

Senate Study Bill 355

Conference Committee Text

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1 1 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
1 2 Section 1. GENERAL APPROPRIATION. There is appropriated
1 3 from the general fund of the state to the department of
1 4 agriculture and land stewardship for the fiscal year beginning
1 5 July 1, 1995, and ending June 30, 1996, the following amounts,
1 6 or so much thereof as is necessary, to be used for the
1 7 purposes designated:
1 8 1. ADMINISTRATIVE DIVISION
1 9 a. For salaries, support, maintenance, the support of the
1 10 state 4-H foundation, support of the statistics bureau, and
1 11 miscellaneous purposes, and for the salaries and support of
1 12 not more than the following full-time equivalent positions:
1 13 \$ 1,763,343
1 14 FTEs 44.50
1 15 (1) Of the funds appropriated in this paragraph "a",
1 16 \$319,550 and 7.00 FTEs shall be used to support horticulture.
1 17 (2) Of the amount appropriated in this paragraph "a",
1 18 \$50,000 shall be allocated to the state 4-H foundation to
1 19 foster the development of Iowa's youth and to encourage them
1 20 to study the subject of agriculture.
1 21 (3) Of the amount appropriated in this paragraph "a",
1 22 \$130,100 and 4.00 FTEs shall be allocated to the statistics
1 23 bureau to provide county-by-county information on land in
1 24 farms, production by crop, acres by crop, and county prices by
1 25 crop. This information shall be made available to the
1 26 department of revenue and finance for use in the productivity
1 27 formula for valuing and equalizing the values of agricultural
1 28 land.
1 29 (4) Of the amount appropriated in this paragraph "a", not
1 30 more than \$2,500 shall be allocated to the Iowa polled
1 31 hereford junior association in connection with the 1995
1 32 national junior hereford show.
1 33 (5) As a condition of the amount appropriated in this
1 34 paragraph "a", none of the following positions shall be
1 35 supported from the amount:
2 1 (a) Any executive officer II in the department after
2 2 September 30, 1995.
2 3 (b) Any public service executive II in the information
2 4 bureau after June 30, 1995.
2 5 (c) Any information specialist III in the information
2 6 bureau after June 30, 1995.
2 7 b. For the operations of the dairy trade practices bureau:
2 8 \$ 66,273
2 9 c. For the purpose of performing commercial feed audits:
2 10 \$ 61,932
2 11 d. For the purpose of performing fertilizer audits:
2 12 \$ 61,932
2 13 2. REGULATORY DIVISION
2 14 a. For salaries, support, maintenance, miscellaneous
2 15 purposes, and for not more than the following full-time
2 16 equivalent positions:
2 17 \$ 3,792,298
2 18 FTEs 122.50
2 19 Of the moneys appropriated in this paragraph "a", \$34,300
2 20 is allocated for purposes of purchasing equipment for grain
2 21 examiners to comply with requirements of the United States

2 22 department of labor occupational safety and health admin-
2 23 istration.

2 24 b. For the costs of inspection, sampling, analysis, and
2 25 other expenses necessary for the administration of chapters
2 26 192, 194, and 195:
2 27 \$ 642,122

2 28 3. LABORATORY DIVISION

2 29 a. For salaries, support, maintenance, and miscellaneous
2 30 purposes, including the administration of the gypsy moth
2 31 program, and for not more than the following full-time
2 32 equivalent positions:
2 33 \$ 845,528
2 34 FTEs 76.10

2 35 (1) Of the amount appropriated in this paragraph "a",
3 1 \$110,000 shall be used to administer a program relating to the
3 2 detection, surveillance, and eradication of the gypsy moth.
3 3 The department shall allocate and use the appropriation made
3 4 in this paragraph before moneys other than those appropriated
3 5 in this paragraph are used to support the program.

3 6 (2) Of the amount appropriated in this paragraph "a",
3 7 \$25,000 shall be allocated to the Iowa state university for
3 8 purposes of supporting multiflora rose in eradication research
3 9 and projects.

3 10 (3) Of the amount appropriated in this paragraph "a",
3 11 \$25,000 shall be allocated to support aerial spray calibration
3 12 efforts at Iowa state university.

3 13 b. For the operations of the commercial feed programs:
3 14 \$ 735,631

3 15 c. For the operations of the pesticide programs:
3 16 \$ 1,271,464

3 17 Of the amount appropriated in this paragraph "c", \$200,000
3 18 shall be allocated to Iowa state university for purposes of
3 19 training commercial pesticide applicators.

3 20 d. For the operations of the fertilizer programs:
3 21 \$ 626,630

3 22 4. SOIL CONSERVATION DIVISION

3 23 a. For salaries, support, maintenance, assistance to soil
3 24 conservation districts, miscellaneous purposes, and for not
3 25 more than the following full-time equivalent positions:
3 26 \$ 5,676,476
3 27 FTEs 177.30

3 28 (1) Of the amount appropriated in this paragraph "a",
3 29 \$330,000 shall be used to reimburse commissioners of soil and
3 30 water conservation districts for administrative expenses.
3 31 Moneys used for the payment of meeting dues by counties shall
3 32 be matched on a dollar-for-dollar basis by the soil
3 33 conservation division.

3 34 (2) Of the amount appropriated and the number of full-time
3 35 equivalent positions allocated in this paragraph "a", \$165,000
4 1 and 6.50 FTEs shall be used to provide that 13 part-time field
4 2 office secretary I positions are made full-time positions. Of
4 3 the amount appropriated and the number of full-time equivalent
4 4 positions allocated in paragraph "a", \$55,000 and 1 FTE shall
4 5 be used to support a public service executive I position in
4 6 the field services section of the division.

4 7 b. To provide financial incentives for soil conservation
4 8 practices under chapter 161A:
4 9 \$ 5,918,606

4 10 c. The following requirements apply to the moneys
4 11 appropriated in paragraph "b":

4 12 (1) Not more than 5 percent of the moneys appropriated in
4 13 paragraph "b" may be allocated for cost sharing to abate
4 14 complaints filed under section 161A.47.

4 15 (2) Of the moneys appropriated in paragraph "b", 5 percent
4 16 shall be allocated for financial incentives to establish
4 17 practices to protect watersheds above publicly owned lakes of
4 18 the state from soil erosion and sediment as provided in

4 19 section 161A.73.

4 20 (3) Not more than 30 percent of a district's allocation of
4 21 moneys as financial incentives may be provided for the purpose
4 22 of establishing management practices to control soil erosion
4 23 on land that is row cropped, including but not limited to no-
4 24 till planting, ridge-till planting, contouring, and contour
4 25 strip-cropping as provided in section 161A.73.

4 26 (4) The state soil conservation committee created in
4 27 section 161A.4 may allocate moneys to conduct research and
4 28 demonstration projects to promote conservation tillage and
4 29 nonpoint source pollution control practices.

4 30 (5) The financial incentive payments may be used in
4 31 combination with department of natural resources moneys.

4 32 d. The provisions of section 8.33 shall not apply to the
4 33 moneys appropriated in paragraph "b". Unencumbered or
4 34 unobligated moneys remaining on June 30, 1999, from moneys
4 35 appropriated in paragraph "b" for the fiscal year beginning
5 1 July 1, 1995, shall revert to the general fund on August 31,
5 2 1999.

5 3 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is
5 4 appropriated from the general fund of the state to the
5 5 department of agriculture and land stewardship for the fiscal
5 6 year beginning July 1, 1995, and ending June 30, 1996, the
5 7 following amount, or so much thereof as is necessary, to be
5 8 used for the purposes designated:

5 9 For salaries, support, maintenance, and miscellaneous
5 10 purposes, to be used by the department to continue and expand
5 11 the farmers' market coupon program by providing federal
5 12 special supplemental food program recipients with coupons
5 13 redeemable at farmers' markets, and for not more than the
5 14 following full-time equivalent positions:

5 15 \$ 215,335
5 16 FTEs 1.00

5 17 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

5 18 1. There is appropriated from the general fund of the
5 19 state to the department of agriculture and land stewardship
5 20 for the fiscal year beginning July 1, 1995, and ending June
5 21 30, 1996, the following amount, or so much thereof as is
5 22 necessary, to be used for the purpose designated:

5 23 For support of the pseudorabies eradication program:
5 24 \$ 900,200

5 25 2. Persons, including organizations interested in swine
5 26 production in this state and in the promotion of Iowa pork
5 27 products who contribute support to the program, are encouraged
5 28 to increase financial support for purposes of ensuring the
5 29 program's effective continuation.

5 30 Sec. 4. HORSE AND DOG RACING. There is appropriated from
5 31 the moneys available under section 99D.13 to the regulatory
5 32 division of the department of agriculture and land stewardship
5 33 for the fiscal year beginning July 1, 1995, and ending June
5 34 30, 1996, the following amount, or so much thereof as is
5 35 necessary, to be used for the purpose designated:

6 1 For salaries, support, maintenance, and miscellaneous
6 2 purposes for the administration of section 99D.22:
6 3 \$ 191,106

6 4 Sec. 5. INTERSTATE COMPACT ON AGRICULTURAL GRAIN
6 5 MARKETING. There is appropriated from the general fund of the
6 6 state to the interstate agricultural grain marketing
6 7 commission for the fiscal year beginning July 1, 1995, and
6 8 ending June 30, 1996, the following amount, or so much thereof
6 9 as is necessary, to be used for the purpose designated:

6 10 For carrying out duties of the commission as provided in
6 11 Article IV of the interstate compact on agricultural grain
6 12 marketing as provided in chapter 183:
6 13 \$ 80,000

6 14 DEPARTMENT OF NATURAL RESOURCES

6 15 Sec. 6. GENERAL APPROPRIATION. There is appropriated from

6 16 the general fund of the state to the department of natural
6 17 resources for the fiscal year beginning July 1, 1995, and
6 18 ending June 30, 1996, the following amounts, or so much
6 19 thereof as is necessary, to be used for the purposes
6 20 designated:

6 21 1. ADMINISTRATIVE AND SUPPORT SERVICES

6 22 For salaries, support, maintenance, miscellaneous purposes,
6 23 and for not more than the following full-time equivalent
6 24 positions:

6 25 \$ 1,834,654
6 26 FTEs 113.50

6 27 2. PARKS AND PRESERVES DIVISION

6 28 For salaries, support, maintenance, miscellaneous purposes,
6 29 and for not more than the following full-time equivalent
6 30 positions:

6 31 \$ 5,510,462
6 32 FTEs 195.73

6 33 3. FORESTS AND FORESTRY DIVISION

6 34 For salaries, support, maintenance, miscellaneous purposes,
6 35 and for not more than the following full-time equivalent
7 1 positions:

7 2 \$ 1,479,218
7 3 FTEs 48.71

7 4 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

7 8 \$ 1,663,582
7 9 FTEs 52.00

7 10 5. ENVIRONMENTAL PROTECTION DIVISION

7 11 a. For salaries, support, maintenance, miscellaneous
7 12 purposes, and for not more than the following full-time
7 13 equivalent positions:

7 14 \$ 1,591,943
7 15 FTEs 206.00

7 16 b. Of the amount appropriated and the number of full-time
7 17 equivalent positions allocated in paragraph "a" at least
7 18 \$49,300 and 1 FTE shall be used to support the regulation of
7 19 animal feeding operations.

