

HSB 254

APPROPRIATIONS
SUCCESSFUL
SF/HF

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON AGRICULTURE
AND NATURAL RESOURCES)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations for agriculture and
2 natural resources and providing effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Surrounded By

1 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

2 Section 1. GENERAL APPROPRIATION. There is appropriated
3 from the general fund of the state to the department of
4 agriculture and land stewardship for the fiscal year beginning
5 July 1, 1999, and ending June 30, 2000, the following amounts,
6 or so much thereof as is necessary, to be used for the
7 purposes designated:

8 1. ADMINISTRATIVE DIVISION

9 a. For salaries, support, maintenance, the support of the
10 state 4-H foundation, support of the statistics bureau, and
11 miscellaneous purposes, and for the salaries and support of
12 not more than the following full-time equivalent positions:

13	\$	2,137,161
14	FTEs	48.88

15 (1) Of the amount appropriated and full-time equivalent
16 positions authorized in this paragraph "a", \$322,329 and 7.00
17 FTEs shall be used to support horticulture.

18 (2) Of the amount appropriated in this paragraph "a",
19 \$55,000 shall be allocated to the state 4-H foundation to
20 foster the development of Iowa's youth and to encourage them
21 to study the subject of agriculture.

22 (3) Of the amount appropriated and full-time equivalent
23 positions authorized in this paragraph "a", \$227,489 and 7.00
24 FTEs shall be allocated to the statistics bureau to provide
25 county-by-county information on land in farms, production by
26 crop, acres by crop, and county prices by crop. This
27 information shall be made available to the department of
28 revenue and finance for use in the productivity formula for
29 valuing and equalizing the values of agricultural land.

30 (4) Of the amount appropriated in this paragraph "a",
31 \$30,000 shall be used by the agricultural statistics bureau
32 for purposes of collecting, summarizing, and publishing
33 marketing information on a monthly basis, regarding finished
34 cattle in cooperation with the Iowa cattlemen's association,
35 including unfinished cattle for market, cattle placed on feed,

1 and cattle on hand under marketing arrangements.

2 (5) Of the amount appropriated in this paragraph "a",
3 \$24,000 shall be used by the domestic marketing bureau through
4 an existing federal and state cooperative agreement to develop
5 accurate, reliable market information regarding segregated
6 early-weaned pigs and alternate feeder pigs marketing systems.

7 (6) Of the amount appropriated and the number of full-time
8 equivalent positions authorized in this paragraph "a", at
9 least \$43,500 shall be used for livestock market news
10 reporting.

11 b. For the operations of the dairy trade practices bureau:
12 \$ 72,507

13 c. For the purpose of performing commercial feed audits:
14 \$ 70,055

15 d. For the purpose of performing fertilizer audits:
16 \$ 70,055

17 2. REGULATORY DIVISION

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

21 \$ 4,152,418
22 FTEs 125.00

23 Of the amount appropriated in this paragraph "a", \$10,000
24 shall be used by the regulatory division for purposes of
25 inspecting livestock exhibited at the Iowa state fair, with
26 particular attention to the inspection of livestock for club-
27 lamb fungus.

28 b. For the costs of inspection, sampling, analysis, and
29 other expenses necessary for the administration of chapters
30 192, 194, and 195:
31 \$ 687,716

32 3. LABORATORY DIVISION

33 a. For salaries, support, maintenance, and miscellaneous
34 purposes, including the administration of the gypsy moth
35 program, and for not more than the following full-time

1 equivalent positions:

2 \$ 926,703
3 FTEs 83.00

4 Of the amount appropriated and the number of full-time
5 equivalent positions authorized in this paragraph "a",
6 \$150,000 shall be allocated and 4.93 FTEs shall be supported
7 from the allocations to administer a program relating to the
8 detection, surveillance, and eradication of the gypsy moth.
9 The department shall allocate and use the appropriation made
10 in this paragraph before moneys other than those appropriated
11 in this paragraph are used to support the program.

12 b. For the operations of the commercial feed programs:
13 \$ 806,666

14 c. For the operations of the pesticide programs:
15 \$ 1,248,514

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

20 d. For the operations of the fertilizer programs:
21 \$ 673,123

22 4. SOIL CONSERVATION DIVISION

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

26 \$ 6,789,882
27 FTEs 190.98

28 b. Of the amount appropriated in this paragraph "a",
29 \$418,376 shall be used to reimburse commissioners of soil and
30 water conservation districts for administrative expenses,
31 including but not limited to, travel expenses and technical
32 training. Moneys used for the payment of meeting dues by
33 counties shall be matched on a dollar-for-dollar basis by the
34 soil conservation division.

35 c. Of the number of full-time equivalent positions

1 authorized in paragraph "a", 20.00 FTEs shall be supported
2 from allocations made pursuant to § 319 of the federal Water
3 Quality Act of 1987, as codified in 33 U.S.C. § 1329, and
4 appropriations to the department from the Iowa resources
5 enhancement and protection fund.

6 d. To provide financial incentives for soil conservation
7 practices under chapter 161A:

8 \$ 6,500,850

9 e. The following requirements apply to the moneys
10 appropriated in paragraph "b":

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

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

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

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

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

32 f. Notwithstanding section 8.33, moneys appropriated in
33 paragraph "b" that remain unencumbered or unobligated moneys
34 at the close of the fiscal year shall not revert but shall
35 remain available for expenditure for the purposes designated

1 until the close of the fiscal year that begins July 1, 2002.

2 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is
3 appropriated from the general fund of the state to the
4 department of agriculture and land stewardship for the fiscal
5 year beginning July 1, 1999, and ending June 30, 2000, the
6 following amount, or so much thereof as is necessary, to be
7 used for the purposes designated:

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

14	\$	301,373
15	FTEs	2.00

16 DEPARTMENT OF NATURAL RESOURCES

17 Sec. 3. GENERAL APPROPRIATION. There is appropriated from
18 the general fund of the state to the department of natural
19 resources for the fiscal year beginning July 1, 1999, and
20 ending June 30, 2000, the following amounts, or so much
21 thereof as is necessary, to be used for the purposes
22 designated:

23 1. ADMINISTRATIVE AND SUPPORT SERVICES

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

27	\$	2,046,623
28	FTEs	120.25

29 b. Of the amount appropriated in paragraph "a", \$12,000
30 shall be allocated to pay dues for membership in the upper
31 Mississippi, Illinois, and Missouri river basin commission.

32 c. Of the amount appropriated and the number of full-time
33 equivalent positions authorized in paragraph "a", at least
34 \$150,000 and 3.00 FTEs shall be used by administrative and
35 support services to support a compliance and permit assistance

1 team to facilitate cooperation between the department and
2 persons regulated by the department in order to ensure
3 efficient compliance with applicable legal requirements.

4 d. Of the amount appropriated and the number of full-time
5 equivalent positions authorized in paragraph "a", not less
6 than \$34,000 and 1.00 FTE shall be used by administrative and
7 support services to support the inspection and oversight of
8 manure management plans associated with confinement feeding
9 operations regulated by the department.

10 2. PARKS AND PRESERVES DIVISION

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

14	\$ 6,157,037
15	FTEs 195.73

16 Of the amount appropriated in this subsection 2, at least
17 \$50,000 shall be allocated for the replacement of maintenance
18 equipment used by the division.

19 3. FORESTS AND FORESTRY DIVISION

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

23	\$ 1,707,347
24	FTEs 48.71

25 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

26 a. For salaries, support, maintenance, miscellaneous
27 purposes, and for not more than the following full-time
28 equivalent positions:

29	\$ 1,898,002
30	FTEs 54.00

31 b. Of the amount appropriated and the number of full-time
32 equivalent positions authorized in paragraph "a", not less
33 than \$76,000 and 2.00 FTEs shall be used by the energy and
34 geological resources division to review soil and hydrology
35 data for construction permits and manure management plans

1 associated with confinement feeding operations regulated by
2 the department.

3 5. ENVIRONMENTAL PROTECTION DIVISION

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

7 \$ 4,899,821
8 FTEs 243.50

9 b. Of the amount appropriated and the number of full-time
10 equivalent positions authorized in paragraph "a", at least
11 \$424,600 and 9.00 FTEs shall be primarily used to support the
12 regulation of animal feeding operations.

13 c. Of the amount appropriated and the number of full-time
14 equivalent positions authorized in paragraph "a", at least
15 \$370,000 and 9.00 FTEs shall be used to support on-site
16 inspections and the oversight of manure management plans
17 associated with confinement feeding operations regulated by
18 the department.

19 d. Of the amount appropriated in paragraph "a", \$99,269
20 shall be used to contract with persons to process manure
21 management plans as required by the department.

22 e. Of the amount appropriated and the number of full-time
23 equivalent positions authorized in paragraph "a", at least
24 \$700,467 and 10.00 FTEs shall be used to support the
25 regulation of wastewater treatment systems, including issuing
26 permits and conducting inspections.

27 6. WATER QUALITY PROTECTION FUND

28 a. For deposit in the administration account of the water
29 quality protection fund administered by the department, to
30 carry out the purpose of that account:

31 \$ 729,000

32 b. Of the number of full-time equivalent positions
33 authorized for the environmental protection division in
34 subsection 5, paragraph "a", 32.50 FTEs shall be dedicated to
35 carrying out relevant Code provisions relating to the

1 administration, regulation, and enforcement of the federal
 2 Safe Drinking Water Act and to support the program to assist
 3 water supply systems. However, the limitation on full-time
 4 equivalent positions provided in subsection 5, paragraph "a",
 5 shall not limit the number of additional full-time equivalent
 6 positions supported by moneys deposited in the water quality
 7 protection fund in order to carry out Code provisions relating
 8 to the administration, regulation, and enforcement of the
 9 federal Safe Drinking Water Act, and the administration of the
 10 program to assist water supply systems.

11 c. In providing assistance to water supply systems, the
 12 department shall give priority to water supply systems serving
 13 a population of seven thousand or less. At least 2.00 FTEs
 14 shall be allocated to provide assistance to systems serving a
 15 population of seven thousand or less.

16 d. Of the amount appropriated in paragraph "a", \$300,000
 17 shall be allocated to the department of natural resources for
 18 purposes of conducting a study of groundwater and surface
 19 water contamination in this state originating from municipal
 20 lagoons. The department shall not collect any fee for
 21 administering moneys appropriated in this section. The
 22 department shall submit a report to the general assembly
 23 regarding the results of its study not later than January 10,
 24 2000.

25 7. FISH AND WILDLIFE DIVISION

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

28 FTEs 344.18

29 8. WASTE MANAGEMENT ASSISTANCE DIVISION

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

32 FTEs 16.75

33 Sec. 4. STATE FISH AND GAME PROTECTION FUND --

34 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

35 1. a. There is appropriated from the state fish and game

1 protection fund to the division of fish and wildlife of the
2 department of natural resources for the fiscal year beginning
3 July 1, 1999, and ending June 30, 2000, the following amount,
4 or so much thereof as is necessary, to be used for the
5 purposes designated:

6 For administrative support, and for salaries, support,
7 maintenance, equipment, and miscellaneous purposes:
8 \$ 23,499,548

9 b. Of the amount appropriated in paragraph "a", \$250,000
10 may be used for purposes of providing compensation to
11 conservation peace officers employed in a protection
12 occupation who retire, pursuant to section 97B.49.

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

23 Sec. 5. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT
24 PURPOSES. There is transferred on July 1, 1999, from the fees
25 deposited under section 321G.7 to the fish and game protection
26 fund and appropriated to the department of natural resources
27 for the fiscal year beginning July 1, 1999, and ending June
28 30, 2000, the following amount, or so much thereof as is
29 necessary, to be used for the purpose designated:

30 For enforcing snowmobile laws as part of the state
31 snowmobile program administered by the department of natural
32 resources:
33 \$ 100,000

34 Sec. 6. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.
35 There is transferred on July 1, 1999, from the fees deposited

1 under section 462A.52 to the fish and game protection fund and
2 appropriated to the natural resource commission for the fiscal
3 year beginning July 1, 1999, and ending June 30, 2000, the
4 following amount, or so much thereof as is necessary, to be
5 used for the purpose designated:

6 For the administration and enforcement of navigation laws
7 and water safety:

8 \$ 1,400,000

9 1. Of the amount appropriated in this section and the
10 full-time equivalent positions authorized in this Act for the
11 fish and wildlife division, not more than \$100,000 and 1.00
12 FTE may be used for purposes of controlling and eradicating
13 eurasian milfoil.

14 2. Notwithstanding section 8.33, moneys transferred and
15 appropriated in this section that remain unencumbered or
16 unobligated at the close of the fiscal year shall not revert
17 to the credit of the fish and game protection fund but shall
18 be credited to the special conservation fund established by
19 section 462A.52 to be used as provided in that section.

20 Sec. 7. MARINE FUEL TAX RECEIPTS -- BOATING FACILITIES.

21 There is appropriated from the marine fuel tax receipts
22 deposited in the general fund of the state to the department
23 of natural resources for the fiscal year beginning July 1,
24 1999, and ending June 30, 2000, the following amount, or so
25 much thereof as is necessary, to be used for the purposes
26 designated:

27 For purposes of maintaining and developing boating
28 facilities and access to public waters by the parks and
29 preserves division:

30 \$ 411,311

31 ANIMAL HEALTH AND INDUSTRY

32 Sec. 8. HORSE AND DOG RACING. There is appropriated from
33 the moneys available under section 99D.13 to the regulatory
34 division of the department of agriculture and land stewardship
35 for the fiscal year beginning July 1, 1999, and ending June

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1 30, 2000, the following amount, or so much thereof as is
2 necessary, to be used for the purposes designated:

3 For salaries, support, maintenance, and miscellaneous
4 purposes for the administration of section 99D.22:
5 \$ 275,211

6 Sec. 9. PSEUDORABIES ERADICATION PROGRAM.

7 1. There is appropriated from the general fund of the
8 state to the department of agriculture and land stewardship
9 for the fiscal year beginning July 1, 1999, and ending June
10 30, 2000, the following amount, or so much thereof as is
11 necessary, to be used for the purpose designated:

12 For support of the pseudorabies eradication program:
13 \$ 900,600

14 2. Persons, including organizations interested in swine
15 production in this state and in the promotion of Iowa pork
16 products who contribute support to the program, are encouraged
17 to increase financial support for purposes of ensuring the
18 program's effective continuation.

