
15 utilization of livestock organic nutrients as a
16 nutrient source, and to protect the water resources of
17 the state from livestock organic nutrients runoff.

18 b. The amount of moneys allocated in cost-share
19 payments to a person qualifying under the organic
20 nutrient management program shall not exceed fifty
21 percent of the estimated cost of establishing the
22 system or fifty percent of the actual cost, whichever
23 is less.

24 c. A person shall not be eligible to participate
25 in the program, unless the person is an individual
26 family farmer, an individual actively engaged in
27 farming as provided in section 9H.1, subsection 1,
28 paragraphs "a" through "c", or the person is a family
29 farm corporation, family farm limited partnership, a
30 family farm trust, or a family farm limited liability
31 company, all as defined in section 9H.1.

32 d. The department shall not allocate moneys to a
33 person who is a party to a legal or administrative
34 action, including a contested case proceeding under
35 chapter 17A, which relates to an alleged violation of
36 chapter 455B involving the disposal of livestock
37 waste, until the action is resolved. The department
38 of natural resources shall cooperate with the division
39 by providing information necessary to administer this
40 paragraph.

41 e. A person shall not use moneys allocated
42 pursuant to this section for purposes of paying an
43 amount imposed pursuant to a fine or civil penalty, or
44 for remediating or restoring the condition of an area
45 contaminated by livestock waste.

46 f. A person qualifying under the program shall not
47 receive more than seven thousand five hundred dollars
48 in financial incentives during any fiscal year
49 beginning on July 1 and ending on June 30. A person
50 who has received financial assistance in a prior

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1 fiscal year is eligible to receive financial
2 assistance in a subsequent fiscal year, unless the
3 financial assistance is used to support the
4 establishment of a system previously receiving
5 assistance under this program.

6 3. The division shall review swine confinement
7 facilities if such facilities are subject to
8 governmental use restrictions, including restrictions
9 relating to the disposal of organic nutrients. The
10 division shall cooperate with the department of
11 natural resources and counties to ensure that waste
12 disposal systems minimize their impact upon the
13 environment.

14 Sec. 500. ORGANIC NUTRIENT DISPOSAL -- SWINE
15 CONFINEMENT FACILITIES SUBJECT TO COUNTY ZONING --
16 CONSULTATION WITH STATE DEPARTMENTS.

17 1. As used in this section:

18 a. "Site" means one hundred and sixty acres.

19 b. "Swine confinement facility" means a totally
20 roofed structure used for the feeding or production of
21 swine in which animal wastes are stored or removed as
22 a liquid or semi-liquid.

23 2. A county may consult with the soil conservation
24 division of the department of agriculture and land
25 stewardship and the department of natural resources.
26 Notwithstanding section 335.2, a county which
27 determines that the impact of swine confinement
28 operations and the disposal of organic nutrients
29 impacts upon the county, may enact, implement, and
30 enforce, an ordinance pursuant to chapter 335, which
31 regulates a swine confinement facility or facilities,
32 which are part of an operation which has a maximum
33 capacity of six hundred twenty-five thousand or more
34 pounds of live weight for swine. The ordinance shall
35 apply to a site containing an operation which has a
36 maximum capacity as provided in this subsection. For
37 purposes of this section, the determination of live
38 weight shall be based on an average weight of one
39 hundred twenty-five pounds. However, swine weighing
40 less than fifty-five pounds shall not be used in
41 calculating the average weight.

42 3. Ordinances adopted pursuant to this section
43 shall be of force and effect until July 1, 1995.

44 4. This section shall not apply to a swine
45 confinement facility constructed before the effective
46 date of this section of this Act. This section shall
47 also not apply to a facility which is being
48 constructed on the effective date of this section, or
49 which will be constructed after the effective date of
50 this section if a binding construction contract has

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1 been executed in writing before the effective date of
2 this section. However, it shall apply to a facility
3 constructed prior to the effective date of this Act,
4 if the capacity of the facility is expanded after the
5 effective date of this section of the Act unless the
6 expansion is being constructed on the effective date
7 of this section, or constructed pursuant to a binding
8 construction contract as provided in this subsection.

9 Sec. 501. CONFINEMENT FEEDING OPERATIONS --
10 ORGANIC NUTRIENT MANAGEMENT.

11 1. As used in this section, unless the context
12 otherwise requires:

13 a. "Confinement feeding operation" means a totally
14 roofed facility or facilities, with a total capacity
15 of more than five million pounds of live animal weight
16 used to produce animals in which organic nutrients are
17 stored or removed as a liquid or semi-liquid. For
18 purposes of this section, the determination of live
19 weight shall be based on an average weight of one
20 hundred twenty-five pounds. However, swine weighing
21 less than fifty-five pounds shall not be used in
22 calculating the average weight.

23 b. "Department" means the department of natural
24 resources.

25 2. A person required to submit evidence of
26 compliance, and who holds an interest in a confinement
27 feeding operation which is located on thirty-six or
28 fewer square miles of land in which the person holds
29 an interest shall dispose of organic nutrients
30 produced from the operation in compliance with this
31 section. The disposal must be made by any of the
32 following methods:

33 a. The application of organic nutrients on land in
34 accordance with rates which do not exceed rates
35 recommended by the department of natural resources, as
36 provided in 567 IAC ch. 65.

37 b. The transfer of organic nutrients to a person
38 who disposes of the organic nutrients in a manner
39 consistent with this section. The transfer must be
40 accomplished by a document executed by both persons.

41 c. Any other manner of disposal by a person which
42 is approved by the department.

43 3. A person shall be subject to penalties as
44 provided in this section, unless the person submits
45 evidence of compliance as may be required by the
46 department in order to obtain a permit for the
47 establishment of a confinement feeding operation, or
48 in order to continue the operation of the feeding
49 operation. The person shall submit the evidence of
50 compliance in a manner prescribed by the department.

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1 The evidence of compliance shall include all of the
2 following:
3 a. The name and address of the person.
4 b. The location of the confinement feeding
5 operation.
6 c. A disposal plan which specifies handling,
7 storage, and disposal practices.
8 d. A legal description of the site subject to the
9 disposal of the organic nutrients, and any other
10 application of organic nutrients which will be applied
11 to the site.
12 e. A copy of a document accomplishing a transfer
13 of the organic nutrients.
14 f. Any other information required by the
15 department in order to ensure that the person is
16 complying with this section, including the records of
17 the rates of application of organic nutrients on the
18 site.

19 4. A person subject to this section shall comply
20 with this section, including submitting evidence of
21 compliance, within sixty days following the effective
22 date of this Act. A person who does not comply with
23 this section shall be subject to a civil penalty of
24 not more than one thousand dollars which shall be
25 assessed and collected as provided in section
26 455B.109. Each day that a person fails to comply with
27 this section constitutes a separate violation. The
28 department of natural resources and the attorney
29 general shall have sole enforcement authority under
30 this section, as provided in section 455B.109."

31 2. Page 27, by inserting before line 5 the
32 following:
33 "Sec. ____ . REPEAL. Sections 500 and 501 of this
34 Act is repealed on July 1, 1995.
35 Sec. ____ . EFFECTIVE DATE. Sections 500 and 501 of
36 this Act, being deemed of immediate importance, takes
37 effect upon enactment."
38 3. Title page, line 3, by inserting after the
39 word "fees" the following: ", the repeal of sections,
40 and effective dates".
41 4. By renumbering as necessary.

By IVERSON of Wright
GARMAN of Story

H-6065 FILED APRIL 8, 1994

Adopted
4-11-94
(p. 1391)

SENATE FILE 2314

H-6074

1 Amend the amendment, H-6065, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 3, by striking lines 34 through 36 and
5 inserting the following: "accordance with rates which
6 do not exceed animal waste utilization rates
7 recommended by Iowa state university."

By HENDERSON of Scott

H-6074 FILED APRIL 11, 1994

LOST

SENATE FILE 2314

H-6075

1 Amend the amendment, H-6065, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by inserting after line 13 the
5 following:
6 "4. The division shall maintain records regarding
7 each award of financial incentives under this section,
8 including the name of the person; the amount of the
9 award; the location of the livestock manure management
10 system established with financial incentive moneys;
11 and whether the person is a family farm corporation,
12 family farm limited partnership, family trust, or a
13 family farm limited liability company."

By SHOULTZ of Black Hawk

H-6075 FILED APRIL 11, 1994

OUT OF ORDER

SENATE FILE 2314

H-6076

1 Amend the amendment, H-6065, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by inserting after line 13 the
5 following:
6 "4. The division shall maintain records regarding
7 each award of financial incentives under this section,
8 including the name of the person; the amount of the
9 award; the location of the livestock manure management
10 system established with financial incentive moneys;
11 and whether the person is a family farm corporation,
12 family farm limited partnership, family trust, or a
13 family farm limited liability company."
14 2. Page 3, line 15, by striking the word "five"
15 and inserting the following: "four".

By IVERSON of Wright

H-6076 FILED APRIL 11, 1994

ADOPTED

SENATE FILE 2314

H-6077

1 Amend the amendment, H-6065, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 2, line 14, by inserting after the figure
5 "500." the following: "NEW SECTION. 335.2A".
6 2. Page 2, by striking lines 42 and 43.
7 3. Page 3, line 9, by inserting after the figure
8 "501." the following: "NEW SECTION. 455B.119".
9 4. Page 4, by striking lines 33 and 34.
10 5. Page 4, by striking line 39 and inserting the
11 following: "word "fees" the following:""

By OSTERBERG of Linn

H-6077 FILED APRIL 11, 1994

LOST

SENATE FILE 2314

H-6078

1 Amend the amendment, H-6065, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by striking line 40 and inserting the
5 following: "less than fifty-five pounds shall be
6 deemed to weigh thirty pounds for purposes of".
7 2. Page 3, by striking line 21 and inserting the
8 following: "less than fifty-five pounds shall be
9 deemed to weigh thirty pounds for purposes of".

By OSTERBERG of Linn

H-6078 FILED APRIL 11, 1994

LOST

SENATE FILE 2314

H-6079

1 Amend the amendment, H-6065, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 2, line 18, by inserting after the word
5 "acres" the following: "of land or less, which are
6 held by a person who also has an interest in a swine
7 confinement facility located on the land".

By IVERSON of Wright

H-6079 FILED APRIL 11, 1994

ADOPTED

SENATE FILE 2314

H-6083

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. ____ . Section 352.7, subsection 2, Code
6 Supplement 1993, is amended to read as follows:

7 2. Within sixty days after receipt, the county
8 board ~~shall~~ may adopt the proposal or may adopt any
9 modification of the proposal it deems appropriate,
10 unless to do so would be inconsistent with the
11 purposes of this chapter."

12 2. By renumbering as necessary.

By NELSON of Pottawattamie

H-6083 FILED APRIL 11, 1994

LOST

Martin to R/C 4/12/94 (P, 1476)

SENATE FILE 2314

H-6073

1 Amend the amendment, H-6066, to Senate File 2314,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 13 the
5 following:

6 "Sec. ____ . COUNCIL BLUFFS AND SHELBY -- OFFICIAL
7 PURPLE MARTIN CO-CAPITALS OF IOWA.

8 The cities of Council Bluffs and Shelby are
9 designated and shall be known as the official purple
10 martin co-capitals of Iowa for their continuing
11 efforts in conservation and propagation of the bird."

By NELSON of Pottawattamie

H-6073 FILED APRIL 11, 1994

ADOPTED *4-11-94*

SENATE FILE 2314

H-6084

1 Amend the amendment, H-6065, to Senate File 2314,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 4, by inserting after line 30 the
 5 following:
 6 "Sec. 502. ENVIRONMENTAL AGRICULTURE COMMITTEE.
 7 1. In addition to other persons who have been
 8 appointed to the environmental agriculture committee
 9 established by the governor, the following persons
 10 shall be appointed by the governor to the committee:
 11 a. A person representing the Iowa state
 12 association of counties.
 13 b. A person representing the department of
 14 agriculture and land stewardship.
 15 c. A person representing the sierra club.
 16 d. A person representing the association of soil
 17 and water conservation district commissioners.
 18 e. Four public members, two of whom shall be urban
 19 residents and two of whom shall be rural residents.
 20 2. After the committee conducts hearings and
 21 develops recommendations, the department of natural
 22 resources shall adopt rules consistent with the
 23 recommendations. The rules shall include the disposal
 24 of livestock waste by application on land, including
 25 but not limited to application rates and practices,
 26 and the disposal of wastes on land based on climate,
 27 flooding, terrain, proximity to bodies of water, and
 28 nonagricultural uses.
 29 3. Upon conclusion of the committee hearings, the
 30 governor may call a special session for purposes of
 31 allowing the general assembly to resolve issues
 32 studied by the committee."
 33 2. Page 4, line 34, by striking the word "is" and
 34 inserting the following: "are".
 35 3. Page 4, line 35, by striking the word and
 36 figure "and 501" and inserting the following: ", 501,
 37 and 502".
 38 4. By renumbering as necessary.

By MUNDIE of Webster
 OLLIE of Clinton

H-6084 FILED APRIL 11, 1994
 LOST

SENATE FILE 2314

H-6095

1 Amend amendment H-6051, to Senate File 2314, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 3, by striking the numerals "16"
 5 and inserting the following: "7".
 By SIEGRIST of Pottawattamie

H-6095 FILED APRIL 11, 1994
 ADOPTED BY UNANIMOUS CONSENT

SENATE FILE 2314

H-6126

1 Amend Senate File 2314, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 12, by inserting after line 31 the
4 following:

5 "Sec. ____ . SOIL CONSERVATION TECHNICIANS. If, for
6 the fiscal year beginning July 1, 1993, and ending
7 June 30, 1994, state revenues are \$123,000 or more
8 than the estimate provided on December 15, 1993, by
9 the revenue estimating conference as provided in
10 section 8.22A, there is appropriated an additional
11 \$123,000 from the general fund of the state to the
12 soil conservation division of the department of
13 agriculture and land stewardship, for use in the
14 fiscal year beginning July 1, 1994, and ending June
15 30, 1995, of which all moneys shall be allocated to
16 support five additional full-time equivalent positions
17 within the soil conservation division who shall serve
18 as soil conservation technicians."

By WEIGEL of Chickasaw

H-6126 FILED APRIL 12, 1994

WITHDRAWN 4-14-94

SENATE FILE 2314

H-6136

1 Amend Senate File 2314, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 12, by inserting after line 31 the
4 following:

5 "Sec. ____ . SOIL CONSERVATION TECHNICIANS. If, for
6 the fiscal year beginning July 1, 1993, and ending
7 June 30, 1994, state revenues are \$334,000 or more
8 than the estimate provided on December 15, 1993, by
9 the revenue estimating conference as provided in
10 section 8.22A, there is appropriated an additional
11 \$123,000 from the general fund of the state to the
12 soil conservation division of the department of
13 agriculture and land stewardship, for use in the
14 fiscal year beginning July 1, 1994, and ending June
15 30, 1995, of which all moneys shall be allocated to
16 support five additional full-time equivalent positions
17 within the soil conservation division who shall serve
18 as soil conservation technicians."

By WEIGEL of Chickasaw

H-6136 FILED APRIL 12, 1994

WITHDRAWN
4-14-94

HOUSE AMENDMENT TO
SENATE FILE 2314

S-5654

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 13, by striking the figure
4 "1,892,481" and inserting the following: "1,867,481".
5 2. Page 1, line 18, by striking the figure
6 "50,000" and inserting the following: "35,000".
7 3. Page 1, by striking lines 29 through 35 and
8 inserting the following:
9 "() Of the amount appropriated and the number
10 of FTEs allocated in this paragraph "a", \$90,000 and
11 1.4 FTEs shall be used to support a livestock market
12 news program."
13 4. Page 2, line 11, by striking the figure
14 "3,700,175" and inserting the following: "3,715,675".
15 5. Page 2, line 12, by striking the figure
16 "121.00" and inserting the following: "122.50".
17 6. Page 2, by inserting after line 12 the
18 following:
19 "Of the moneys appropriated and the FTEs allocated
20 pursuant to this lettered paragraph, an additional
21 \$15,500 and 1.5 additional FTEs shall be allocated for
22 purposes of supporting meat and poultry inspections as
23 provided in chapter 189A."
24 7. Page 4, by striking lines 18 through 22.
25 8. Page 5, line 33, by striking the figure
26 "198,750" and inserting the following: "188,750".
27 9. Page 7, line 8, by striking the figure
28 "1,852,012" and inserting the following: "1,827,012".
29 10. Page 7, line 26, by striking the figure
30 "1,651,984" and inserting the following: "1,626,984".
31 11. Page 7, line 32, by striking the figure
32 "1,797,940" and inserting the following: "2,442,940".
33 12. Page 7, line 33, by striking the figure
34 "176.00" and inserting the following: "172.00".
35 13. By striking page 7, line 34, through page 8,
36 line 5.
37 14. Page 8, by inserting before line 6 the
38 following:
39 " . Of the amount appropriated and the number of
40 FTEs allocated under this paragraph "a", \$45,000 and 1
41 FTE shall be used to support facilitating the review
42 and approval of permits related to livestock
43 operations. The department may consult with the soil
44 conservation division of the department of agriculture
45 and land stewardship and the livestock and
46 environmental coordinator regarding livestock
47 operation permits, as provided in this Act."
48 15. Page 8, by striking lines 6 through 35 and
49 inserting the following:
50 " . Of the amount appropriated and the number of

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1 FTEs allocated in paragraph "a", \$779,000 and 10.00
2 additional FTEs shall be used to carry out the
3 provisions of chapter 455B relating to the
4 administration, regulation, and enforcement of the
5 federal Safe Drinking Act."

6 16. Page 11, line 28, by striking the figure
7 "200,000" and inserting the following: "240,318".

8 17. Page 12, line 20, by striking the figure
9 "900,000" and inserting the following: "300,000".

10 18. Page 12, by inserting after line 20 the
11 following:

12 "____. The division may consult with the department
13 of natural resources and the livestock and
14 environmental coordinator established in the office of
15 the governor regarding the organic nutrient management
16 program."