7 20 6. WATER QUALITY PROTECTION FUND

7 21 a. For allocation to the administrative account of the
7 22 water quality protection fund established pursuant to section
7 23 455B.183A, to carry out the purpose of that account:

7 24 \$ 404,000

7 25 b. Of the number of FTEs authorized in subsection 5,
7 26 paragraph "a", 36 FTEs shall be dedicated to carrying out the
7 27 provisions of chapter 455B relating to the administration,
7 28 regulation, and enforcement of the federal Safe Drinking Water
7 29 Act and to support the program to assist supply systems as
7 30 provided in section 455B.183B. However, the limitation on
7 31 full-time equivalent positions provided in subsection 5,
7 32 paragraph "a", shall not limit the number of additional full-
7 33 time equivalent positions supported by moneys deposited in the
7 34 water quality protection fund as provided in section
7 35 455B.183A, in order to carry out the provisions of division

8 1 III of chapter 455B relating to the administration,
8 2 regulation, and enforcement of the federal Safe Drinking Water
8 3 Act, and the administration of the program to assist supply
8 4 systems pursuant to section 455B.183B.

8 5 c. In providing assistance under this subsection, the
8 6 department shall provide priority to systems serving a
8 7 population of seven thousand or less. At least two FTEs shall
8 8 be allocated to provide assistance to systems serving a
8 9 population of seven thousand or less.

8 10 7. FISH AND WILDLIFE DIVISION

8 11 For not more than the following full-time equivalent
8 12 positions:

8 13 FTEs 340.93

8 14 8. WASTE MANAGEMENT ASSISTANCE DIVISION

8 15 For not more than the following full-time equivalent
8 16 positions:

8 17 FTEs 16.75

8 18 Sec. 7. STATE FISH AND GAME PROTECTION FUND & APPRO-
8 19 PRIATION TO THE DIVISION OF FISH AND WILDLIFE.

8 20 1. There is appropriated from the state fish and game
8 21 protection fund to the division of fish and wildlife of the
8 22 department of natural resources for the fiscal year beginning
8 23 July 1, 1995, and ending June 30, 1996, the following amount,
8 24 or so much thereof as is necessary, to be used for the
8 25 purposes designated:

8 26 For administrative support, and for salaries, support,
8 27 maintenance, equipment, and miscellaneous purposes:
8 28 \$ 20,637,657

8 29 2. The department shall not expend more moneys from the
8 30 fish and game protection fund than provided in this section,
8 31 unless the expenditure derives from contributions made by a
8 32 private entity, or a grant or moneys received from the federal
8 33 government, and is approved by the natural resource
8 34 commission. The department of natural resources shall
8 35 promptly notify the legislative fiscal bureau and the
9 1 chairpersons and ranking members of the joint appropriations
9 2 subcommittee on agriculture and natural resources concerning
9 3 the commission's approval.

9 4 Sec. 8. MARINE FUEL TAX RECEIPTS & NONCAPITALS AND
9 5 BOATING FACILITIES AND ACCESS. There is appropriated from the
9 6 marine fuel tax receipts deposited in the general fund of the
9 7 state to the department of natural resources for the fiscal
9 8 year beginning July 1, 1995, and ending June 30, 1996, the
9 9 following amounts, or so much thereof as is necessary, to be
9 10 used for the purposes designated:

9 11 1. For purposes of funding expenditures traditionally
9 12 funded from marine fuel tax revenues, but not considered as
9 13 capitals or operations:
9 14 \$ 200,000

9 15 2. For purposes of maintaining and developing boating
9 16 facilities and access to public waters by the parks and
9 17 preserves division:
9 18 \$ 411,311

9 19 Notwithstanding section 8.33, the unencumbered or
9 20 unobligated moneys remaining on June 30, 1996, from moneys
9 21 appropriated in subsection 1, may be expended during the
9 22 fiscal year beginning July 1, 1996, and ending June 30, 1997,
9 23 and shall not revert to the general fund until August 31,
9 24 1997.

9 25 Sec. 9. SNOWMOBILE FEES & TRANSFER FOR ENFORCEMENT
9 26 PURPOSES. There is transferred on July 1, 1995, from the fees
9 27 deposited under section 321G.7 to the fish and game protection
9 28 fund and appropriated to the department of natural resources
9 29 for the fiscal year beginning July 1, 1995, and ending June
9 30 30, 1996, the following amount, or so much thereof as is
9 31 necessary, to be used for the purpose designated:

9 32 For the purpose of enforcing snowmobile laws as part of the
9 33 state snowmobile program administered by the department of
9 34 natural resources:
9 35 \$ 100,000

10 1 Sec. 10. VESSEL FEES & TRANSFER FOR ENFORCEMENT PURPOSES.

10 2 There is transferred on July 1, 1995, from the fees deposited
10 3 under section 462A.52 to the fish and game protection fund and
10 4 appropriated to the department of natural resources for the
10 5 fiscal year beginning July 1, 1995, and ending June 30, 1996,
10 6 the following amount, or so much thereof as is necessary, to
10 7 be used for the purpose designated:

10 8 For purposes of administration and enforcement of
10 9 navigation laws and water safety:

10 10 \$ 1,200,000

10 11 RESOURCES ENHANCEMENT AND PROTECTION

10 12 Sec. 11. GENERAL APPROPRIATION. Notwithstanding the
10 13 amount of the standing appropriation from the general fund of
10 14 the state under section 455A.18, subsection 3, there is
10 15 appropriated from the general fund of the state to the Iowa
10 16 resources enhancement and protection fund, in lieu of the
10 17 appropriation made in section 455A.18, for the fiscal year
10 18 beginning July 1, 1995, and ending June 30, 1996, the sum of
10 19 \$8,000,000, of which all moneys shall be allocated as provided
10 20 in section 455A.19.

10 21 ANIMAL INDUSTRY APPROPRIATIONS

10 22 Sec. 12. LIVESTOCK PRODUCERS ASSISTANCE.

10 23 1. There is appropriated from the general fund of the
10 24 state to Iowa state university of science and technology, for
10 25 the fiscal year beginning July 1, 1995, and ending June 30,
10 26 1996, the following amount, or so much thereof as is
10 27 necessary, to be used for the purposes designated:

10 28 For the administration of the livestock producers
10 29 assistance program established pursuant to section 266.39D,
10 30 including salaries, support, maintenance, miscellaneous
10 31 purposes, and for not more than the following full-time
10 32 equivalent positions:

10 33 \$ 100,000
10 34 FTEs 1.66

10 35 2. As a condition of this appropriation, the university
11 1 shall strive to ensure that the program becomes increasingly
11 2 self-sufficient. The university shall adopt a plan detailing
11 3 the manner in which the program will become self-sufficient,
11 4 including the expected amount of state funds necessary to
11 5 support the program until it becomes self-sufficient, the
11 6 sources of revenue expected to contribute to the program, and
11 7 the amount each source is expected to contribute to the
11 8 program. The plan shall be submitted to the legislative
11 9 fiscal bureau by November 1, 1995.

11 10 3. The provisions of section 8.33 shall not apply to the
11 11 moneys appropriated in this section. Unencumbered or unobli-
11 12 gated moneys remaining on June 30, 1999, from moneys
11 13 appropriated in this section for the fiscal year beginning
11 14 July 1, 1995, shall revert to the general fund on August 31,
11 15 1999.

11 16 Sec. 13. ORGANIC NUTRIENT MANAGEMENT.

11 17 1. There is appropriated from the general fund of the
11 18 state to the department of agriculture and land stewardship
11 19 for the fiscal year beginning July 1, 1995, and ending June
11 20 30, 1996, the following amount, or so much thereof as is
11 21 necessary, to be used for the purposes designated:

11 22 For deposit in the organic nutrient management fund for
11 23 administration of the organic nutrient management program, as
11 24 provided in section 161C.6:
11 25 \$ 450,000

11 26 2. Notwithstanding section 161C.5, unencumbered or
11 27 unobligated moneys remaining on June 30, 1999, from moneys
11 28 appropriated in this section for the fiscal year beginning
11 29 July 1, 1995, shall revert to the general fund on August 31,
11 30 1999.

11 31 RELATED APPROPRIATIONS

11 32 Sec. 14. TRANSFERS FROM THE WATER PROTECTION FUND.

11 33 Notwithstanding section 161C.4 and the reversion and alloca-
11 34 tion provisions in section 455A.19, subsection 1, paragraph
11 35 "c", of the unencumbered and unobligated moneys remaining on
12 1 the effective date of this section, in the water protection
12 2 fund created pursuant to section 161C.4, the following amounts
12 3 shall be transferred first from the water protection practices
12 4 account, and if necessary from the water quality protection
12 5 projects account, which shall be used for the following
12 6 purposes:

12 7 1. To the organic nutrient management fund created in
12 8 section 161C.5 for the purposes of carrying out the organic
12 9 nutrient management program as provided in section 161C.6:
12 10 \$ 350,000

12 11 2. To provide financial incentives for soil conservation
12 12 practices under chapter 161A, as provided in section 1 of this
12 13 Act:
12 14 \$ 500,000

12 15 Moneys provided in this section shall be transferred first
12 16 to the organic nutrient management fund as provided in
12 17 subsection 1 before remaining moneys are transferred to
12 18 provide financial incentives for soil conservation as provided
12 19 in subsection 2.

12 20 The provisions of section 8.33 shall not apply to the
12 21 moneys transferred pursuant to this section. Unencumbered or
12 22 unobligated moneys remaining on June 30, 1999, from moneys
12 23 transferred pursuant to this section for the fiscal year
12 24 beginning July 1, 1995, shall revert to the account from which
12 25 transferred on August 31, 1999.