19 Sec. 10. JOHNE'S DISEASE. There is appropriated from the
20 general fund of the state to the livestock disease research
21 fund created in section 267.8 for the fiscal year beginning
22 July 1, 1999, and ending June 30, 2000, the following amount,
23 or so much thereof as is necessary, to be used for the purpose
24 designated:

25 For the purpose of supporting research and to evaluate
26 procedures and tests to accurately diagnose Johne's disease:
27 \$ 50,000

28 1. As a condition of the appropriation made in this
29 section, each dollar from the appropriation expended under
30 this section must be matched by one dollar contributed by a
31 nonstate source.

32 2. Moneys appropriated in this section shall be expended
33 in accordance with the direction of the livestock health
34 advisory council established pursuant to section 267.2.

35 RELATED APPROPRIATIONS

1 Sec. 11. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE
 2 UNDERGROUND STORAGE TANK FUND BOARD. There is appropriated
 3 from the unassigned revenue fund administered by the Iowa
 4 comprehensive underground storage tank fund board, to the
 5 department of natural resources for the fiscal year beginning
 6 July 1, 1999, and ending June 30, 2000, the following amount,
 7 or so much thereof as is necessary, to be used for the purpose
 8 designated:

9 For administration expenses of the underground storage tank
 10 section of the department of natural resources:

11 \$ 75,000

12 Sec. 12. WILD ANIMAL CONTROL. There is appropriated from
 13 the general fund of the state to the department of natural
 14 resources for the fiscal year beginning July 1, 1999, and
 15 ending June 30, 2000, the following amount, or so much thereof
 16 as is necessary, to be used for the purpose designated:

17 For allocation to the United States department of
 18 agriculture, animal and plant health inspection service, to be
 19 used for wild animal damage control in this state:

20 \$ 50,000

21 The department's wild animal depredation unit shall
 22 cooperate with the United States department of agriculture
 23 animal and plant health inspection service in carrying out
 24 this section. The department shall amend its memorandum of
 25 understanding with the United States department of agriculture
 26 animal and plant health inspection service. The amended
 27 memorandum shall provide for the control of wild animals,
 28 including white-tailed deer. A landowner participating with
 29 the service is not required to obtain a depredation permit
 30 from the department of natural resources. The department
 31 shall not collect any fee for administering moneys
 32 appropriated in this section.

33 Sec. 13. APPROPRIATION -- AGRICULTURAL MANAGEMENT ACCOUNT.
 34 There is appropriated from those unexpended moneys designated
 35 for use by county conservation boards in the agriculture

1 management account of the groundwater protection fund, as
2 provided in section 455E.11, subsection 2, paragraph "b", to
3 the following designated departments for the fiscal year
4 beginning July 1, 1999, and ending June 30, 2000, the
5 following amounts for use as provided in this section:

6 1. a. To the department of agriculture and land
7 stewardship to allocate to the Iowa junior angus association
8 for purposes related to shows:

9 \$ 5,000

10 b. The department shall not collect any fee for
11 administering moneys appropriated in this subsection.

12 2. a. To the department of natural resources to be used
13 to contract with persons to process manure management plans as
14 required by the department:

15 \$ 10,109

16 b. The department shall not collect any fee for
17 administering moneys appropriated in this subsection.

18 Sec. 14. BROWNFIELDS. There is appropriated from the
19 hazardous substance remedial fund to the department of natural
20 resources for the fiscal year beginning July 1, 1999, and
21 ending June 30, 2000, the following amount, or so much thereof
22 as is necessary, to be used for the purpose designated:

23 For deposit in the land recycling fund for purposes of
24 carrying out the purposes of the fund, including salaries,
25 support, maintenance, miscellaneous purposes, and for not more
26 than the following full-time equivalent positions:

27 \$ 100,000
28 FTEs 2.00

29 MISCELLANEOUS

30 Sec. 15. TRANSFER OF MONEYS OR POSITIONS -- CHANGES IN
31 TABLES OF ORGANIZATION -- NOTIFICATION. In addition to the
32 requirements of section 8.39, in each fiscal quarter, the
33 department of agriculture and land stewardship and the
34 department of natural resources shall notify the chairpersons,
35 vice chairpersons, and ranking members of the joint

1 appropriations subcommittee on agriculture and natural
2 resources for the previous fiscal quarter of any transfer of
3 moneys or full-time equivalent positions made by either
4 department which is not authorized in this Act, or any
5 permanent position added to or deleted from either
6 department's table of organization.

7 Sec. 16. WATER CONTAMINATION STUDIES -- REVERSION.

8 Notwithstanding section 8.33, moneys allocated to Iowa state
9 university of science and technology for purposes of
10 conducting studies regarding groundwater and surface water
11 contamination in this state as provided in 1998 Iowa Acts,
12 chapter 1220, section 3, subsection 6, paragraph "b", that
13 remain at the close of the fiscal year shall not revert to the
14 water quality protection fund but shall remain available for
15 expenditure for the purpose designated until January 1, 2000.
16 The university shall make its report as provided in that Act
17 on or before January 10, 2000.

18 Sec. 17. ENTRANCE FEES. For the fiscal year beginning
19 July 1, 1999, and ending June 30, 2000, the department of
20 natural resources shall not charge fees to persons entering
21 state parks or preserves that are more than the fees charged
22 on July 1, 1998.

23 Sec. 18. IMPLEMENTATION OF THE FEDERAL TOTAL MAXIMUM DAILY
24 LOAD PROGRAM. Notwithstanding any provision of state law, for
25 the fiscal year beginning July 1, 1999, and ending June 30,
26 2000, the department of natural resources may use additional
27 funds available to the department from stormwater discharge
28 permit fees, for the staffing of the following additional
29 full-time equivalent positions for implementation of the
30 federal total maximum daily load program:

31 FTES 2.00

32 Sec. 19. EFFECTIVE DATE. The following provisions of this
33 Act, being deemed of immediate importance, take effect upon
34 enactment:

35 1. Section 16, relating to water contamination studies

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S.F. _____ H.F. _____

1 authorized in 1998 Iowa Acts, chapter 220, section 3.

2 2. Section 17, relating to entrance fees to parks and
3 preserves charged by the department of natural resources.

4 EXPLANATION

5 This bill appropriates moneys to support the department of
6 agriculture and land stewardship and the department of natural
7 resources. The bill provides for notification of certain
8 members of the appropriations subcommittee on agriculture and
9 natural resources of departmental transfers. The bill
10 authorizes Iowa state university of science and technology to
11 retain moneys appropriated during the previous fiscal year in
12 order to complete a study of groundwater and surface water.
13 The bill freezes the amount of moneys that the department of
14 natural resources may charge for entrance fees to parks and
15 preserves. The bill provides for the use of funds from
16 stormwater discharge fees by the department of natural
17 resources to staff additional full-time equivalent positions.
18 Provisions relating to the water contamination study and the
19 entrance fees take effect upon enactment.

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HOUSE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 254)

Passed House, Date (P.1092) 4/6/99 Passed Senate, Date (P.1307) 4-27-99
Vote: Ayes 57 Nays 41 Vote: Ayes 46 Nays 2
Approved May 26, 1999

A BILL FOR

1 An Act relating to and making appropriations for agriculture and
2 natural resources and providing effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

2 Section 1. GENERAL APPROPRIATION. There is appropriated
3 from the general fund of the state to the department of
4 agriculture and land stewardship for the fiscal year beginning
5 July 1, 1999, and ending June 30, 2000, the following amounts,
6 or so much thereof as is necessary, to be used for the
7 purposes designated:

8 1. ADMINISTRATIVE DIVISION

9 a. For salaries, support, maintenance, the support of the
10 state 4-H foundation, support of the statistics bureau, and
11 miscellaneous purposes, and for the salaries and support of
12 not more than the following full-time equivalent positions:

13	\$	2,112,222
14	FTEs	46.88

15 (1) Of the amount appropriated and full-time equivalent
16 positions authorized in this paragraph "a", \$322,329 and 7.00
17 FTEs shall be used to support horticulture.

18 (2) Of the amount appropriated in this paragraph "a",
19 \$55,000 shall be allocated to the state 4-H foundation to
20 foster the development of Iowa's youth and to encourage them
21 to study the subject of agriculture.

22 (3) Of the amount appropriated and full-time equivalent
23 positions authorized in this paragraph "a", \$227,489 and 7.00
24 FTEs shall be allocated to the statistics bureau to provide
25 county-by-county information on land in farms, production by
26 crop, acres by crop, and county prices by crop. This
27 information shall be made available to the department of
28 revenue and finance for use in the productivity formula for
29 valuing and equalizing the values of agricultural land.

30 (4) Of the amount appropriated in this paragraph "a",
31 \$30,000 shall be used by the agricultural statistics bureau
32 for purposes of collecting, summarizing, and publishing
33 marketing information on a monthly basis, regarding finished
34 cattle in cooperation with the Iowa cattlemen's association,
35 including unfinished cattle for market, cattle placed on feed,

1 and cattle on hand under marketing arrangements.

2 (5) Of the amount appropriated in this paragraph "a",
3 \$24,000 shall be used by the domestic marketing bureau through
4 an existing federal and state cooperative agreement to develop
5 accurate, reliable market information regarding segregated
6 early-weaned pigs and alternate feeder pigs marketing systems.

7 (6) Of the amount appropriated and the number of full-time
8 equivalent positions authorized in this paragraph "a", at
9 least \$43,500 shall be used for livestock market news
10 reporting.

11 b. For the operations of the dairy trade practices bureau:
12 \$ 72,507

13 c. For the purpose of performing commercial feed audits:
14 \$ 45,834

15 d. For the purpose of performing fertilizer audits:
16 \$ 70,055

17 2. REGULATORY DIVISION

18 a. For salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-time
20 equivalent positions:
21 \$ 4,110,954
22 FTEs 123.00

23 Of the amount appropriated in this paragraph "a", \$10,000
24 shall be used by the regulatory division for purposes of
25 inspecting livestock exhibited at the Iowa state fair, with
26 particular attention to the inspection of livestock for club-
27 lamb fungus.

28 b. For the costs of inspection, sampling, analysis, and
29 other expenses necessary for the administration of chapters
30 192, 194, and 195:
31 \$ 687,716

32 3. LABORATORY DIVISION

33 a. For salaries, support, maintenance, and miscellaneous
34 purposes, including the administration of the gypsy moth
35 program, and for not more than the following full-time

1 equivalent positions:

2 \$ 926,703

3 FTEs 81.00

4 Of the amount appropriated and the number of full-time
5 equivalent positions authorized in this paragraph "a",
6 \$150,000 shall be allocated and 4.93 FTEs shall be supported
7 from the allocations to administer a program relating to the
8 detection, surveillance, and eradication of the gypsy moth.
9 The department shall allocate and use the appropriation made
10 in this paragraph before moneys other than those appropriated
11 in this paragraph are used to support the program.

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

13 \$ 793,419

14 c. For the operations of the pesticide programs:

15 \$ 1,226,757

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

20 d. For the operations of the fertilizer programs:

21 \$ 673,123

22 4. SOIL CONSERVATION DIVISION

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

26 \$ 6,789,882

27 FTEs 190.98

28 (1) Of the amount appropriated in this paragraph "a",
29 \$418,376 shall be used to reimburse commissioners of soil and
30 water conservation districts for administrative expenses,
31 including but not limited to, travel expenses and technical
32 training. Moneys used for the payment of meeting dues by
33 counties shall be matched on a dollar-for-dollar basis by the
34 soil conservation division.

35 (2) Of the number of full-time equivalent positions

1 authorized in this paragraph "a", 20.00 FTEs shall be
 2 supported from allocations made pursuant to § 319 of the
 3 federal Water Quality Act of 1987, as codified in 33 U.S.C. §
 4 1329, and appropriations to the department from the Iowa
 5 resources enhancement and protection fund.

6 (3) The number of full-time equivalent positions provided
 7 in paragraph "a" shall be increased by 2.00 FTEs if the
 8 general assembly appropriates moneys for the fiscal year
 9 beginning July 1, 1999, and ending June 30, 2000, to
 10 accelerate watershed protection efforts to reduce soil
 11 erosion, protect water quality, and provide flood control in
 12 priority watersheds in the state, during the 1999 Session of
 13 the Seventy-eighth General Assembly.

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

16 \$ 6,500,850

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

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

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

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

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

1 conservation tillage and nonpoint source pollution control
2 practices.

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

5 d. Notwithstanding section 8.33, moneys appropriated in
6 paragraph "b" that remain unencumbered or unobligated moneys
7 at the close of the fiscal year shall not revert but shall
8 remain available for expenditure for the purposes designated
9 until the close of the fiscal year that begins July 1, 2002.

10 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is
11 appropriated from the general fund of the state to the
12 department of agriculture and land stewardship for the fiscal
13 year beginning July 1, 1999, and ending June 30, 2000, the
14 following amount, or so much thereof as is necessary, to be
15 used for the purposes designated:

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

22	\$	301,373
23	FTEs	2.00

24 DEPARTMENT OF NATURAL RESOURCES

25 Sec. 3. GENERAL APPROPRIATION. There is appropriated from
26 the general fund of the state to the department of natural
27 resources for the fiscal year beginning July 1, 1999, and
28 ending June 30, 2000, the following amounts, or so much
29 thereof as is necessary, to be used for the purposes
30 designated:

31 1. ADMINISTRATIVE AND SUPPORT SERVICES

32 a. For salaries, support, maintenance, miscellaneous
33 purposes, and for not more than the following full-time
34 equivalent positions:

35	\$	2,046,623
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1 FTEs 120.25

2 b. Of the amount appropriated in paragraph "a", \$12,000
3 shall be allocated to pay dues for membership in the upper
4 Mississippi, Illinois, and Missouri river basin commission.

5 c. Of the amount appropriated and the number of full-time
6 equivalent positions authorized in paragraph "a", at least
7 \$150,000 and 3.00 FTEs shall be used by administrative and
8 support services to support a compliance and permit assistance
9 team to facilitate cooperation between the department and

10 persons regulated by the department in order to ensure
11 efficient compliance with applicable legal requirements.