17 19. Page 12, by inserting after line 30 the
18 following:

19 "Sec. ____ . LIVESTOCK AND ENVIRONMENTAL
20 COORDINATOR. The position established within the
21 office of governor responsible for coordinating
22 livestock production efforts shall be referred to as
23 the livestock and environmental coordinator. The
24 coordinator shall promote the expansion of livestock
25 production in this state in a manner which encourages
26 sound management practices and preserves the quality
27 of life traditionally enjoyed by residents of this
28 state, including practices which provide for the
29 effective disposal or application of organic nutrients
30 in a manner which does not negatively impact upon
31 environmental quality or nonagricultural uses. The
32 coordinator may regularly consult with the soil
33 conservation division of the department of agriculture
34 and land stewardship and the environmental protection
35 division of the department of natural resources."

36 20. Page 13, by inserting after line 8 the
37 following:

38 "Sec. ____ . DEPARTMENTAL STUDY -- COMMERCIAL
39 WEIGHING AND MEASURING DEVICES. The department of
40 agriculture and land stewardship shall study its
41 licensing structure for the inspection of commercial
42 weighing and measuring devices, including fees
43 required to be paid by licensees pursuant to section
44 214.3. The department shall examine the relationship
45 between fees and the costs incurred in administration,
46 regulation, and enforcement of provisions relating to
47 the licensing of the devices. The department shall
48 submit a report, including findings and
49 recommendations, to the governor and the general
50 assembly by January 9, 1995."

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1 21. Page 13, by striking lines 22 through 35 and
2 inserting the following: "revenue and finance in
3 cooperation with each appropriate agency shall track
4 receipts to the general fund which under law were
5 previously collected to be used for specific purposes,
6 or to be credited to, or be deposited to a particular
7 account or fund, as provided in section 8.60.

8 The department of revenue and finance and each
9 appropriate agency shall prepare".

10 22. Page 15, by striking lines 23 through 29.

11 23. Page 16, by striking lines 1 through 16 and
12 inserting the following:

13 "Sec. ____ . LEASE-PURCHASE -- BUDGET SUBMISSION.

14 This section applies to each state agency receiving an
15 appropriation in this Act. The departmental estimate
16 required under section 8.23 for the fiscal period
17 beginning July 1, 1995, which includes the state
18 agency, shall provide an itemized list indicating the
19 nature and amount of each lease-purchase contract
20 payment included in the estimate for proposed
21 contracts which have not been reported by the state
22 agency to the legislative fiscal committee of the
23 legislative council pursuant to section 8.46 prior to
24 the submission of the estimate. The governor shall
25 include in the governor's budget for the fiscal year
26 beginning July 1, 1995, a listing indicating the
27 nature and amount of each lease-purchase contract
28 which was itemized in a departmental estimate in ac-
29 cordance with this section and is included in the
30 governor's budget. A state agency receiving an
31 appropriation in this Act shall not enter into a
32 lease-purchase contract during the fiscal year
33 beginning July 1, 1995, unless the contract was
34 itemized in a departmental estimate and included in
35 the governor's budget in accordance with this
36 section."

37 24. By striking page 16, line 17 through page 17,
38 line 13, and inserting the following:

39 "Sec. 100. SOIL CONSERVATION ASSISTANCE. There is
40 appropriated from the unobligated and unencumbered
41 moneys deposited or required to be deposited in the
42 water protection practices account of the water
43 protection fund established in section 161C.4 to the
44 division of soil conservation within the department of
45 agriculture and land stewardship for the fiscal period
46 beginning July 1, 1993, and ending June 30, 1995, the
47 following amount, or so much thereof as is necessary,
48 to be used for the purpose designated:

49 For the purpose of providing interest-free loans to
50 persons who receive assistance from the United States

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1 department of agriculture under the emergency
2 conservation program:

3 \$ 500,000

4 The loans shall be made in order to provide any
5 matching moneys required to be contributed by a person
6 receiving assistance under the federal program. The
7 division shall seek to cooperate with the soil
8 conservation service in implementing this section.
9 The moneys must be repaid to the water protection
10 practices account within five years from the date that
11 the moneys are loaned. Moneys which are unobligated
12 or unencumbered on June 30, 1995, shall be credited
13 back to the account. In administering these moneys,
14 the department may contract, sue, and be sued, and
15 adopt rules necessary to carry out the provisions of
16 this section. However, the division shall not in any
17 manner directly or indirectly pledge the credit of
18 this state."

19 25. By striking page 19, line 34 through page 21,
20 line 6 and inserting the following:

21 "Sec. ____ . NEW SECTION. 161C.6 ORGANIC NUTRIENT
22 MANAGEMENT PROGRAM.

23 1. An organic nutrient management program is
24 created. The program shall be governed by rules which
25 shall be adopted by the division. The program shall
26 be funded from moneys deposited in the organic
27 nutrient management fund.

28 2. a. The program shall provide financial
29 incentives to establish livestock organic nutrients
30 management systems to facilitate the proper
31 utilization of livestock organic nutrients as a
32 nutrient source, and to protect the water resources of
33 the state from livestock organic nutrients runoff.

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

40 c. A person shall not be eligible to participate
41 in the program, unless the person is an individual
42 family farmer, an individual actively engaged in
43 farming as provided in section 9H.1, subsection 1,
44 paragraphs "a" through "c", or the person is a family
45 farm corporation, family farm limited partnership, a
46 family farm trust, or a family farm limited liability
47 company, all as defined in section 9H.1.

48 d. The department shall not allocate moneys to a
49 person who is a party to a legal or administrative
50 action, including a contested case proceeding under

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1 chapter 17A, which relates to an alleged violation of
2 chapter 455B involving the disposal of livestock
3 waste, until the action is resolved. The department
4 of natural resources shall cooperate with the division
5 by providing information necessary to administer this
6 paragraph.

7 e. A person shall not use moneys allocated
8 pursuant to this section for purposes of paying an
9 amount imposed pursuant to a fine or civil penalty, or
10 for remediating or restoring the condition of an area
11 contaminated by livestock waste.

12 f. A person qualifying under the program shall not
13 receive more than seven thousand five hundred dollars
14 in financial incentives during any fiscal year
15 beginning on July 1 and ending on June 30. A person
16 who has received financial assistance in a prior
17 fiscal year is eligible to receive financial
18 assistance in a subsequent fiscal year, unless the
19 financial assistance is used to support the
20 establishment of a system previously receiving
21 assistance under this program.

22 3. The division shall review swine confinement
23 facilities if such facilities are subject to
24 governmental use restrictions, including restrictions
25 relating to the disposal of organic nutrients. The
26 division shall cooperate with the department of
27 natural resources and counties to ensure that waste
28 disposal systems minimize their impact upon the
29 environment.

30 4. The division shall maintain records regarding
31 each award of financial incentives under this section,
32 including the name of the person; the amount of the
33 award; the location of the livestock manure management
34 system established with financial incentive moneys;
35 and whether the person is a family farm corporation,
36 family farm limited partnership, family trust, or a
37 family farm limited liability company.

38 Sec. 500. ORGANIC NUTRIENT DISPOSAL -- SWINE
39 CONFINEMENT FACILITIES SUBJECT TO COUNTY ZONING --
40 CONSULTATION WITH STATE DEPARTMENTS.

41 1. As used in this section:

42 a. "Site" means one hundred and sixty acres of
43 land or less, which are held by a person who also has
44 an interest in a swine confinement facility located on
45 the land.

46 b. "Swine confinement facility" means a totally
47 roofed structure used for the feeding or production of
48 swine in which animal wastes are stored or removed as
49 a liquid or semi-liquid.

50 2. A county may consult with the soil conservation

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1 division of the department of agriculture and land
2 stewardship and the department of natural resources.
3 Notwithstanding section 335.2, a county which
4 determines that the impact of swine confinement
5 operations and the disposal of organic nutrients
6 impacts upon the county, may enact, implement, and
7 enforce, an ordinance pursuant to chapter 335, which
8 regulates a swine confinement facility or facilities,
9 which are part of an operation which has a maximum
10 capacity of six hundred twenty-five thousand or more
11 pounds of live weight for swine. The ordinance shall
12 apply to a site containing an operation which has a
13 maximum capacity as provided in this subsection. For
14 purposes of this section, the determination of live
15 weight shall be based on an average weight of one
16 hundred twenty-five pounds. However, swine weighing
17 less than fifty-five pounds shall not be used in
18 calculating the average weight.

19 3. Ordinances adopted pursuant to this section
20 shall be of force and effect until July 1, 1995.

21 4. This section shall not apply to a swine
22 confinement facility constructed before the effective
23 date of this section of this Act. This section shall
24 also not apply to a facility which is being
25 constructed on the effective date of this section, or
26 which will be constructed after the effective date of
27 this section if a binding construction contract has
28 been executed in writing before the effective date of
29 this section. However, it shall apply to a facility
30 constructed prior to the effective date of this Act,
31 if the capacity of the facility is expanded after the
32 effective date of this section of the Act unless the
33 expansion is being constructed on the effective date
34 of this section, or constructed pursuant to a binding
35 construction contract as provided in this subsection.

36 Sec. 501. CONFINEMENT FEEDING OPERATIONS --ORGANIC
37 NUTRIENT MANAGEMENT.

38 1. As used in this section, unless the context
39 otherwise requires:

40 a. "Confinement feeding operation" means a totally
41 roofed facility or facilities, with a total capacity
42 of more than four million pounds of live animal weight
43 used to produce animals in which organic nutrients are
44 stored or removed as a liquid or semi-liquid. For
45 purposes of this section, the determination of live
46 weight shall be based on an average weight of one
47 hundred twenty-five pounds. However, swine weighing
48 less than fifty-five pounds shall not be used in
49 calculating the average weight.

50 b. "Department" means the department of natural

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1 resources.

2 2. A person required to submit evidence of
3 compliance, and who holds an interest in a confinement
4 feeding operation which is located on thirty-six or
5 fewer square miles of land in which the person holds
6 an interest shall dispose of organic nutrients
7 produced from the operation in compliance with this
8 section. The disposal must be made by any of the
9 following methods:

10 a. The application of organic nutrients on land in
11 accordance with rates which do not exceed rates
12 recommended by the department of natural resources, as
13 provided in 567 IAC ch. 65.

14 b. The transfer of organic nutrients to a person
15 who disposes of the organic nutrients in a manner
16 consistent with this section. The transfer must be
17 accomplished by a document executed by both persons.

18 c. Any other manner of disposal by a person which
19 is approved by the department.

20 3. A person shall be subject to penalties as
21 provided in this section, unless the person submits
22 evidence of compliance as may be required by the
23 department in order to obtain a permit for the
24 establishment of a confinement feeding operation, or
25 in order to continue the operation of the feeding
26 operation. The person shall submit the evidence of
27 compliance in a manner prescribed by the department.
28 The evidence of compliance shall include all of the
29 following:

30 a. The name and address of the person.

31 b. The location of the confinement feeding
32 operation.

33 c. A disposal plan which specifies handling,
34 storage, and disposal practices.

35 d. A legal description of the site subject to the
36 disposal of the organic nutrients, and any other
37 application of organic nutrients which will be applied
38 to the site.

39 e. A copy of a document accomplishing a transfer
40 of the organic nutrients.

41 f. Any other information required by the
42 department in order to ensure that the person is
43 complying with this section, including the records of
44 the rates of application of organic nutrients on the
45 site.

46 4. A person subject to this section shall comply
47 with this section, including submitting evidence of
48 compliance, within sixty days following the effective
49 date of this Act. A person who does not comply with
50 this section shall be subject to a civil penalty of

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1 not more than one thousand dollars which shall be
2 assessed and collected as provided in section
3 455B.109. Each day that a person fails to comply with
4 this section constitutes a separate violation. The
5 department of natural resources and the attorney
6 general shall have sole enforcement authority under
7 this section, as provided in section 455B.109."

8 26. Page 21, line 9, by inserting after the word
9 "partnership," the following: "established on or
10 after the effective date of this Act, which is".

11 27. Page 21, line 9, by inserting after the word
12 "than" the following: "either".

13 28. Page 21, line 10, by striking the figure
14 "496C," the following: "496C".

15 29. Page 21, line 14, by inserting after the word
16 "chapter." the following: "However, this section
17 shall not prohibit a person from owning an interest in
18 real property or a building where a clinic is located,
19 if veterinary medical services or a practice is
20 conducted by the clinic by a professional corporation
21 or a veterinarian licensed under this chapter."

22 30. Page 22, by inserting after line 27 the
23 following:

24 "Sec. ____ . NEW SECTION. 214.4 TAGGING OF
25 EQUIPMENT.

26 1. If the department does not receive payment of
27 the license fee required pursuant to section 214.3
28 within one month from the due date, the department
29 shall send a notice to the owner or operator of the
30 device. The notice shall be delivered by certified
31 mail. The notice shall state all of the following:

32 a. The owner or operator is delinquent in the
33 payment of the required fee.

34 b. The owner or operator has fifteen days after
35 receipt of the notice to pay the license fee required
36 pursuant to section 214.3.

37 c. If the department does not receive payment of
38 the license fee as required, the department may
39 summarily tag and remove from service the commercial
40 weighing and measuring device.

41 2. If the license fee is not received by the
42 department within fifteen days after receipt of the
43 notice by the owner or operator of the commercial
44 weighing and measuring device, the department may tag
45 and remove from service the device for which the
46 license fee has not been paid."

47 31. Page 23, by inserting after line 7 the
48 following:

49 "Sec. ____ . Section 321.453, Code 1993, as amended
50 by 1994 Iowa Acts, Senate File 2080, section 3, is

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1 amended by striking the section and inserting in lieu
2 thereof the following:

3 321.453 EXCEPTIONS.

4 The provisions of this chapter governing size,
5 weight, and load, and the permit requirements of
6 chapter 321E do not apply to fire apparatus, to road
7 maintenance equipment owned by or under lease to any
8 state or local authority, to implements of husbandry
9 temporarily moved upon a highway, to implements moved
10 from farm site to farm site or between the retail
11 seller and a farm purchaser within a one hundred mile
12 radius from the retail seller's place of business, to
13 indivisible implements of husbandry temporarily moved
14 between the place of manufacture and a retail seller
15 or a farm purchaser, to implements received and moved
16 by a retail seller of implements of husbandry in
17 exchange for an implement purchased, or to implements
18 of husbandry moved for repairs, except on any part of
19 the interstate highway system. A vehicle, carrying an
20 implement of husbandry, which is exempted from the
21 permit requirements under this section shall be
22 equipped with an amber flashing light under section
23 321.423, shall be equipped with warning flags on that
24 portion of the vehicle which protrudes into oncoming
25 traffic, and shall only operate from thirty minutes
26 prior to sunrise to thirty minutes following sunset."

27 32. Page 23, by inserting after line 7 the
28 following:

29 "Sec. _____. Section 352.6, unnumbered paragraph 1,
30 Code Supplement 1993, is amended to read as follows:

31 An owner of farmland may submit a proposal to the
32 county board for the creation or expansion of an
33 agricultural area within the county. The proposal
34 shall include the payment of an amount set by the
35 board which shall be not more than the amount required
36 to pay for administrative expenses of the county in
37 providing a notice and hearing on the proposal as
38 provided in section 352.7. An agricultural area, at
39 its creation, shall include at least three hundred
40 acres of farmland, however, a smaller area may be
41 created if the farmland is adjacent to farmland
42 subject to an agricultural land preservation ordinance
43 pursuant to section 335.27 or adjacent to land located
44 within an existing agricultural area. The proposal
45 shall include a description of the proposed area to be
46 created or expanded, including its boundaries. The
47 territory shall be as compact and as nearly adjacent
48 as feasible. Land shall not be included in an
49 agricultural area without the consent of the owner.
50 Agricultural areas shall not exist within the

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1 corporate limits of a city. The county board may
2 consult with the department of natural resources when
3 creating or expanding an agricultural area contiguous
4 to a location which is under the direct supervision of
5 the department, including a state park, state
6 preserve, state recreation area, or sovereign lake.
7 Agricultural areas may be created in a county which
8 has adopted zoning ordinances. Except as provided in
9 this section, the use of the land in agricultural
10 areas is limited to farm operations."

11 33. Page 23, by inserting after line 7 the
12 following:

13 "Sec. _____. Section 455A.18, Code Supplement 1993,
14 is amended by adding the following new subsection:
15 NEW SUBSECTION. 4. Notwithstanding section 12C.7,
16 interest or earnings on investments or time deposits
17 of the moneys in the Iowa resources enhancement and
18 protection fund or any of its accounts shall be
19 credited to the Iowa resources enhancement and
20 protection fund."

21 34. By striking page 23, line 8, through page 27,
22 line 4, and inserting the following:

23 "Sec. _____. EFFECTIVE DATE. Sections 25, 26, and
24 100, and this section of this Act, being deemed of
25 immediate importance, take effect upon enactment."

26 35. Page 27, by inserting before line 5 the
27 following:

28 "Sec. _____. REPEAL. Sections 500 and 501 of this
29 Act is repealed on July 1, 1995.

30 Sec. _____. EFFECTIVE DATE. Sections 500 and 501 of
31 this Act, being deemed of immediate importance, takes
32 effect upon enactment."

33 36. Title page, line 3, by inserting after the
34 word "fees" the following: ", the repeal of sections,
35 and effective dates".

36 37. By renumbering, relettering, or redesignating
37 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5654 FILED APRIL 14, 1994

Senate concurred as amended
4/18/94 (p. 1336)

SENATE FILE 2314

S-5658

1 Amend the House amendment, S-5654, to Senate File
2 2314, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by inserting after line 5 the
5 following:
6 " ". Page 10, by inserting after line 10 the
7 following:
8 "In allocating moneys under this subsection, the
9 department shall give the highest priority to
10 providing handicapped access to boating facilities and
11 public waters.""