12 26 Sec. 15. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE
12 27 UNDERGROUND STORAGE TANK BOARD & TRANSFER. There is
12 28 appropriated from the unassigned revenue fund administered by
12 29 the Iowa comprehensive underground storage tank board, to the
12 30 department of natural resources for the fiscal year beginning
12 31 July 1, 1995, and ending June 30, 1996, the following amount,
12 32 or so much thereof as is necessary, to be used for the purpose
12 33 designated:

12 34 For administration expenses of the underground storage tank
12 35 section of the department of natural resources:
13 1 \$ 75,000

13 2 Sec. 16. TRANSFER & AIR QUALITY. For the fiscal year
13 3 beginning July 1, 1995, and ending June 30, 1996, the
13 4 department of natural resources may transfer up to \$281,000
13 5 from the hazardous substance remedial fund to support purposes
13 6 related to carrying out the duties of the commission under
13 7 section 455B.133, or the director under section 455B.134, or
13 8 for carrying out the provisions of chapter 455B, division II.

13 9 Sec. 17. WIND EROSION CONTROL FUND. On the effective date
13 10 of this section, all unencumbered or unobligated moneys
13 11 appropriated to the wind erosion control fund, and any
13 12 unencumbered or unobligated moneys which have been credited to
13 13 the division of soil conservation of the department of
13 14 agriculture and land stewardship for purposes of planting and
13 15 maintaining wind erosion control barriers, as originally
13 16 provided in 1978 Iowa Acts, chapter 1108, section 7, and
13 17 subsequently amended, shall be transferred to the road use tax
13 18 fund created in section 312.1.

13 19 MISCELLANEOUS

13 20 Sec. 18. STATE NURSERIES. Notwithstanding section 17A.2,
13 21 subsection 10, paragraph "g", the department of natural
13 22 resources shall adopt administrative rules establishing prices
13 23 of plant material grown at the state forest nurseries to cover
13 24 all expenses related to the growing of the plants.

13 25 The department shall develop programs to encourage the wise
13 26 management and preservation of existing woodlands and shall
13 27 continue its efforts to encourage forestation and
13 28 reforestation on private and public lands in the state.

13 29 The department shall encourage a cooperative relationship
13 30 between the state forest nurseries and private nurseries in
13 31 the state in order to achieve these goals.

13 32 Sec. 19. HUNGRY CANYONS CONFERENCE.

13 33 1. The department of natural resources in cooperation with
13 34 the loess hills development and conservation authority, shall
13 35 sponsor a conference not later than September 1, 1995,
14 1 regarding the erosion and degradation of stream channels in
14 2 counties in the deep loess region of western Iowa, and
14 3 specifically the area referred to as hungry canyons. The

14 4 conference shall discuss the impacts of the erosion and
14 5 degradation of stream channels in the area and its adverse
14 6 effect upon rural infrastructure, including public roads and
14 7 bridges, agricultural production, stream water quality, and
14 8 riparian habitat. The conference shall consider impacts of
14 9 policies of the United States army corps of engineers upon the
14 10 area.

14 11 2. Conferees shall include representatives of the
14 12 department of natural resources, the loess hills development
14 13 and conservation authority, the division of soil conservation
14 14 of the department of agriculture and land stewardship, and the
14 15 state department of transportation. Each soil and water
14 16 conservation district in the area may elect one commissioner
14 17 to serve as a conferee. Each county board of supervisors in a
14 18 county in the area may elect one supervisor to serve as a
14 19 conferee. The department of natural resources shall invite
14 20 other interested persons to serve as conferees, including
14 21 members of Iowa's congressional delegation, members of the
14 22 Iowa general assembly who represent affected legislative
14 23 districts, and representatives of the United States army corps
14 24 of engineers, the United States environmental protection
14 25 agency, the United States department of interior, and the
14 26 natural resources conservation service of the United States
14 27 department of agriculture.

14 28 3. The department of natural resources shall report to the
14 29 general assembly not later than January 15, 1995, regarding
14 30 findings and recommendations of the conferees.

14 31 Sec. 20. TRANSFER OF MONEYS OR POSITIONS; CHANGES IN
14 32 TABLES OF ORGANIZATION & NOTIFICATION. Each fiscal quarter
14 33 of the fiscal year beginning July 1, 1995, the department of
14 34 agriculture and land stewardship and the department of natural
14 35 resources shall notify the chairpersons, vice chairpersons,
15 1 and ranking members of the joint appropriations subcommittee
15 2 on agriculture and natural resources for the previous fiscal
15 3 quarter of any transfer of moneys or full-time equivalent
15 4 positions made by either department which is not authorized in
15 5 this Act, or any permanent position added to or deleted from
15 6 either department's table of organization.

15 7 Sec. 21. TRUST FUND INFORMATION. For the fiscal year
15 8 beginning July 1, 1995, and ending June 30, 1996, the
15 9 department of revenue and finance in cooperation with each
15 10 appropriate agency shall track receipts to the general fund of
15 11 the state which under law were previously collected to be used
15 12 for specific purposes, or to be credited to, or be deposited
15 13 to a particular account or fund, as provided in section 8.60.

15 14 The department of revenue and finance and each appropriate
15 15 agency shall prepare reports detailing revenue from receipts
15 16 previously deposited into each of the funds. A report shall
15 17 be submitted to the legislative fiscal bureau at least once
15 18 for each three-month period as designated by the legislative
15 19 fiscal bureau.

15 20 Sec. 22. DEPARTMENTAL INFORMATION REQUIRED.

15 21 1. For the fiscal year beginning July 1, 1995, and ending
15 22 June 30, 1996, the department of agriculture and land
15 23 stewardship and the department of natural resources, in
15 24 cooperation as necessary with the department of management and
15 25 the department of personnel, shall provide a list to the
15 26 legislative fiscal bureau, on a quarterly basis, of all
15 27 permanent positions added to or deleted from the departments'
15 28 table of organization in the previous fiscal quarter. This
15 29 list shall include at least the position number, salary range,
15 30 projected funding source or sources of each position, and the
15 31 reason for the addition or deletion. The legislative fiscal
15 32 bureau may use this information to assist in the establishment
15 33 of the full-time equivalent position limits authorized in law
15 34 for the departments.

15 35 2. For the fiscal year beginning July 1, 1995, and ending

16 1 June 30, 1996, the department of natural resources shall
16 2 provide the legislative fiscal bureau information and
16 3 financial data by cost center, on at least a monthly basis,
16 4 relating to the indirect cost accounting procedure, the amount
16 5 of funding from each funding source for each cost center, and
16 6 the internal budget system used by the department. The
16 7 information shall include but is not limited to financial data
16 8 covering the department's budget by cost center and funding
16 9 source prior to the start of the fiscal year, and to the
16 10 department's actual expenditures by cost center and funding
16 11 source after the accounting system has been closed for that
16 12 fiscal year.

16 13 3. For the fiscal year beginning July 1, 1995, and ending
16 14 June 30, 1996, the department of agriculture and land
16 15 stewardship shall provide the legislative fiscal bureau
16 16 information and financial data on at least a monthly basis,
16 17 relating to the internal budget system used by the department.
16 18 The information shall include but is not limited to financial
16 19 data covering the department's budget prior to the start of
16 20 the fiscal year, and to the department's actual expenditures
16 21 after the accounting system has been closed for that fiscal
16 22 year.

16 23 Sec. 23. PREFERENCE PROVIDED – PERSONS MEETING
16 24 ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM. In its
16 25 employment of persons in temporary positions in conservation
16 26 and outdoor recreation for the fiscal year beginning July 1,
16 27 1995, and ending June 30, 1996, the department of natural
16 28 resources shall give preference to persons meeting eligibility
16 29 requirements for the green thumb program and to persons
16 30 working toward an advanced education in natural resources and
16 31 conservation.

16 32 Sec. 24. GYPSY MOTH LITIGATION. The department of
16 33 agriculture and land stewardship and the office of the
16 34 attorney general shall cooperate in bringing legal action
16 35 against parties liable for damages caused by the shipment from
17 1 the state of Michigan of trees or other plants infested with
17 2 gypsy moths.

17 3 Sec. 25. SOIL CONSERVATION DIVISION – USE OF UNOBLIGATED
17 4 MONEYS FOR THE PURCHASE OF EQUIPMENT. Notwithstanding section
17 5 8.33, or 1994 Iowa Acts, chapter 1199, section 8, subsection
17 6 17, and section 88, the moneys appropriated to the soil
17 7 conservation division of the department of agriculture and
17 8 land stewardship pursuant to chapter 1199, section 8,
17 9 subsection 17, and section 88, which are not obligated or
17 10 encumbered on June 30, 1995, for purposes of supporting soil
17 11 conservation technicians, shall not revert to the general fund
17 12 of the state but shall be used by the division of soil
17 13 conservation for the fiscal year beginning July 1, 1995, and
17 14 ending June 30, 1996, for purposes of purchasing equipment for
17 15 soil conservation field offices.

17 16 Sec. 26. AIR QUALITY PROGRAM – NONGENERAL FUND SUPPORT.
17 17 The department of natural resources for the fiscal year
17 18 beginning July 1, 1995, and ending June 30, 1996, shall not
17 19 use moneys appropriated from the general fund of the state
17 20 pursuant to this Act, to support any purpose related to
17 21 carrying out the duties of the commission under section
17 22 455B.133 or the director under section 455B.134, or for
17 23 carrying out the provisions of chapter 455B, division II.

17 24 Notwithstanding section 455B.133B, the department may use
17 25 moneys deposited in the air contaminant source fund created in
17 26 section 455B.133B during the fiscal year beginning July 1,
17 27 1995, and ending June 30, 1996, for any purpose related to
17 28 carrying out the duties of the commission under section
17 29 455B.133 or the director under section 455B.134, or for
17 30 carrying out the provisions of chapter 455B, division II.

17 31 Sec. 27. RULES RELATING TO PESTICIDE AND FERTILIZER
17 32 CONTAMINATED SITES – ENVIRONMENTAL PROTECTION COMMISSION.

17 33 The environmental protection commission shall adopt all rules
17 34 required to establish criteria for the classification and
17 35 prioritization of sites upon which pesticide or fertilizer
18 1 contamination has been discovered, as provided in section
18 2 455B.601 not later than January 1, 1996.

18 3 Sec. 28. TERMINATION OF DEPUTY SECRETARY OF AGRICULTURE.
18 4 The department of agriculture and land stewardship shall not
18 5 support the position of deputy secretary of agriculture, and
18 6 shall distribute the functions of the deputy secretary to
18 7 other positions within the department.

18 8 Sec. 29. DEPUTY SECRETARY OF AGRICULTURE & STUDY. The
18 9 joint appropriations subcommittee on agriculture and natural
18 10 resources shall conduct a study of the functions and duties of
18 11 the deputy secretary of agriculture, the effectiveness of the
18 12 position, and any methods to improve the position's
18 13 effectiveness.