12 d. Of the amount appropriated and the number of full-time
13 equivalent positions authorized in paragraph "a", not less
14 than \$34,000 and 1.00 FTE shall be used by administrative and
15 support services to support the inspection and oversight of
16 manure management plans associated with confinement feeding
17 operations regulated by the department.

18 2. PARKS AND PRESERVES DIVISION

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

22 \$ 6,157,037
23 FTEs 195.28

24 Of the amount appropriated in this subsection 2, at least
25 \$50,000 shall be allocated for the replacement of maintenance
26 equipment used by the division.

27 3. FORESTS AND FORESTRY DIVISION

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

31 \$ 1,707,347
32 FTEs 48.71

33 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

34 a. For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-time

1 equivalent positions:

2 \$ 1,898,002

3 FTEs 54.00

4 b. Of the amount appropriated and the number of full-time
5 equivalent positions authorized in paragraph "a", not less
6 than \$76,000 and 2.00 FTEs shall be used by the energy and
7 geological resources division to review soil and hydrology
8 data for construction permits and manure management plans
9 associated with confinement feeding operations regulated by
10 the department.

11 5. ENVIRONMENTAL PROTECTION DIVISION

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

15 \$ 4,899,821

16 FTEs 241.50

17 b. The number of full-time equivalent positions provided
18 in paragraph "a" shall be increased by 7.00 FTEs if the
19 general assembly appropriates moneys for the fiscal year
20 beginning July 1, 1999, and ending June 30, 2000, to establish
21 and operate water quality monitoring stations during the 1999
22 Session of the Seventy-eighth General Assembly.

23 c. Of the amount appropriated and the number of full-time
24 equivalent positions authorized in paragraph "a", at least
25 \$424,600 and 9.00 FTEs shall be primarily used to support the
26 regulation of animal feeding operations.

27 d. Of the amount appropriated and the number of full-time
28 equivalent positions authorized in paragraph "a", at least
29 \$370,000 and 9.00 FTEs shall be used to support on-site
30 inspections and the oversight of manure management plans
31 associated with confinement feeding operations regulated by
32 the department.

33 e. Of the amount appropriated in paragraph "a", \$99,269
34 shall be used to contract with persons to process manure
35 management plans as required by the department.

1 f. Of the amount appropriated and the number of full-time
2 equivalent positions authorized in paragraph "a", at least
3 \$700,467 and 10.00 FTEs shall be used to support the
4 regulation of wastewater treatment systems, including issuing
5 permits and conducting inspections.

6 6. WATER QUALITY PROTECTION FUND

7 a. For deposit in the administration account of the water
8 quality protection fund administered by the department, to
9 carry out the purpose of that account:

10 \$ 729,000

11 b. Of the number of full-time equivalent positions
12 authorized for the environmental protection division in
13 subsection 5, paragraph "a", 32.50 FTEs shall be dedicated to
14 carrying out relevant Code provisions relating to the
15 administration, regulation, and enforcement of the federal
16 Safe Drinking Water Act and to support the program to assist
17 water supply systems. However, the limitation on full-time
18 equivalent positions provided in subsection 5, paragraph "a",
19 shall not limit the number of additional full-time equivalent
20 positions supported by moneys deposited in the water quality
21 protection fund in order to carry out Code provisions relating
22 to the administration, regulation, and enforcement of the
23 federal Safe Drinking Water Act, and the administration of the
24 program to assist water supply systems.

25 c. In providing assistance to water supply systems, the
26 department shall give priority to water supply systems serving
27 a population of seven thousand or less. At least 2.00 FTEs
28 shall be allocated to provide assistance to systems serving a
29 population of seven thousand or less.

30 d. Of the amount appropriated in paragraph "a", \$300,000
31 shall be allocated to the department of natural resources for
32 purposes of conducting a study of groundwater and surface
33 water contamination in this state originating from municipal
34 lagoons. The department shall not collect any fee for
35 administering moneys appropriated in this section. The

1 department shall submit interim reports to the general
2 assembly on January 10, 2000, and January 8, 2001. The
3 department shall submit a final report to the general assembly
4 regarding the results of its study not later than January 14,
5 2002.

6 7. FISH AND WILDLIFE DIVISION

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

9 FTEs 343.58

10 8. WASTE MANAGEMENT ASSISTANCE DIVISION

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

13 FTEs 16.75

14 Sec. 4. STATE FISH AND GAME PROTECTION FUND --

15 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

16 1. a. There is appropriated from the state fish and game
17 protection fund to the division of fish and wildlife of the
18 department of natural resources for the fiscal year beginning
19 July 1, 1999, and ending June 30, 2000, the following amount,
20 or so much thereof as is necessary, to be used for the
21 purposes designated:

22 For administrative support, and for salaries, support,
23 maintenance, equipment, and miscellaneous purposes:

24 \$ 23,574,548

25 b. Of the amount appropriated in paragraph "a", \$250,000
26 may be used for purposes of providing compensation to
27 conservation peace officers employed in a protection
28 occupation who retire, pursuant to section 97B.49B.

29 2. The department shall not expend more moneys from the
30 fish and game protection fund than provided in this section,
31 unless the expenditure derives from contributions made by a
32 private entity, or a grant or moneys received from the federal
33 government, and is approved by the natural resource
34 commission. The department of natural resources shall
35 promptly notify the legislative fiscal bureau and the

1 chairpersons and ranking members of the joint appropriations
2 subcommittee on agriculture and natural resources concerning
3 the commission's approval.

4 Sec. 5. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT

5 PURPOSES. There is transferred on July 1, 1999, from the fees
6 deposited under section 321G.7 to the fish and game protection
7 fund and appropriated to the department of natural resources
8 for the fiscal year beginning July 1, 1999, and ending June
9 30, 2000, the following amount, or so much thereof as is
10 necessary, to be used for the purpose designated:

11 For enforcing snowmobile laws as part of the state
12 snowmobile program administered by the department of natural
13 resources:

14 \$ 100,000

15 Sec. 6. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.

16 There is transferred on July 1, 1999, from the fees deposited
17 under section 462A.52 to the fish and game protection fund and
18 appropriated to the natural resource commission for the fiscal
19 year beginning July 1, 1999, and ending June 30, 2000, the
20 following amount, or so much thereof as is necessary, to be
21 used for the purpose designated:

22 For the administration and enforcement of navigation laws
23 and water safety:

24 \$ 1,475,000

25 1. Of the amount appropriated in this section and the
26 full-time equivalent positions authorized in this Act for the
27 fish and wildlife division, not more than \$100,000 and 1.00
28 FTE may be used for purposes of controlling and eradicating
29 eurasian milfoil.

30 2. Of the amount appropriated in this section, not more
31 than \$75,000 shall be used by the department to carry out the
32 provisions of 1999 Iowa Acts, Senate File 187, if enacted by
33 the Seventy-eighth General Assembly, 1999 Session. However,
34 if Senate File 187 is not enacted, the amount appropriated
35 from the state fish and game protection fund under section 4

1 and the amount transferred under this section for the
2 administration and enforcement of navigation laws and water
3 safety shall both be reduced by \$75,000.

4 3. Notwithstanding section 8.33, moneys transferred and
5 appropriated in this section that remain unencumbered or
6 unobligated at the close of the fiscal year shall not revert
7 to the credit of the fish and game protection fund but shall
8 be credited to the special conservation fund established by
9 section 462A.52 to be used as provided in that section.

10 Sec. 7. MARINE FUEL TAX RECEIPTS -- BOATING FACILITIES.

11 There is appropriated from the marine fuel tax receipts
12 deposited in the general fund of the state to the department
13 of natural resources for the fiscal year beginning July 1,
14 1999, and ending June 30, 2000, the following amount, or so
15 much thereof as is necessary, to be used for the purposes
16 designated:

17 1. For purposes of maintaining and developing boating
18 facilities and access to public waters by the parks and
19 preserves division:

20 \$ 411,311

21 2. For the value of sick leave payout that needs to be
22 paid out due to retirement of personnel in the parks and
23 preserves division:

24 \$ 200,000

25 ANIMAL HEALTH AND INDUSTRY

26 Sec. 8. HORSE AND DOG RACING. There is appropriated from
27 the moneys available under section 99D.13 to the regulatory
28 division of the department of agriculture and land stewardship
29 for the fiscal year beginning July 1, 1999, and ending June
30 30, 2000, the following amount, or so much thereof as is
31 necessary, to be used for the purposes designated:

32 For salaries, support, maintenance, and miscellaneous
33 purposes for the administration of section 99D.22:

34 \$ 275,211

35 Sec. 9. PSEUDORABIES ERADICATION PROGRAM.

1 1. There is appropriated from the general fund of the
2 state to the department of agriculture and land stewardship
3 for the fiscal year beginning July 1, 1999, and ending June
4 30, 2000, the following amount, or so much thereof as is
5 necessary, to be used for the purpose designated:

6 For support of the pseudorabies eradication program:
7 \$ 900,600

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

13 Sec. 10. JOHNE'S DISEASE. There is appropriated from the
14 general fund of the state to the livestock disease research
15 fund created in section 267.8 for the fiscal year beginning
16 July 1, 1999, and ending June 30, 2000, the following amount,
17 or so much thereof as is necessary, to be used for the purpose
18 designated:

19 For the purpose of supporting research and to evaluate
20 procedures and tests to accurately diagnose Johne's disease:
21 \$ 50,000

22 1. As a condition of the appropriation made in this
23 section, each dollar from the appropriation expended under
24 this section must be matched by one dollar contributed by a
25 nonstate source.

26 2. Moneys appropriated in this section shall be expended
27 in accordance with the direction of the livestock health
28 advisory council established pursuant to section 267.2.

29 RELATED APPROPRIATIONS

30 Sec. 11. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE
31 UNDERGROUND STORAGE TANK FUND BOARD. There is appropriated
32 from the unassigned revenue fund administered by the Iowa
33 comprehensive underground storage tank fund board, to the
34 department of natural resources for the fiscal year beginning
35 July 1, 1999, and ending June 30, 2000, the following amount,

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

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

5 \$ 75,000

6 Sec. 12. WILD ANIMAL CONTROL. There is appropriated from
7 the general fund of the state to the department of natural
8 resources for the fiscal year beginning July 1, 1999, and
9 ending June 30, 2000, the following amount, or so much thereof
10 as is necessary, to be used for the purpose designated:

11 For allocation to the United States department of
12 agriculture, animal and plant health inspection service, to be
13 used for wild animal damage control in this state:

14 \$ 50,000

15 The department's wild animal depredation unit shall
16 cooperate with the United States department of agriculture
17 animal and plant health inspection service in carrying out
18 this section. The department shall amend its memorandum of
19 understanding with the United States department of agriculture
20 animal and plant health inspection service. The amended
21 memorandum shall provide for the control of wild animals,
22 including white-tailed deer. A landowner participating with
23 the service is not required to obtain a depredation permit
24 from the department of natural resources. The department
25 shall not collect any fee for administering moneys
26 appropriated in this section.

27 Sec. 13. APPROPRIATION -- AGRICULTURAL MANAGEMENT ACCOUNT.

28 There is appropriated from those unexpended moneys designated
29 for use by county conservation boards in the agriculture
30 management account of the groundwater protection fund, as
31 provided in section 455E.11, subsection 2, paragraph "b", to
32 the following designated departments for the fiscal year
33 beginning July 1, 1999, and ending June 30, 2000, the
34 following amounts for use as provided in this section:

35 1. a. To the department of agriculture and land

1 stewardship to allocate to the Iowa junior angus association
2 for purposes related to shows:

3 \$ 5,000

4 b. The department shall not collect any fee for
5 administering moneys appropriated in this subsection.

6 2. a. To the department of natural resources to be used
7 to contract with persons to process manure management plans as
8 required by the department:

9 \$ 10,109

10 b. The department shall not collect any fee for
11 administering moneys appropriated in this subsection.

12 Sec. 14. BROWNFIELDS. There is appropriated from the
13 hazardous substance remedial fund to the department of natural
14 resources for the fiscal year beginning July 1, 1999, and
15 ending June 30, 2000, the following amount, or so much thereof
16 as is necessary, to be used for the purpose designated:

17 For deposit in the land recycling fund for purposes of
18 carrying out the purposes of the fund, including salaries,
19 support, maintenance, miscellaneous purposes, and for not more
20 than the following full-time equivalent positions:

21 \$ 100,000

22 FTEs 2.00

23 Sec. 15. AGRICULTURAL CHEMICALS -- RESPONSE TRAINING.

24 There is appropriated from the general fund of the state to
25 the department of public safety for the fiscal year beginning
26 July 1, 1999, and ending June 30, 2000, the following amount,
27 or so much thereof as is necessary, to be used for the
28 purposes designated:

29 For allocation to the state fire marshal for purposes of
30 training volunteer fire fighters and persons providing
31 emergency medical services to respond to emergencies involving
32 agricultural chemicals including but not limited to
33 fertilizers:

34 \$ 50,000

35 MISCELLANEOUS

1 Sec. 16. TRANSFER OF MONEYS OR POSITIONS -- CHANGES IN
2 TABLES OF ORGANIZATION -- NOTIFICATION. In addition to the
3 requirements of section 8.39, in each fiscal quarter, the
4 department of agriculture and land stewardship and the
5 department of natural resources shall notify the chairpersons,
6 vice chairpersons, and ranking members of the joint
7 appropriations subcommittee on agriculture and natural
8 resources for the previous fiscal quarter of any transfer of
9 moneys or full-time equivalent positions made by either
10 department which is not authorized in this Act, or any
11 permanent position added to or deleted from either
12 department's table of organization.

13 Sec. 17. WATER CONTAMINATION STUDIES -- REVERSION.
14 Notwithstanding section 8.33, moneys allocated to Iowa state
15 university of science and technology for purposes of
16 conducting studies regarding groundwater and surface water
17 contamination in this state as provided in 1998 Iowa Acts,
18 chapter 1220, section 3, subsection 6, paragraph "b", that
19 remain at the close of the fiscal year shall not revert to the
20 water quality protection fund but shall remain available for
21 expenditure for the purpose designated until January 1, 2000.
22 The university shall make its report as provided in that Act
23 on or before January 10, 2000.