By LYLE E. ZIEMAN
LARRY MURPHY

S-5658 FILED APRIL 15, 1994

out of order 4/18/94 (p. 1336)

SENATE FILE 2314

S-5727

1 Amend the amendment, S-5723, to House amendment, S-
2 5654, to Senate File 2314, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 3, by inserting after line 47 the fol-
5 lowing:

6 "_____. Page 17, by inserting after line 20 the
7 following:

8 "Sec. _____. UNDERGROUND STORAGE TANKS INSTALLERS
9 AND INSPECTORS. There is appropriated from the
10 underground storage tank fund account to the state
11 fire marshal's office for the fiscal year beginning
12 July 1, 1994, and ending June 30, 1995, thirty-five
13 thousand dollars, for the addition of one full-time
14 equivalent position, for implementation of the
15 underground storage tank installers and inspectors
16 licensing program under section 101.28.""

17 2. Page 3, by inserting before line 49 the
18 following:

19 "_____. Page 18, by inserting before line 34 the
20 following:

21 "Sec. _____. Section 101.28, Code 1993, is amended
22 by striking the section and inserting in lieu thereof
23 the following:

24 101.28 UNDERGROUND STORAGE TANKS -- LICENSING --
25 INSPECTORS.

26 1. All underground storage tanks shall be
27 installed, lined, tested, and removed by a person
28 licensed under this section. All inspectors
29 conducting certification inspections under chapter
30 455G, shall also be licensed under this section.

31 2. The following persons may be licensed as
32 underground storage tank installation inspectors or
33 removers:

34 a. A licensed engineer, except that if underground
35 storage tank installation is within the scope of
36 practice of a particular class of licensed engineer,
37 additional training shall not be required for that
38 class.

39 b. A fire marshal, or other person unaffiliated
40 with the tank owner, operator, or installer.

41 3. The state fire marshal shall do all of the
42 following:

43 a. Adopt rules for licensing underground storage
44 tank installation inspectors, installers, liners,
45 testers, and removers.

46 b. Adopt approved curriculum for training persons
47 as a precondition to their licensing as underground
48 storage tank installation inspectors.

49 c. Adopt curricula for training persons to install
50 underground storage tanks so that the resulting

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1 installation may be certified under section 455G.11,
2 subsection 6.

3 d. Adopt curricula for training persons to line,
4 test, and remove underground storage tanks, including
5 training regarding fire safety and environmental
6 protection guidelines for persons removing tanks.

7 4. The state fire marshal may provide a list of
8 licensees to any interested person.

9 5. The state fire marshal, the state fire
10 marshal's designee, or a local fire marshal, shall
11 charge a fee for a certification inspection in an
12 amount sufficient to recover the costs of authorized
13 training and inspection.

14 6. The fees collected by the state fire marshal
15 for licensing and certification inspection under this
16 section shall be retained by the state fire marshal to
17 defray the costs of administration of this section.""

18 3. Page 6, by inserting after line 20 the fol-
19 lowing:

20 "_____. Page 26, by inserting after line 32 the
21 following:

22 "Sec. _____. REPEAL. Section 455G.17, Code 1993, is
23 repealed.""

24 4. By renumbering as necessary.

By JIM KERSTEN

S-5727 FILED APRIL 18, 1994

WITHDRAWN (p. 1336)

SENATE FILE 2314

S-5723

1 Amend the House amendment, S-5654, to Senate File
2 2314, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 3 through page 10,
5 line 35, and inserting the following:
6 "_____. Page 2, line 11, by striking the figure
7 "3,700,175" and inserting the following: "3,715,675".
8 "_____. Page 2, line 12, by striking the figure
9 "121.00" and inserting the following: "122.50".
10 "_____. Page 2, by inserting after line 12 the
11 following:

12 "Of the moneys appropriated and the FTEs allocated
13 pursuant to this lettered paragraph, an additional
14 \$15,500 and 1.5 additional FTEs shall be allocated for
15 purposes of supporting meat and poultry inspections as
16 provided in chapter 189A."

17 "_____. Page 2, by inserting after line 30 the
18 following:

19 "Of the amount appropriated under this paragraph
20 "a", \$160,000 shall be allocated from the
21 appropriation to Iowa state university for purposes of
22 training commercial pesticide applicators."

23 "_____. Page 4, by striking lines 18 through 22.

24 "_____. Page 4, by striking lines 29 through 33.

25 "_____. Page 5, line 18, by striking the figure
26 "1995" and inserting the following: "1996".

27 "_____. Page 5, line 33, by striking the figure
28 "198,750" and inserting the following: "188,750".

29 "_____. By striking page 7, line 34 through page 8,
30 line 5.

31 "_____. Page 13, by inserting after line 7 the
32 following:

33 "Sec. _____. TRANSFER -- AIR QUALITY. For the
34 fiscal year beginning July 1, 1994, and ending June
35 30, 1995, the department of natural resources may
36 transfer up to \$281,000 from the hazardous substance
37 remedial fund to support purposes related to carrying
38 out the duties of the commission under section
39 455B.133, or the director under section 455B.134, or
40 for carrying out the provisions of chapter 455B,
41 division II."

42 "_____. Page 13, by inserting after line 8 the
43 following:

44 "Sec. _____. DEPARTMENTAL STUDY -- COMMERCIAL
45 WEIGHING AND MEASURING DEVICES. The department of
46 agriculture and land stewardship shall study its
47 licensing structure for the inspection of commercial
48 weighing and measuring devices, including fees
49 required to be paid by licensees pursuant to section
50 214.3. The department shall examine the relationship

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1 between fees and the costs incurred in administration,
2 regulation, and enforcement of provisions relating to
3 the licensing of the devices. The department shall
4 submit a report, including findings and
5 recommendations, to the governor and the general
6 assembly by January 9, 1995."

7 _____. Page 13, by inserting after line 20 the
8 following:

9 "Sec. _____. WIND EROSION CONTROL FUND. The
10 department of agriculture and land stewardship shall
11 use all unencumbered or unobligated moneys
12 appropriated to the wind erosion control fund, and any
13 moneys which have been credited to the division of
14 soil conservation of the department of agriculture and
15 land stewardship for purposes of planting and
16 maintaining wind erosion control barriers, as
17 originally provided in 1978 Iowa Acts, chapter 1108,
18 section 7, and subsequently amended, in order to carry
19 out the original purposes. The department shall
20 submit a report to the secretary of the senate and
21 chief clerk of the house not later than January 2,
22 1995. The report shall explain actual and planned
23 expenditures of the moneys."

24 _____. Page 13, by striking lines 22 through 35 and
25 inserting the following: "revenue and finance in
26 cooperation with each appropriate agency shall track
27 receipts to the general fund which under law were
28 previously collected to be used for specific purposes,
29 or to be credited to, or be deposited to a particular
30 account or fund, as provided in section 8.60.

31 The department of revenue and finance and each
32 appropriate agency shall prepare".

33 _____. Page 14, by inserting after line 4 the fol-
34 lowing:

35 "Sec. _____. STUDY REQUESTED. The legislative
36 council is requested to establish a study committee to
37 examine animal agriculture in this state, and its
38 impact upon the environment and nonagricultural uses
39 of land."

40 _____. Page 16, by inserting after line 16 the
41 following:

42 "Sec. _____. LEASE-PURCHASE -- BUDGET SUBMISSION.
43 This section applies to each state agency receiving an
44 appropriation in this Act. The departmental estimate
45 required under section 8.23 for the fiscal period
46 beginning July 1, 1995, which includes the state
47 agency, shall provide an itemized list indicating the
48 nature and amount of each lease-purchase contract
49 payment included in the estimate for proposed
50 contracts which have not been reported by the state

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1 agency to the legislative fiscal committee of the
 2 legislative council pursuant to section 8.46 prior to
 3 the submission of the estimate. The governor shall
 4 include in the governor's budget for the fiscal year
 5 beginning July 1, 1995, a listing indicating the
 6 nature and amount of each lease-purchase contract
 7 which was itemized in a departmental estimate in ac-
 8 cordance with this section and is included in the
 9 governor's budget. A state agency receiving an
 10 appropriation in this Act shall not enter into a
 11 lease-purchase contract during the fiscal year
 12 beginning July 1, 1995, unless the contract was
 13 itemized in a departmental estimate and included in
 14 the governor's budget in accordance with this
 15 section."

16 . By striking page 16, line 17 through page
 17 17, line 13, and inserting the following:

18 "Sec. 100. SOIL CONSERVATION ASSISTANCE. There is
 19 appropriated from the unobligated and unencumbered
 20 moneys deposited or required to be deposited in the
 21 water protection practices account of the water
 22 protection fund established in section 161C.4 to the
 23 division of soil conservation within the department of
 24 agriculture and land stewardship for the fiscal period
 25 beginning July 1, 1993, and ending June 30, 1995, the
 26 following amount, or so much thereof as is necessary,
 27 to be used for the purpose designated:

28 For the purpose of providing interest-free loans to
 29 persons who receive assistance from the United States
 30 department of agriculture under the emergency
 31 conservation program:

32 \$ 500,000

33 The loans shall be made in order to provide any
 34 matching moneys required to be contributed by a person
 35 receiving assistance under the federal program. The
 36 division shall seek to cooperate with the soil
 37 conservation service in implementing this section.
 38 The moneys must be repaid to the water protection
 39 practices account within five years from the date that
 40 the moneys are loaned. Moneys which are unobligated
 41 or unencumbered on June 30, 1995, shall be credited
 42 back to the account. In administering these moneys,
 43 the department may contract, sue, and be sued, and
 44 adopt rules necessary to carry out the provisions of
 45 this section. However, the division shall not in any
 46 manner directly or indirectly pledge the credit of
 47 this state."

48 . Page 18, by striking lines 13 through 33.

49 . Page 20, by inserting after line 21 the
 50 following:

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1 "_____. The division shall maintain records
2 regarding each award of financial incentives under
3 this section, including the name of the person; the
4 amount of the award; the location of the livestock
5 manure management system established with financial
6 incentive moneys; and whether the person is a family
7 farm corporation, family farm limited partnership,
8 family trust, or a family farm limited liability
9 company."

10 _____. Page 21, by striking line 9 and inserting
11 the following:

12 "A person, including a corporation, limited
13 liability company, or partnership established on or
14 after the effective date of this Act, other than
15 either a".

16 _____. Page 21, line 10, by striking the figure
17 "496C," and inserting the following: "496C".

18 _____. Page 21, line 14, by inserting after the
19 word "chapter." the following: "However, this section
20 shall not prohibit a person from owning an interest in
21 real property or a building where a clinic is located,
22 if veterinary medical services or a practice is
23 conducted by the clinic by a professional corporation
24 or a veterinarian licensed under this chapter."

25 _____. Page 22, by inserting after line 27 the
26 following:

27 "Sec. _____. Section 200.22, subsection 1, paragraph
28 a, as enacted by 1994 Iowa Acts, Senate File 94,
29 section 1, is amended to read as follows:

30 a. "Local governmental entity" means any political
31 subdivision, or any state authority which is not the
32 general assembly or under the direction of a principal
33 central department as enumerated in section 7E.5,
34 including a city as defined in section 362.2, a county
35 as provided in chapter 359 331, or any special purpose
36 district.

37 Sec. _____. Section 206.34, subsection 1, paragraph
38 a, as enacted by 1994 Iowa Acts, Senate File 94,
39 section 2, is amended to read as follows:

40 a. "Local governmental entity" means any political
41 subdivision, or any state authority which is not the
42 general assembly or under the direction of a principal
43 central department as enumerated in section 7E.5,
44 including a city as defined in section 362.2, a county
45 as provided in chapter 359 331, or any special purpose
46 district.

47 Sec. _____. NEW SECTION. 214.4 TAGGING OF
48 EQUIPMENT.

49 1. If the department does not receive payment of
50 the license fee required pursuant to section 214.3

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1 within one month from the due date, the department
2 shall send a notice to the owner or operator of the
3 device. The notice shall be delivered by certified
4 mail. The notice shall state all of the following:
5 a. The owner or operator is delinquent in the
6 payment of the required fee.
7 b. The owner or operator has fifteen days after
8 receipt of the notice to pay the license fee required
9 pursuant to section 214.3.

10 c. If the department does not receive payment of
11 the license fee as required, the department may
12 summarily tag and remove from service the commercial
13 weighing and measuring device.

14 2. If the license fee is not received by the
15 department within fifteen days after receipt of the
16 notice by the owner or operator of the commercial
17 weighing and measuring device, the department may tag
18 and remove from service the device for which the
19 license fee has not been paid."

20 _____. Page 23, by inserting after line 7 the
21 following:

22 "Sec. _____. Section 321.453, Code 1993, as amended
23 by 1994 Iowa Acts, Senate File 2080, section 3, is
24 amended by striking the section and inserting in lieu
25 thereof the following:

26 321.453 EXCEPTIONS.

27 The provisions of this chapter governing size,
28 weight, and load, and the permit requirements of
29 chapter 321E do not apply to fire apparatus, to road
30 maintenance equipment owned by or under lease to any
31 state or local authority, to implements of husbandry
32 temporarily moved upon a highway, to implements moved
33 from farm site to farm site or between the retail
34 seller and a farm purchaser within a one hundred mile
35 radius from the retail seller's place of business, to
36 indivisible implements of husbandry temporarily moved
37 between the place of manufacture and a retail seller
38 or a farm purchaser, to implements received and moved
39 by a retail seller of implements of husbandry in
40 exchange for an implement purchased, or to implements
41 of husbandry moved for repairs, except on any part of
42 the interstate highway system. A vehicle, carrying an
43 implement of husbandry, which is exempted from the
44 permit requirements under this section shall be
45 equipped with an amber flashing light under section
46 321.423, shall be equipped with warning flags on that
47 portion of the vehicle which protrudes into oncoming
48 traffic, and shall only operate from thirty minutes
49 prior to sunrise to thirty minutes following sunset."

50 _____. Page 23, by inserting after line 7 the

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1 following:

2 "Sec. _____. Section 455A.18, Code Supplement 1993,
3 is amended by adding the following new subsection:
4 NEW SUBSECTION. 4. Notwithstanding section 12C.7,
5 interest or earnings on investments or time deposits
6 of the moneys in the Iowa resources enhancement and
7 protection fund or any of its accounts shall be
8 credited to the Iowa resources enhancement and
9 protection fund."

10 _____. Page 23, by striking lines 8 through 16.

11 _____. Page 24, line 11, by inserting after the
12 word "account." the following: "Fees paid pursuant to
13 this section shall not be subject to the sales or
14 services tax."

15 _____. Page 26, by striking line 31 and inserting
16 the following: "required to carry out the provisions
17 of this division relating to the administration,
18 regulation, and enforcement of the federal Safe
19 Drinking Water Act and the program to assist supply
20 systems, to the extent the".

21 _____. Page 27, line 2, by striking the figure "23"
22 and inserting the following: "22, 100".

23 _____. Title page, line 3, by inserting after the
24 word "fees" the following: "and effective dates".

By EMIL J. HUSAK

BERL E. PRIEBE

BRAD BANKS

JACK W. HESTER

BILL FINK

S-5723 FILED APRIL 18, 1994

ADOPTED (p. 1336)

SENATE FILE 2314

S-5726

1 Amend the amendment, S-5723, to the House
2 amendment, S-5654, to Senate File 2314 as amended,
3 passed, and reprinted by the Senate as follows:

4 1. Page 1, by striking lines 17 through 22.

By JIM RIORDAN

S-5726 FILED APRIL 18, 1994

LOST (p. 1336)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2314

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2314, a bill for an Act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, respectfully make the following report:

1. That the conference committee is unable to agree.

ON THE PART OF THE SENATE:

EMIL J. HUSAK, Chairperson
BRAD BANKS
BILL FINK
DERRYL McLAREN
BERL E. PRIEBE

ON THE PART OF THE HOUSE:

JAMES HAHN, Chairperson
SANDY GREINER
BOB RAFFERTY

CCS-2314 FILED APRIL 20, 1994

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2314

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2314, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, respectfully make the following report:

1. That the conference committee is unable to agree.

On the Part of the Senate:

EMIL J. HUSAK, Chair
BRAD BANKS
BILL FINK
DERRYL McLAREN
BERL E. PRIEBE

On the Part of the House:

JAMES HAHN, Chair
SANDY GREINER
BOB RAFFERTY

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following second conference committee on Senate File 2314 on the part of the Senate: Senators Murphy, Chair; Husak, Priebe, McLaren and Banks.

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2314
H-6278

1 Amend the House amendment, S-5654, to Senate File
2 2314, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 3 through page 10,
5 line 35, and inserting the following:
6 "_____. Page 2, line 11, by striking the figure
7 "3,700,175" and inserting the following: "3,715,675".
8 _____. Page 2, line 12, by striking the figure
9 "121.00" and inserting the following: "122.50".
10 _____. Page 2, by inserting after line 12 the
11 following:

12 "Of the moneys appropriated and the FTEs allocated
13 pursuant to this lettered paragraph, an additional
14 \$15,500 and 1.5 additional FTEs shall be allocated for
15 purposes of supporting meat and poultry inspections as
16 provided in chapter 189A."

17 _____. Page 2, by inserting after line 30 the
18 following:

19 "Of the amount appropriated under this paragraph
20 "a", \$160,000 shall be allocated from the
21 appropriation to Iowa state university for purposes of
22 training commercial pesticide applicators."

23 _____. Page 4, by striking lines 18 through 22.

24 _____. Page 4, by striking lines 29 through 33.

25 _____. Page 5, line 18, by striking the figure
26 "1995" and inserting the following: "1996".

27 _____. Page 5, line 33, by striking the figure
28 "198,750" and inserting the following: "188,750".

29 _____. By striking page 7, line 34 through page 8,
30 line 5.

31 _____. Page 13, by inserting after line 7 the
32 following:

33 "Sec. _____. TRANSFER -- AIR QUALITY. For the
34 fiscal year beginning July 1, 1994, and ending June
35 30, 1995, the department of natural resources may
36 transfer up to \$281,000 from the hazardous substance
37 remedial fund to support purposes related to carrying
38 out the duties of the commission under section
39 455B.133, or the director under section 455B.134, or
40 for carrying out the provisions of chapter 455B,
41 division II."

