

SENATE FILE 2063  
BY ANGELO

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the certification of manure applicators and  
2 providing for fees and penalties.

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

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S.F. 2063

1 Section 1. Section 159.1, Code Supplement 1997, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 4A. "Manure" means the same as defined in  
4 section 455B.161.

5 Sec. 2. NEW SECTION. 159.27A MANURE APPLICATORS  
6 CERTIFICATION.

7 1. As used in this section, unless the context otherwise  
8 requires, a "manure applicator" means a person who applies  
9 manure which is not regulated as a fertilizer or soil  
10 conditioner pursuant to chapter 200, if the person applies  
11 manure on more than two acres of land during any consecutive  
12 twelve-month period.

13 2. A person shall not act as a manure applicator unless  
14 one of the following requirements is satisfied:

15 a. The person is certified by the department by completing  
16 an educational program pursuant to this section. To be  
17 initially certified as a manure applicator, the person must  
18 pass an examination. After initial certification the person  
19 must renew the certification by passing an examination or  
20 attending continuing instructional courses. The person must  
21 pass the examination each third year following initial  
22 certification or attend two hours of continuing instructional  
23 courses each year. A person shall pay the department a fee of  
24 not more than twenty-five dollars for certification or  
25 recertification.

26 b. The person is employed to apply manure and performs the  
27 application within twenty-one days from the date of initial  
28 employment, if the person is competent and acts under the  
29 instruction and control of a certified manure applicator who  
30 is physically present during the application, by being in  
31 sight or hearing distance of the supervised person.

32 3. a. The department shall adopt rules necessary to carry  
33 out this section, including establishing certification  
34 standards, which shall at least include standards for the  
35 handling, application, and storage of manure, the correct

1 calibration of equipment used for the application of manure,  
2 and the effects of manure upon the groundwater. The  
3 department shall adopt rules providing for the educational  
4 program requirements based on the certification standards.  
5 The department shall adopt by rule criteria for allowing a  
6 person required to be certified to complete either a written  
7 or oral examination. The department shall notify a person who  
8 fails to receive or retain a certification by delivering a  
9 written notice to the person within ten days following the  
10 failure. The notice shall include all reasons for the  
11 failure.

12 b. The department shall administer the continuing  
13 instructional courses by either teaching the courses or  
14 selecting persons to teach the courses, according to criteria  
15 as provided by rules adopted by the department. The  
16 department shall, to the extent possible, select persons to  
17 teach the courses in each county. The department is not  
18 required to compensate persons selected to teach the courses.  
19 In selecting persons, the department shall rely upon  
20 organizations interested in the application of manure,  
21 including associations representing agricultural producers.  
22 The department shall cooperate with the department of natural  
23 resources in designing an examination and approving  
24 instructional courses. The Iowa cooperative extension service  
25 in agriculture and home economics of Iowa state university of  
26 science and technology shall cooperate with the department in  
27 administering the instructional courses. The Iowa cooperative  
28 extension service may teach courses, train persons selected to  
29 teach courses, or distribute informational materials to  
30 persons teaching the courses.

31 5. The department shall adopt rules required to establish,  
32 assess, and collect civil penalties for violations of this  
33 section. The amount of the civil penalty shall not exceed  
34 five hundred dollars for each offense. In addition to any  
35 civil penalty assessed under rules adopted pursuant to this

1 section, a person who violates this section is guilty of a  
2 serious misdemeanor. The attorney general may upon the  
3 request of the department or upon its own initiative institute  
4 civil or criminal proceedings, including an action for  
5 injunction, to enforce this section including orders issued or  
6 rules adopted by the department.

7 EXPLANATION

8 This bill applies to persons applying manure which is not  
9 regulated as a fertilizer or soil conditioner pursuant to  
10 chapter 200, if the person applies manure on more than two  
11 acres of land during the course of a year.

12 The bill prohibits a person from acting as a manure  
13 applicator unless the person is certified by the department of  
14 agriculture and land stewardship by completing an educational  
15 program or is employed to apply manure and applies the manure  
16 within 21 days under the instruction and control of a  
17 certified manure applicator who is physically present.

18 To be initially certified as a manure applicator the person  
19 must pass an examination. After initial certification the  
20 person must renew the certification by passing an examination  
21 or attending continuing instructional courses. The person  
22 must pass the examination each third year following initial  
23 certification or attend two hours of continuing instructional  
24 courses each year.

25 The bill imposes a fee of not more than \$25 for  
26 certification or recertification. The department is  
27 responsible for adopting rules providing for educational  
28 program requirements, which must provide for either a written  
29 or oral examination. The department must administer the  
30 continuing instructional courses, by either teaching the  
31 courses or selecting persons to teach the courses. In  
32 selecting persons, the department must rely upon organizations  
33 interested in the application of manure, including  
34 associations representing agricultural producers. The Iowa  
35 cooperative extension service in agriculture and home

1 economics of Iowa state university must cooperate with the  
2 department in administering the instructional courses.

3 The department is required to adopt rules to establish,  
4 assess, and collect civil penalties for violations of the  
5 bill. The amount of the civil penalty cannot not exceed \$500  
6 for each offense. The bill also provides that a violator is  
7 guilty of a serious misdemeanor. Finally, the bill provides  
8 that the attorney general may upon the request of the  
9 department or upon its own initiative institute civil or  
10 criminal proceedings in the prosecution of a case.

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