24 Sec. 18. ENTRANCE FEES. For the fiscal year beginning
25 July 1, 1999, and ending June 30, 2000, the department of
26 natural resources shall not charge fees to persons entering
27 state parks or preserves that are more than the fees charged
28 on July 1, 1998.

29 Sec. 19. FLOOD PLAIN PERMIT BACKLOG. Notwithstanding any
30 provision of state law, for the fiscal year beginning July 1,
31 1999, and ending June 30, 2000, the department of natural
32 resources may use additional funds available to the department
33 from stormwater discharge permit fees for the staffing of the
34 following additional full-time staff members to reduce the
35 department's flood plain permit backlog:

1 FTEs 2.00

2 Sec. 20. IMPLEMENTATION OF THE FEDERAL TOTAL MAXIMUM DAILY
3 LOAD PROGRAM. Notwithstanding any provision of state law, for
4 the fiscal year beginning July 1, 1999, and ending June 30,
5 2000, the department of natural resources may use additional
6 funds available to the department from stormwater discharge
7 permit fees, for the staffing of the following additional
8 full-time equivalent positions for implementation of the
9 federal total maximum daily load program:

10 FTEs 2.00

11 CODE CHANGES

12 Sec. 21. Section 452A.79, unnumbered paragraph 2, Code
13 1999, is amended to read as follows:

14 Annually, the first four six hundred eleven thousand three
15 hundred eleven dollars derived from the excise tax on the sale
16 of motor fuel used in watercraft shall be deposited in the
17 general fund of the state. The moneys in excess of four six
18 hundred eleven thousand three hundred eleven dollars shall be
19 deposited in the rebuild Iowa infrastructure fund. Moneys
20 deposited to the general fund and to the rebuild Iowa
21 infrastructure fund under this section and section 452A.84 are
22 subject to the requirements of section 8.60 and are subject to
23 appropriation by the general assembly to the department of
24 natural resources for use in its recreational boating program,
25 which may include but is not limited to:

26 Sec. 22. NEW SECTION. 461A.31A SALE OF TIMBER.

27 If the estimated quantity of timber grown in a state park
28 or a preserve to be sold by the department in a sixty-day
29 period is ten thousand board feet or more or if the estimated
30 value of the timber grown in a state park or a preserve to be
31 sold by the department during the same period of time is five
32 thousand dollars or more, the department shall conduct a
33 public hearing on the proposed sale. Notice of the hearing
34 shall be published as provided in section 331.305. After the
35 public hearing, the department may proceed with the sale of

1 the timber.

2

EFFECTIVE DATE

3 Sec. 23. EFFECTIVE DATE. The following provisions of this
4 Act, being deemed of immediate importance, take effect upon
5 enactment:

6 1. Section 17, relating to water contamination studies
7 authorized in 1998 Iowa Acts, chapter 1220, section 3.

8 2. Section 18, relating to entrance fees to parks and
9 preserves charged by the department of natural resources.

10

EXPLANATION

11 This bill appropriates moneys to support the department of
12 agriculture and land stewardship and the department of natural
13 resources, and various programs administered by the
14 departments.

15 The bill supports programs for the regulation of horse and
16 dog racing and animal health, including for pseudorabies
17 eradication and Johne's disease. The bill supports the Iowa
18 comprehensive underground storage tank fund board. It
19 supports efforts to provide for wild animal control. It
20 allocates moneys from the agricultural management account to
21 support the Iowa junior angus association, and to contract
22 with persons to process manure management plans. It allocates
23 moneys from the hazardous substance remedial fund to support
24 brownfields. It appropriates moneys to support training
25 efforts by the state fire marshal connected to responding to
26 agrichemical emergencies. The bill provides for notification
27 of certain members of the appropriations subcommittee on
28 agriculture and natural resources of departmental transfers.
29 The bill authorizes Iowa state university of science and
30 technology to retain moneys appropriated during the previous
31 fiscal year in order to complete a study of groundwater and
32 surface water. The bill freezes the amount of moneys that the
33 department of natural resources may charge for entrance fees
34 to parks and preserves. The bill provides for the use of
35 funds from stormwater discharge fees by the department of

1 natural resources to staff additional full-time equivalent
2 positions. Provisions relating to the water contamination
3 study and the entrance fees take effect upon enactment. The
4 bill provides several Code changes. It increases the amount
5 of moneys from the sale of motor fuel used in watercraft which
6 are to be deposited in the general fund of the state. It
7 provides that the department of natural resources must hold a
8 public hearing prior to the sale of timber grown in a state
9 park or a preserve.

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HOUSE FILE 746

H-1315

1 Amend House File 746 as follows:

2 1. Page 16, by inserting before line 26 the
3 following:

4 "Sec. ____ . Section 455C.1, subsection 1, Code

5 1999, is amended to read as follows:

6 1. "Beverage" means wine as defined in section
7 123.3, subsection 37, alcoholic liquor as defined in
8 section 123.3, subsection 5, beer as defined in
9 section 123.3, subsection 7, mineral water, soda water
10 and similar carbonated soft drinks, wine cooler or
11 drink, tea, potable water, fruit or vegetable juice,
12 and fruit or vegetable drinks in liquid form and
13 intended for human consumption.14 Sec. ____ . Section 455C.2, subsection 2, Code 1999,
15 is amended to read as follows:16 2. In addition to the refund value provided in
17 subsection 1 of this section, a dealer, or person
18 operating a redemption center who redeems empty
19 beverage containers or a dealer agent shall be
20 reimbursed by the distributor required to accept the
21 empty beverage containers an amount which is one-cent
22 two cents per container. A dealer, dealer agent, or
23 person operating a redemption center may compact empty
24 metal beverage containers with the approval of the
25 distributor required to accept the containers."

26 2. By renumbering as necessary.

By FALCK of Fayette
BURNETT of Story

H-1315 FILED MARCH 30, 1999

Withdrawn
4/6/99 (P.1088)

HOUSE FILE 746

H-1316

1 Amend House File 746 as follows:

2 1. Page 15, by striking lines 24 through 28.

3 2. By renumbering as necessary.

By O'BRIEN of Boone
MERTZ of Kossuth

H-1316 FILED MARCH 30, 1999

Repeal 4/6/99 (P.1085)

HOUSE FILE 746

H-1317

1 Amend House File 746 as follows:

2 1. Page 7, line 15, by striking the figure
3 "4,899,821" and inserting the following: "5,112,443".4 2. Page 7, line 29, by striking the figure
5 "370,000" and inserting the following: "420,000".6 3. Page 7, line 33, by striking the figure
7 "99,269" and inserting the following: "261,891".

By SCHERRMAN of Dubuque

H-1317 FILED MARCH 30, 1999

*0/0**4/6/99*

HOUSE FILE 746

H-1314

1 Amend House File 746 as follows:

2 1. Page 16, by inserting after line 10 the
3 following:4 "Sec. _____. MONEYS ORIGINATING FROM THE EXCISE TAX
5 ON THE SALE OF MOTOR FUEL USED IN WATERCRAFT.6 Notwithstanding section 452A.79, for the fiscal year
7 beginning July 1, 1999, and ending June 30, 2000, the
8 first six hundred eleven thousand three hundred eleven
9 dollars derived from the excise tax on the sale of
10 motor fuel used in watercraft shall be deposited in
11 the general fund of the state. The moneys in excess
12 of six hundred eleven thousand three hundred eleven
13 dollars shall be deposited in the rebuild Iowa
14 infrastructure fund. The amount of moneys required to
15 be deposited pursuant to this section shall be in lieu
16 of the moneys required to be deposited pursuant to
17 section 452A.79. All other provisions in section
18 452A.79 shall continue to apply."

19 2. Page 16, by striking lines 12 through 25.

20 3. By renumbering as necessary.

By MILLAGE of Scott
GREINER of Washington

H-1314 FILED MARCH 30, 1999

Adopted
*4/6/99**(p.1086)*

HOUSE FILE 746

H-1313

1 Amend House File 746 as follows:

2 1. Page 7, line 32, by inserting after the word
3 "department." the following: "In carrying out its on-
4 site inspections, persons occupying the full-time
5 equivalent positions authorized in this paragraph
6 shall ensure that unformed manure storage structures
7 which are part of confinement feeding operations do
8 not emit airborne pollutants in excess of standards as
9 shall be established by rules adopted by the
10 department regulating levels of gases containing
11 compounds which produce odor or may have a deleterious
12 effect upon human health, including but not limited to
13 hydrogen sulfide, ammonia, methane, and any class of
14 mercaptan."

By JOCHUM of Dubuque

H-1313 FILED MARCH 30, 1999

Lost
4-6-99
(p.1083)

HOUSE FILE 746

H-1320

- 1 Amend House File 746 as follows:
2 1. Page 16, by inserting before line 26 the
3 following:
4 "Sec. _____. Section 455C.1, subsection 1, Code
5 1999, is amended to read as follows:
6 1. "Beverage" means wine as defined in section
7 123.3, subsection 37, alcoholic liquor as defined in
8 section 123.3, subsection 5, beer as defined in
9 section 123.3, subsection 7, mineral water, soda water
10 and similar carbonated soft drinks, wine cooler or
11 drink, tea, potable water, fruit or vegetable juice,
12 and fruit or vegetable drinks in liquid form and
13 intended for human consumption.
14 Sec. _____. Section 455C.2, Code 1999, is amended to
15 read as follows:
16 455C.2 REFUND VALUES.
17 1. A refund value of not less than five ten cents
18 shall be paid by the consumer on each beverage
19 container sold in this state by a dealer for
20 consumption off the premises. Upon return of the
21 empty beverage container upon which a refund value has
22 been paid to the dealer or person operating a
23 redemption center and acceptance of the empty beverage
24 container by the dealer or person operating a
25 redemption center, the dealer or person operating a
26 redemption center shall return the amount of the
27 refund value to the consumer.
28 2. In addition to the refund value provided in
29 subsection 1 of this section, a dealer, or person
30 operating a redemption center who redeems empty
31 beverage containers or a dealer agent shall be
32 reimbursed by the distributor required to accept the
33 empty beverage containers an amount which is one-cent
34 two cents per container. A dealer, dealer agent, or
35 person operating a redemption center may compact empty
36 metal beverage containers with the approval of the
37 distributor required to accept the containers.
38 Sec. _____. Section 455C.5, subsection 3, Code 1999,
39 is amended to read as follows:
40 3. The provisions of subsections 1 and 2 of this
41 section do not apply to a refillable glass beverage
42 container which has a brand name permanently marked on
43 it and which has a refund value of not less than five
44 ten cents, to any other refillable beverage container
45 which has a refund value of not less than five ten
46 cents and which is exempted by the director under
47 rules adopted by the commission, or to a beverage
48 container sold aboard a commercial airliner or
49 passenger train for consumption on the premises."
50 2. By renumbering as necessary.

By FALCK of Fayette

H-1320 FILED MARCH 30, 1999

W/10
4/6/99
(P.1088)

HOUSE FILE 746

H-1318

- 1 Amend House File 746 as follows:
2 1. Page 1, line 13, by striking the figure
3 "2,112,222" and inserting the following: "2,137,161".
4 2. Page 1, line 14, by striking the figure
5 "46.88" and inserting the following: "48.88".
6 3. Page 2, line 14, by striking the figure
7 "45,834" and inserting the following: "70,055".
8 4. Page 2, line 21, by striking the figure
9 "4,110,954" and inserting the following: "4,152,418".
10 5. Page 2, line 22, by striking the figure
11 "123.00" and inserting the following: "125.00".
12 6. Page 3, line 3, by striking the figure "81.00"
13 and inserting the following: "83.00".
14 7. Page 3, line 13, by striking the figure
15 "793,419" and inserting the following: "806,666".
16 8. Page 3, line 15, by striking the figure
17 "1,226,757" and inserting the following: "1,248,514".
By MURPHY of Dubuque

H-1318 FILED MARCH 30, 1999

O/O 4/6/99

HOUSE FILE 746

H-1319

- 1 Amend House File 746 as follows:
2 1. Page 1, line 13, by striking the figure
3 "2,112,222" and inserting the following: "2,204,580".
By MURPHY of Dubuque

H-1319 FILED MARCH 30, 1999

O/O 4/6/99
(P. 1077)

HOUSE FILE 746

H-1321

1 Amend House File 746 as follows:

2 1. Page 16, by inserting after line 10 the
3 following:

4 "Sec. ____ FINDINGS. The general assembly finds
5 that due to an inadequate number of department of
6 natural resources' forestry staff, an extensive
7 backlog of requests for forester assistance exists;
8 that a substantial number of unfunded timber
9 management cost share project requests have been made;
10 that an inadequate amount of timber stand improvement
11 has been completed; that current and future woodland
12 owners exhibit a general lack of timber management
13 education; that turnover of woodland owners will
14 significantly increase in the next twenty years; that
15 managed timberland in Iowa could produce three times
16 more volume in half the time with improved information
17 and education; and that due to the long time frame for
18 timber development, many landowners are unable to
19 invest abundant personal finances in timber
20 development."

21 2. Page 16, by inserting before line 26 the
22 following:

23 "Sec. ____ Section 456A.20, Code 1999, is amended
24 to read as follows:

25 456A.20 LIMITATION ON NURSERY STOCK -- EXCEPTION.
26 1. ~~All-funds~~ Moneys appropriated to the department
27 which are used in growing or handling nursery stock
28 shall be used for growing or handling of the nursery
29 stock for distribution only on state-owned lands.
30 However, the department may produce do any of the
31 following:

32 a. Produce and sell ~~at-private-sale~~ game cover
33 packets and trees for erosion control, ~~may-produce at~~
34 private sale.

35 b. Produce trees for a demonstration windbreak in
36 each township in the state, ~~and-may-dispose.~~

37 c. Dispose of growing trees under a departmental
38 plan of distribution.

39 2. The department shall deposit a portion of the
40 moneys that it receives from selling trees and shrubs
41 as provided in this section to the forestry management
42 and enhancement fund as created in section 456A.21A.
43 The amount deposited in the fund shall equal five
44 cents for each coniferous tree and ten cents for each
45 hardwood tree and shrub received from the sales.