42 _____. Page 13, by inserting after line 8 the
43 following:

44 "Sec. _____. DEPARTMENTAL STUDY -- COMMERCIAL
45 WEIGHING AND MEASURING DEVICES. The department of
46 agriculture and land stewardship shall study its
47 licensing structure for the inspection of commercial
48 weighing and measuring devices, including fees
49 required to be paid by licensees pursuant to section
50 214.3. The department shall examine the relationship

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1 between fees and the costs incurred in administration,
2 regulation, and enforcement of provisions relating to
3 the licensing of the devices. The department shall
4 submit a report, including findings and
5 recommendations, to the governor and the general
6 assembly by January 9, 1995."

7 _____. Page 13, by inserting after line 20 the
8 following:

9 "Sec. _____. WIND EROSION CONTROL FUND. The
10 department of agriculture and land stewardship shall
11 use all unencumbered or unobligated moneys
12 appropriated to the wind erosion control fund, and any
13 moneys which have been credited to the division of
14 soil conservation of the department of agriculture and
15 land stewardship for purposes of planting and
16 maintaining wind erosion control barriers, as
17 originally provided in 1978 Iowa Acts, chapter 1108,
18 section 7, and subsequently amended, in order to carry
19 out the original purposes. The department shall
20 submit a report to the secretary of the senate and
21 chief clerk of the house not later than January 2,
22 1995. The report shall explain actual and planned
23 expenditures of the moneys."

24 _____. Page 13, by striking lines 22 through 35 and
25 inserting the following: "revenue and finance in
26 cooperation with each appropriate agency shall track
27 receipts to the general fund which under law were
28 previously collected to be used for specific purposes,
29 or to be credited to, or be deposited to a particular
30 account or fund, as provided in section 8.60.

31 The department of revenue and finance and each
32 appropriate agency shall prepare".

33 _____. Page 14, by inserting after line 4 the fol-
34 lowing:

35 "Sec. _____. STUDY REQUESTED. The legislative
36 council is requested to establish a study committee to
37 examine animal agriculture in this state, and its
38 impact upon the environment and nonagricultural uses
39 of land."

40 _____. Page 16, by inserting after line 16 the
41 following:

42 "Sec. _____. LEASE-PURCHASE -- BUDGET SUBMISSION.
43 This section applies to each state agency receiving an
44 appropriation in this Act. The departmental estimate
45 required under section 8.23 for the fiscal period
46 beginning July 1, 1995, which includes the state
47 agency, shall provide an itemized list indicating the
48 nature and amount of each lease-purchase contract
49 payment included in the estimate for proposed
50 contracts which have not been reported by the state

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1 agency to the legislative fiscal committee of the
 2 legislative council pursuant to section 8.46 prior to
 3 the submission of the estimate. The governor shall
 4 include in the governor's budget for the fiscal year
 5 beginning July 1, 1995, a listing indicating the
 6 nature and amount of each lease-purchase contract
 7 which was itemized in a departmental estimate in ac-
 8 cordance with this section and is included in the
 9 governor's budget. A state agency receiving an
 10 appropriation in this Act shall not enter into a
 11 lease-purchase contract during the fiscal year
 12 beginning July 1, 1995, unless the contract was
 13 itemized in a departmental estimate and included in
 14 the governor's budget in accordance with this
 15 section."

16 _____. By striking page 16, line 17 through page
 17 17, line 13, and inserting the following:

18 "Sec. 100. SOIL CONSERVATION ASSISTANCE. There is
 19 appropriated from the unobligated and unencumbered
 20 moneys deposited or required to be deposited in the
 21 water protection practices account of the water
 22 protection fund established in section 161C.4 to the
 23 division of soil conservation within the department of
 24 agriculture and land stewardship for the fiscal period
 25 beginning July 1, 1993, and ending June 30, 1995, the
 26 following amount, or so much thereof as is necessary,
 27 to be used for the purpose designated:

28 For the purpose of providing interest-free loans to
 29 persons who receive assistance from the United States
 30 department of agriculture under the emergency
 31 conservation program:

32 \$ 500,000

33 The loans shall be made in order to provide any
 34 matching moneys required to be contributed by a person
 35 receiving assistance under the federal program. The
 36 division shall seek to cooperate with the soil
 37 conservation service in implementing this section.
 38 The moneys must be repaid to the water protection
 39 practices account within five years from the date that
 40 the moneys are loaned. Moneys which are unobligated
 41 or unencumbered on June 30, 1995, shall be credited
 42 back to the account. In administering these moneys,
 43 the department may contract, sue, and be sued, and
 44 adopt rules necessary to carry out the provisions of
 45 this section. However, the division shall not in any
 46 manner directly or indirectly pledge the credit of
 47 this state."

48 _____. Page 18, by striking lines 13 through 33.

49 _____. Page 20, by inserting after line 21 the
 50 following:

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1 ". The division shall maintain records
2 regarding each award of financial incentives under
3 this section, including the name of the person; the
4 amount of the award; the location of the livestock
5 manure management system established with financial
6 incentive moneys; and whether the person is a family
7 farm corporation, family farm limited partnership,
8 family trust, or a family farm limited liability
9 company."

10 . Page 21, by striking line 9 and inserting
11 the following:

12 "A person, including a corporation, limited
13 liability company, or partnership established on or
14 after the effective date of this Act, other than
15 either a".

16 . Page 21, line 10, by striking the figure
17 "496C," and inserting the following: "496C".

18 . Page 21, line 14, by inserting after the
19 word "chapter." the following: "However, this section
20 shall not prohibit a person from owning an interest in
21 real property or a building where a clinic is located,
22 if veterinary medical services or a practice is
23 conducted by the clinic by a professional corporation
24 or a veterinarian licensed under this chapter."

25 . Page 22, by inserting after line 27 the
26 following:

27 "Sec. _____. Section 200.22, subsection 1, paragraph
28 a, as enacted by 1994 Iowa Acts, Senate File 94,
29 section 1, is amended to read as follows:

30 a. "Local governmental entity" means any political
31 subdivision, or any state authority which is not the
32 general assembly or under the direction of a principal
33 central department as enumerated in section 7E.5,
34 including a city as defined in section 362.2, a county
35 as provided in chapter 359 331, or any special purpose
36 district.

37 Sec. _____. Section 206.34, subsection 1, paragraph
38 a, as enacted by 1994 Iowa Acts, Senate File 94,
39 section 2, is amended to read as follows:

40 a. "Local governmental entity" means any political
41 subdivision, or any state authority which is not the
42 general assembly or under the direction of a principal
43 central department as enumerated in section 7E.5,
44 including a city as defined in section 362.2, a county
45 as provided in chapter 359 331, or any special purpose
46 district.

47 Sec. _____. NEW SECTION. 214.4 TAGGING OF
48 EQUIPMENT.

49 1. If the department does not receive payment of
50 the license fee required pursuant to section 214.3

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1 within one month from the due date, the department
2 shall send a notice to the owner or operator of the
3 device. The notice shall be delivered by certified
4 mail. The notice shall state all of the following:
5 a. The owner or operator is delinquent in the
6 payment of the required fee.
7 b. The owner or operator has fifteen days after
8 receipt of the notice to pay the license fee required
9 pursuant to section 214.3.

10 c. If the department does not receive payment of
11 the license fee as required, the department may
12 summarily tag and remove from service the commercial
13 weighing and measuring device.

14 2. If the license fee is not received by the
15 department within fifteen days after receipt of the
16 notice by the owner or operator of the commercial
17 weighing and measuring device, the department may tag
18 and remove from service the device for which the
19 license fee has not been paid."

20 _____. Page 23, by inserting after line 7 the
21 following:

22 "Sec. _____. Section 321.453, Code 1993, as amended
23 by 1994 Iowa Acts, Senate File 2080, section 3, is
24 amended by striking the section and inserting in lieu
25 thereof the following:

26 321.453 EXCEPTIONS.

27 The provisions of this chapter governing size,
28 weight, and load, and the permit requirements of
29 chapter 321E do not apply to fire apparatus, to road
30 maintenance equipment owned by or under lease to any
31 state or local authority, to implements of husbandry
32 temporarily moved upon a highway, to implements moved
33 from farm site to farm site or between the retail
34 seller and a farm purchaser within a one hundred mile
35 radius from the retail seller's place of business, to
36 indivisible implements of husbandry temporarily moved
37 between the place of manufacture and a retail seller
38 or a farm purchaser, to implements received and moved
39 by a retail seller of implements of husbandry in
40 exchange for an implement purchased, or to implements
41 of husbandry moved for repairs, except on any part of
42 the interstate highway system. A vehicle, carrying an
43 implement of husbandry, which is exempted from the
44 permit requirements under this section shall be
45 equipped with an amber flashing light under section
46 321.423, shall be equipped with warning flags on that
47 portion of the vehicle which protrudes into oncoming
48 traffic, and shall only operate from thirty minutes
49 prior to sunrise to thirty minutes following sunset."

50 _____. Page 23, by inserting after line 7 the

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1 following:

2 "Sec. ____ . Section 455A.18, Code Supplement 1993,
3 is amended by adding the following new subsection:
4 NEW SUBSECTION. 4. Notwithstanding section 12C.7,
5 interest or earnings on investments or time deposits
6 of the moneys in the Iowa resources enhancement and
7 protection fund or any of its accounts shall be
8 credited to the Iowa resources enhancement and
9 protection fund."

10 ____ . Page 23, by striking lines 8 through 16.

11 ____ . Page 24, line 11, by inserting after the
12 word "account." the following: "Fees paid pursuant to
13 this section shall not be subject to the sales or
14 services tax."

15 ____ . Page 26, by striking line 31 and inserting
16 the following: "required to carry out the provisions
17 of this division relating to the administration,
18 regulation, and enforcement of the federal Safe
19 Drinking Water Act and the program to assist supply
20 systems, to the extent the".

21 ____ . Page 27, line 2, by striking the figure "23"
22 and inserting the following: "22, 100".

23 ____ . Title page, line 3, by inserting after the
24 word "fees" the following: "and effective dates".

RECEIVED FROM THE SENATE

H-6278 FILED APRIL 18, 1994

House Refused

4/18/94

p. 1879

Senate Insists

4-19-94

(p. 1353)

2ND
REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2314

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

We, the undersigned members of the second conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2314, a bill for an Act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6278.
2. That the House recedes from its amendment, S-5654.
3. That Senate File 2314, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 2, line 11, by striking the figure "3,700,175" and inserting the following: "3,715,675".
 2. Page 2, line 12, by striking the figure "121.00" and inserting the following: "122.50".
 3. Page 2, by inserting after line 12 the following:

"Of the moneys appropriated and the FTEs allocated pursuant to this lettered paragraph, an additional \$15,500 and 1.5 additional FTEs shall be allocated for purposes of supporting meat and poultry inspections as provided in chapter 189A."
 4. Page 2, by inserting after line 30 the following:

"Of the amount appropriated under this paragraph "a", \$160,000 shall be allocated from the appropriation to Iowa state university for purposes of training commercial pesticide applicators."
 5. Page 4, by striking lines 18 through 22.
 6. Page 4, by striking lines 29 through 33.
 7. Page 5, line 33, by striking the figure "198,750" and inserting the following: "188,750".
 8. Page 7, line 8, by striking the figure "1,852,012" and inserting the following: "1,827,012".

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9. Page 7, line 32, by striking the figure "1,797,940" and inserting the following: "1,922,940".

10. By striking page 7, line 34 through page 8, line 5.

11. Page 8, line 6, by striking the figure "279,000" and inserting the following: "404,000".

12. Page 11, line 24, by striking the figure "266.39C" and inserting the following: "266.39D".

13. Page 12, line 20, by striking the figure "900,000" and inserting the following: "800,000".

14. Page 13, by inserting after line 7 the following:

"Sec. ____ . TRANSFER -- AIR QUALITY. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, the department of natural resources may transfer up to \$281,000 from the hazardous substance remedial fund to support purposes related to carrying out the duties of the commission under section 455B.133, or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division II."

15. Page 13, by inserting after line 8 the following:

"Sec. ____ . DEPARTMENTAL STUDY -- COMMERCIAL WEIGHING AND MEASURING DEVICES. The department of agriculture and land stewardship shall study its licensing structure for the inspection of commercial weighing and measuring devices, including fees required to be paid by licensees pursuant to section 214.3. The department shall examine the relationship between fees and the costs incurred in administration, regulation, and enforcement of provisions relating to the licensing of the devices. The department shall submit a report, including findings and recommendations, to the governor and the general assembly by January 9, 1995."

16. Page 13, by inserting after line 20 the following:

"Sec. ____ . WIND EROSION CONTROL FUND. The department of agriculture and land stewardship shall use all unencumbered or unobligated moneys appropriated to the wind erosion control fund, and any moneys which have been credited to the division of soil conservation of the department of agriculture and land

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stewardship for purposes of planting and maintaining wind erosion control barriers, as originally provided in 1978 Iowa Acts, chapter 1108, section 7, and subsequently amended, in order to carry out the original purposes. The department shall submit a report to the secretary of the senate and chief clerk of the house not later than January 2, 1995. The report shall explain actual and planned expenditures of the moneys."

17. Page 13, by striking lines 22 through 35 and inserting the following: "revenue and finance in cooperation with each appropriate agency shall track receipts to the general fund which under law were previously collected to be used for specific purposes, or to be credited to, or be deposited to a particular account or fund, as provided in section 8.60.

The department of revenue and finance and each appropriate agency shall prepare".

18. Page 14, by inserting after line 4 the following:

"Sec. ____ . STUDY REQUESTED. The legislative council is requested to establish a study committee to examine animal agriculture in this state, and its impact upon the environment and nonagricultural uses of land."

19. Page 16, by inserting after line 16 the following:

"Sec. ____ . LEASE-PURCHASE -- BUDGET SUBMISSION. This section applies to each state agency receiving an appropriation in this Act. The departmental estimate required under section 8.23 for the fiscal period beginning July 1, 1995, which includes the state agency, shall provide an itemized list indicating the nature and amount of each lease-purchase contract payment included in the estimate for proposed contracts which have not been reported by the state agency to the legislative fiscal committee of the legislative council pursuant to section 8.46 prior to the submission of the estimate. The governor shall include in the governor's budget for the fiscal year beginning July 1, 1995, a listing indicating the nature and amount of each lease-purchase

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contract which was itemized in a departmental estimate in accordance with this section and is included in the governor's budget. A state agency receiving an appropriation in this Act shall not enter into a lease-purchase contract during the fiscal year beginning July 1, 1995, unless the contract was itemized in a departmental estimate and included in the governor's budget in accordance with this section."

20. By striking page 16, line 17 through page 17, line 13, and inserting the following:

"Sec. 200. SOIL CONSERVATION ASSISTANCE. There is appropriated from the unobligated and unencumbered moneys deposited or required to be deposited in the water protection practices account of the water protection fund established in section 161C.4 to the division of soil conservation within the department of agriculture and land stewardship for the fiscal period beginning July 1, 1993, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of providing interest-free loans to persons who receive assistance from the United States department of agriculture under the emergency conservation program:

..... \$ 500,000

The loans shall be made in order to provide any matching moneys required to be contributed by a person receiving assistance under the federal program. The division shall seek to cooperate with the soil conservation service in implementing this section. The moneys must be repaid to the water protection practices account within five years from the date that the moneys are loaned. Moneys which are unobligated or unencumbered on June 30, 1995, shall be credited back to the account. In administering these moneys, the department may contract, sue, and be sued, and adopt rules necessary to carry out the provisions of this section. However, the division shall not in any manner directly or indirectly pledge the credit of this state."

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21. Page 18, by striking lines 13 through 33.

22. Page 20, by inserting after line 21 the following:

"___. The division shall maintain records regarding each award of financial incentives under this section, including the name of the person; the amount of the award; the location of the livestock manure management system established with financial incentive moneys; and whether the person is a family farm corporation, family farm limited partnership, family trust, or a family farm limited liability company."

23. Page 21, by striking line 9 and inserting the following:

"A person, including a corporation, limited liability company, or partnership, established on or after the effective date of this Act, other than either a".

24. Page 21, line 10, by striking the figure "496C," and inserting the following: "496C".

25. Page 21, line 14, by inserting after the word "chapter." the following: "However, this section shall not prohibit a person from owning an interest in real property or a building where a clinic is located, if veterinary medical services or a practice is conducted by the clinic by a professional corporation or a veterinarian licensed under this chapter."

26. Page 22, by inserting after line 27 the following:

"Sec. ___. Section 200.22, subsection 1, paragraph a, as enacted by 1994 Iowa Acts, Senate File 94, section 1, is amended to read as follows:

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 359 331, or any special purpose district.

Sec. ___. Section 206.34, subsection 1, paragraph a, as enacted by 1994 Iowa Acts, Senate File 94, section 2, is

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amended to read as follows:

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 359 331, or any special purpose district.

Sec. ____ . NEW SECTION. 214.4 TAGGING OF EQUIPMENT.

1. If the department does not receive payment of the license fee required pursuant to section 214.3 within one month from the due date, the department shall send a notice to the owner or operator of the device. The notice shall be delivered by certified mail. The notice shall state all of the following:

a. The owner or operator is delinquent in the payment of the required fee.

b. The owner or operator has fifteen days after receipt of the notice to pay the license fee required pursuant to section 214.3.

c. If the department does not receive payment of the license fee as required, the department may summarily tag and remove from service the commercial weighing and measuring device.

2. If the license fee is not received by the department within fifteen days after receipt of the notice by the owner or operator of the commercial weighing and measuring device, the department may tag and remove from service the device for which the license fee has not been paid."

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

"Sec. ____ . Section 321.453, Code 1993, as amended by 1994 Iowa Acts, Senate File 2080, section 3, is amended by striking the section and inserting in lieu thereof the following:

321.453 EXCEPTIONS.

The provisions of this chapter governing size, weight, and load, and the permit requirements of chapter 321E do not apply

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to fire apparatus, to road maintenance equipment owned by or under lease to any state or local authority, to implements of husbandry temporarily moved upon a highway, to implements moved from farm site to farm site or between the retail seller and a farm purchaser within a one hundred mile radius from the retail seller's place of business, to indivisible implements of husbandry temporarily moved between the place of manufacture and a retail seller or a farm purchaser, to implements received and moved by a retail seller of implements of husbandry in exchange for an implement purchased, or to implements of husbandry moved for repairs, except on any part of the interstate highway system. A vehicle, carrying an implement of husbandry, which is exempted from the permit requirements under this section shall be equipped with an amber flashing light under section 321.423, shall be equipped with warning flags on that portion of the vehicle which protrudes into oncoming traffic, and shall only operate from thirty minutes prior to sunrise to thirty minutes following sunset.