18 14 STATUTORY CHANGES

18 15 Sec. 30. 1993 Iowa Acts, chapter 176, section 25,
18 16 subsection 2, as amended by 1994 Iowa Acts, chapter 1198,
18 17 section 31, is amended to read as follows:

18 18 2. Notwithstanding section 8.33, unencumbered or
18 19 unobligated moneys remaining on June 30, 1993, from moneys
18 20 appropriated pursuant to 1992 Iowa Acts, Second Extraordinary
18 21 Session, chapter 1001, section 402, may be expended during the
18 22 fiscal period beginning July 1, 1993, and ending June 30,

~~1995~~

18 23 1996, and shall not revert to the general fund until August
18 24 31,

~~1995~~

~~1996.~~

18 25 Sec. 31. 1994 Iowa Acts, chapter 1119, section 32,
18 26 subsection 2, unnumbered paragraph 1, is amended to read as
18 27 follows:

18 28 Notwithstanding section 423.24, as amended in this Act, for
18 29 each fiscal year of the period beginning on July 1, 1993, and
18 30 ending

~~July 1, 1994~~

~~June 30, 1996~~, an amount equal to two and

18 31 one-half percent of the total moneys used to support value-
18 32 added agricultural products and processes as provided in that
18 33 section, which would otherwise be allocated to the value-added
18 34 agricultural products and processes financial assistance fund,
18 35 shall instead be allocated to the office of renewable fuels
19 1 and coproducts. The moneys shall be used for purposes of
19 2 conducting soydiesel demonstration projects administered by
19 3 the state department of transportation under the oversight of
19 4 the renewable fuels and coproducts advisory committee.

19 5 Sec. 32. 1994 Iowa Acts, chapter 1119, section 32,
19 6 subsection 2, paragraph b, is amended to read as follows:

19 7 b. The state department of transportation shall evaluate
19 8 the performance of vehicles operating on soydiesel fuel,
19 9 including the rate of repairs on the vehicles and comments of
19 10 persons operating and maintaining the vehicles. The
19 11 department shall submit initial findings and recommendations
19 12 to the renewable fuels and coproducts advisory committee which
19 13 shall submit a report to the senate and chief clerk of the
19 14 house, the legislative service bureau, the chairpersons and
19 15 ranking members of the senate standing committee on
19 16 agriculture, the senate standing committee on small business,
19 17 economic development and tourism, the house of representatives
19 18 standing committee on agriculture, and the house of
19 19 representatives standing committee on small business, economic
19 20 development and trade. The department shall submit final

19 21 findings and recommendations to the renewable fuels and
19 22 coproducts advisory committee which shall submit a report to
19 23 the general assembly.

~~The~~
- An initial report shall be due on
19 24 October 1, 1994

~~The final~~
-, an interim report shall be due on
19 25 March 1, 1995, and a final report shall be due on October 1,
19 26 1996.

19 27 Sec. 33. 1994 Iowa Acts, chapter 1119, section 32,
19 28 subsection 2, paragraph d, is amended to read as follows:
19 29 d. Moneys available under this section which remain
19 30 unexpended or unobligated on June 30, 1994, shall remain
19 31 available to support the demonstration project and shall not
19 32 revert pursuant to section 8.33. Moneys remaining unexpended
19 33 or unobligated on June 30,

~~1995~~
- 1996, shall be credited to the
19 34 value-added agricultural products and processes financial
19 35 assistance fund as created in section 15E.112.
20 1 Sec. 34. Section 8.60, Code 1995, is amended to read as
20 2 follows:
20 3 8.60 USE OF DESIGNATED MONEYS.
20 4 Moneys credited to or deposited in the general fund of the
20 5 state on or after July 1, 1993, which under law were pre-
20 6 viously collected to be used for specific purposes, or to be
20 7 credited to, or be deposited to a particular account or fund
20 8 shall only be used for the purposes for which the moneys were
20 9 collected, including but not limited to moneys collected in
20 10 accordance with any of the following provisions:
20 11 1. Pari-mutuel regulation fund created in section 99D.17,
20 12 Code Supplement 1993.
20 13 2. Excursion boat gambling special account pursuant to
20 14 section 99F.4, subsection 2, Code Supplement 1993.
20 15

~~3. Milk fund created in section 192.111, Code Supplement~~
-
20 16

~~1993.~~
-
20 17

~~4. Dairy trade practices trust fund pursuant to section~~
-
20 18
~~192A.30, Code Supplement 1993.~~

~~5. Commercial feed fund created in section 198.9, Code~~
-
20 19
~~Supplement 1993.~~

~~6. Fertilizer fund created in section 200.9, Code~~
-
20 20
~~Supplement 1993.~~
-
20 21
~~200.9, Code Supplement 1993.~~
-
20 22

~~Supplement 1993.~~

20 23

~~7. Pesticide fund created in section 206.12, Code~~

20 24

~~Supplement 1993.~~

20 25

~~8.~~

- 3. Motor vehicle fraud account pursuant to section 20 26 312.2, subsection 13, Code Supplement 1993.

20 27

~~9.~~

- 4. Public transit assistance fund pursuant to section 20 28 312.2, subsection 15, and section 324A.6, Code Supplement 20 29 1993.

20 30

~~10.~~

- 5. Salvage vehicle fee paid to the Iowa law 20 31 enforcement academy pursuant to section 321.52, Code 20 32 Supplement 1993.

20 33

~~11.~~

- 6. Railroad assistance fund created in section 20 34 327H.18, Code Supplement 1993.

20 35

~~12.~~

- 7. Special railroad facility fund created in section 21 1 327I.23, Code Supplement 1993.

21 2

~~13.~~

- 8. State aviation fund created in section 328.36, Code 21 3 Supplement 1993.

21 4

~~14. Marine fuel tax fund created in section 452A.79, Code~~

21 5

~~Supplement 1993.~~

21 6

~~15.~~

- 9. Public outdoor recreation and resources fund 21 7 pursuant to section [461A.79](#), Code Supplement 1993.

21 8

~~16.~~

- 10. Energy research and development fund created in 21 9 section [473.11](#), Code Supplement 1993.

21 10

~~17.~~

- 11. Utilities trust fund created in section [476.10](#), 21 11 Code Supplement 1993.

21 12

~~18.~~

- 12. Banking revolving fund created in section [524.207](#),
21 13 Code Supplement 1993.
21 14

~~19.~~

- 13. Credit union revolving fund created in section
21 15 533.67, Code Supplement 1993.
21 16

~~20.~~

- 14. Professional licensing revolving fund created in
21 17 section [546.10](#), Code Supplement 1993.
21 18 Sec. 35. Section [159.14](#), Code 1995, is amended to read as
21 19 follows:
21 20 159.14 BONDS.
21 21 The secretary shall require every inspector or employee who
21 22 collects fees or handles funds belonging to the state to give
21 23 an official bond, properly conditioned and signed by
21 24 sufficient sureties, in a sum to be fixed by the secretary,
21 25 which bond shall be approved by the secretary and filed in the
21 26 office of the secretary of state.

~~This section shall not~~

-

21 27

~~apply to the deputy secretary of agriculture.~~

- The state shall

21 28 pay the reasonable cost of the bonds required by this section.

21 29 Sec. 36. Section 161C.4, unnumbered paragraph 1, Code
21 30 1995, is amended to read as follows:

21 31 A water protection fund is created within the division.

21 32 The fund is composed of money appropriated by the general
21 33 assembly for that purpose, and moneys available to and
21 34 obtained or accepted by the state soil conservation committee
21 35 from the United States or private sources for placement in the
22 1 fund. The fund shall be divided into two accounts, the water
22 2 quality protection projects account and the water protection
22 3 practices account. The first account shall be used to carry
22 4 out water quality protection projects to protect the state's
22 5 surface and groundwater from point and nonpoint sources of
22 6 contamination. The second account shall be used to establish
22 7 water protection practices with individual landowners
22 8 including but not limited to woodland establishment and
22 9 protection, establishment of native grasses and forbs,
22 10 sinkhole management, agricultural drainage well management,
22 11 streambank stabilization, grass waterway establishment, stream
22 12 buffer strip establishment, and erosion control structure
22 13 construction. Twenty-five percent of funds appropriated to
22 14 the water protection practices account shall be used for
22 15 woodland establishment and protection, and establishment of
22 16 native grasses and forbs. Soil and water conservation
22 17 district commissioners shall give priority to applications for
22 18 practices that implement their soil and water resource
22 19 conservation plan. The fund shall be a revolving fund from
22 20 which moneys may be used for loans, grants, administrative
22 21 costs, and cost-sharing.

22 22 Sec. 37. Section [192.111](#), subsection 3, Code 1995, is
22 23 amended by striking the subsection.

22 24 Sec. 38. NEW SECTION. 192.112 MILK FUND.

22 25 1. A milk fund is established in the state treasury under
22 26 the control of the department. The fund shall consist of any
22 27 money appropriated by the general assembly and any other
22 28 moneys available to and obtained or accepted by the department
22 29 from the federal government or private sources for placement

22 30 in the fund. Fees collected under sections 192.111, 192.133,
22 31 194.14, 194.19, 194.20, and 195.9 shall be deposited in the
22 32 fund. All moneys deposited under this section are
22 33 appropriated to the department for the costs of inspection,
22 34 sampling, analysis, and other expenses necessary for the
22 35 administration of this chapter and chapters 194 and 195.

23 1 2. In each fiscal year, the secretary shall calculate the
23 2 balance of funds deposited under this section by subtracting
23 3 all moneys expended for the costs of inspection, sampling,
23 4 analysis, and other expenses necessary for the administration
23 5 of this chapter and chapters 194 and 195. If the calculation
23 6 shows a balance of funds deposited under this section on June
23 7 30 of any fiscal year equal to or exceeding one hundred fifty
23 8 thousand dollars, the secretary shall reduce the fees provided
23 9 for in section 192.11 and section 194.20 for the next fiscal
23 10 year in an amount which will result in an ending estimated
23 11 balance of such funds for June 30 of the next fiscal year of
23 12 one hundred fifty thousand dollars.

23 13 3. All moneys in the milk fund are subject to audit by the
23 14 auditor of state. The milk fund is subject at all times to
23 15 warrants by the director of revenue and finance, drawn upon
23 16 written requisition of the secretary. Notwithstanding section
23 17 8.33, moneys in the milk fund shall remain in the milk fund
23 18 and shall not revert to the general fund of the state.
23 19 Notwithstanding section 12C.7, subsection 2, interest or
23 20 earnings on moneys deposited in the milk fund shall be
23 21 credited to the milk fund.

23 22 Sec. 39. Section [192.133](#), Code 1995, is amended to read as
23 23 follows:

23 24 192.133 LICENSE TERM & FEES.