46 Sec. ____ NEW SECTION. 456A.21A FORESTRY
47 MANAGEMENT AND ENHANCEMENT FUND.

48 1. A forestry management and enhancement fund is
49 created in the state treasury under the control of the
50 department's forests and forestry division created in

H-1321

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Page 2

1 section 455A.7. The fund is composed of moneys
2 deposited into the fund pursuant to section 456A.20,
3 moneys appropriated by the general assembly, and
4 moneys available to and obtained or accepted by the
5 division or the department from the United States or
6 private sources for placement in the fund.

7 2. Moneys in the fund are subject to an annual
8 audit by the auditor of state. The fund is subject to
9 warrants written by the director of revenue and
10 finance, drawn upon the written requisition of the
11 division.

12 3. The fund shall be used exclusively to support
13 the management and enhancement of forests, including
14 woodlands or timber stands in this state, on private
15 lands in cooperation with the owners of those lands.
16 The department shall use moneys in the fund to support
17 the following full-time equivalent positions in
18 addition to those supported from the general fund of
19 the state:

20 a. Four forestry technicians who shall serve
21 regions of the state as designated by the division.

22 b. One professional forester who shall serve the
23 southwest region of the state.

24 4. The commission may adopt rules pursuant to
25 chapter 17A to administer this section.

26 5. Section 8.33 shall not apply to moneys in the
27 fund. Notwithstanding section 12C.7, moneys earned as
28 income, including as interest, from the fund shall
29 remain in the fund until expended as provided in this
30 section."

31 3. By renumbering as necessary.

By THOMAS of Clayton

H-1321 FILED MARCH 30, 1999

Adopted
4-6-99
(P. 1088)

HOUSE FILE 746

H-1384

1 Amend House File 746 as follows:

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

4 "DIVISION I"

5 2. Page 1, line 13, by striking the figure
6 "2,112,222" and inserting the following: "2,137,161".

7 3. Page 1, line 14, by striking the figure
8 "46.88" and inserting the following: "47.88".

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

11 "() Of the amount appropriated in this paragraph
12 "a", \$24,939 shall be used to support one full-time
13 equivalent position on contract basis for six part-
14 time staff to perform functions related to livestock
15 market news reporting."

16 5. Page 3, line 3, by striking the figure "81.00"
17 and inserting the following: "83.00".

18 6. Page 3, line 13, by striking the figure
19 "793,419" and inserting the following: "806,666".

20 7. Page 3, by inserting after line 13, the
21 following:

22 "Of the amount appropriated in this paragraph "b",
23 \$13,247 shall be used to support one full-time
24 equivalent position to operate the switchboard and
25 perform other clerical duties within the feed bureau."

26 8. Page 3, line 15, by striking the figure
27 "1,226,757" and inserting the following: "1,248,514".

28 9. Page 3, line 16, by inserting before the word
29 "Of" the following: "(1)".

30 10. Page 3, by inserting after line 19, the
31 following:

32 "(2) Of the amount appropriated in this paragraph
33 "c", \$21,757 shall be used to support one full-time
34 equivalent position who is a temporary employee to
35 assist with the administration of pesticide
36 certification examinations."

37 11. Page 5, by inserting before line 24 the
38 following:

39 "DIVISION II"

40 12. Page 6, line 23, by striking the figure
41 "195.28" and inserting the following: "195.73".

42 13. Page 7, line 15, by striking the figure
43 "4,899,821" and inserting the following: "4,941,285".

44 14. Page 7, line 16, by striking the figure
45 "241.50" and inserting the following: "242.50".

46 15. Page 7, by inserting after line 16 the
47 following:

48 "___ . Of the amount appropriated in paragraph "a",
49 not more than \$1,000,000 shall be used by the
50 department to carry out the provisions of the federal

H-1384

-1-

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Page 2

1 Clean Air Act, including amendments to the Act, and
2 regulations adopted pursuant to the Act by the United
3 States environmental protection agency."

4 16. Page 7, line 33, by striking the figure
5 "99,269" and inserting the following: "140,733".

6 17. Page 9, line 9, by striking the figure
7 "343.58" and inserting the following: "344.18".

8 18. Page 11, by inserting before line 25 the
9 following:

10 "DIVISION III"

11 19. Page 11, line 34, by striking the figure
12 "275,211" and inserting the following: "281,606".

13 20. Page 12, by inserting before line 29 the
14 following:

15 "DIVISION IV"

16 21. Page 14, by inserting before line 35 the
17 following:

18 "DIVISION V"

19 22. Page 16, by inserting before line 11 the
20 following:

21 "DIVISION VI"

22 23. Page 17, by inserting before line 2 the
23 following:

24 "DIVISION VII"

25 24. By renumbering as necessary.

By GREINER of Washington

H-1384 FILED APRIL 5, 1999

Adopted
4-6-99 (p.1077)
HOUSE FILE 746

H-1396

1 Amend the amendment, H-1384, to House File 746, as
2 follows:

3 1. Page 1, line 6, by striking the figure
4 "2,137,161" and inserting the following: "2,229,519".

By MURPHY of Dubuque

H-1396 FILED APRIL 5, 1999

Lost 4/6/99
(p.1073)
HOUSE FILE 746

H-1397

1 Amend the amendment, H-1384, to House File 746, as
2 follows:

3 1. Page 1, line 43, by striking the figure
4 "4,941,285" and inserting the following: "5,112,443".

5 2. Page 2, by inserting after line 3, the
6 following:

7 "____". Page 7, line 29, by striking the figure
8 "370,000" and inserting the following: "420,000".

9 3. Page 2, line 5, by striking the figure
10 "140,733" and inserting the following: "261,891".

By SCHERRMAN of Dubuque

H-1397 FILED APRIL 5, 1999

w/d
4/6/99 (p.1074)

H-1371

1 Amend House File 746 as follows:

2 1. Page 12, line 13, by inserting after the word
3 "DISEASE" the following: "AND PORCINE REPRODUCTIVE
4 AND RESPIRATORY SYNDROME".

5 2. Page 12, line 22, by inserting after the
6 figure "1." the following: "a."

7 3. Page 12, by inserting after line 25 the
8 following:

9 "b. Each dollar appropriated in this section for
10 use as provided in paragraph "a" that remains
11 unexpended because it is not matched by a dollar
12 contributed by a nonstate source as required in that
13 paragraph, shall be used for the purpose of supporting
14 research to manage or eradicate porcine reproductive
15 and respiratory syndrome. However, each dollar
16 remaining from the appropriation for use as provided
17 in this paragraph shall not be expended unless it is
18 matched by one dollar contributed by a nonstate
19 source."

By FREVERT of Palo Alto

H-1371 FILED APRIL 1, 1999

Withdrawn
4/6/99
(p. 1083)

HOUSE FILE 746

H-1332

- 1 Amend House File 746 as follows:
- 2 1. Page 3, line 2, by striking the figure
- 3 "926,703" and inserting the following: "1,001,571".
- 4 2. Page 3, line 6, by striking the figure
- 5 "150,000" and inserting the following: "224,868".

By THOMAS of Clayton

H-1332 FILED MARCH 31, 1999

lost
4-6-99 (p. 1082)

HOUSE FILE 746

H-1359

- 1 Amend House File 746 as follows:
- 2 1. Page 16, by inserting after line 10 the
- 3 following:
- 4 "Sec. ____ . PUBLICATION OF FARM PROGRAMS.
- 5 1. As used in this section, "farm programs"
- 6 includes, but is not limited to, financial incentive
- 7 programs established within the division of soil
- 8 conservation of the department of agriculture and land
- 9 stewardship as provided in section 161A.70 and the
- 10 beginning farmer loan program administered by the
- 11 agricultural development authority as provided in
- 12 section 175.12.
- 13 2. The department shall publicize the availability
- 14 of farm programs to women and minority persons. The
- 15 department shall disseminate the information
- 16 electronically or by publishing printed brochures for
- 17 distribution to locations and institutions serving
- 18 farmers, including departmental offices, financial
- 19 institutions participating in farm programs, and soil
- 20 and water conservation district offices.
- 21 3. The department shall cooperate with private
- 22 institutions and public agencies in order to carry out
- 23 this section, including the department of economic
- 24 development and the United States department of
- 25 agriculture."
- 26 2. By renumbering as necessary.

By FORD of Polk

H-1359 FILED MARCH 31, 1999

Adopted
4-6-99
(p. 1088)

HOUSE FILE 746

H-1406

1 Amend House File 746 as follows:

2 1. Page 2, line 10, by inserting after the word
3 "reporting." the following: "The amount allocated
4 under this subparagraph is contingent upon the
5 implementation of chapter 172C, as enacted in this
6 Act."

7 2. Page 16, by inserting after line 11 the
8 following:

9 "Sec. 100. Section 22.7, Code 1999, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 38. Information revealing the
12 name of a person who sells livestock to a packer as
13 reported to the department of agriculture and land
14 stewardship pursuant to section 172C.2

15 Sec. 101. NEW SECTION. 172C.1 DEFINITIONS.

16 1. "Department" means the department of
17 agriculture and land stewardship.

18 2. "Livestock" means live cattle, swine, or sheep.

19 3. "Packer" means a person who is engaged in the
20 business of slaughtering livestock or receiving,
21 purchasing, or soliciting livestock for slaughter, if
22 the meat products of the slaughtered livestock which
23 are directly or indirectly to be offered for resale or
24 for public consumption and the meat products have a
25 total annual value of ten million dollars or more. As
26 used in this chapter, "packer" includes an agent of
27 the packer engaged in buying or soliciting livestock
28 for slaughter on behalf of a packer. "Packer" does
29 not include a frozen food locker plant regulated under
30 chapter 172.

31 Sec. 102. NEW SECTION. 172C.2 PURCHASE REPORTS.

32 1. A packer shall file purchase reports which
33 include information relating to the purchase of
34 livestock as required by the department. The reports
35 shall be completed in the manner prescribed by the
36 department. The department may require that purchase
37 reports be filed in an electronic format. Rules
38 adopted by the department may provide that the
39 information contained in a purchase report include
40 volume of daily purchases, and the weight, grade, and
41 price paid for livestock, including all premiums,
42 discounts, or adjustments. If the livestock are
43 purchased pursuant to contract, the department may
44 require that information in the purchase report be
45 categorized by the type of contract, which may include
46 contracts commonly referred to as formula contracts,
47 risk managed contracts, ledger contracts, or cash
48 contracts. The purchase reports shall allow the
49 department to compare prices paid under contract with
50 cash market prices. A purchase report required under

H-1406

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1 this section shall at least include information for
2 all of the following:

3 a. Livestock purchased or committed to delivery on
4 the business day previous to the date that the report
5 is filed.

6 b. Livestock slaughtered on the two business days
7 previous to the date that the report is filed, or
8 earlier, if required by the department.

9 2. The department may enter into an agreement with
10 the United States department of agriculture or any
11 private marketing service in order to disseminate
12 information contained in purchase reports filed under
13 this section.

14 3. The department, in consultation with the office
15 of attorney general, shall designate information in
16 purchase reports that reveals the name of a livestock
17 seller as confidential pursuant to section 22.7.

18 Sec. 103. NEW SECTION. 172C.3 PURCHASE NOTICE.

19 A packer shall post a purchase notice which
20 includes information relating to the purchase of
21 livestock as required by the department. Rules
22 adopted by the department may provide that the
23 information contained in the posted notice include a
24 summary of information required to be filed in
25 purchase reports as provided in section 172C.2. The
26 information in the purchase notice shall appear in a
27 format that can be immediately understood by a
28 reasonable person familiar with selling livestock.
29 The notice shall be posted in a conspicuous place at
30 the point of delivery in a manner as prescribed by the
31 department. The packer shall communicate the
32 information contained in the purchase notice by
33 electronic means, including telephone upon request by
34 a livestock seller.

35 Sec. 104. NEW SECTION. 172C.4 CONFIDENTIALITY
36 PROHIBITED.

37 1. On and after the effective date of this Act, a
38 packer shall not include a provision in a contract for
39 the purchase of livestock providing that information
40 contained in the contract is confidential.

41 2. A provision which is part of a contract for the
42 purchase of livestock executed after the effective
43 date of this Act for the purchase of livestock is
44 void, if the provision states that information
45 contained in the contract is confidential. The
46 provision is void regardless of whether the
47 confidentiality provision is express or implied; oral
48 or written; required or conditional; contained in the
49 contract, another contract, or in a related document,
50 policy, or agreement. This section does not affect

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1 other provisions of a contract or a related document,
2 policy, or agreement which can be given effect without
3 the voided provision. This section does not require
4 either party to the contract to divulge the
5 information in the contract to another person.

6 Sec. 105. NEW SECTION. 172C.5 RULES.

7 The department, in consultation with the office of
8 attorney general, shall adopt rules necessary in order
9 to administer this chapter. The department may
10 establish different rules according to the species of
11 livestock subject to purchase reporting pursuant to
12 section 172C.2 or a purchase notice pursuant to
13 section 172C.3.

14 Sec. 106. NEW SECTION. 172C.6 ENFORCEMENT.

15 1. The attorney general's office is the primary
16 agency responsible for enforcing this chapter. The
17 department shall notify the attorney general's office
18 if the department has reason to believe that a
19 violation of section 172C.4 has occurred.

20 2. In enforcing the provisions of this chapter,
21 the attorney general may do all of the following:

22 a. Apply to the district court for an injunction
23 to do any of the following:

24 (1) Restrain a packer from engaging in conduct or
25 practices in violation of this chapter.

26 (2) Require a packer to comply with a provision of
27 this chapter.

28 b. Apply to district court for the issuance of a
29 subpoena to obtain contracts, documents, or other
30 records for purposes of enforcing this chapter.

31 c. Bring an action in district court to enforce
32 penalties provided in this chapter, including the
33 assessment and collection of civil penalties.

34 3. The attorney general shall have access to all
35 information reported by packers pursuant to section
36 172C.2, regardless of whether the information is
37 confidential. The attorney general may use the
38 information in order to enforce this chapter or submit
39 the information to a federal agency in a legal action
40 against a packer.

41 Sec. 107. NEW SECTION. 172C.7 PENALTIES.

42 1. A packer who fails to file a timely, accurate,
43 or complete purchase report as required pursuant to
44 section 172C.2 is subject to a civil penalty of not
45 more than five thousand dollars.