Sec. ____ . Section 455A.18, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 12C.7, interest or earnings on investments or time deposits of the moneys in the Iowa resources enhancement and protection fund or any of its accounts shall be credited to the Iowa resources enhancement and protection fund."

28. Page 23, by striking lines 8 through 16.

29. Page 24, by striking lines 5 through 33 and inserting the following:

"2. The commission shall adopt fees as required pursuant to section 455B.105 for permits required for public water supply systems as provided in sections 455B.174 and 455B.183. Fees paid pursuant to this section shall not be subject to the sales or services tax. The fees shall be for each of the following:

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a. The construction, installation, or modification of a public water supply system. The amount of the fees may be based on the type of system being constructed, installed, or modified.

b. The operation of a public water supply system, including any part of the system. The fees may be based on the type and size of community served by the system. The commission shall adopt a fee schedule. The commission shall calculate all fees in the schedule to produce total revenues equaling four hundred seventy-five thousand dollars for the fiscal year beginning July 1, 1994, and ending June 30, 1995, seven hundred thousand dollars for the fiscal year beginning July 1, 1995, and ending June 30, 1996, nine hundred thousand dollars for the fiscal year beginning July 1, 1996, and ending June 30, 1997, and one million two hundred thousand dollars for each subsequent fiscal year. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, twenty-five thousand dollars shall be deposited in the administration account and four hundred fifty thousand dollars shall be deposited in the public water supply system account. For each subsequent fiscal year, one-half of the fees shall be deposited into the administration account and one-half of the fees shall be deposited into the public water supply system account. By May 1 of each year, the department shall estimate the total revenue expected to be collected from the overpayment of fees, which are all fees in excess of the amount of the total revenues which are expected to be collected under the current fee schedule, and the total revenue expected to be collected from the payment of fees during the next fiscal year. The commission shall adjust the fees if the estimate exceeds the amount of revenue required to be deposited in the fund pursuant to this paragraph."

30. Page 27, by striking line 2 and inserting the following:

"Sec. ____ . EFFECTIVE DATE. Sections 2, 22, 200, 25, 26,

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39, 40, 41, 42,".

31. Title page, line 3, by inserting after the word "fees" the following: "and effective dates"."

32. By renumbering and relettering as necessary.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

LARRY MURPHY, Chairperson
BRAD BANKS
EMIL J. HUSAK
DERRYL McLAREN
BERL E. PRIEBE

RON CORBETT, Chairperson
SANDY GREINER
JAMES HAHN
DON SHOULTZ

4/20/94

*4/20/94
(p. 2005)*

CCS-2314.1 FILED APRIL 20, 1994
ADOPTED

Husak - Chair
Murphy
Banks

SSB-2257
Appropriations
SENATE FILE 2314
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
SENATE APPROPRIATIONS
SUBCOMMITTEE ON AGRICULTURE
AND NATURAL RESOURCES)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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

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

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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, 1994, and ending June 30, 1995, 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, and for the salaries and support of
12 not more than the following full-time equivalent positions:

13	\$	1,892,481
14	FTEs	47.45

15 (1) Of the funds appropriated in this paragraph "a",
16 \$316,000 and 7.00 FTEs shall be used to support horticulture.

17 (2) Of the amount appropriated in this paragraph "a",
18 \$50,000 shall be allocated to the state 4-H foundation to
19 foster the development of Iowa's youth and to encourage them
20 to study the subject of agriculture.

21 (3) Of the amount appropriated in this paragraph "a",
22 \$129,000 and 4.00 FTEs shall be allocated to the statistics
23 bureau to provide county-by-county information on land in
24 farms, production by crop, acres by crop, and county prices by
25 crop. This information shall be made available to the
26 department of revenue and finance for use in the productivity
27 formula for valuing and equalizing the values of agricultural
28 land.

29 (4) Of the amount appropriated in this paragraph "a", \$500
30 shall be allocated as state aid to support the north Iowa
31 poultry expo.

32 (5) Of the amount appropriated in this paragraph "a", not
33 more than \$5,000 shall be allocated to the Iowa junior angus
34 association for the development of a commemorative pin in
35 connection with the 1994 angus junior national show.

1 b. For the operations of the dairy trade practices bureau:
2 \$ 70,719

3 c. For the purpose of performing commercial feed audits:
4 \$ 59,834

5 d. For the purpose of performing fertilizer audits:
6 \$ 59,834

7 2. REGULATORY DIVISION

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

11 \$ 3,700,175

12 FTEs 121.00

13 b. To cover the costs of inspection, sampling, analysis,
14 and other expenses necessary for the administration of
15 chapters 192, 194, and 195:

16 \$ 639,622

17 3. LABORATORY DIVISION

18 a. For salaries, support, maintenance, and miscellaneous
19 purposes, including the administration of the gypsy moth
20 program, and for not more than the following full-time
21 equivalent positions:

22 \$ 777,271

23 FTEs 76.10

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

31 b. For the operations of the commercial feed programs:
32 \$ 728,934

33 c. For the operations of the pesticide programs:
34 \$ 1,201,261

35 d. For the operations of the fertilizer programs:

1 \$ 621,257

2 4. SOIL CONSERVATION DIVISION

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

6 \$ 5,146,655

7 FTEs 159.30

8 Of the funds appropriated in this paragraph "a", \$330,000
9 shall be used to reimburse commissioners of soil and water
10 conservation districts for administrative expenses. Moneys
11 used for the payment of meeting dues by counties shall be
12 matched on a dollar-for-dollar basis by the soil conservation
13 division.

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

16 \$ 5,918,606

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

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

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

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

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

1 nonpoint source pollution control practices.

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

4 d. The provisions of section 8.33 shall not apply to the
5 moneys appropriated in paragraph "b". Unencumbered or
6 unobligated moneys remaining on June 30, 1998, from moneys
7 appropriated in paragraph "b" for the fiscal year beginning
8 July 1, 1994, shall revert to the general fund on August 31,
9 1998.

10 Sec. 2. LEVEE RECONSTRUCTION.

11 1. To the extent that moneys are available or appropriated
12 for the fiscal year beginning July 1, 1994, and ending June
13 30, 1995, to support the purposes of this section, the
14 division of soil conservation of the department of agriculture
15 and land stewardship shall provide financial incentives for
16 soil conservation practices for the purposes of providing
17 assistance in repairing and reconstructing levees.

18 2. Of the amount available or appropriated for purposes of
19 carrying out this section, the division shall allocate four
20 percent to each of the twenty-five soil and water conservation
21 districts requiring the most amount of assistance to
22 reconstruct and repair levees, as determined by the division.

23 3. The commissioners of each district receiving moneys
24 shall use the moneys to assist persons in reconstructing or
25 repairing levees damaged by floods occurring during 1993. The
26 following conditions shall apply:

27 a. The division shall award the moneys based upon
28 applications for specific projects submitted by the districts.
29 The share of a district's allocation which is unencumbered or
30 unobligated on November 1, 1994, shall be allocated among the
31 selected districts to support applications which could not
32 otherwise be funded under this section, as determined by the
33 division.

34 b. The moneys shall be awarded on a cost-share basis. A
35 person shall not receive more than 40 percent of the total

1 cost of repair or reconstruction.

2 c. Moneys shall not be used to support a project, if other
3 state or federal moneys have been contributed to support the
4 project.

5 d. Moneys shall only be used to support a project which
6 restores a levee to its condition prior to the flood damage.
7 However, moneys may support improvements which are incidental
8 to the repairs or reconstruction.

9 e. A person shall not be eligible to receive assistance
10 under this section, unless the person is an individual who is
11 actively engaged in farming as provided in section 9H.1,
12 subsection 1, paragraphs "a" through "c", or the person is a
13 family corporation, family farm limited partnership, family
14 trust, or family farm limited liability company, as defined in
15 section 9E.1.

16 4. Notwithstanding section 8.33, moneys appropriated
17 pursuant to this section which are unencumbered or unobligated
18 on June 30, 1995, shall be credited to the conservation
19 practices revolving loan fund created pursuant to section
20 161A.71.

21 Sec. 3. FARMERS' MARKET COUPON PROGRAM. There is
22 appropriated from the general fund of the state to the
23 department of agriculture and land stewardship for the fiscal
24 year beginning July 1, 1994, and ending June 30, 1995, the
25 following amount, or so much thereof as is necessary, to be
26 used for the purposes designated:

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

33	\$	198,750
34	FTEs	1.00

35 Sec. 4. PSEUDORABIES ERADICATION PROGRAM.

1 1. There is appropriated from the general fund of the
2 state to the department of agriculture and land stewardship
3 for the fiscal year beginning July 1, 1994, and ending June
4 30, 1995, the following amount, or so much thereof as is
5 necessary, to be used for the purpose designated:

6 For support of the pseudorabies eradication program:
7 \$ 900,100

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

13 Sec. 5. HORSE AND DOG RACING. There is appropriated from
14 the moneys available under section 99D.13 to the regulatory
15 division of the department of agriculture and land stewardship
16 for the fiscal year beginning July 1, 1994, and ending June
17 30, 1995, the following amount, or so much thereof as is
18 necessary, to be used for the purpose designated:

19 For salaries, support, maintenance, and miscellaneous
20 purposes for the administration of section 99D.22:
21 \$ 185,964

22 Sec. 6. INTERSTATE COMPACT ON AGRICULTURAL GRAIN
23 MARKETING. There is appropriated from the general fund of the
24 state to the interstate agricultural grain marketing
25 commission for the fiscal year beginning July 1, 1994, and
26 ending June 30, 1995, the following amount, or so much thereof
27 as is necessary, to be used for the purpose designated:

28 For carrying out duties of the commission as provided in
29 Article IV of the interstate compact on agricultural grain
30 marketing as provided in chapter 183:
31 \$ 78,000

32 DEPARTMENT OF NATURAL RESOURCES

33 Sec. 7. GENERAL APPROPRIATION. There is appropriated from
34 the general fund of the state to the department of natural
35 resources for the fiscal year beginning July 1, 1994, and

1 ending June 30, 1995, the following amounts, or so much
2 thereof as is necessary, to be used for the purposes
3 designated:

4 1. ADMINISTRATIVE AND SUPPORT SERVICES

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

8 \$ 1,852,012
9 FTEs 115.50

10 2. PARKS AND PRESERVES DIVISION

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

14 \$ 5,365,960
15 FTEs 195.73

16 3. FORESTS AND FORESTRY DIVISION

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

20 \$ 1,426,916
21 FTEs 48.71

22 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

26 \$ 1,651,984
27 FTEs 52.00

28 5. ENVIRONMENTAL PROTECTION DIVISION

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

32 \$ 1,797,940
33 FTEs 176.00

34 b. Of the amount appropriated in paragraph "a", \$10,500
35 shall be used by the division for purposes of studying the

1 effects of urban contamination, if any, of state waters. The
2 department shall prepare a report based on the study which
3 shall be delivered to the secretary of the senate and chief
4 clerk of the house of representatives not later than January
5 6, 1995.

6 c. Of the amount appropriated in paragraph "a", \$279,000
7 shall be allocated to the administration account of the water
8 quality protection fund established pursuant to section
9 455B.183A as enacted in this Act. Of the number of FTEs
10 authorized pursuant to paragraph "a", 15.00 FTEs shall be
11 dedicated to carrying out the provisions of chapter 455B
12 relating to the administration, regulation, and enforcement of
13 the federal Safe Drinking Water Act and to support the program
14 to assist supply systems as provided in section 455B.183B.
15 However, limitations on full-time equivalent positions
16 provided in paragraph "a" of this subsection shall not limit
17 the number of additional full-time equivalent positions
18 supported by moneys deposited in the water quality protection
19 fund as provided in section 455B.183A, as enacted in this Act,
20 in order to carry out the provisions of division III of
21 chapter 455B relating to the administration, regulation, and
22 enforcement of the federal Safe Drinking Water Act, and the
23 administration of the program to assist supply systems
24 pursuant to section 455B.183B as enacted in this Act.

25 d. In administering the program to assist supply systems
26 pursuant to section 455B.183B, as enacted in this Act, the
27 department shall develop public-private partnerships as
28 described in that section, in order to provide technical
29 assistance and vulnerability and viability studies. In
30 providing assistance under this paragraph, the department
31 shall provide priority to systems serving a population of
32 seven thousand or less. At least two FTEs shall be allocated
33 to provide assistance to systems serving a population of seven
34 thousand or less.

35 6. FISH AND WILDLIFE DIVISION

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

3 FTEs 338.93

4 7. WASTE MANAGEMENT ASSISTANCE DIVISION

5 For not more than the following full-time equivalent
6 positions:

7 FTEs 16.75

8 Sec. 8. STATE FISH AND GAME PROTECTION FUND -- APPRO-
9 PRIATION TO THE DIVISION OF FISH AND WILDLIFE.

10 1. There is appropriated from the state fish and game
11 protection fund to the division of fish and wildlife of the
12 department of natural resources for the fiscal year beginning
13 July 1, 1994, and ending June 30, 1995, the following amount,
14 or so much thereof as is necessary, to be used for the
15 purposes designated:

16 For administrative support, and for salaries, support,
17 maintenance, equipment, and miscellaneous purposes:
18 \$ 20,420,670

19 2. The department shall not expend more moneys from the
20 fish and game protection fund than provided in this section,
21 unless the expenditure derives from contributions made by a
22 private entity, or a grant or moneys received from the federal
23 government, and is approved by the natural resource
24 commission. The department of natural resources shall
25 promptly notify the legislative fiscal bureau of the
26 commission's approval, and the chairpersons and ranking
27 members of the joint appropriations subcommittee on
28 agriculture and natural resources concerning the commission's
29 approval.

30 Sec. 9. MARINE FUEL TAX RECEIPTS -- CAPITALS; NONCAPITALS;
31 AND BOATING FACILITIES AND ACCESS. There is appropriated from
32 the marine fuel tax receipts deposited in the general fund of
33 the state to the department of natural resources for the
34 fiscal year beginning July 1, 1994, and ending June 30, 1995,
35 the following amounts, or so much thereof as is necessary, to

1 be used for the purposes designated:

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

5 \$ 200,000

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

9 \$ 411,311

10 Notwithstanding section 8.33, the unencumbered or
11 unobligated moneys remaining on June 30, 1995, from moneys
12 appropriated in subsection 1, may be expended during the
13 fiscal year beginning July 1, 1995, and ending June 30, 1996,
14 and shall not revert to the general fund until August 31,
15 1996.

16 Sec. 10. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT
17 PURPOSES. There is transferred on July 1, 1994, from the fees
18 deposited under section 321G.7 to the fish and game protection
19 fund and appropriated to the department of natural resources
20 for the fiscal year beginning July 1, 1994, and ending June
21 30, 1995, the following amount, or so much thereof as is
22 necessary, to be used for the purpose designated:

23 For the purpose of enforcing snowmobile laws as part of the
24 state snowmobile program administered by the department of
25 natural resources:

26 \$ 100,000

27 Sec. 11. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.
28 There is transferred on July 1, 1994, from the fees deposited
29 under section 462A.52 to the fish and game protection fund and
30 appropriated to the department of natural resources for the
31 fiscal year beginning July 1, 1994, and ending June 30, 1995,
32 the following amount, or so much thereof as is necessary, to
33 be used for the purpose designated:

34 For purposes of administration and enforcement of
35 navigation laws and water safety:

1 \$ 1,571,590

2 Of the amount transferred in this section, \$371,590 shall
3 be used to purchase additional equipment used for the
4 enforcement of navigation laws and water safety.

5 RESOURCES ENHANCEMENT AND PROTECTION

6 Sec. 12. GENERAL APPROPRIATION. Notwithstanding the
7 amount of the standing appropriation from the general fund of
8 the state under section 455A.18, subsection 3, there is
9 appropriated from the general fund of the state to the Iowa
10 resources enhancement and protection fund, in lieu of the
11 appropriation made in section 455A.18, for the fiscal year
12 beginning July 1, 1994, and ending June 30, 1995, the sum of
13 \$7,000,000, of which all moneys shall be allocated as provided
14 in section 455A.19.

15 ANIMAL INDUSTRY APPROPRIATIONS

16 Sec. 13. LIVESTOCK PRODUCERS ASSISTANCE.

17 1. There is appropriated from the general fund of the
18 state to Iowa state university of science and technology, for
19 the fiscal year beginning July 1, 1994, and ending June 30,
20 1995, the following amount, or so much thereof as is
21 necessary, to be used for the purposes designated:

22 For the administration of the livestock producers
23 assistance program established pursuant to section 266.39C,
24 including salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-time
26 equivalent positions:
27 \$ 200,000
28 FTEs 8.28

29 2. As a condition of this appropriation, the university
30 shall strive to ensure that the program becomes increasingly
31 self-sufficient. The university shall adopt a plan detailing
32 the manner in which the program will become self-sufficient,
33 including the expected amount of state funds necessary to
34 support the program until it becomes self-sufficient, the
35 sources of revenue expected to contribute to the program, and

1 the amount each source is expected to contribute to the
2 program. The plan shall be submitted to the legislative
3 fiscal bureau by November 1, 1994.

4 3. The provisions of section 8.33 shall not apply to the
5 moneys appropriated in this section. Unencumbered or unobli-
6 gated moneys remaining on June 30, 1998, from moneys
7 appropriated in this section for the fiscal year beginning
8 July 1, 1994, shall revert to the general fund on August 31,
9 1998.