23 25 A license, unless earlier revoked, is valid until July 1
23 26 after the date of its issuance. The maximum fee for a license
23 27 is twenty-five dollars, which shall be paid before the license
23 28 is issued, and standard test bottles and pipettes shall be
23 29 furnished at actual cost. Fees collected under this section
23 30 shall be deposited

~~and used as required in section 192.111~~

~~in~~

23 31 the milk fund established in section 192.112.

23 32 Sec. 40. Section [192A.30](#), Code 1995, is amended to read as
23 33 follows:

23 34 192A.30 PERMIT FEES.

23 35 For the purpose of administering and enforcing this
24 1 chapter, a processor or a person purchasing milk products from
24 2 a processor for wholesale distribution shall obtain a permit,
24 3 as provided by departmental rule, before milk products are
24 4 sold by the person or wholesale purchaser in this state. The
24 5 processor or wholesale purchaser shall pay to the secretary a
24 6 permit fee in an amount set by the secretary, not to exceed
24 7 five mills per hundredweight on milk processed into dairy
24 8 products as defined in section 192A.1, and sold within the
24 9 state of Iowa. However, the permit fee for the sale of ice
24 10 cream or an additive variant of ice cream or nonmilk-fat
24 11 imitation shall not exceed three mills per gallon. Products
24 12 upon which fees have been paid are exempt from further fees in
24 13 successive transactions. The fees for each month thus
24 14 computed shall be paid to the secretary on or before the
24 15 twenty-fifth day of the following month. The fees shall be
24 16 deposited in the milk fund established in section 192.112.
24 17

~~Fees paid to the secretary shall be deposited into the~~

24 18

~~general fund of the state and shall be subject to the~~

24 19

~~requirements of section 8.60.~~

24 20 Sec. 41. Section [194.14](#), Code 1995, is amended to read as
24 21 follows:

24 22 194.14 LICENSE TERM ‐ FEES.

24 23 A milk grader's license, unless sooner revoked, is valid
24 24 until July 1 after the date of issuance. The maximum fee for
24 25 each license is ten dollars, which shall be paid before the
24 26 license is issued. Fees collected under this section shall be
24 27 deposited

~~and used as required in section 192.111~~

~~in the milk~~

24 28 fund established pursuant to section 192.112.

24 29 Sec. 42. Section 194.19, unnumbered paragraph 1, Code
24 30 1995, is amended to read as follows:

24 31 A vehicle used for the collection of milk for manufacture
24 32 of dairy products shall first be licensed by the department.
24 33 A license, unless earlier revoked, is valid until July 1 after
24 34 the date of its issuance. The maximum fee for a license is
24 35 twenty-five dollars, which shall be paid before the license is
25 1 issued. A fee shall not be imposed under this section if the
25 2 vehicle or its operator has paid the fee imposed upon milk
25 3 haulers under section 192.111. Fees collected under this
25 4 section shall be deposited

~~and used as required in section~~

25 5

~~192.111~~

~~in the milk fund established in section 192.112. This~~

25 6 section does not apply to individuals transporting their own
25 7 dairy products.

25 8 Sec. 43. Section [194.20](#), Code 1995, is amended to read as
25 9 follows:

25 10 194.20 INSPECTION FEES ‐ GRADE "B" MILK.

25 11 A purchaser of milk from a grade "B" milk producer shall
25 12 pay an inspection fee not greater than one-half cent per
25 13 hundredweight. The fee is payable monthly to the department
25 14 at a time prescribed by the department. Fees collected under
25 15 this section shall be deposited

~~and used as required in~~

25 16

~~section 192.111~~

~~in the milk fund established in section~~

25 17 192.112.

25 18 Sec. 44. Section [195.9](#), Code 1995, is amended to read as
25 19 follows:

25 20 195.9 LICENSE TERM ‐ FEES.

25 21 A license, unless sooner revoked, is valid until July 1
25 22 after the date of its issuance. The maximum fee for a license
25 23 is twenty-five dollars which shall be paid before the license
25 24 is issued. Fees collected under this section shall be
25 25 deposited

~~and used as required in section 192.111~~

~~in the milk~~

25 26 fund established in section 192.112.

25 27 Sec. 45. Section [198.9](#), subsection 3, Code 1995, is
25 28 amended to read as follows:

25 29 3. Fees collected shall be deposited in the

~~general fund~~

25 30

~~of the state and shall be subject to the requirements of~~

25 31

~~section 8.60~~

~~commercial feed trust fund established in section~~

25 32 198.9A.

~~Moneys deposited under this section shall be used for~~

25 33

~~the payment of the costs of inspection, sampling, analysis,~~

25 34

~~supportive research, and other expenses necessary for the~~

25 35

~~administration of this chapter.~~

26 1

~~If there is an unencumbered balance of funds from the fees~~

26 2

~~deposited under this section on June 30 of any fiscal year~~

26 3

~~equal to or exceeding one hundred thousand dollars, the~~

26 4

~~secretary of agriculture shall reduce the per ton fee provided~~

26 5

~~for in subsection 1 for the next fiscal year in such amount as~~

26 6

~~will result in an ending estimated balance of the fees~~

26 7

~~deposited less costs paid for from those fees for June 30 of~~

26 8

~~the next fiscal year of one hundred thousand dollars.~~

26 9

~~The secretary shall publish a report not later than~~

26 10

~~September 1 of each year. The report shall provide a detailed~~

26 11

~~accounting of all sources of revenue deposited under and all~~

26 12

~~dispositions of funds expended under this section. The report~~

26 13

~~shall detail full time equivalent positions used in fulfilling~~

26 14

~~the requirements of this chapter. The report shall also~~

26 15

~~indicate to what extent any full time equivalent positions are~~

26 16

~~shared with other programs. Copies of the report issued by~~

26 17

~~the secretary pursuant to this subsection shall be delivered~~

26 18

~~each year to the members of the house of representatives and~~

26 19

~~senate standing committees on agriculture.~~

26 20 Sec. 46. NEW SECTION. 198.9A COMMERCIAL FEED TRUST FUND.

26 21 1. A commercial feed trust fund is established in the
26 22 state treasury under the control of the department. The fund
26 23 shall consist of any moneys appropriated to the fund by the
26 24 general assembly and any other moneys available to and
26 25 obtained or accepted by the department from the federal
26 26 government or private sources for placement in the fund. Fees
26 27 collected under section 198.9 shall be deposited in the fund.
26 28 Moneys deposited in the fund shall be used for the payment of
26 29 the costs of inspection, sampling, analysis, supportive
26 30 research, and other expenses necessary for the administration
26 31 of this chapter.

26 32 2. If there is an unencumbered balance of moneys in the
26 33 fund on June 30 of any fiscal year equal to or exceeding one
26 34 hundred thousand dollars, the secretary of agriculture shall
26 35 reduce the per ton fee provided for in section 198.9,
27 1 subsection 1, for the next fiscal year in such amount as will
27 2 result in an ending estimated balance of the fees deposited
27 3 less costs paid for from those fees for June 30 of the next
27 4 fiscal year of one hundred thousand dollars.

27 5 3. The secretary shall publish a report not later than
27 6 September 1 of each year. The report shall provide a detailed
27 7 accounting of all sources of revenue deposited under and all
27 8 dispositions of moneys deposited in the fund. The report
27 9 shall detail full-time equivalent positions used in fulfilling
27 10 the requirements of this chapter. The report shall also
27 11 indicate to what extent any full-time equivalent positions are
27 12 shared with other programs. Copies of the report issued by
27 13 the secretary pursuant to this subsection shall be delivered
27 14 each year to the members of the standing committees on

27 15 agriculture of the house of representatives and the senate.

27 16 Sec. 47. Section 200.4, subsection 1, Code 1995, is

27 17 amended to read as follows:

27 18 1. Any person who manufactures, mixes, blends, mixes to
27 19 customers order, offers for sale, sells, or distributes any
27 20 fertilizer or soil conditioner in Iowa must first obtain a
27 21 license from the secretary of agriculture and shall pay a ten-
27 22 dollar license fee for each place of manufacture or
27 23 distribution from which fertilizer or soil conditioner
27 24 products are sold or distributed in Iowa.

~~Such~~

~~The license~~

27 25 fee shall be paid annually on July 1 of each year. The

27 26 license fee shall be deposited in the fertilizer fund

27 27 established in section 200.9.

27 28 Sec. 48. Section 200.8, subsection 3, Code 1995, is

27 29 amended by striking the subsection.

27 30 Sec. 49. Section 200.9, Code 1995, is amended to read as

27 31 follows:

27 32 200.9 FERTILIZER

~~FEES~~

~~FUND.~~

27 33 1. A fertilizer fund is established in the state treasury

27 34 under the control of the department of agriculture and land

27 35 stewardship. The fund shall consist of any moneys

28 1 appropriated by the general assembly and any other moneys

28 2 available to and obtained or accepted by the department from

28 3 the federal government or private sources for placement in the

28 4 fund. Fees collected for licenses and inspection fees under

28 5 sections 200.4 and 200.8, with the exception of those fees

28 6 collected for deposit in the agriculture management account of

28 7 the groundwater protection fund, shall be deposited in the

28 8

~~general~~

~~fund~~

~~of the state and shall be subject to the~~

~~28 9~~

~~requirements of section 8.60~~

~~Fees collected pursuant to~~

28 10 chapter 201 shall also be deposited in the fund. Moneys

28 11 deposited

~~under this section to~~

~~into the~~

~~general~~

~~fund from~~

28 12 fees collected pursuant to this chapter shall be used only by

28 13 the department for the purpose of inspection, sampling,

28 14 analysis, preparation, and publishing of reports and other

28 15 expenses necessary for administration of this chapter and

28 16 chapter 201. The secretary may assign moneys to the Iowa

28 17 agricultural experiment station for research, work projects,

28 18 and investigations as needed for the specific purpose of

28 19 improving the regulatory functions for enforcement of this

28 20 chapter.

28 21 2. If there is an unencumbered balance of moneys deposited

28 22 in the fund from fees collected pursuant to this chapter on

28 23 June 30 of any fiscal year equal to or exceeding three hundred

28 24 fifty thousand dollars, the secretary of agriculture shall

28 25 reduce the per ton fee provided for in subsection 1 and the

28 26 annual license fee established pursuant to section 201.3 for
28 27 the next fiscal year in such amount as will result in an
28 28 ending estimated balance of such funds for June 30 of the next
28 29 fiscal year of three hundred fifty thousand dollars.
28 30 3. All moneys in the fund are subject to audit by the
28 31 auditor of state. The fund is subject at all times to
28 32 warrants by the director of revenue and finance, drawn upon
28 33 written requisition of the secretary. Notwithstanding section
28 34 8.33, moneys in the fertilizer fund shall remain in the
28 35 fertilizer fund and shall not revert to the general fund of
29 1 the state. Notwithstanding section 12C.7, subsection 2,
29 2 interest or earnings on moneys deposited in the fertilizer
29 3 fund shall be credited to the fertilizer fund.
29 4 Sec. 50. Section [201.13](#), Code 1995, is amended to read as
29 5 follows:
29 6 201.13 MONEYS TO

~~GENERAL~~

~~THE FERTILIZER FUND & PERIODIC~~

29 7 REPORT.