46 2. A packer who fails to post a timely, accurate,
47 or complete purchase notice or communicate information
48 contained in the purchase notice to a livestock seller
49 upon request as required pursuant to section 172C.3 is
50 subject to a civil penalty of not more than one

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1 thousand dollars.

2 3. A packer who includes a confidentiality
3 provision in a contract with a livestock seller in
4 violation of section 172C.4 is guilty of a fraudulent
5 practice as provided in section 714.8."

6 3. Page 17, by inserting after line 1 the
7 following:

8 "Sec. 108. Section 714.8, Code 1999, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 17. A packer who includes a
11 confidentiality provision in a contract with a
12 livestock seller in violation of section 172C.3.

13 Sec. 200. APPLICABILITY. A packer shall provide
14 purchasing reports to the department of agriculture
15 and land stewardship as required in section 172C.2, as
16 enacted in this Act, and shall post a purchase notice
17 and communicate information contained in the purchase
18 notice to livestock sellers as provided in section
19 172C.3, as enacted in this Act, for each species of
20 livestock as defined in section 172C.1, as enacted in
21 this Act, upon adoption of rules governing that
22 species by the department."

23 4. Page 17, by inserting after line 9 the
24 following:

25 " . Sections 101 through 108, amending section
26 22.7, subsection 38, enacting sections 172C.1 through
27 172C.7, and amending section 714.8, subsection 17,
28 relating to packer regulations.

29 " . Section 200, relating to packer regulations."

By FREVERT of Palo Alto
SCHRADER of Marion
STEVENS of Dickinson
KUHN of Floyd
OSTERHAUS of Jackson
CATALDO of Polk
SCHERRMAN of Dubuque
RICHARDSON of Warren
WEIGEL of Chickasaw
WISE of Lee
SHOULTZ of Black Hawk
REYNOLDS of Van Buren
BUKTA of Clinton
MERTZ of Kossuth
DODERER of Johnson
THOMAS of Clayton

FALCK of Fayette
PARMENTER of Story
WITT of Black Hawk
MASCHER of Johnson
BURNETT of Story
TAYLOR of Linn
HOLVECK of Polk
MUNDIE of Webster
JOCHUM of Dubuque
LARKIN of Lee
MYERS of Johnson
MURPHY of Dubuque
KREIMAN of Davis
CHAPMAN of Linn
DREES of Carroll

H-1406 FILED APRIL 5, 1999

*Not Germane
Motion to Suspend Rules - host 4/6/99
(p.1081)*

HOUSE FILE 746

H-1418

1 Amend the amendment, H-1384, to House File 746, as
 2 follows:
 3 1. Page 1, line 43, by striking the figure
 4 "4,941,285" and inserting the following: "5,112,443".
 5 2. Page 2, by inserting after line 3, the
 6 following:
 7 "____". Page 7, line 29, by striking the figure
 8 "370,000" and inserting the following: "392,000".
 9 3. Page 2, line 5, by striking the figure
 10 "140,733" and inserting the following: "289,891".
 By SCHERRMAN of Dubuque

H-1418 FILED APRIL 5, 1999

*Int 4/6/99
(p. 1075)*

HOUSE FILE 746

H-1421

1 Amend the amendment, H-1384, to House File 746 as
 2 follows:
 3 1. Page 1, line 8, by striking the figure "47.88"
 4 and inserting the following: "48.88".
 5 2. Page 1, by inserting after line 15 the
 6 following:
 7 "____". Page 2, line 21, by striking the figure
 8 "4,110,954" and inserting the following: "4,152,418".
 9 "____". Page 2, line 22, by striking the figure
 10 "123.00" and inserting the following: "125.00".
 By MURPHY of Dubuque

H-1421 FILED APRIL 5, 1999

4-6-99 (p. 1075)

HOUSE FILE 746

H-1435

1 Amend the amendment, H-1384, to House File 746, as
 2 follows:
 3 1. Page 1, by striking line 49 and inserting the
 4 following: "at least \$1,350,000 shall be used by
 5 the".
 By GREINER of Washington

H-1435 FILED APRIL 6, 1999

ADOPTED

*4-6-99
(p. 1076)*

HOUSE FILE 746

H-1407

- 1 Amend House File 746 as follows:
 2 1. Page 16, by inserting after line 11 the
 3 following:
 4 "Sec. ____ . NEW SECTION. 214A.2A MOTOR VEHICLE
 5 FUEL REQUIREMENTS.
 6 A retail dealer shall not offer for sale in this
 7 state a motor vehicle fuel that contains methyl
 8 tertiary butyl ether."
 9 2. By renumbering as necessary.

By KUHN of Floyd
 WEIGEL of Chickasaw
 KREIMAN of Davis

H-1407 FILED APRIL 5, 1999

*Not in session 4/6/99
 Motion to suspend Rules lost 4/6/99*

HOUSE FILE 746

H-1416

- 1 Amend House File 746 as follows:
 2 1. Page 15, by inserting after line 12 the
 3 following:
 4 "Sec. ____ . LIVESTOCK CONTRACTING STUDY. The
 5 legislative council is requested to establish an
 6 interim committee to study issues relating to
 7 practices involving contracts for the production and
 8 marketing of livestock, including but not limited to
 9 contracts executed by packers and cooperative
 10 associations. The interim committee shall report the
 11 findings and recommendations of its study, including
 12 any proposed legislation, as required by the
 13 legislative council prior to the 2000 Session of the
 14 Seventy-eighth General Assembly."
 15 2. By renumbering as necessary.

By MUNDIE of Webster

H-1416 FILED APRIL 5, 1999

*Lost
 4/6/99 (p. 1084)*

HOUSE FILE 746

H-1417

- 1 Amend House File 746 as follows:
 2 1. Page 12, line 7, by striking the figure
 3 "900,600" and inserting the following: "1,000,600".

By SCHERRMAN of Dubuque

H-1417 FILED APRIL 5, 1999

*Lost
 4/6/99
 (p. 1083)*

HOUSE FILE 746

H-1436

1 Amend the amendment, H-1384, to House File 746, as
2 follows:

3 1. Page 1, line 45, by striking the figure
4 "242.50" and inserting the following: "243.50".

By MURPHY of Dubuque

H-1436 FILED APRIL 6, 1999

LOST

(P. 1076)

HOUSE FILE 746

H-1437

1 Amend the amendment, H-1384, to House File 746, as
2 follows:

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

5 "___". Page 13, by striking lines 18 through 24
6 and inserting the following: "this section. The
7 department".

By DOTZLER of Black Hawk

H-1437 FILED APRIL 6, 1999

LOST

(P. 1077)

HOUSE FILE 746

H-1473

1 Amend the amendment, H-1407, to House File 746, as
2 follows:

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

5 "1. Prior to January 1, 2000, a retail dealer
6 shall not offer for sale in this".

7 2. Page 1, line 7, by inserting after the word
8 "contains" the following: "more than one percent of".

9 3. Page 1, by inserting after line 8, the
10 following:

11 "2. On and after January 1, 2000, a retail dealer
12 shall not offer for sale in this state a motor vehicle
13 fuel that contains more than trace amounts of methyl
14 tertiary butyl ether as provided by rules adopted by
15 the department. The department shall adopt rules
16 necessary in order to ensure that methyl tertiary
17 butyl ether does not cause a threat to the public
18 health or environment by contaminating groundwater or
19 surface water in this state."

By KREIMAN of Davis

H-1473 FILED APRIL 6, 1999

o/o
4/6/99

HOUSE FILE 746

H-1439

1 Amend House File 746 as follows:

2 1. Page 14, by inserting after line 34 the
3 following:

4 "Sec. 100. DEPARTMENT OF NATURAL RESOURCES --
5 GENERAL FUND SICK LEAVE PAYOUT. There is appropriated
6 from the general fund of the state to the department
7 of natural resources for the fiscal year beginning
8 July 1, 1998, and ending June 30, 1999, the following
9 amount, or so much thereof as is necessary, to be used
10 for the purpose designated:

11 For the value of sick leave payout that needs to be
12 paid out due to retirement of personnel in the parks
13 and preserves division:

14 \$ 200,000

15 Sec. 200. DEPARTMENT OF NATURAL RESOURCES -- FISH
16 AND GAME PROTECTION FUND SICK LEAVE PAYOUT. There is
17 appropriated from the state fish and game protection
18 fund created in section 456A.17 to the department of
19 natural resources for the fiscal year beginning July
20 1, 1998, and ending June 30, 1999, the following
21 amount, or so much thereof as is necessary, to be used
22 for the purpose designated:

23 For the value of sick leave pay that needs to be
24 paid out due to retirement of personnel in the fish
25 and wildlife division:

26 \$ 150,000"

27 2. Page 17, by inserting after line 9 the
28 following:

29 "____. Section 100, relating to department of
30 natural resources general fund sick leave payout.

31 _____. Section 200, relating to department of
32 natural resources fish and game protection fund sick
33 leave payout."

34 3. By renumbering as necessary.

By MILLAGE of Scott

H-1439 FILED APRIL 6, 1999

UNANIMOUS CONSENT TO CONSIDER - PREVAILED ADOPTED

(p. 1089)

HOUSE FILE 746

-1475

1 Amend the amendment, H-1407, to House File 746 as
2 follows:

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

5 "____. Page 16, by inserting after line 11 the
6 following:

7 "Sec. ____ NEW SECTION. 214A.2A MOTOR VEHICLE
8 FUEL REQUIREMENTS.

9 1. Prior to January 1, 2000, a retail dealer shall
10 not offer for sale in this state a motor vehicle fuel
11 that contains more than one percent of methyl tertiary
12 butyl ether."

13 2. On and after January 1, 2000, a retail dealer
14 shall not offer for sale in this state a motor vehicle
15 fuel that contains more than trace amounts of methyl
16 tertiary butyl ether as provided by rules adopted by
17 the department. The department shall adopt rules
18 necessary in order to ensure that methyl tertiary
19 butyl ether does not cause a threat to the public
20 health or environment by contaminating groundwater or
21 surface water in this state.""

22 2. Page 1, by striking lines 2 through 8.

By KREIMAN of Davis

-1475 FILED APRIL 6, 1999

Adopted
4/6/99
(P.1090)

HOUSE FILE 746

H-1474

1 Amend the amendment, H-1407, to House File 746, as
2 follows:

3 1. Page 1, line 2, by striking the figure "16"
4 and inserting the following: "15".

5 2. Page 1, line 2, by striking the figure "11"
6 and inserting the following: "12".

7 3. By striking page 1, lines 4 through 8, and
8 inserting the following:

9 ""Sec. ____ . OXYGENATE ENHANCERS.

10 1. The legislative council shall establish an
11 interim committee to study issues relating to the
12 sale, use, and health and environmental effects of
13 oxygenate enhancers contained in motor vehicle fuel,
14 including but not limited to ethanol and methyl
15 tertiary butyl ether. The interim committee shall
16 report the findings and recommendations of its study,
17 including any proposed legislation, to the general
18 assembly as required by the legislative council prior
19 to the 2000 Session of the Seventy-eighth General
20 Assembly.

21 2. At sites where groundwater or soil monitoring
22 is required, pursuant to section 455B.474, subsection
23 1, paragraph "d", "f", or "h", the department of
24 natural resources shall require that monitoring
25 include testing for the presence of methyl tertiary
26 butyl ether from the locations where other sample
27 analyses are required. The department shall provide
28 regular updates to the interim committee established
29 in subsection 1 as required by the interim committee.
30 The department shall report the findings and
31 recommendations of the testing to the general assembly
32 prior to the 2000 Session of the Seventy-eighth
33 General Assembly.""

By BRADLEY of Clinton
BRUNKHORST of Bremer

GIPP of Winneshiek
MYERS of Johnson

H-1474 FILED APRIL 6, 1999

*out of order
4/6/99*

5- 4/7/99
2- 4/13/99 Amend/Do Pass

HOUSE FILE 746
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 254)

(As Amended and Passed by the House, April 6, 1999)

Passed House, Date ^(P. 1092) 4/6/99 Passed Senate, Date ^(P. 1248) 4/21/99
Vote: Ayes 57 Nays 41 Vote: Ayes 30 Nays 18

^(P. 1646) Repassed Approved May 26, 1999
vote 62-37 ⁴⁻²⁶⁻⁹⁹ ^(P. 1307) 4-27-99
vote 46-2

A BILL FOR

1 An Act relating to and making appropriations for agriculture and
2 natural resources and providing effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

Deleted Language *

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DIVISION I

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Section 1. GENERAL APPROPRIATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

a. For salaries, support, maintenance, the support of the state 4-H foundation, support of the statistics bureau, and miscellaneous purposes, and for the salaries and support of not more than the following full-time equivalent positions:

.....	\$	<u>2,137,161</u>
.....	FTEs	<u>47.88</u>

(1) Of the amount appropriated and full-time equivalent positions authorized in this paragraph "a", \$322,329 and 7.00 FTEs shall be used to support horticulture.

(2) Of the amount appropriated in this paragraph "a", \$55,000 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

(3) Of the amount appropriated and full-time equivalent positions authorized in this paragraph "a", \$227,489 and 7.00 FTEs shall be allocated to the statistics bureau to provide county-by-county information on land in farms, production by crop, acres by crop, and county prices by crop. This information shall be made available to the department of revenue and finance for use in the productivity formula for valuing and equalizing the values of agricultural land.

(4) Of the amount appropriated in this paragraph "a", \$30,000 shall be used by the agricultural statistics bureau for purposes of collecting, summarizing, and publishing marketing information on a monthly basis, regarding finished cattle in cooperation with the Iowa cattlemen's association,

1 including unfinished cattle for market, cattle placed on feed,
2 and cattle on hand under marketing arrangements.

3 (5) Of the amount appropriated in this paragraph "a",
4 \$24,000 shall be used by the domestic marketing bureau through
5 an existing federal and state cooperative agreement to develop
6 accurate, reliable market information regarding segregated
7 early-weaned pigs and alternate feeder pigs marketing systems.

8 (6) Of the amount appropriated and the number of full-time
9 equivalent positions authorized in this paragraph "a", at
10 least \$43,500 shall be used for livestock market news
11 reporting.