10 Sec. 14. ORGANIC NUTRIENT MANAGEMENT.

11 1. There is appropriated from the general fund of the
12 state to the department of agriculture and land stewardship
13 for the fiscal year beginning July 1, 1994, and ending June
14 30, 1995, the following amount, or so much thereof as is
15 necessary, to be used for the purposes designated:

16 For deposit in the organic nutrient management fund for
17 administration of the organic nutrient management program, as
18 provided in section 161C.6:

19 \$ 900,000

20 2. Notwithstanding section 161C.5, unencumbered or
21 unobligated moneys remaining on June 30, 1998, from moneys
22 appropriated in this section for the fiscal year beginning
23 July 1, 1994, shall revert to the general fund on August 31,
24 1998.

25 3. The department shall transfer moneys appropriated to
26 the organic nutrient management account created pursuant to
27 1993 Iowa Acts, chapter 176, section 14, to the organic
28 nutrient management fund as established pursuant to this Act.
29 The department shall eliminate the account.

30 RELATED APPROPRIATIONS

31 Sec. 15. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE
32 UNDERGROUND STORAGE TANK BOARD -- TRANSFER. There is
33 appropriated from the unassigned revenue fund administered by
34 the Iowa comprehensive underground storage tank board, to the
35 department of natural resources for the fiscal year beginning

1 July 1, 1994, and ending June 30, 1995, the following amount,
2 or so much thereof as is necessary, to be used for the purpose
3 designated:

4 For administration expenses of the underground storage tank
5 section of the department of natural resources:

6 \$ 75,000

7 MISCELLANEOUS

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

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

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

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

- 25 1. The fertilizer fund created in section 200.9.
- 26 2. The pesticide fund created in section 206.12.
- 27 3. The dairy trade practices trust fund pursuant to
- 28 section 192A.30.
- 29 4. The milk fund created in section 192.111.
- 30 5. The commercial feed fund created in section 198.9.
- 31 6. The marine fuel tax fund created in section 452A.79.
- 32 7. The energy research and development fund provided in
- 33 section 473.11, enacted in 1993 Iowa Acts, chapter 11.

34 The departments designated in this section shall prepare
35 reports detailing revenue from receipts traditionally

1 deposited into each of the funds. A report shall be submitted
2 to the legislative fiscal bureau at least once for each three-
3 month period as designated by the legislative fiscal bureau.

4 Sec. 18. DEPARTMENTAL INFORMATION REQUIRED.

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

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

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

1 the accounting system has been closed for that fiscal year.

2 Sec. 19. PREFERENCE PROVIDED -- PERSONS MEETING
3 ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM. In its
4 employment of persons in temporary positions in conservation
5 and outdoor recreation, the department of natural resources
6 shall give preference to persons meeting eligibility
7 requirements for the green thumb program and to persons
8 working toward an advanced education in natural resources and
9 conservation.

10 Sec. 20. AIR QUALITY STANDARDS. During the fiscal year
11 for which funds are appropriated to the department of natural
12 resources under this Act, the department shall not require the
13 installation or use of equipment to control the emission of
14 dust or other particulate matter on or by facilities for
15 storage of grain which are located within the ambient air
16 quality attainment areas for suspended particulates. However,
17 this subsection shall not be effective upon the delegation by
18 the United States to this state of the air operating permit
19 program as provided by the federal Clean Air Act Amendments of
20 1990, Pub. L. No. 101-549.

21 Sec. 21. AIR QUALITY PROGRAM -- NONGENERAL FUND SUPPORT.
22 The department of natural resources for the fiscal year
23 beginning July 1, 1994, and ending June 30, 1995, shall not
24 use moneys appropriated from the general fund of the state
25 pursuant to this Act, to support any purpose related to
26 carrying out the duties of the commission under section
27 455B.133 or the director under section 455B.134, or for
28 carrying out the provisions of chapter 455B, division II.

29 Notwithstanding section 455B.133B, the department may use
30 moneys deposited in the air contaminant source fund created in
31 section 455B.133B during the fiscal year for any purpose
32 related to carrying out the duties of the commission under
33 section 455B.133 or the director under section 455B.134, or
34 for carrying out the provisions of chapter 455B, division II.

35 Sec. 22. MORATORIUM -- LEASE-PURCHASE CONTRACTS

1 MORATORIUM. The department of agriculture and land
2 stewardship or the department of natural resources shall not
3 become a party to a lease-purchase contract for the purchase
4 of property acquired by the department for the period
5 beginning July 1, 1994, and ending June 30, 1995. A person,
6 including the department of general services, shall not be a
7 party to a lease-purchase contract for the purchase of
8 property on behalf of either department for that same period.
9 This section shall not alter the obligations of a party to a
10 lease-purchase contract executed prior to the effective date
11 of this Act. The department of agriculture and land
12 stewardship, the department of natural resources, or a person
13 acting on behalf of either department, shall not extend the
14 terms of any existing lease-purchase contract which would
15 expire on or before the effective date of this Act.

16 Sec. 23. RENEWABLE FUEL PRODUCTION INFRASTRUCTURE PROGRAM.

17 1. The general assembly finds and declares that motor
18 vehicles will increasingly operate using renewable fuel rather
19 than rapidly depleting petroleum products, and that the
20 construction and maintenance of roads and highways will be
21 financed from the sale of renewable fuel, including but not
22 limited to ethanol and soydiesel based products. The division
23 of soil conservation of the department of agriculture and land
24 stewardship shall establish and administer a renewable fuel
25 production infrastructure program in order to protect
26 renewable fuel sources.

27 2. All unobligated and unencumbered moneys appropriated to
28 the wind erosion control fund, and any moneys which have been
29 credited to the division of soil conservation of the
30 department of agriculture and land stewardship for purposes of
31 planting or maintaining wind erosion control barriers, as
32 originally provided in 1978 Acts, chapter 1108, section 7, and
33 subsequently amended, shall be transferred to the conservation
34 practices revolving loan fund created in section 161A.71.

35 3. The division shall allocate the moneys to provide loans

1 to persons as provided in section 161A.71. The moneys must be
2 used to reestablish or repair a permanent soil and water
3 conservation practice which the commissioners of the soil and
4 water conservation district in which the land is located finds
5 necessary or advisable to meet the soil loss limits
6 established for that land. In order to be eligible to receive
7 the loan, the person must participate in an emergency soil
8 conservation program administered by the United States
9 department of agriculture and produce agricultural commodities
10 capable of being processed into a renewable fuel. The
11 agricultural commodity must be produced on land served by the
12 permanent soil and water conservation practice.

13 Sec. 24. RULES REQUIRED -- PESTICIDE AND FERTILIZER
14 CONTAMINATED SITES. By December 31, 1994, the environmental
15 protection commission shall adopt rules as provided in chapter
16 17A and required pursuant to section 455B.601, including rules
17 to establish criteria for the classification and
18 prioritization of sites upon which pesticide and fertilizer
19 contamination has been discovered.

20 STATUTORY CHANGES

21 Sec. 25. 1987 Iowa Acts, chapter 233, section 204,
22 subsection 5, as amended by 1989 Iowa Acts, chapter 311,
23 section 21, as amended by 1990 Iowa Acts, chapter 1260,
24 section 20, is amended to read as follows:

25 5. It is the intention of the general assembly in adopting
26 the appropriation under subsection 1 and this subsection to
27 cease funding for the department's implementation of the
28 federal Resource Conservation and Recovery Act permit program
29 for hazardous waste facilities in this state. Section
30 455B.411, subsections 6, 9, and 10, section 455B.412,
31 subsections 2 through 4, and sections 455B.413 through
32 455B.421 are suspended and do not apply as they pertain to
33 that permit program, but are not suspended and do apply as
34 they pertain to abandoned and uncontrolled sites, used oil,
35 and site licensing under chapter 455B, division IV, part 6.

1 The suspension provided by this subsection begins July 1, 1987
2 and ends June 30, ~~1994~~ 1999.

3 Sec. 26. 1993 Iowa Acts, chapter 176, section 25,
4 subsection 2, is amended to read as follows:

5 2. Notwithstanding section 8.33, unencumbered or
6 unobligated moneys remaining on June 30, 1993, from moneys
7 appropriated pursuant to 1992 Iowa Acts, Second Extraordinary
8 Session, chapter 1001, section 402, may be expended during the
9 fiscal year period beginning July 1, 1993, and ending June 30,
10 ~~1994~~ 1995, and shall not revert to the general fund until
11 August 31, ~~1994~~ 1995.

12 Sec. 27. Section 8.23, Code 1993, is amended by adding the
13 following new unnumbered paragraph after unnumbered paragraph
14 1:

15 NEW UNNUMBERED PARAGRAPH. On or before September 1, as
16 part of estimates of expenditure requirements, including
17 proposed expenditures, for the ensuing fiscal year, as
18 provided in this section, the department of agriculture and
19 land stewardship and the department of natural resources shall
20 transmit to the director estimates relating to contracts,
21 including proposed contracts, involving lease-purchase
22 arrangements, under which that department expects to receive a
23 benefit. The transmittal shall include all of the following:

- 24 1. A description of the object of the contract.
- 25 2. The administrative unit, including division or bureau,
26 responsible for the purchased object of the contract.
- 27 3. The total cost of all payments due or expected under
28 the contract.
- 29 4. The amount required or expected to be paid under the
30 contract for the ensuing fiscal year.
- 31 5. The contract's termination or expected termination
32 date.

33 Sec. 28. Section 159.29, subsection 2, unnumbered
34 paragraph 1, Code 1993, is amended to read as follows:

35 An owner of an agricultural drainage well and a landholder

1 whose land is drained by the well or wells of another person
2 shall develop, in consultation with the department of
3 agriculture and land stewardship and the department of natural
4 resources, a plan which proposes alternatives to the use of
5 agricultural drainage wells by July 1, ~~1994~~ 1996.

6 Sec. 29. NEW SECTION. 161C.5 ORGANIC NUTRIENT MANAGEMENT
7 FUND.

8 1. An organic nutrient management fund is created in the
9 state treasury under the control of the division. The fund is
10 composed of moneys appropriated by the general assembly, and
11 moneys available to and obtained or accepted by the division
12 or the state soil conservation committee, from the United
13 States or private sources for placement in the fund.

14 2. Moneys in the fund are subject to an annual audit by
15 the auditor of state. The fund is subject to warrants by the
16 director of revenue and finance, drawn upon the written
17 requisition of the division.

18 3. The fund shall be used to support the organic nutrient
19 management program provided in section 161C.6. Moneys shall
20 be used to provide financial incentives and to pay for
21 administrative expenses incurred by the division. Not more
22 than two percent of the moneys shall be used to pay for
23 administering the organic nutrient management program. Moneys
24 expended for financial incentives shall be allocated on a
25 cost-share basis. The division may adopt rules to administer
26 this section.

27 4. The division shall not in any manner directly or
28 indirectly pledge the credit of the state.

29 5. Section 8.33 shall not apply to moneys in the fund.
30 Moneys earned as income, including as interest, from the fund
31 shall remain in the fund until expended as provided in this
32 section.

33 Sec. 30. NEW SECTION. 161C.6 ORGANIC NUTRIENT MANAGEMENT
34 PROGRAM.

35 1. The division shall establish an organic nutrient

1 management program as provided by rules which shall be adopted
2 by the division. The program shall be supported from moneys
3 deposited in the organic nutrient management fund.

4 2. a. The program shall provide financial incentives to
5 establish livestock manure management systems to facilitate
6 the proper utilization of livestock manure as a nutrient
7 source, and to protect the water resources of the state from
8 livestock manure runoff.

9 b. A person shall not be eligible to participate in the
10 program, unless the person is an individual family farmer, an
11 individual actively engaged in farming as provided in section
12 9H.1, subsection 1, paragraphs "a" through "c", or the person
13 is a family farm corporation, family farm limited partnership,
14 a family farm trust, or a family farm limited liability
15 company, all as defined in section 9H.1.

16 c. The amount of moneys allocated in cost-share payments
17 to a person qualifying under the organic nutrient management
18 program shall not exceed fifty percent of the estimated cost
19 of establishing the system or fifty percent of the actual
20 cost, whichever is less.

21 d. The department shall not allocate moneys to a person
22 who is a party to a legal or administrative action, including
23 a contested case proceeding under chapter 17A, which relates
24 to an alleged violation of chapter 455B involving the disposal
25 of livestock waste, until the action is resolved. The
26 department of natural resources shall cooperate with the
27 division by providing information necessary to administer this
28 paragraph.

29 e. A person shall not use moneys allocated pursuant to
30 this section for purposes of paying an amount imposed pursuant
31 to a fine or civil penalty, or for remediating or restoring
32 the condition of an area contaminated by livestock waste.

33 f. A person qualifying under the program shall not receive
34 more than seven thousand five hundred dollars in financial
35 incentives during any fiscal year beginning on July 1 and

1 ending on June 30. A person who has received financial
2 assistance in a prior fiscal year is eligible to receive
3 financial assistance in a subsequent fiscal year, unless the
4 financial assistance is used to support the establishment of a
5 system previously receiving assistance under this program.

6 Sec. 31. NEW SECTION. 169.4A PROVISION OF VETERINARY
7 SERVICES.

8 A business corporation or partnership, other than a
9 professional corporation organized under chapter 496C, or a
10 veterinarian licensed under this chapter, shall not provide
11 veterinary medical services, own a veterinary clinic, or
12 practice in this state, except as otherwise provided in this
13 chapter.

14 Sec. 32. Section 173.14B, subsection 2, Code 1993, is
15 amended to read as follows:

16 2. The board may issue negotiable bonds and notes of the
17 authority in principal amounts which are necessary to provide
18 sufficient funds for achievement of its corporate purposes,
19 the payment of interest on its bonds and notes, the
20 establishment of reserves to secure its bonds and notes, and
21 all other expenditures of the board incident to and necessary
22 or convenient to carry out its purposes and powers, subject to
23 authorization and approval required under subsection 1.
24 However, the total principal amount of bonds and notes
25 outstanding at any time under subsection 1 and this subsection
26 shall not exceed ~~six~~ twenty-five million dollars. The bonds
27 and notes are deemed to be investment securities and
28 negotiable instruments within the meaning of and for all
29 purposes of the uniform commercial code.

30 Sec. 33. Section 190.14, subsection 1, Code 1993, is
31 amended to read as follows:

32 1. The department shall administer this chapter consistent
33 with the provisions of the "Grade 'A' Pasteurized Milk
34 Ordinance, ~~1989~~ 1993 Revision", as provided in section
35 192.102.

1 Sec. 34. Section 191.9, subsection 1, Code 1993, is
2 amended to read as follows:

3 1. The department shall administer this chapter consistent
4 with the provisions of the "Grade 'A' Pasteurized Milk
5 Ordinance, ~~1989~~ 1993 Revision", as provided in section
6 192.102.

7 Sec. 35. Section 192.102, Code 1993, is amended to read as
8 follows:

9 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

10 The department shall adopt, by rule, the "Grade 'A'
11 Pasteurized Milk Ordinance, ~~1989~~ 1993 Revision", including a
12 subsequent revision of the ordinance. If the ordinance
13 specifies that compliance with a provision of the ordinance's
14 appendices is mandatory, the department shall also adopt that
15 provision. The department shall not amend the ordinance,
16 unless the department explains each amendment and reasons for
17 the amendment in the Iowa administrative bulletin when the
18 rules are required to be published pursuant to chapter 17A.
19 The department shall administer this chapter consistent with
20 the provisions of the ordinance.

21 Sec. 36. Section 192.110, subsection 2, Code Supplement
22 1993, is amended to read as follows:

23 2. The facilities and equipment used to produce, store, or
24 transport milk or milk products comply with requirements of
25 the "Grade 'A' Pasteurized Milk Ordinance, ~~1989~~ 1993 Revision"
26 as provided in section 192.102.

27 Sec. 37. NEW SECTION. 266.39D LIVESTOCK PRODUCERS
28 ASSISTANCE PROGRAM.

29 Iowa state university shall establish and administer a
30 livestock producers assistance program to provide on-site
31 assistance to persons involved in livestock production in
32 order to increase the efficiency, productivity, and
33 profitability of their operations. The program, to every
34 extent practicable, shall be supported by nonstate moneys.
35 The university shall submit a report to the legislative fiscal

1 bureau by November 1 of each year, if the university expects
2 that state moneys may be required to support the program
3 during the subsequent state fiscal year. The report shall
4 include all expected sources of revenues and the amounts
5 expected to be contributed by these sources for the subsequent
6 state fiscal year.

7 Sec. 38. Section 455B.105, subsection 11, paragraph b,
8 Code 1993, is amended to read as follows:

9 b. The Except as otherwise provided in this chapter, fees
10 collected by the department under this subsection shall be
11 remitted to the treasurer of state and credited to the general
12 fund of the state.

13 Sec. 39. NEW SECTION. 455B.183A WATER QUALITY PROTECTION
14 FUND.

15 1. A water quality protection fund is created in the state
16 treasury under the control of the department. The fund
17 consists of moneys appropriated to the fund by the general
18 assembly, moneys deposited into the fund from fees described
19 in subsection 2, and other moneys available to and obtained or
20 accepted by the department from the United States government
21 or private sources for placement in the fund. The fund is
22 divided into two accounts, including the administration
23 account and the public water supply system account. Moneys in
24 the administration account shall be used for purposes of
25 carrying out the provisions of this division, which relate to
26 the administration, regulation, and enforcement of the federal
27 Safe Drinking Water Act. Moneys in the public water supply
28 system account shall be used to support the program to assist
29 supply systems, as provided in section 455B.183B.

30 2. The commission shall adopt fees as required pursuant to
31 section 455B.105 for permits required for public water supply
32 systems as provided in sections 455B.174 and 455B.183. At
33 least half of the collected fees shall be deposited in the
34 public water supply system account. The remainder of the
35 collected fees shall be deposited into the administration

1 account. The fees shall be for each of the following:

2 a. The construction, installation, or modification of a
3 public water supply system. The amount of the fees may be
4 based on the type of system being constructed, installed, or
5 modified.