29 8 The moneys received under this chapter shall be deposited
29 9 in the

~~general fund of the state and shall be subject to the~~

29 10

~~requirements of section 8.60. Moneys deposited under this~~

29 11

~~section shall be used by the department of agriculture and~~

29 12

~~land stewardship only for the purpose of inspection, sampling,~~

29 13

~~analyzing, preparing and publishing of reports, and other~~

29 14

~~expenses necessary for the administration of this chapter~~

29 15 fertilizer fund as provided in section 200.9. The secretary
29 16 shall issue an annual report showing a statement of moneys
29 17 received from license and testing fees, and a biennial report
29 18 which shall be made available to the public showing the
29 19 certifications of the effective calcium carbonate equivalent
29 20 for all agricultural lime, limestone, or aglime certified as
29 21 provided in this chapter. The report shall list the
29 22 manufacturers and producers and their locations. Copies of
29 23 all reports issued by the secretary pursuant to this section
29 24 shall be sent to the members of the house of representatives
29 25 and senate standing committees on agriculture.

29 26 Sec. 51. Section [206.12](#), subsection 3, Code 1995, is
29 27 amended to read as follows:

29 28 3. The registrant, before selling or offering for sale any
29 29 pesticide for use in this state, shall register each brand and
29 30 grade of such pesticide with the secretary upon forms
29 31 furnished by the secretary, and the secretary shall set the
29 32 registration fee annually at one-fifth of one percent of gross
29 33 sales within this state with a minimum fee of two hundred
29 34 fifty dollars and a maximum fee of three thousand dollars for
29 35 each and every brand and grade to be offered for sale in this
30 1 state except as otherwise provided. The annual registration

30 2 fee for products with gross annual sales in this state of less
30 3 than one million five hundred thousand dollars shall be the
30 4 greater of two hundred fifty dollars or one-fifth of one
30 5 percent of the gross annual sales as established by affidavit
30 6 of the registrant. The secretary shall adopt by rule
30 7 exemptions to the minimum fee. Fifty dollars of each fee
30 8 collected shall be deposited in the

~~general fund of the state,~~

30 9

~~shall be subject to the requirements of section 8.60, and~~

30 10

~~shall be used only for the purpose of enforcing the provisions~~

30 11

~~of this chapter~~

~~pesticide fund established in section 206.12A.~~

30 12 and the remainder of each fee collected shall be placed in the
30 13 agriculture management account of the groundwater protection
30 14 fund.

30 15 Sec. 52. NEW SECTION. 206.12A PESTICIDE FUND.

30 16 1. A pesticide fund is established in the state treasury
30 17 under the control of the department. The fund shall consist
30 18 of any moneys appropriated to the fund by the general assembly
30 19 and any other moneys available to and obtained or accepted by
30 20 the department from the federal government or private sources
30 21 for placement in the fund. Fees collected under section
30 22 206.12 shall be deposited in the fund. The moneys in the fund
30 23 shall be used only for the purpose of enforcing the provisions
30 24 of this chapter.

30 25 2. All moneys in the pesticide fund are subject to audit
30 26 by the auditor of state. The fund is subject at all times to
30 27 warrants by the director of revenue and finance, drawn upon
30 28 written requisition of the secretary. Notwithstanding section
30 29 8.33, moneys in the pesticide fund shall remain in the fund
30 30 and shall not revert to the general fund of the state.
30 31 Notwithstanding section 12C.7, subsection 2, interest or
30 32 earnings on moneys deposited in the pesticide fund shall be
30 33 credited to the pesticide fund.

30 34 Sec. 53. Section 452A.79, unnumbered paragraph 2, and
30 35 subsections 1, 2, 3, 4, and 5, Code 1995, are amended to read
31 1 as follows:

31 2 All moneys derived from the excise tax on the sale of motor
31 3 fuel used in watercraft shall be deposited in the

~~general~~

31 4 marine fuel tax fund

~~of the state~~

~~established in section~~

31 5 452A.83.

~~Moneys deposited to the general fund under this~~

31 6

~~section and section 452A.84 are subject to the requirements of~~

31 7

~~section 8.60 and are subject to appropriation by the general~~

31 8

~~assembly to the department of natural resources for use in its~~

31 9

~~recreational boating program, which may include but is not~~

31 10

~~limited to:~~

31 11

~~1. Dredging and renovation of natural lakes of this state.~~

31 12

~~2. Acquisition, development and maintenance of access to~~

31 13

~~public boating waters.~~

31 14

~~3. Development and maintenance of boating facilities and~~

31 15

~~navigation aids.~~

31 16

~~4. Administration, operation, and maintenance of~~

31 17

~~recreational boating activities of the department of natural~~

31 18

~~resources.~~

31 19

~~5. Acquisition, development and maintenance of recreation~~

31 20

~~facilities associated with recreational boating.~~

31 21 Sec. 54. NEW SECTION. 452A.83 MARINE FUEL TAX FUND.

31 22 1. A marine fuel tax fund is established in the state
31 23 treasury under the control of the department. The fund shall
31 24 consist of any moneys appropriated to the fund by the general
31 25 assembly and any other moneys available to and obtained or
31 26 accepted by the department from the federal government or
31 27 private sources for placement in the fund. Moneys collected
31 28 pursuant to section 452A.79 shall be deposited in the fund.
31 29 Moneys collected pursuant to this chapter from the motor fuel
31 30 tax fund shall be transferred to the fund as provided in
31 31 section 452A.84.

31 32 2. Moneys deposited or transferred into the fund are sub-
31 33 ject to appropriation by the general assembly to the
31 34 department of natural resources for its recreational boating

31 35 program which may include, but is not limited to:
32 1 a. Dredging and renovation of natural lakes of this state.
32 2 b. Acquisition, development, and maintenance of access to
32 3 public boating waters.
32 4 c. Development and maintenance of boating facilities and
32 5 navigation aids.
32 6 d. Administration, operation, and maintenance of
32 7 recreational boating activities of the department of natural
32 8 resources.
32 9 e. Acquisition, development, and maintenance of recreation
32 10 facilities associated with recreational boating.
32 11 3. All moneys in the marine fuel tax fund are subject to
32 12 audit by the auditor of state. The fund is subject at all
32 13 times to warrants by the director of revenue and finance,
32 14 drawn upon written requisition of the department.
32 15 Notwithstanding section 8.33, moneys in the marine fuel tax
32 16 fund shall remain in the fund and shall not revert to the
32 17 general fund of the state. Notwithstanding section 12C.7,
32 18 subsection 2, interest or earnings on moneys deposited in the
32 19 marine fuel tax fund shall be credited to the marine fuel tax
32 20 fund.
32 21 Sec. 55. Section [452A.84](#), Code 1995, is amended to read as
32 22 follows:
32 23 452A.84 TRANSFER TO

~~STATE GENERAL~~

~~MARINE FUEL TAX FUND.~~

32 24 The treasurer of state shall transfer from the motor fuel
32 25 tax fund to the

~~general~~

~~marine fuel tax fund~~

~~of the state~~

32 26 ~~established pursuant to section 452A.83,~~ that portion of
32 27 moneys collected under this chapter attributable to motor fuel
32 28 used in watercraft computed as follows:

32 29 1. Determine monthly the total amount of motor fuel tax
32 30 collected under this chapter and multiply the amount by nine-
32 31 tenths of one percent.

32 32 2. Subtract from the figure computed pursuant to
32 33 subsection 1 of this section three percent of the figure for
32 34 administrative costs and further subtract from the figure the
32 35 amounts refunded to commercial fishers pursuant to section
33 1 452A.17, subsection 13. All moneys remaining after claims for
33 2 refund and the cost of administration have been made shall be
33 3 transferred to the

~~general~~

~~marine fuel tax fund~~

~~of the state~~

33 4 Sec. 56. Section [455B.183A](#), subsection 2, paragraph b,
33 5 Code 1995, is amended to read as follows:

33 6 b. The operation of a public water supply system,
33 7 including any part of the system.

~~The fees may be based on~~

33 8

~~the type and size of community served by the system.~~

~~The~~

33 9 commission shall adopt a fee schedule which shall be based on
33 10 the total number of persons served by public water supply

33 11 systems in this state. The commission shall calculate all
33 12 fees in the schedule to produce total revenues equaling four
33 13 hundred seventy-five thousand dollars for the fiscal year
33 14 beginning July 1, 1994, and ending June 30, 1995, seven
33 15 hundred thousand dollars for the fiscal year beginning July 1,
33 16 1995, and ending June 30, 1996, nine hundred thousand dollars
33 17 for the fiscal year beginning July 1, 1996, and ending June
33 18 30, 1997, and one million two hundred thousand dollars for
33 19 each subsequent fiscal year. For the fiscal year beginning
33 20 July 1, 1994, and ending June 30, 1995, twenty-five thousand
33 21 dollars shall be deposited in the administration account and
33 22 four hundred fifty thousand dollars shall be deposited in the
33 23 public water supply system account. For each subsequent
33 24 fiscal year, one-half of the fees shall be deposited into the
33 25 administration account and one-half of the fees shall be
33 26 deposited into the public water supply system account. By May
33 27 1 of each year, the department shall estimate the total
33 28 revenue expected to be collected from the overpayment of fees,
33 29 which are all fees in excess of the amount of the total
33 30 revenues which are expected to be collected under the current
33 31 fee schedule, and the total revenue expected to be collected
33 32 from the payment of fees during the next fiscal year. The
33 33 commission shall adjust the fees if the estimate exceeds the
33 34 amount of revenue required to be deposited in the fund
33 35 pursuant to this paragraph.

34 1 Sec. 57. Section 455E.11, subsection 2, paragraph a,
34 2 subparagraph (12), subparagraph subdivision (c), Code 1995, is
34 3 amended to read as follows:

34 4 (c) Twelve and one-half cents per ton per year is
34 5 appropriated to the department of natural resources to provide
34 6 additional toxic cleanup days and for the natural resource
34 7 geographic information system required under section 455E.8,
34 8 subsection 6. Departmental rules adopted for implementation
34 9 of toxic cleanup days shall provide sufficient flexibility to
34 10 respond to the household hazardous material collection needs
34 11 of both small and large communities.

34 12 Sec. 58. EFFECTIVE DATES.