12 (7) Of the amount appropriated in this paragraph "a",
13 \$24,939 shall be used to support one full-time equivalent
14 position on contract basis for six part-time staff to perform
15 functions related to livestock market news reporting.

16 b. For the operations of the dairy trade practices bureau:
17 \$ 72,507

18 c. For the purpose of performing commercial feed audits:
19 \$ 45,834

20 d. For the purpose of performing fertilizer audits:
21 \$ 70,055

22 2. REGULATORY DIVISION

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

26 \$ 4,110,954
27 FTEs 123.00

28 Of the amount appropriated in this paragraph "a", \$10,000
29 shall be used by the regulatory division for purposes of
30 inspecting livestock exhibited at the Iowa state fair, with
31 particular attention to the inspection of livestock for club-
32 lamb fungus.

33 b. For the costs of inspection, sampling, analysis, and
34 other expenses necessary for the administration of chapters
35 192, 194, and 195:

1 \$ 687,716

2 3. LABORATORY DIVISION

3 a. For salaries, support, maintenance, and miscellaneous
4 purposes, including the administration of the gypsy moth
5 program, and for not more than the following full-time
6 equivalent positions:

7 \$ 926,703

8 FTEs 83.00

9 Of the amount appropriated and the number of full-time
10 equivalent positions authorized in this paragraph "a",
11 \$150,000 shall be allocated and 4.93 FTEs shall be supported
12 from the allocations to administer a program relating to the
13 detection, surveillance, and eradication of the gypsy moth.
14 The department shall allocate and use the appropriation made
15 in this paragraph before moneys other than those appropriated
16 in this paragraph are used to support the program.

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

18 \$ 806,666

19 Of the amount appropriated in this paragraph "b", \$13,247
20 shall be used to support one full-time equivalent position to
21 operate the switchboard and perform other clerical duties
22 within the feed bureau.

23 c. For the operations of the pesticide programs:

24 \$ 1,248,514

25 (1) Of the amount appropriated in this paragraph "c",
26 \$200,000 shall be allocated to Iowa state university of
27 science and technology for purposes of training commercial
28 pesticide applicators.

29 (2) Of the amount appropriated in this paragraph "c",
30 \$21,757 shall be used to support one full-time equivalent
31 position who is a temporary employee to assist with the
32 administration of pesticide certification examinations.

33 d. For the operations of the fertilizer programs:

34 \$ 673,123

35 4. SOIL CONSERVATION DIVISION

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

4 \$ 6,789,882
5 FTEs 190.98

6 (1) Of the amount appropriated in this paragraph "a",
7 \$418,376 shall be used to reimburse commissioners of soil and
8 water conservation districts for administrative expenses,
9 including but not limited to, travel expenses and technical
10 training. Moneys used for the payment of meeting dues by
11 counties shall be matched on a dollar-for-dollar basis by the
12 soil conservation division.

13 (2) Of the number of full-time equivalent positions
14 authorized in this paragraph "a", 20.00 FTEs shall be
15 supported from allocations made pursuant to § 319 of the
16 federal Water Quality Act of 1987, as codified in 33 U.S.C. §
17 1329, and appropriations to the department from the Iowa
18 resources enhancement and protection fund.

19 (3) The number of full-time equivalent positions provided
20 in paragraph "a" shall be increased by 2.00 FTEs if the
21 general assembly appropriates moneys for the fiscal year
22 beginning July 1, 1999, and ending June 30, 2000, to
23 accelerate watershed protection efforts to reduce soil
24 erosion, protect water quality, and provide flood control in
25 priority watersheds in the state, during the 1999 Session of
26 the Seventy-eighth General Assembly.

27 b. To provide financial incentives for soil conservation
28 practices under chapter 161A:

29 \$ 6,500,850

30 c. The following requirements apply to the moneys
31 appropriated in paragraph "b":

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

35 (2) Of the moneys appropriated in paragraph "b", 5 percent

1 shall be allocated for financial incentives to establish
2 practices to protect watersheds above publicly owned lakes of
3 the state from soil erosion and sediment as provided in
4 section 161A.73.

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

11 (4) The state soil conservation committee created in
12 section 161A.4 may allocate moneys appropriated in paragraph
13 "b" to conduct research and demonstration projects to promote
14 conservation tillage and nonpoint source pollution control
15 practices.

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

18 d. Notwithstanding section 8.33, moneys appropriated in
19 paragraph "b" that remain unencumbered or unobligated moneys
20 at the close of the fiscal year shall not revert but shall
21 remain available for expenditure for the purposes designated
22 until the close of the fiscal year that begins July 1, 2002.

23 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is
24 appropriated from the general fund of the state to the
25 department of agriculture and land stewardship for the fiscal
26 year beginning July 1, 1999, and ending June 30, 2000, the
27 following amount, or so much thereof as is necessary, to be
28 used for the purposes designated:

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

35 \$ 301,373

1 FTEs 2.00

2 DIVISION II

3 DEPARTMENT OF NATURAL RESOURCES

4 Sec. 3. GENERAL APPROPRIATION. There is appropriated from
5 the general fund of the state to the department of natural
6 resources for the fiscal year beginning July 1, 1999, and
7 ending June 30, 2000, the following amounts, or so much
8 thereof as is necessary, to be used for the purposes
9 designated:

10 1. ADMINISTRATIVE AND SUPPORT SERVICES

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

14 \$ 2,046,623

15 FTEs 120.25

16 b. Of the amount appropriated in paragraph "a", \$12,000
17 shall be allocated to pay dues for membership in the upper
18 Mississippi, Illinois, and Missouri river basin commission.

19 c. Of the amount appropriated and the number of full-time
20 equivalent positions authorized in paragraph "a", at least
21 \$150,000 and 3.00 FTEs shall be used by administrative and
22 support services to support a compliance and permit assistance
23 team to facilitate cooperation between the department and
24 persons regulated by the department in order to ensure
25 efficient compliance with applicable legal requirements.

26 d. Of the amount appropriated and the number of full-time
27 equivalent positions authorized in paragraph "a", not less
28 than \$34,000 and 1.00 FTE shall be used by administrative and
29 support services to support the inspection and oversight of
30 manure management plans associated with confinement feeding
31 operations regulated by the department.

32 2. PARKS AND PRESERVES DIVISION

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

1 \$ 6,157,037
2 FTEs 195.73

3 Of the amount appropriated in this subsection 2, at least
4 \$50,000 shall be allocated for the replacement of maintenance
5 equipment used by the division.

6 3. FORESTS AND FORESTRY DIVISION

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

10 \$ 1,707,347
11 FTEs 48.71

12 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

16 \$ 1,898,002
17 FTEs 54.00

18 b. Of the amount appropriated and the number of full-time
19 equivalent positions authorized in paragraph "a", not less
20 than \$76,000 and 2.00 FTEs shall be used by the energy and
21 geological resources division to review soil and hydrology
22 data for construction permits and manure management plans
23 associated with confinement feeding operations regulated by
24 the department.

25 5. ENVIRONMENTAL PROTECTION DIVISION

26 a. For salaries, support, maintenance, miscellaneous
27 purposes, and for not more than the following full-time
28 equivalent positions:

29 \$ 4,941,285
30 FTEs 242.50

31 b. Of the amount appropriated in paragraph "a", at least
32 \$1,350,000 shall be used by the department to carry out the
33 provisions of the federal Clean Air Act, including amendments
34 to the Act, and regulations adopted pursuant to the Act by the
35 United States environmental protection agency.

1 c. The number of full-time equivalent positions provided
2 in paragraph "a" shall be increased by 7.00 FTEs if the
3 general assembly appropriates moneys for the fiscal year
4 beginning July 1, 1999, and ending June 30, 2000, to establish
5 and operate water quality monitoring stations during the 1999
6 Session of the Seventy-eighth General Assembly.

7 d. Of the amount appropriated and the number of full-time
8 equivalent positions authorized in paragraph "a", at least
9 \$424,600 and 9.00 FTEs shall be primarily used to support the
10 regulation of animal feeding operations.

11 e. Of the amount appropriated and the number of full-time
12 equivalent positions authorized in paragraph "a", at least
13 \$370,000 and 9.00 FTEs shall be used to support on-site
14 inspections and the oversight of manure management plans
15 associated with confinement feeding operations regulated by
16 the department.

17 f. Of the amount appropriated in paragraph "a", \$140,733
18 shall be used to contract with persons to process manure
19 management plans as required by the department.

20 g. Of the amount appropriated and the number of full-time
21 equivalent positions authorized in paragraph "a", at least
22 \$700,467 and 10.00 FTEs shall be used to support the
23 regulation of wastewater treatment systems, including issuing
24 permits and conducting inspections.

25 6. WATER QUALITY PROTECTION FUND

26 a. For deposit in the administration account of the water
27 quality protection fund administered by the department, to
28 carry out the purpose of that account:

29 \$ 729,000

30 b. Of the number of full-time equivalent positions
31 authorized for the environmental protection division in
32 subsection 5, paragraph "a", 32.50 FTEs shall be dedicated to
33 carrying out relevant Code provisions relating to the
34 administration, regulation, and enforcement of the federal
35 Safe Drinking Water Act and to support the program to assist

1 water supply systems. However, the limitation on full-time
2 equivalent positions provided in subsection 5, paragraph "a",
3 shall not limit the number of additional full-time equivalent
4 positions supported by moneys deposited in the water quality
5 protection fund in order to carry out Code provisions relating
6 to the administration, regulation, and enforcement of the
7 federal Safe Drinking Water Act, and the administration of the
8 program to assist water supply systems.

9 c. In providing assistance to water supply systems, the
10 department shall give priority to water supply systems serving
11 a population of seven thousand or less. At least 2.00 FTEs
12 shall be allocated to provide assistance to systems serving a
13 population of seven thousand or less.

14 d. Of the amount appropriated in paragraph "a", \$300,000
15 shall be allocated to the department of natural resources for
16 purposes of conducting a study of groundwater and surface
17 water contamination in this state originating from municipal
18 lagoons. The department shall not collect any fee for
19 administering moneys appropriated in this section. The
20 department shall submit interim reports to the general
21 assembly on January 10, 2000, and January 8, 2001. The
22 department shall submit a final report to the general assembly
23 regarding the results of its study not later than January 14,
24 2002.

25 7. FISH AND WILDLIFE DIVISION

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

28 FTEs 344.18

29 8. WASTE MANAGEMENT ASSISTANCE DIVISION

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

32 FTEs 16.75

33 Sec. 4. STATE FISH AND GAME PROTECTION FUND --

34 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

35 1. a. There is appropriated from the state fish and game

1 protection fund to the division of fish and wildlife of the
2 department of natural resources for the fiscal year beginning
3 July 1, 1999, and ending June 30, 2000, the following amount,
4 or so much thereof as is necessary, to be used for the
5 purposes designated:

6 For administrative support, and for salaries, support,
7 maintenance, equipment, and miscellaneous purposes:
8 \$ 23,574,548

9 b. Of the amount appropriated in paragraph "a", \$250,000
10 may be used for purposes of providing compensation to
11 conservation peace officers employed in a protection
12 occupation who retire, pursuant to section 97B.49B.

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

23 Sec. 5. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT
24 PURPOSES. There is transferred on July 1, 1999, from the fees
25 deposited under section 321G.7 to the fish and game protection
26 fund and appropriated to the department of natural resources
27 for the fiscal year beginning July 1, 1999, and ending June
28 30, 2000, the following amount, or so much thereof as is
29 necessary, to be used for the purpose designated:

30 For enforcing snowmobile laws as part of the state
31 snowmobile program administered by the department of natural
32 resources:
33 \$ 100,000

34 Sec. 6. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.
35 There is transferred on July 1, 1999, from the fees deposited

1 under section 462A.52 to the fish and game protection fund and
2 appropriated to the natural resource commission for the fiscal
3 year beginning July 1, 1999, and ending June 30, 2000, the
4 following amount, or so much thereof as is necessary, to be
5 used for the purpose designated:

6 For the administration and enforcement of navigation laws
7 and water safety:

8 \$ 1,475,000

9 1. Of the amount appropriated in this section and the
10 full-time equivalent positions authorized in this Act for the
11 fish and wildlife division, not more than \$100,000 and 1.00
12 FTE may be used for purposes of controlling and eradicating
13 eurasian milfoil.

14 2. Of the amount appropriated in this section, not more
15 than \$75,000 shall be used by the department to carry out the
16 provisions of 1999 Iowa Acts, Senate File 187, if enacted by
17 the Seventy-eighth General Assembly, 1999 Session. However,
18 if Senate File 187 is not enacted, the amount appropriated
19 from the state fish and game protection fund under section 4
20 and the amount transferred under this section for the
21 administration and enforcement of navigation laws and water
22 safety shall both be reduced by \$75,000.

23 3. Notwithstanding section 8.33, moneys transferred and
24 appropriated in this section that remain unencumbered or
25 unobligated at the close of the fiscal year shall not revert
26 to the credit of the fish and game protection fund but shall
27 be credited to the special conservation fund established by
28 section 462A.52 to be used as provided in that section.

29 Sec. 7. MARINE FUEL TAX RECEIPTS -- BOATING FACILITIES.
30 There is appropriated from the marine fuel tax receipts
31 deposited in the general fund of the state to the department
32 of natural resources for the fiscal year beginning July 1,
33 1999, and ending June 30, 2000, the following amount, or so
34 much thereof as is necessary, to be used for the purposes
35 designated:

1 1. For purposes of maintaining and developing boating
 2 facilities and access to public waters by the parks and
 3 preserves division:
 4 \$ 411,311
 5 2. For the value of sick leave payout that needs to be
 6 paid out due to retirement of personnel in the parks and
 7 preserves division:
 8 \$ 200,000

9 DIVISION III

10 ANIMAL HEALTH AND INDUSTRY

11 Sec. 8. HORSE AND DOG RACING. There is appropriated from
 12 the moneys available under section 99D.13 to the regulatory
 13 division of the department of agriculture and land stewardship
 14 for the fiscal year beginning July 1, 1999, and ending June
 15 30, 2000, the following amount, or so much thereof as is
 16 necessary, to be used for the purposes designated:

17 For salaries, support, maintenance, and miscellaneous
 18 purposes for the administration of section 99D.22:
 19 \$ 281,606

20 Sec. 9. PSEUDORABIES ERADICATION PROGRAM.

21 1. There is appropriated from the general fund of the
 22 state to the department of agriculture and land stewardship
 23 for the fiscal year beginning July 1, 1999, and ending June
 24 30, 2000, the following amount, or so much thereof as is
 25 necessary, to be used for the purpose designated:

26 For support of the pseudorabies eradication program:
 27 \$ 900,600

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

33 Sec. 10. JOHNE'S DISEASE. There is appropriated from the
 34 general fund of the state to the livestock disease research
 35 fund created in section 267.8 for the fiscal year beginning

1 July 1, 1999, and ending June 30, 2000, the following amount,
2 or so much thereof as is necessary, to be used for the purpose
3 designated:

4 For the purpose of supporting research and to evaluate
5 procedures and tests to accurately diagnose Johne's disease:
6 \$ 50,000

7 1. As a condition of the appropriation made in this
8 section, each dollar from the appropriation expended under
9 this section must be matched by one dollar contributed by a
10 nonstate source.