6 b. The operation of a public water supply system,
7 including any part of the system. The fees may be based on
8 the type and size of community served by the system. The
9 commission shall adopt a fee schedule. The commission shall
10 calculate all fees in the schedule to produce total revenues
11 equaling nine hundred thousand dollars for the fiscal year
12 beginning July 1, 1994, and ending June 30, 1995, one million
13 dollars for the fiscal year beginning July 1, 1995, and ending
14 June 30, 1996, and one million two hundred thousand dollars
15 for each subsequent fiscal year. By May 1 of each year, the
16 department shall estimate the total revenue expected to be
17 collected from the overpayment of fees, (which are all fees in
18 excess of the amount of the total revenues which are expected
19 to be collected under the current fee schedule) and the total
20 revenue expected to be collected from the payment of fees
21 during the next fiscal year. The commission shall adjust the
22 fees if the estimate exceeds the amount of revenue required to
23 be deposited in the fund pursuant to this paragraph.

24 3. Moneys in the fund are subject to an annual audit by
25 the auditor of state. The fund is subject to warrants by the
26 director of revenue and finance, drawn upon the written
27 requisition of the department.

28 4. Section 8.33 does not apply to moneys in the fund.
29 Moneys earned as income, including interest from the fund
30 shall remain in the fund until expended.

31 5. On or before November 15 of each fiscal year, the
32 department shall transmit to the department of management and
33 the legislative fiscal bureau information regarding the fund
34 and accounts, including all of the following:

35 a. The balance of unobligated and unencumbered moneys in

1 each account as of November 1.

2 b. A summary of revenue deposited in and expenditures from
3 each account during the current fiscal year.

4 c. Estimates of revenues expected to be deposited into the
5 public water supply system account during the current fiscal
6 year, and an estimate of the expected balance of unobligated
7 and unencumbered moneys in the account on June 30 of the
8 current fiscal year.

9 Sec. 40. NEW SECTION. 455B.183B PROGRAM TO ASSIST SUPPLY
10 SYSTEMS.

11 1. The state of Iowa declares its intention to retain its
12 jurisdiction to enforce areas provided under the federal Safe
13 Drinking Water Act as delegated to the state by the United
14 States.

15 2. The department shall establish a program to assist
16 supply systems, in order to provide assistance to ensure safe
17 public water supplies. The department in administering the
18 program shall provide technical advice and perform
19 vulnerability and viability studies of public water supply
20 systems.

21 3. Whenever practical, the department may enter into a
22 contract with a person qualified to provide assistance
23 services under this section, if the agreement for the services
24 is cost-effective and the quality of the services ensures
25 compliance with state and federal law. A person entering into
26 a contract with the department for the purpose of providing
27 the services shall be deemed to be an agent of the department,
28 and shall have the same authority as provided to the
29 department, unless the contract specifies otherwise. The
30 department shall review assistance services performed by a
31 person under a contract to ensure that quality cost-effective
32 service is being provided.

33 4. The program shall be supported by moneys deposited in
34 the public water supply system account created in the water
35 quality protection fund established pursuant to section

1 455B.183A.

2 Sec. 41. NEW SECTION. 455B.183C PERSONNEL -- DEPARTMENT
3 OF MANAGEMENT.

4 Notwithstanding any limitation upon the department's number
5 of full-time equivalent positions as defined in section 8.36A,
6 any point limitation on personnel, or any other limitation
7 upon the number of personnel or their employment
8 classification, imposed by the department of management, the
9 department may employ the number of full-time equivalent
10 positions which equals the number of positions allocated by
11 the general assembly to the department for each applicable
12 fiscal year in order to carry out the provisions of this
13 division relating to the administration, regulation, and
14 enforcement of the federal Safe Drinking Water Act and the
15 program to assist supply systems, but only to the extent that
16 moneys used to support the positions derive from moneys
17 deposited in the public water supply system account as
18 provided in section 455B.183A. If a specific number of full-
19 time equivalent positions are not allocated by the general
20 assembly, the department may fill any number of positions
21 required to administer the program, to the extent the
22 positions are supported by the account.

23 Sec. 42. RULES REQUIRED. The department of natural
24 resources shall adopt all rules necessary to implement
25 sections 455B.183A and 455B.183B by December 31, 1994. All
26 rules shall be adopted pursuant to chapter 17A.

27 Sec. 43. EFFECTIVE DATE. Sections 23, 25, 26, 39, 40, 41,
28 42, and this section of this Act, being deemed of immediate
29 importance, take effect upon enactment.

30 EXPLANATION

31 This bill appropriates for the 1994-1995 fiscal year moneys
32 to the department of agriculture and land stewardship and the
33 department of natural resources. It provides appropriations
34 to various programs, including the farmers market coupon
35 program, and the pseudorabies eradication program. It also

1 appropriates moneys to support the Interstate Compact on
2 Agricultural Grain Marketing. It makes appropriations from
3 the general fund of the state and the state fish and game
4 protection fund. It appropriates moneys from marine fuel tax
5 receipts for purposes of funding expenditures traditionally
6 funded from marine fuel tax revenues, and for maintaining and
7 developing boating facilities. The bill transfers moneys to
8 the fish and game protection fund for purposes of enforcing
9 snowmobile laws and navigation laws and water safety laws.

10 The bill appropriates moneys to support a livestock
11 producers assistance program and an organic nutrient
12 management program, established in 1993. The bill codifies
13 these programs.

14 Moneys are appropriated for the administration and expenses
15 of the underground storage tank section of the department of
16 natural resources. The bill requires the department of
17 natural resources to adopt rules establishing prices of plant
18 material grown at the state forest nurseries to cover all
19 expenses related to the growing of plants, and to develop
20 programs to encourage the wise management and preservation of
21 existing woodland. The bill requires the department of
22 revenue and finance to track receipts to the general fund
23 which have traditionally been deposited in a number of funds.
24 The bill provides for a number of reporting requirements by
25 the department of agriculture and land stewardship and the
26 department of natural resources. The bill provides for
27 eligibility requirements for the green thumb program
28 administered by the department of natural resources.

29 The bill also makes a number of statutory changes. It
30 delays the implementation of the federal Resource Conservation
31 and Recovery Act permit program for hazardous waste facilities
32 in this state until June 30, 1999. It imposes reporting
33 requirements for the department of agriculture and land
34 stewardship and the department of natural resources regarding
35 lease-purchase agreements.

1 The bill extends the period required for a landholder to
2 prepare a plan which proposes alternatives to agricultural
3 drainage wells. The bill restricts persons who may own a
4 veterinary clinic or practice veterinary medicine in the
5 state. The bill increases the bonding limit of the Iowa state
6 fair board. The bill also updates the "Grade 'A' Pasteurized
7 Milk Ordinance" adopted by reference in several chapters of
8 the Code.

9 The bill creates a water quality protection fund under the
10 control of the department of natural resources. The fund is
11 in part supported by fees imposed for the construction,
12 installation, or modification of a public water supply system,
13 and the operation of a public water supply system. The bill
14 also creates a program to provide assistance to ensure safe
15 public water supplies. The department of natural resources is
16 required to provide technical advice and perform vulnerability
17 and viability studies of public water supply systems.

18 The bill provides for effective dates for a number of
19 sections.

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TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL
DES MOINES, IOWA 50319
515 281-5211

May 13, 1994

MAY 17 94

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

Dear Madam Secretary:

I hereby transmit Senate File 2314, an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees and effective dates.

Senate File 2314 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 26 and 27, in their entirety. These provisions would restrict executive branch agencies from entering into lease-purchase agreements. These provisions, like those included in other appropriations bills, are overly restrictive and do not allow agencies to respond to unforeseen circumstances, therefore they cannot be approved.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2314 are hereby approved as of this date.

Sincerely,

Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

SENATE FILE 2314

AN ACT
RELATING TO APPROPRIATIONS AND REVENUE INVOLVING AGRICULTURE
AND NATURAL RESOURCES, MAKING RELATED STATUTORY CHANGES, AND
PROVIDING FEES AND 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, 1994, and ending June 30, 1995, the following amounts, 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, and for the salaries and support of not more than the following full-time equivalent positions:

.....	\$	1,892,481
.....	FTEs	47.45

(1) Of the funds appropriated in this paragraph "a", \$316,000 and 7.00 FTEs shall be used to support horticulture.

(2) Of the amount appropriated in this paragraph "a", \$50,000 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.

(3) Of the amount appropriated in this paragraph "a", \$129,000 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.

(4) Of the amount appropriated in this paragraph "a", \$500 shall be allocated as state aid to support the north Iowa poultry expo.

(5) Of the amount appropriated in this paragraph "a", not more than \$5,000 shall be allocated to the Iowa junior angus association for the development of a commemorative pin in connection with the 1994 angus junior national show.

b. For the operations of the dairy trade practices bureau:	\$	70,719
c. For the purpose of performing commercial feed audits:	\$	59,834
d. For the purpose of performing fertilizer audits:	\$	59,834

2. REGULATORY DIVISION

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

.....	\$	3,715,675
.....	FTEs	122.50

Of the moneys appropriated and the FTEs allocated pursuant to this lettered paragraph, an additional \$15,500 and 1.5 additional FTEs shall be allocated for purposes of supporting meat and poultry inspections as provided in chapter 189A.

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

.....	\$	639,622
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3. LABORATORY DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, including the administration of the gypsy moth program, and for not more than the following full-time equivalent positions:

.....	\$	777,271
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..... FTEs 76.10

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.

Of the amount appropriated under this paragraph "a", \$160,000 shall be allocated from the appropriation to Iowa state university for purposes of training commercial pesticide applicators.

- b. For the operations of the commercial feed programs: \$ 728,934
- c. For the operations of the pesticide programs: \$ 1,201,261
- d. For the operations of the fertilizer programs: \$ 621,257

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: \$ 5,146,655
- FTEs 159.30

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, 1998, from moneys appropriated in paragraph "b" for the fiscal year beginning July 1, 1994, shall revert to the general fund on August 31, 1998.

Sec. 2. LEVEE RECONSTRUCTION.

1. To the extent that moneys are available or appropriated for the fiscal year beginning July 1, 1994, and ending June 30, 1995, to support the purposes of this section, the division of soil conservation of the department of agriculture and land stewardship shall provide financial incentives for soil conservation practices for the purposes of providing assistance in repairing and reconstructing levees.

2. The commissioners of each district receiving moneys shall use the moneys to assist persons in reconstructing or repairing levees damaged by floods occurring during 1993. The following conditions shall apply:

a. The division shall award the moneys based upon applications for specific projects submitted by the districts.

b. The moneys shall be awarded on a cost-share basis. A person shall not receive more than 40 percent of the total cost of repair or reconstruction.

c. Moneys shall not be used to support a project, if other state or federal moneys have been contributed to support the project.

d. Moneys shall only be used to support a project which restores a levee to its condition prior to the flood damage. However, moneys may support improvements which are incidental to the repairs or reconstruction.

e. A person shall not be eligible to receive assistance under this section, 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 corporation, family farm limited partnership, family trust, or family farm limited liability company, as defined in section 9H.1.

3. Notwithstanding section 8.33, moneys appropriated for purposes of carrying out this section which are unencumbered or unobligated on June 30, 1995, shall be credited to the conservation practices revolving loan fund created pursuant to section 161A.71.

Sec. 3. 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, 1994, and ending June 30, 1995, 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:

.....	\$	188,750
.....	FTEs	1.00

Sec. 4. 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, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the pseudorabies eradication program:

.....	\$	900,100
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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. 5. HORSE AND DOG RACING. 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, 1994, and ending June 30, 1995, 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:

.....	\$	185,964
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Sec. 6. INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING. There is appropriated from the general fund of the state to the interstate agricultural grain marketing commission for the fiscal year beginning July 1, 1994, and ending June 30, 1995, 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:

..... \$ 78,000

DEPARTMENT OF NATURAL RESOURCES

Sec. 7. 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, 1994, and ending June 30, 1995, 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:

..... \$ 1,827,012
 FTEs 115.50

2. PARKS AND PRESERVES DIVISION

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

..... \$ 5,365,960
 FTEs 195.73

3. FORESTS AND FORESTRY DIVISION

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

..... \$ 1,426,916
 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:

..... \$ 1,651,984
 FTEs 52.00

5. ENVIRONMENTAL PROTECTION DIVISION

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

..... \$ 1,922,940
 FTEs 176.00

b. Of the amount appropriated in paragraph "a", \$404,000 shall be allocated to the administration account of the water quality protection fund established pursuant to section 455B.183A as enacted in this Act. Of the number of FTEs authorized pursuant to paragraph "a", 15.00 additional FTEs shall be dedicated to carrying out the provisions of chapter 455B relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act and to support the program to assist supply systems as provided in section 455B.183B. However, limitations on full-time equivalent positions provided in paragraph "a" of this subsection shall not limit the number of additional full-time equivalent positions supported by moneys deposited in the water quality protection fund as provided in section 455B.183A, as enacted in this Act, in order to carry out the provisions of division III of chapter 455B relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act, and the administration of the program to assist supply systems pursuant to section 455B.183B as enacted in this Act.

c. In administering the program to assist supply systems pursuant to section 455B.183B, as enacted in this Act, the department shall develop public-private partnerships as described in that section, in order to provide technical assistance and vulnerability and viability studies. In providing assistance under this paragraph, the department shall provide priority to systems serving a population of seven thousand or less. At least two FTEs shall be allocated to provide assistance to systems serving a population of seven thousand or less.

6. FISH AND WILDLIFE DIVISION

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

..... FTEs 138.93

7. WASTE MANAGEMENT ASSISTANCE DIVISION

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

..... FTEs 16.75

Sec. 8. 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, 1994, and ending June 30, 1995, 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:

..... \$ 20,420,670

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. 9. MARINE FUEL TAX RECEIPTS -- 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, 1994, and ending June 30, 1995, 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, 1995, from moneys appropriated in subsection 1, may be expended during the fiscal year beginning July 1, 1995, and ending June 30, 1996, and shall not revert to the general fund until August 31, 1996.

Sec. 10. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1994, 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, 1994, and ending June 30, 1995, 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. 11. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1994, 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, 1994, and ending June 30, 1995, 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:

..... \$ 1,571,590

Of the amount transferred in this section, \$371,590 shall be used to purchase additional equipment used for the enforcement of navigation laws and water safety.

RESOURCES 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, 1994, and ending June 30, 1995, the sum of \$7,000,000, of which all moneys shall be allocated as provided in section 455A.19.

ANIMAL INDUSTRY APPROPRIATIONS

Sec. 13. LIVESTOCK PRODUCERS ASSISTANCE.

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, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the administration of the livestock producers assistance program established pursuant to section 266.39D, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	200,000
.....	FTEs	8.28

2. As a condition of this appropriation, the university shall strive to ensure that the program becomes increasingly self-sufficient. The university shall adopt a plan detailing the manner in which the program will become self-sufficient, including the expected amount of state funds necessary to support the program until it becomes self-sufficient, the sources of revenue expected to contribute to the program, and the amount each source is expected to contribute to the

program. The plan shall be submitted to the legislative fiscal bureau by November 1, 1994.

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, 1998, from moneys appropriated in this section for the fiscal year beginning July 1, 1994, shall revert to the general fund on August 31, 1998.

Sec. 14. ORGANIC NUTRIENT MANAGEMENT.

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, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the organic nutrient management fund for administration of the organic nutrient management program, as provided in section 161C.6:

.....	\$	800,000
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2. Notwithstanding section 161C.5, unencumbered or unobligated moneys remaining on June 30, 1998, from moneys appropriated in this section for the fiscal year beginning July 1, 1994, shall revert to the general fund on August 31, 1998.

3. The department shall transfer moneys appropriated to the organic nutrient management account created pursuant to 1993 Iowa Acts, chapter 176, section 14, to the organic nutrient management fund as established pursuant to this Act. The department shall eliminate the account.

RELATED APPROPRIATIONS

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, 1994, and ending June 30, 1995, 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:

..... \$ 75,000

Sec. 16. TRANSPER -- AIR QUALITY. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, the department of natural resources may transfer up to \$281,000 from the hazardous substance remedial fund to support purposes related to carrying out the duties of the commission under section 455B.133, or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division II.

MISCELLANEOUS

Sec. 17. DEPARTMENTAL STUDY -- COMMERCIAL WEIGHING AND MEASURING DEVICES. The department of agriculture and land stewardship shall study its licensing structure for the inspection of commercial weighing and measuring devices, including fees required to be paid by licensees pursuant to section 214.3. The department shall examine the relationship between fees and the costs incurred in administration, regulation, and enforcement of provisions relating to the licensing of the devices. The department shall submit a report, including findings and recommendations, to the governor and the general assembly by January 9, 1995.

Sec. 18. 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. 19. WIND EROSION CONTROL FUND. The department of agriculture and land stewardship shall use all unencumbered or unobligated moneys appropriated to the wind erosion control fund, and any moneys which have been credited to the division of soil conservation of the department of agriculture and land stewardship for purposes of planting and maintaining wind erosion control barriers, as originally provided in 1978 Iowa Acts, chapter 1108, section 7, and subsequently amended, in order to carry out the original purposes. The department shall submit a report to the secretary of the senate and chief clerk of the house not later than January 2, 1995. The report shall explain actual and planned expenditures of the moneys.

Sec. 20. TRUST FUND INFORMATION. The department of revenue and finance in cooperation with each appropriate agency shall track receipts to the general fund which under law were previously collected to be used for specific purposes, or to be credited to, or be deposited to a particular account or fund, as provided in section 8.60.

The department of revenue and finance and each appropriate agency 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. 21. STUDY REQUESTED. The legislative council is requested to establish a study committee to examine animal agriculture in this state, and its impact upon the environment and nonagricultural uses of land.

Sec. 22. 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. 23. 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. 24. AIR QUALITY STANDARDS. During the fiscal year for which funds are appropriated to the department of natural resources under this Act, the department 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 section 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.

Sec. 25. AIR QUALITY PROGRAM -- NONGENERAL FUND SUPPORT. The department of natural resources for the fiscal year beginning July 1, 1994, and ending June 30, 1995, shall not use moneys appropriated from the general fund of the state pursuant to this Act, to support any purpose related to carrying out the duties of the commission under section 455B.133 or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division 11.

Notwithstanding section 455B.133B, the department may use moneys deposited in the air contaminant source fund created in section 455B.133B during the fiscal year for any purpose related to carrying out the duties of the commission under section 455B.133 or the director under section 455B.134, or for carrying out the provisions of chapter 455B, division 11.