34 13 1. Sections 14, 17, 19, and 25 of this Act, being deemed
34 14 of immediate importance, take effect upon enactment.

34 15 2. Section 28 of this Act takes effect on July 1, 1996.

34 16 3. The amendments in this Act to 1993 Iowa Acts, chapter
34 17 176, section 25, subsection 2, as amended by 1994 Iowa Acts,
34 18 chapter 1198, section 31, take effect upon enactment.

34 19 4. The amendments in this Act to 1994 Iowa Acts, chapter
34 20 1119, section 32, being deemed of immediate importance, take
34 21 effect upon enactment.

34 22 5. The amendments in this Act to section 455B.183A, being
34 23 deemed of immediate importance, take effect upon enactment.

34 24 6. Sections 8.60, 159.14, 192.111, 192.112, 192.133,
34 25 192A.30, 194.14, 194.19, 194.20, 195.9, 198.9, 198.9A, 200.4,
34 26 200.8, 200.9, 201.13, 201.15, 206.12, 206.12A, 452A.79,
34 27 452A.83, and 452A.84, Code 1995, as amended or enacted by this
34 28 Act take effect July 1, 1996.

34 29 7. This section, being deemed of immediate importance,
34 30 takes effect upon enactment.

34 31 EXPLANATION

34 32 This bill relates to agriculture and natural resources, by
34 33 providing appropriations to support related entities,
34 34 including the department of agriculture and land stewardship
34 35 and the department of natural resources. The bill also makes
35 1 a number of statutory changes to provisions relating to
35 2 agriculture and natural resources.

35 3 Section 1 provides a general appropriation from the general
35 4 fund to the department of agriculture and land stewardship,
35 5 including the administrative division, the regulatory
35 6 division, the laboratory division, and the soil conservation
35 7 division.

35 8 Section 2 provides an appropriation from the general fund
35 9 to support the farmers' market coupon program, by providing
35 10 federal special supplemental food program recipients with
35 11 coupons redeemable at farmers' markets.

35 12 Section 3 provides an appropriation from the general fund
35 13 to support a program administered by the department of
35 14 agriculture and land stewardship to eradicate a disease
35 15 threatening swine production, in accordance with chapter 166D.

35 16 Section 4 provides an appropriation from unclaimed winnings
35 17 at horse and dog tracks to the regulatory division of the
35 18 department of agriculture and land stewardship to support the
35 19 inspection of Iowa-foaled horses and Iowa-whelped dogs and the
35 20 administration of a program to promote the horse and dog
35 21 breeding industries in the state.

35 22 Section 5 provides an appropriation from the general fund
35 23 to the interstate agricultural grain marketing commission for
35 24 carrying out the duties of the commission as provided in the
35 25 interstate compact of agricultural grain marketing codified in
35 26 chapter 183, including the correction of weaknesses and
35 27 solutions to problems in the present system of agricultural
35 28 grain marketing or the development of alternatives.

35 29 Section 6 provides an appropriation from the general fund
35 30 to the department of natural resources to support
35 31 administrative and support services, the parks and preserves
35 32 division, the forests and forestry division, the energy and
35 33 geological resources division, the environmental protection
35 34 division, and the water quality protection fund. The bill
35 35 provides full-time equivalent position limits on the
36 1 department's various divisions, including the fish and
36 2 wildlife division and the waste management assistance
36 3 division.

36 4 Section 7 provides an appropriation from the state fish and
36 5 game protection fund to support the division of fish and
36 6 wildlife within the department of natural resources. The
36 7 department is prohibited from expending more moneys than
36 8 provided from the fund, unless the expenditure derives from a
36 9 contribution made from a nonstate source and is approved by
36 10 the natural resource commission.

36 11 Section 8 provides an appropriation from the marine fuel
36 12 tax receipts deposited in the general fund of the state to the
36 13 department of natural resources for the purposes of supporting
36 14 expenditures traditionally funded from marine fuel tax
36 15 revenues, other than capital or operations, and for purposes
36 16 of maintaining and developing boating facilities.

36 17 Section 9 provides for the transfer of fees from all-
36 18 terrain vehicle and snowmobile fees deposited in a special
36 19 conservation fund. The moneys are appropriated to the
36 20 department of natural resources for snowmobile programs of the
36 21 state, as provided in section 321G.7.

36 22 Section 10 provides for the transfer of registration fees
36 23 paid on vessels to be deposited in a special conservation
36 24 fund. The moneys are appropriated to the department of
36 25 natural resources for purposes of the administration and
36 26 enforcement of navigation laws and water safety.

36 27 Section 11 provides that notwithstanding section 455A.18
36 28 which provides a standing appropriation of \$30,000,000 from
36 29 the general fund required to be deposited in the Iowa
36 30 resources enhancement and protection fund, there is
36 31 appropriated from the general fund of the state \$8,000,000 to
36 32 support the resources enhancement and protection fund.

36 33 Section 12 provides an appropriation from the general fund
36 34 to support Iowa state university for purposes of administering
36 35 a livestock producers assistance program, in order to provide
37 1 on-site assistance to persons involved in livestock production
37 2 in order to increase the efficiency, productivity, and
37 3 profitability of their operations.

37 4 Section 13 provides an appropriation from the general fund

37 5 to the department of agriculture and land stewardship for
37 6 deposit in the organic nutrient management fund for
37 7 administration of the organic nutrient management program by
37 8 the division of soil conservation. The program provides
37 9 financial incentives to establish livestock manure management
37 10 systems to facilitate the proper utilization of livestock
37 11 manure as a nutrient source, and to protect the water
37 12 resources of the state from livestock manure runoff.

37 13 Section 14 provides for the transfer of moneys from
37 14 accounts of the water protection fund, supported by
37 15 allocations made from the resources enhancement and protection
37 16 fund, to the organic nutrient management fund for purposes of
37 17 carrying out the organic nutrient management program, and to
37 18 provide financial incentives for soil conservation practices.

37 19 Section 15 provides for an appropriation from the
37 20 unassigned revenue fund administered by the Iowa comprehensive
37 21 underground storage tank board to the department of natural
37 22 resources for purposes of administering the department's
37 23 underground storage tank section.

37 24 Section 16 provides that the department of natural
37 25 resources may transfer an amount from the hazardous substance
37 26 remedial fund to support purposes related to carrying out and
37 27 enforcing air quality regulations under chapter 455B.

37 28 Section 17 provides that unencumbered and unobligated
37 29 moneys previously appropriated to the department of
37 30 agriculture and land stewardship for purposes of planting and
37 31 maintaining wind erosion control barriers must be transferred
37 32 to the road use tax fund.

37 33 Section 18 provides that notwithstanding section 17A.2, the
37 34 department of natural resources must adopt administrative
37 35 rules establishing prices of plant materials grown at state
38 1 nurseries to cover the expenses related to growing the plants.

38 2 Section 19 provides that the department of natural
38 3 resources must, in cooperation with the loess hills
38 4 development and conservation authority, sponsor a conference
38 5 regarding the erosion and degradation of stream channels in
38 6 counties in the deep loess region of western Iowa, and
38 7 specifically the area referred to as hungry canyons.

38 8 Section 20 requires that the department of agriculture and
38 9 land stewardship and the department of natural resources
38 10 notify the chairpersons, vice chairpersons, and ranking
38 11 members of the joint subcommittee on agriculture and natural
38 12 resources for the previous fiscal quarter of any transfer of
38 13 moneys or full-time equivalent positions made by either
38 14 department which is not authorized in the bill.

38 15 Section 21 requires the department of revenue and finance
38 16 in cooperation with each appropriate agency to track receipts
38 17 to the general fund which under law were previously collected
38 18 to be used for a specific purpose or required to be deposited
38 19 to a specific account or fund.

38 20 Section 22 requires the department of agriculture and land
38 21 stewardship and the department of natural resources to provide
38 22 financial information to the legislative fiscal bureau,
38 23 including all permanent positions added to or deleted from the
38 24 departments' table or organization.

38 25 Section 23 provides that when employing persons to fill
38 26 temporary positions in conservation and outdoor recreation,
38 27 the department of natural resources must give preference to
38 28 persons meeting eligibility requirements for the green thumb
38 29 program and to persons working toward an advanced education in
38 30 natural resources and conservation. The purpose of the
38 31 program as provided in section 15.227 is to encourage and
38 32 promote meaningful and respectable employment of the elderly
38 33 in conservation and outdoor recreation-related fields.

38 34 Section 24 requires the department of agriculture and land
38 35 stewardship and the attorney general to cooperate in bringing
39 1 a legal action against parties liable for damages caused by

39 2 the shipment from Michigan of trees and plants infested with
39 3 gypsy moths.

39 4 Section 25 provides that unobligated or unencumbered moneys
39 5 which were appropriated in the 1994 legislative session to the
39 6 division of soil conservation of the department of agriculture
39 7 and land stewardship for purposes of supporting soil
39 8 conservation technicians shall not revert but be used to
39 9 purchase equipment for soil conservation field offices.

39 10 Section 26 provides that the department of natural
39 11 resources is prohibited from using moneys appropriated from
39 12 the general fund to support purposes related to the
39 13 administration and enforcement of air quality regulations as
39 14 provided in chapter 455B. The section also provides that the
39 15 department may use moneys deposited collected in regulatory
39 16 fees and deposited in the air contaminant source fund
39 17 established in section 455B.133B for purposes of the
39 18 administration and enforcement of the regulations.

39 19 Section 27 requires the environmental protection commission
39 20 to adopt rules for purposes of establishing criteria for the
39 21 classification and prioritization of sites upon which
39 22 pesticides or fertilizer contamination has been discovered
39 23 pursuant to section 455B.601. Section 455B.601 provides
39 24 requirements for the development of plans and remediation of
39 25 contaminated sites.

39 26 Sections 28 and 29 relate to the position of deputy
39 27 secretary of agriculture. Section 28 provides for the
39 28 elimination of the position and the reallocation of the
39 29 deputy's duties. Section 29 requires the joint appropriations
39 30 subcommittee on agriculture and natural resources to conduct a
39 31 study of the functions and duties of the position.

39 32 Section 30 provides that moneys appropriated to support
39 33 lake preservation efforts at Black Hawk lake shall remain
39 34 available to support the efforts for the following fiscal
39 35 year.

40 1 Sections 31 through 33 amend provisions in a 1994 Act which
40 2 in part provided support to the renewable fuel industry, by
40 3 allocating moneys from the use tax to support value-added
40 4 agricultural products and processes. Part of the 1994 Act
40 5 provided that a percentage of moneys that would otherwise be
40 6 allocated to the value-added agricultural products and
40 7 processes financial assistance fund would be allocated for one
40 8 fiscal year to the state department of transportation for
40 9 purposes of conducting soydiesel demonstration projects. The
40 10 department was required to submit reports regarding findings
40 11 and recommendations to the department of agriculture and land
40 12 stewardship. These sections are amended to provide that the
40 13 same percentage shall be allocated for the fiscal year
40 14 beginning on July 1, 1995, for the same purposes, and to
40 15 provide that a final report must be delivered by October 1,
40 16 1996.