Sec. 26. MORATORIUM -- LEASE-PURCHASE CONTRACTS. The department of agriculture and land stewardship or the department of natural resources shall not become a party to a lease-purchase contract for the purchase of property acquired by the department for the period beginning July 1, 1994, and ending June 30, 1995. A person, including the department of general services, shall not be a party to a lease-purchase contract for the purchase of property on behalf of either department for that same period. This section shall not alter the obligations of a party to a lease-purchase contract

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executed prior to the effective date of this Act. The department of agriculture and land stewardship, the department of natural resources, or a person acting on behalf of either department, shall not extend the terms of any existing lease-purchase contract which would expire on or before the effective date of this Act.

Sec. 27. LEASE-PURCHASE -- BUDGET SUBMISSION. This section applies to each state agency receiving an appropriation in this Act. The departmental estimate required under section 8.23 for the fiscal period beginning July 1, 1995, which includes the state agency, shall provide an itemized list indicating the nature and amount of each lease-purchase contract payment included in the estimate for proposed contracts which have not been reported by the state agency to the legislative fiscal committee of the legislative council pursuant to section 8.46 prior to the submission of the estimate. The governor shall include in the governor's budget for the fiscal year beginning July 1, 1995, a listing indicating the nature and amount of each lease-purchase contract which was itemized in a departmental estimate in accordance with this section and is included in the governor's budget. A state agency receiving an appropriation in this Act shall not enter into a lease-purchase contract during the fiscal year beginning July 1, 1995, unless the contract was itemized in a departmental estimate and included in the governor's budget in accordance with this section.

Vetoed

Sec. 28. SOIL CONSERVATION ASSISTANCE. There is appropriated from the unobligated and unencumbered moneys deposited or required to be deposited in the water protection practices account of the water protection fund established in section 161C.4 to the division of soil conservation within the department of agriculture and land stewardship for the fiscal period beginning July 1, 1993, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of providing interest-free loans to persons who receive assistance from the United States department of agriculture under the emergency conservation program:
..... \$ 500,000

The loans shall be made in order to provide any matching moneys required to be contributed by a person receiving assistance under the federal program. The division shall seek to cooperate with the soil conservation service in implementing this section. The moneys must be repaid to the water protection practices account within five years from the date that the moneys are loaned. Moneys which are unobligated or unencumbered on June 30, 1995, shall be credited back to the account. In administering these moneys, the department may contract, sue, and be sued, and adopt rules necessary to carry out the provisions of this section. However, the division shall not in any manner directly or indirectly pledge the credit of this state.

Sec. 29. RULES REQUIRED -- PESTICIDE AND FERTILIZER CONTAMINATED SITES. By December 31, 1994, the environmental protection commission shall adopt rules as provided in chapter 17A and required pursuant to section 455B.601, including rules to establish criteria for the classification and prioritization of sites upon which pesticide and fertilizer contamination has been discovered.

STATUTORY CHANGES

Sec. 30. 1987 Iowa Acts, chapter 233, section 204, subsection 5, as amended by 1989 Iowa Acts, chapter 311, section 21, as amended by 1990 Iowa Acts, chapter 1260, section 20, is amended to read as follows:

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

subsections 2 through 4, and sections 455B.413 through 455B.421 are suspended and do not apply as they pertain to that permit program, but are not suspended and do apply as they pertain to abandoned and uncontrolled sites, used oil, and site licensing under chapter 455B, division IV, part 6. The suspension provided by this subsection begins July 1, 1987 and ends June 30, ~~1994~~ 1999.

Sec. 31. 1993 Iowa Acts, chapter 176, section 25, subsection 2, is amended to read as follows:

2. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining on June 30, 1993, from moneys appropriated pursuant to 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 402, may be expended during the fiscal year period beginning July 1, 1993, and ending June 30, ~~1994~~ 1995, and shall not revert to the general fund until August 31, ~~1994~~ 1995.

Sec. 32. Section 159.29, subsection 2, unnumbered paragraph 1, Code 1993, is amended to read as follows:

An owner of an agricultural drainage well and a landholder whose land is drained by the well or wells of another person shall develop, in consultation with the department of agriculture and land stewardship and the department of natural resources, a plan which proposes alternatives to the use of agricultural drainage wells by July 1, ~~1994~~ 1996.

Sec. 33. NEW SECTION. 161C.5 ORGANIC NUTRIENT MANAGEMENT FUND.

1. An organic nutrient management fund is created in the state treasury under the control of the division. The fund is composed of moneys appropriated by the general assembly, and moneys available to and obtained or accepted by the division or the state soil conservation committee, from the United States or private sources for placement in the fund.

2. Moneys in the fund are subject to an annual audit by the auditor of state. The fund is subject to warrants by the director of revenue and finance, drawn upon the written requisition of the division.

3. The fund shall be used to support the organic nutrient management program provided in section 161C.6. Moneys shall be used to provide financial incentives under the program and to pay for expenses incurred by the division in administering the program. Not more than two percent of the moneys shall be used to pay for administering the program. Moneys expended for financial incentives shall be allocated on a cost-share basis. The division may adopt rules to administer this section.

4. The division shall not in any manner directly or indirectly pledge the credit of the state.

5. Section 8.33 shall not apply to moneys in the fund. Moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in this section.

Sec. 34. NEW SECTION. 161C.6 ORGANIC NUTRIENT MANAGEMENT PROGRAM.

1. The division shall establish an organic nutrient management program as provided by rules which shall be adopted by the division. The program shall be supported from moneys deposited in the organic nutrient management fund.

2. a. The program shall provide financial incentives to establish livestock manure management systems to facilitate the proper utilization of livestock manure as a nutrient source, and to protect the water resources of the state from livestock manure runoff.

b. A person shall not be eligible to participate in the program, unless the person is an individual family farmer, an individual 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, a family farm trust, or a family farm limited liability company, all as defined in section 9H.1.

c. The amount of moneys allocated in cost-share payments to a person qualifying under the organic nutrient management

program shall not exceed fifty percent of the estimated cost of establishing the system or fifty percent of the actual cost, whichever is less.

d. The division shall maintain records regarding each award of financial incentives under this section, including the name of the person; the amount of the award; the location of the livestock manure management system established with financial incentive moneys; and whether the person is a family farm corporation, family farm limited partnership, family trust, or a family farm limited liability company.

e. The department shall not allocate moneys to a person who is a party to a legal or administrative action, including a contested case proceeding under chapter 17A, which relates to an alleged violation of chapter 455B involving the disposal of livestock waste, until the action is resolved. The department of natural resources shall cooperate with the division by providing information necessary to administer this paragraph.

f. A person shall not use moneys allocated pursuant to this section for purposes of paying an amount imposed pursuant to a fine or civil penalty, or for remediating or restoring the condition of an area contaminated by livestock waste.

g. A person qualifying under the program shall not receive more than seven thousand five hundred dollars in financial incentives during any fiscal year beginning on July 1 and ending on June 30. A person who has received financial assistance in a prior fiscal year is eligible to receive financial assistance in a subsequent fiscal year, unless the financial assistance is used to support the establishment of a system previously receiving assistance under this program.

Sec. 35. NEW SECTION. 169.4A PROVISION OF VETERINARY SERVICES.

A person, including a corporation, limited liability company, or partnership, established on or after the effective date of this Act, other than either a professional corporation

organized under chapter 496C or a veterinarian licensed under this chapter, shall not provide veterinary medical services, own a veterinary clinic, or practice in this state, except as otherwise provided in this chapter. However, this section shall not prohibit a person from owning an interest in real property or a building where a clinic is located, if veterinary medical services or a practice is conducted by the clinic by a professional corporation or a veterinarian licensed under this chapter.

Sec. 36. Section 173.14B, subsection 2, Code 1993, is amended to read as follows:

2. The board may issue negotiable bonds and notes of the authority in principal amounts which are necessary to provide sufficient funds for achievement of its corporate purposes, the payment of interest on its bonds and notes, the establishment of reserves to secure its bonds and notes, and all other expenditures of the board incident to and necessary or convenient to carry out its purposes and powers, subject to authorization and approval required under subsection 1. However, the total principal amount of bonds and notes outstanding at any time under subsection 1 and this subsection shall not exceed six ~~twenty-five~~ million dollars. The bonds and notes are deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code.

Sec. 37. Section 190.14, subsection 1, Code 1993, is amended to read as follows:

1. The department shall administer this chapter consistent with the provisions of the "Grade 'A' Pasteurized Milk Ordinance, ~~1989~~ 1993 Revision", as provided in section 192.102.

Sec. 38. Section 191.9, subsection 1, Code 1993, is amended to read as follows:

1. The department shall administer this chapter consistent with the provisions of the "Grade 'A' Pasteurized Milk

Ordinance, 1989 1993 Revision", as provided in section 192.102.

Sec. 39. Section 192.102, Code 1993, is amended to read as follows:

192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

The department shall adopt, by rule, the "Grade 'A' Pasteurized Milk Ordinance, 1989 1993 Revision", including a subsequent revision of the ordinance. If the ordinance specifies that compliance with a provision of the ordinance's appendices is mandatory, the department shall also adopt that provision. The department shall not amend the ordinance, unless the department explains each amendment and reasons for the amendment in the Iowa administrative bulletin when the rules are required to be published pursuant to chapter 17A. The department shall administer this chapter consistent with the provisions of the ordinance.

Sec. 40. Section 192.110, subsection 2, Code Supplement 1993, is amended to read as follows:

2. The facilities and equipment used to produce, store, or transport milk or milk products comply with requirements of the "Grade 'A' Pasteurized Milk Ordinance, 1989 1993 Revision" as provided in section 192.102.

Sec. 41. Section 200.22, subsection 1, paragraph a, as enacted by 1994 Iowa Acts, Senate File 94, section 1, is amended to read as follows:

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 359 331, or any special purpose district.

Sec. 42. Section 206.34, subsection 1, paragraph a, as enacted by 1994 Iowa Acts, Senate File 94, section 2, is amended to read as follows:

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 359 331, or any special purpose district.

Sec. 43. NEW SECTION. 214.4 TAGGING OF EQUIPMENT.

1. If the department does not receive payment of the license fee required pursuant to section 214.3 within one month from the due date, the department shall send a notice to the owner or operator of the device. The notice shall be delivered by certified mail. The notice shall state all of the following:

a. The owner or operator is delinquent in the payment of the required fee.

b. The owner or operator has fifteen days after receipt of the notice to pay the license fee required pursuant to section 214.3.

c. If the department does not receive payment of the license fee as required, the department may summarily tag and remove from service the commercial weighing and measuring device.

2. If the license fee is not received by the department within fifteen days after receipt of the notice by the owner or operator of the commercial weighing and measuring device, the department may tag and remove from service the device for which the license fee has not been paid.

Sec. 44. NEW SECTION. 266.39D LIVESTOCK PRODUCERS ASSISTANCE PROGRAM.

Iowa state university shall 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. The program, to every extent practicable, shall be supported by nonstate moneys.

The university shall submit a report to the legislative fiscal bureau by November 1 of each year, if the university expects that state moneys may be required to support the program during the subsequent state fiscal year. The report shall include all expected sources of revenues and the amounts expected to be contributed by these sources for the subsequent state fiscal year.

Sec. 45. Section 321.453, Code 1993, as amended by 1994 Iowa Acts, Senate File 2080, section 3, is amended by striking the section and inserting in lieu thereof the following:

321.453 EXCEPTIONS.

The provisions of this chapter governing size, weight, and load, and the permit requirements of chapter 321E do not apply to fire apparatus, to road maintenance equipment owned by or under lease to any state or local authority, to implements of husbandry temporarily moved upon a highway, to implements moved from farm site to farm site or between the retail seller and a farm purchaser within a one hundred mile radius from the retail seller's place of business, to indivisible implements of husbandry temporarily moved between the place of manufacture and a retail seller or a farm purchaser, to implements received and moved by a retail seller of implements of husbandry in exchange for an implement purchased, or to implements of husbandry moved for repairs, except on any part of the interstate highway system. A vehicle, carrying an implement of husbandry, which is exempted from the permit requirements under this section shall be equipped with an amber flashing light under section 321.423, shall be equipped with warning flags on that portion of the vehicle which protrudes into oncoming traffic, and shall only operate from thirty minutes prior to sunrise to thirty minutes following sunset.

Sec. 46. Section 455A.18, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 12C.7, interest or earnings on investments or time deposits of the moneys in the Iowa resources enhancement and protection fund or any of its accounts shall be credited to the Iowa resources enhancement and protection fund.

Sec. 47. Section 455B.105, subsection 11, paragraph b, Code 1993, is amended to read as follows:

b. The Except as otherwise provided in this chapter, fees collected by the department under this subsection shall be remitted to the treasurer of state and credited to the general fund of the state.

Sec. 48. NEW SECTION. 455B.183A WATER QUALITY PROTECTION FUND.

1. A water quality protection fund is created in the state treasury under the control of the department. The fund consists of moneys appropriated to the fund by the general assembly, moneys deposited into the fund from fees described in subsection 2, and other moneys available to and obtained or accepted by the department from the United States government or private sources for placement in the fund. The fund is divided into two accounts, including the administration account and the public water supply system account. Moneys in the administration account shall be used for purposes of carrying out the provisions of this division, which relate to the administration, regulation, and enforcement of the federal Safe Drinking Water Act. Moneys in the public water supply system account shall be used to support the program to assist supply systems, as provided in section 455B.183B.

2. The commission shall adopt fees as required pursuant to section 455B.105 for permits required for public water supply systems as provided in sections 455B.174 and 455B.181. Fees paid pursuant to this section shall not be subject to the sales or services tax. The fees shall be for each of the following:

a. The construction, installation, or modification of a public water supply system. The amount of the fees may be based on the type of system being constructed, installed, or modified.

b. The operation of a public water supply system, including any part of the system. The fees may be based on the type and size of community served by the system. The commission shall adopt a fee schedule. The commission shall calculate all fees in the schedule to produce total revenues equaling four hundred seventy-five thousand dollars for the fiscal year beginning July 1, 1994, and ending June 30, 1995, seven hundred thousand dollars for the fiscal year beginning July 1, 1995, and ending June 30, 1996, nine hundred thousand dollars for the fiscal year beginning July 1, 1996, and ending June 30, 1997, and one million two hundred thousand dollars for each subsequent fiscal year. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, twenty-five thousand dollars shall be deposited in the administration account and four hundred fifty thousand dollars shall be deposited in the public water supply system account. For each subsequent fiscal year, one-half of the fees shall be deposited into the administration account and one-half of the fees shall be deposited into the public water supply system account. By May 1 of each year, the department shall estimate the total revenue expected to be collected from the overpayment of fees, which are all fees in excess of the amount of the total revenues which are expected to be collected under the current fee schedule, and the total revenue expected to be collected from the payment of fees during the next fiscal year. The commission shall adjust the fees if the estimate exceeds the amount of revenue required to be deposited in the fund pursuant to this paragraph.

3. Moneys in the fund are subject to an annual audit by the auditor of state. The fund is subject to warrants by the director of revenue and finance, drawn upon the written requisition of the department.

4. Section 8.33 does not apply to moneys in the fund. Moneys earned as income, including interest from the fund, shall remain in the fund until expended.

5. On or before November 15 of each fiscal year, the department shall transmit to the department of management and the legislative fiscal bureau information regarding the fund and accounts, including all of the following:

a. The balance of unobligated and unencumbered moneys in each account as of November 1.

b. A summary of revenue deposited in and expenditures from each account during the current fiscal year.

c. Estimates of revenues expected to be deposited into the public water supply system account during the current fiscal year, and an estimate of the expected balance of unobligated and unencumbered moneys in the account on June 30 of the current fiscal year.

Sec. 49. NEW SECTION. 455B.183B PROGRAM TO ASSIST SUPPLY SYSTEMS.

1. The state of Iowa declares its intention to retain its jurisdiction to enforce areas provided under the federal Safe Drinking Water Act as delegated to the state by the United States.

2. The department shall establish a program to assist supply systems, in order to provide assistance to ensure safe public water supplies. The department in administering the program shall provide technical advice and perform vulnerability and viability studies of public water supply systems.

3. Whenever practical, the department may enter into a contract with a person qualified to provide assistance services under this section, if the agreement for the services is cost-effective and the quality of the services ensures compliance with state and federal law. A person entering into a contract with the department for the purpose of providing the services shall be deemed to be an agent of the department.

and shall have the same authority as provided to the department, unless the contract specifies otherwise. The department shall review assistance services performed by a person under a contract to ensure that quality cost-effective service is being provided.

4. The program shall be supported by moneys deposited in the public water supply system account created in the water quality protection fund established pursuant to section 455B.183A.

Sec. 50. NEW SECTION. 455B.183C PERSONNEL -- DEPARTMENT OF MANAGEMENT.

Notwithstanding any limitation upon the department's number of full-time equivalent positions as defined in section 8.36A, any point limitation on personnel, or any other limitation upon the number of personnel or their employment classification, imposed by the department of management, the department may employ the number of full-time equivalent positions which equals the number of positions allocated by the general assembly to the department for each applicable fiscal year in order to carry out the provisions of this division relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act and the program to assist supply systems, but only to the extent that moneys used to support the positions derive from moneys deposited in the water quality protection fund, as provided in section 455B.183A. If a specific number of full-time equivalent positions are not allocated by the general assembly, the department may fill any number of positions required to administer the program, to the extent the positions are supported by the fund.

Sec. 51. RULES REQUIRED. The department of natural resources shall adopt all rules necessary to implement sections 455B.183A and 455B.183B by December 31, 1994. All rules shall be adopted pursuant to chapter 17A.

Sec. 52. EFFECTIVE DATE. Sections 2, 26, 28, 30, 31, 47, 48, 49, 50, 51, and this section of this Act, being deemed of immediate importance, take effect upon enactment.

LEONARD L. ROSWELL
President of the Senate

HAROLD VAN MAAMEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2314, Seventy-fifth General Assembly.

John F. Dwyer

JOHN F. DWYER
Secretary of the Senate

Approved 5/13, 1994

TERRY E. BRANSTAD
Governor