40 17 Section 34, section 36, and sections 37 through 55
40 18 reestablish a number of trust funds which were abolished in
40 19 1993 and 1994. These sections reestablish a number of those
40 20 funds, including the milk fund, dairy trade practices fund,
40 21 commercial feed fund, fertilizer fund, pesticide fund, and the
40 22 marine fuel tax fund.

40 23 Section 34 amends section 8.60 which provides that moneys
40 24 credited to or deposited in the general fund on or after July
40 25 1, 1993, which under law were previously collected for a
40 26 specified use or deposited in special accounts or funds, must
40 27 be used only for the purposes for which the moneys were
40 28 collected. The bill eliminates reference to those funds which
40 29 the bill reestablishes.

40 30 Section 35 amends section 159.14 by removing a reference to
40 31 the deputy secretary of agriculture.

40 32 Section 36 amends section 161C.4 which establishes a water
40 33 protection fund created within the soil conservation division

40 34 of the department of agriculture and land stewardship. The
40 35 fund is composed of two accounts, including the water quality
41 1 protection account and the water protection practices account.
41 2 The accounts are supported by moneys deposited in the
41 3 resources enhancement and protection fund. However, that fund
41 4 refers to depositing moneys into the water quality protection
41 5 projects account. The bill renames the account as described
41 6 in the fund to correspond to the name of the account referred
41 7 to in the section providing for the water resources
41 8 enhancement and protection fund.

41 9 Sections 37 through 44 reestablish the milk fund in chapter
41 10 192, and provide conforming changes. Prior to 1993, section
41 11 192.111 provided that fees imposed pursuant to various
41 12 sections and chapters would be deposited into a milk fund.
41 13 The provisions establishing the fund were contained in the
41 14 same section establishing inspection fees, providing for the
41 15 expenditure of moneys in the fund, and for the reduction of
41 16 fees by the department if moneys in the fund reached a certain
41 17 level. Section 37 of the bill eliminates reference to the
41 18 general fund and procedures required for collected moneys.
41 19 Section 38 creates new section 192.112 which provides for the
41 20 reestablishment of the fund, rewrites the procedural
41 21 requirements formerly contained in section 192.111, and
41 22 includes language common to funds established in other places
41 23 in the Code, including that moneys in the fund are subject to
41 24 audit by the auditor of state, that the fund is subject to
41 25 warranties by the director of revenue and finance drawn upon
41 26 written requisition of the department responsible for
41 27 administering the fund, that moneys in the fund shall remain
41 28 in the fund and shall not revert pursuant to section 8.33, and
41 29 that interest or earnings on moneys deposited in the fund must
41 30 be credited to the fund. Sections 39 through 44 amend various
41 31 sections, including 192.133, 192A.30, 194.14, 194.20, and
41 32 195.9, all referring to the use of fees collected pursuant to
41 33 those sections. The sections provide that fees collected
41 34 pursuant to those sections must be used as provided in section
41 35 192.111, which used to provide for the establishment of the
42 1 milk fund but under current law requires that the fees be
42 2 deposited in the general fund of the state. The bill amends
42 3 those sections to provide that the fees are to be deposited in
42 4 the milk fund as provided in new section 192.112.

42 5 Sections 45 through 47 reestablish the commercial feed
42 6 trust fund. Prior to 1993, section 198.9 provided that fees
42 7 imposed pursuant to the section would be deposited into a
42 8 commercial feed fund. The provisions establishing the fund
42 9 were contained in the same section establishing fees,
42 10 providing for the expenditure of moneys in the fund, the
42 11 reduction of fees by the department if moneys in the fund
42 12 reached a certain level, and reports regarding the fund to the
42 13 general assembly. Section 45 amends section 198.9 by
42 14 eliminating reference to the general fund and procedures
42 15 required for collected moneys. Section 46 creates new section
42 16 198.9A which provides for the establishment of the fund,
42 17 rewrites the procedural requirements formally contained in
42 18 section 198.9, and includes language common to funds
42 19 established in other places in the Code, including that moneys
42 20 in the fund are subject to audit by the auditor of state, that
42 21 the fund is subject to warranties by the director of revenue
42 22 and finance drawn upon written requisition of the department
42 23 responsible for administering the fund, that moneys in the
42 24 fund shall remain in the fund and shall not revert pursuant to
42 25 section 8.33, and that interest or earnings on moneys
42 26 deposited in the fund must be credited to the fund.

42 27 Sections 47 through 50 reestablish the fertilizer fund in
42 28 chapter 200, and provide conforming changes. Prior to 1993,
42 29 section 200.8 provided that fees imposed pursuant to various
42 30 sections in chapters 200 (regulating fertilizers and soil

42 31 conditioners) and 201 (regulating agricultural lime) would be
42 32 deposited into a fertilizer fund. Provisions establishing the
42 33 inspection fees also provided for the expenditure of moneys in
42 34 the fund, and for the reduction of fees by the department if
42 35 moneys in the fund reached a certain level. Section 47
43 1 provides that a licensee fee required under the chapter must
43 2 be deposited in the fertilizer fund. Section 48 of the bill
43 3 eliminates reference to the procedures required for collected
43 4 moneys under section 200.8. Section 49 amends section 200.9
43 5 which provides for the uses of moneys collected under the
43 6 chapter. The bill amends the section to formally establish
43 7 the fund, rewrites the procedural requirements formally
43 8 contained in section 200.8, and include language common to
43 9 funds established in other places in the Code, including that
43 10 moneys in the fund are subject to audit by the auditor of
43 11 state, that the fund is subject to warrants by the director of
43 12 revenue and finance drawn upon written requisition of the
43 13 department responsible for administering the fund, that moneys
43 14 in the fund shall remain in the fund and shall not revert
43 15 pursuant to section 8.33, and that interest or earnings on
43 16 moneys deposited in the fund must be credited to the fund.
43 17 Section 50 amends section 201.13, by providing that moneys
43 18 collected under the chapter must be deposited in the
43 19 fertilizer fund instead of the general fund and by eliminating
43 20 a provision that moneys deposited pursuant to the chapter must
43 21 be used for purposes related to the administration of the
43 22 chapter, and provides that the moneys must be deposited into
43 23 the fertilizer fund. Section 49 amends section 200.9 to
43 24 provide that fees collected pursuant to chapters 200 and 201
43 25 must be used for the administration of the chapter and chapter
43 26 201.

43 27 Sections 51 and 52 reestablish the pesticide fund in
43 28 chapter 206. Prior to 1993, section 206.12A provided that
43 29 fees imposed pursuant to the section would be deposited into a
43 30 pesticide fund. In prior law, no provision formally
43 31 established the fund. Section 51 of the bill provides that
43 32 the fees must be deposited into a fund as created in a new
43 33 section. Section 52 creates new section 206.12A which
43 34 provides for the establishment of the fund, provides that
43 35 moneys in the fund must only be used for purposes of enforcing
44 1 the provisions of chapter 206, and includes language common to
44 2 funds established in other places in the Code, including that
44 3 moneys in the fund are subject to audit by the auditor of
44 4 state, that the fund is subject to warrants by the director of
44 5 revenue and finance drawn upon written requisition of the
44 6 department responsible for administering the fund, that moneys
44 7 in the fund shall remain in the fund and shall not revert
44 8 pursuant to section 8.33, and that interest or earnings on
44 9 moneys deposited in the fund must be credited to the fund.

44 10 Sections 53 through 55 reestablish the marine fuel tax
44 11 fund. Prior to 1993, section 452A.79 provided for the deposit
44 12 of tax moneys derived from the sale of motor fuel used in
44 13 watercraft. The provisions establishing the fund and its uses
44 14 were contained in the same section. Section 53 amends section
44 15 452A.79 by eliminating reference to the general fund and
44 16 procedures required for collected moneys. It provides for the
44 17 deposit of moneys into the marine fuel tax fund as created in
44 18 the bill. Section 54 creates new section 452A.83 which
44 19 provides for the establishment of the fund, rewrites the use
44 20 requirements formally contained in section 452A.79, and
44 21 includes language common to funds established in other places
44 22 in the Code, including that moneys in the fund are subject to
44 23 audit by the auditor of state, that the fund is subject to
44 24 warrants by the director of revenue and finance drawn upon
44 25 written requisition of the department responsible for
44 26 administering the fund, that moneys in the fund shall remain
44 27 in the fund and shall not revert pursuant to section 8.33, and

44 28 that interest or earnings on moneys deposited in the fund must
44 29 be credited to the fund. Section 55 amends section 452A.84
44 30 which provides for the transfer of marine fuel tax receipts to
44 31 the general fund, by providing that the moneys must be
44 32 deposited in the marine fuel tax fund.

44 33 Section 56 amends section 455B.183, which was created in
44 34 the 1994 legislative session. Section 455B.183 provides for
44 35 fees imposed upon public water supply systems to be deposited
45 1 into a water quality protection fund which shall be used by
45 2 the department of natural resources for purposes of carrying
45 3 out the provisions relating to the administration, regulation,
45 4 and enforcement of the federal Safe Drinking Water Act, and
45 5 carrying out a program to assist water supply systems.
45 6 Section 455B.183A authorizes the department of natural
45 7 resources to adopt a schedule of fees which may be based on
45 8 the type and size of the community served by the system. The
45 9 bill eliminates that language and provides that the fee
45 10 schedule must be based on the number of persons serviced by
45 11 public water supply systems.

45 12 Section 57 amends section 455E.11 which provides for the
45 13 allocation of moneys from the groundwater protection fund.
45 14 The bill provides that moneys required to support toxic
45 15 cleanup days may be used to support the natural resources
45 16 geographic information system.

45 17 Section 58 provides for effective dates. Sections
45 18 providing the transfer of moneys from the water protection
45 19 fund and the wind erosion control fund, the hungry canyons
45 20 conference, and the use of unobligated moneys by the
45 21 department of agriculture and land stewardship to purchase
45 22 soil conservation equipment, and fees required to be
45 23 established for public water supply systems, take effect upon
45 24 enactment. Sections regarding the reestablishment of trust
45 25 funds take effect July 1, 1996. Sections regarding the
45 26 elimination of the position of the deputy secretary of
45 27 agriculture also take effect on July 1, 1996.

45 28 LSB 1992SA 76
45 29 da/sc/14.2