11 2. Moneys appropriated in this section shall be expended
12 in accordance with the direction of the livestock health
13 advisory council established pursuant to section 267.2.

14 DIVISION IV
15 RELATED APPROPRIATIONS

16 Sec. 11. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE
17 UNDERGROUND STORAGE TANK FUND BOARD. There is appropriated
18 from the unassigned revenue fund administered by the Iowa
19 comprehensive underground storage tank fund board, to the
20 department of natural resources for the fiscal year beginning
21 July 1, 1999, and ending June 30, 2000, the following amount,
22 or so much thereof as is necessary, to be used for the purpose
23 designated:

24 For administration expenses of the underground storage tank
25 section of the department of natural resources:
26 \$ 75,000

27 Sec. 12. WILD ANIMAL CONTROL. There is appropriated from
28 the general fund of the state to the department of natural
29 resources for the fiscal year beginning July 1, 1999, and
30 ending June 30, 2000, the following amount, or so much thereof
31 as is necessary, to be used for the purpose designated:

32 For allocation to the United States department of
33 agriculture, animal and plant health inspection service, to be
34 used for wild animal damage control in this state:
35 \$ 50,000

1 The department's wild animal depredation unit shall
2 cooperate with the United States department of agriculture
3 animal and plant health inspection service in carrying out
4 this section. The department shall amend its memorandum of
5 understanding with the United States department of agriculture
6 animal and plant health inspection service. The amended
7 memorandum shall provide for the control of wild animals,
8 including white-tailed deer. A landowner participating with
9 the service is not required to obtain a depredation permit
10 from the department of natural resources. The department
11 shall not collect any fee for administering moneys
12 appropriated in this section.

13 Sec. 13. APPROPRIATION -- AGRICULTURAL MANAGEMENT ACCOUNT.

14 There is appropriated from those unexpended moneys designated
15 for use by county conservation boards in the agriculture
16 management account of the groundwater protection fund, as
17 provided in section 455E.11, subsection 2, paragraph "b", to
18 the following designated departments for the fiscal year
19 beginning July 1, 1999, and ending June 30, 2000, the
20 following amounts for use as provided in this section:

21 1. a. To the department of agriculture and land
22 stewardship to allocate to the Iowa junior angus association
23 for purposes related to shows:
24 \$ 5,000

25 b. The department shall not collect any fee for
26 administering moneys appropriated in this subsection.

27 2. a. To the department of natural resources to be used
28 to contract with persons to process manure management plans as
29 required by the department:
30 \$ 10,109

31 b. The department shall not collect any fee for
32 administering moneys appropriated in this subsection.

33 Sec. 14. BROWNFIELDS. There is appropriated from the
34 hazardous substance remedial fund to the department of natural
35 resources for the fiscal year beginning July 1, 1999, and

1 ending June 30, 2000, the following amount, or so much thereof
2 as is necessary, to be used for the purpose designated:

3 For deposit in the land recycling fund for purposes of
4 carrying out the purposes of the fund, including salaries,
5 support, maintenance, miscellaneous purposes, and for not more
6 than the following full-time equivalent positions:

7 \$ 100,000
8 FTEs 2.00

9 Sec. 15. AGRICULTURAL CHEMICALS -- RESPONSE TRAINING.

10 There is appropriated from the general fund of the state to
11 the department of public safety for the fiscal year beginning
12 July 1, 1999, and ending June 30, 2000, the following amount,
13 or so much thereof as is necessary, to be used for the
14 purposes designated:

15 For allocation to the state fire marshal for purposes of
16 training volunteer fire fighters and persons providing
17 emergency medical services to respond to emergencies involving
18 agricultural chemicals including but not limited to
19 fertilizers:

20 \$ 50,000

21 Sec. 16. DEPARTMENT OF NATURAL RESOURCES -- GENERAL FUND

22 SICK LEAVE PAYOUT. There is appropriated from the general
23 fund of the state to the department of natural resources for
24 the fiscal year beginning July 1, 1998, and ending June 30,
25 1999, the following amount, or so much thereof as is
26 necessary, to be used for the purpose designated:

27 For the value of sick leave payout that needs to be paid
28 out due to retirement of personnel in the parks and preserves
29 division:

30 \$ 200,000

31 Sec. 17. DEPARTMENT OF NATURAL RESOURCES -- FISH AND GAME

32 PROTECTION FUND SICK LEAVE PAYOUT. There is appropriated from
33 the state fish and game protection fund created in section
34 456A.17 to the department of natural resources for the fiscal
35 year beginning July 1, 1998, and ending June 30, 1999, the

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

3 For the value of sick leave pay that needs to be paid out
4 due to retirement of personnel in the fish and wildlife
5 division:

6 \$ 150,000

7 DIVISION V

8 MISCELLANEOUS

9 Sec. 18. TRANSFER OF MONEYS OR POSITIONS -- CHANGES IN
10 TABLES OF ORGANIZATION -- NOTIFICATION. In addition to the
11 requirements of section 8.39, in each fiscal quarter, the
12 department of agriculture and land stewardship and the
13 department of natural resources shall notify the chairpersons,
14 vice chairpersons, and ranking members of the joint
15 appropriations subcommittee on agriculture and natural
16 resources for the previous fiscal quarter of any transfer of
17 moneys or full-time equivalent positions made by either
18 department which is not authorized in this Act, or any
19 permanent position added to or deleted from either
20 department's table of organization.

21 Sec. 19. WATER CONTAMINATION STUDIES -- REVERSION.
22 Notwithstanding section 8.33, moneys allocated to Iowa state
23 university of science and technology for purposes of
24 conducting studies regarding groundwater and surface water
25 contamination in this state as provided in 1998 Iowa Acts,
26 chapter 1220, section 3, subsection 6, paragraph "b", that
27 remain at the close of the fiscal year shall not revert to the
28 water quality protection fund but shall remain available for
29 expenditure for the purpose designated until January 1, 2000.
30 The university shall make its report as provided in that Act
31 on or before January 10, 2000.

32 Sec. 20. ENTRANCE FEES. For the fiscal year beginning
33 July 1, 1999, and ending June 30, 2000, the department of
34 natural resources shall not charge fees to persons entering
35 state parks or preserves that are more than the fees charged

1 on July 1, 1998.

2 Sec. 21. FLOOD PLAIN PERMIT BACKLOG. Notwithstanding any
3 provision of state law, for the fiscal year beginning July 1,
4 1999, and ending June 30, 2000, the department of natural
5 resources may use additional funds available to the department
6 from stormwater discharge permit fees for the staffing of the
7 following additional full-time staff members to reduce the
8 department's flood plain permit backlog:

9 FTES 2.00

10 Sec. 22. IMPLEMENTATION OF THE FEDERAL TOTAL MAXIMUM DAILY
11 LOAD PROGRAM. Notwithstanding any provision of state law, for
12 the fiscal year beginning July 1, 1999, and ending June 30,
13 2000, the department of natural resources may use additional
14 funds available to the department from stormwater discharge
15 permit fees, for the staffing of the following additional
16 full-time equivalent positions for implementation of the
17 federal total maximum daily load program:

18 FTES 2.00

19 Sec. 23. MONEYS ORIGINATING FROM THE EXCISE TAX ON THE
20 SALE OF MOTOR FUEL USED IN WATERCRAFT. Notwithstanding
21 section 452A.79, for the fiscal year beginning July 1, 1999,
22 and ending June 30, 2000, the first six hundred eleven
23 thousand three hundred eleven dollars derived from the excise
24 tax on the sale of motor fuel used in watercraft shall be
25 deposited in the general fund of the state. The moneys in
26 excess of six hundred eleven thousand three hundred eleven
27 dollars shall be deposited in the rebuild Iowa infrastructure
28 fund. The amount of moneys required to be deposited pursuant
29 to this section shall be in lieu of the moneys required to be
30 deposited pursuant to section 452A.79. All other provisions
31 in section 452A.79 shall continue to apply.

32 Sec. 24. PUBLICATION OF FARM PROGRAMS.

33 1. As used in this section, "farm programs" includes, but
34 is not limited to, financial incentive programs established
35 within the division of soil conservation of the department of

1 agriculture and land stewardship as provided in section
2 161A.70 and the beginning farmer loan program administered by
3 the agricultural development authority as provided in section
4 175.12.

5 2. The department shall publicize the availability of farm
6 programs to women and minority persons. The department shall
7 disseminate the information electronically or by publishing
8 printed brochures for distribution to locations and
9 institutions serving farmers, including departmental offices,
10 financial institutions participating in farm programs, and
11 soil and water conservation district offices.

12 3. The department shall cooperate with private
13 institutions and public agencies in order to carry out this
14 section, including the department of economic development and
15 the United States department of agriculture.

16 Sec. 25. FINDINGS. The general assembly finds that due to
17 an inadequate number of department of natural resources'
18 forestry staff, an extensive backlog of requests for forester
19 assistance exists; that a substantial number of unfunded
20 timber management cost share project requests have been made;
21 that an inadequate amount of timber stand improvement has been
22 completed; that current and future woodland owners exhibit a
23 general lack of timber management education; that turnover of
24 woodland owners will significantly increase in the next twenty
25 years; that managed timberland in Iowa could produce three
26 times more volume in half the time with improved information
27 and education; and that due to the long time frame for timber
28 development, many landowners are unable to invest abundant
29 personal finances in timber development.

30 DIVISION VI
31 CODE CHANGES

* 32 Sec. 26. Section 456A.20, Code 1999, is amended to read as
33 follows:

34 456A.20 LIMITATION ON NURSERY STOCK -- EXCEPTION.

35 1. All-funds Moneys appropriated to the department which

1 are used in growing or handling nursery stock shall be used
2 for growing or handling of the nursery stock for distribution
3 only on state-owned lands. However, the department may
4 produce do any of the following:

5 a. Produce and sell ~~at-private-sale~~ game cover packets and
6 trees for erosion control, ~~may-produce~~ at private sale.

7 b. Produce trees for a demonstration windbreak in each
8 township in the state, ~~and-may-dispose.~~

9 c. Dispose of growing trees under a departmental plan of
10 distribution.

11 2. The department shall deposit a portion of the moneys
12 that it receives from selling trees and shrubs as provided in
13 this section to the forestry management and enhancement fund
14 as created in section 456A.21A. The amount deposited in the
15 fund shall equal five cents for each coniferous tree and ten
16 cents for each hardwood tree and shrub received from the
17 sales.

18 Sec. 27. NEW SECTION. 456A.21A FORESTRY MANAGEMENT AND
19 ENHANCEMENT FUND.

20 1. A forestry management and enhancement fund is created
21 in the state treasury under the control of the department's
22 forests and forestry division created in section 455A.7. The
23 fund is composed of moneys deposited into the fund pursuant to
24 section 456A.20, moneys appropriated by the general assembly,
25 and moneys available to and obtained or accepted by the
26 division or the department from the United States or private
27 sources for placement in the fund.

28 2. Moneys in the fund are subject to an annual audit by
29 the auditor of state. The fund is subject to warrants written
30 by the director of revenue and finance, drawn upon the written
31 requisition of the division.

32 3. The fund shall be used exclusively to support the
33 management and enhancement of forests, including woodlands or
34 timber stands in this state, on private lands in cooperation
35 with the owners of those lands. The department shall use

1 moneys in the fund to support the following full-time
2 equivalent positions in addition to those supported from the
3 general fund of the state:

4 a. Four forestry technicians who shall serve regions of
5 the state as designated by the division.

6 b. One professional forester who shall serve the southwest
7 region of the state.

8 4. The commission may adopt rules pursuant to chapter 17A
9 to administer this section.

10 5. Section 8.33 shall not apply to moneys in the fund.
11 Notwithstanding section 12C.7, moneys earned as income,
12 including as interest, from the fund shall remain in the fund
13 until expended as provided in this section.

14 Sec. 28. NEW SECTION. 461A.31A SALE OF TIMBER.

15 If the estimated quantity of timber grown in a state park
16 or a preserve to be sold by the department in a sixty-day
17 period is ten thousand board feet or more or if the estimated
18 value of the timber grown in a state park or a preserve to be
19 sold by the department during the same period of time is five
20 thousand dollars or more, the department shall conduct a
21 public hearing on the proposed sale. Notice of the hearing
22 shall be published as provided in section 331.305. After the
23 public hearing, the department may proceed with the sale of
24 the timber.

25 DIVISION VII

26 EFFECTIVE DATE

27 Sec. 29. EFFECTIVE DATE. The following provisions of this
28 Act, being deemed of immediate importance, take effect upon
29 enactment:

30 1. Section 16, relating to department of natural resources
31 general fund sick leave payout.

32 2. Section 17, relating to department of natural resources
33 fish and game protection fund sick leave payout.

34 3. Section 19, relating to water contamination studies
35 authorized in 1998 Iowa Acts, chapter 1220, section 3.

1 4. Section 20, relating to entrance fees to parks and
2 preserves charged by the department of natural resources.

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HOUSE FILE 746

S-3395

1 Amend House File 746, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 16, by inserting after line 6 the
 4 following:
 5 "Sec. ____ . MULTIFLORA ROSE. There is appropriated
 6 from the general fund of the state to the state board
 7 of regents for the fiscal year beginning July 1, 1999,
 8 and ending June 30, 2000, the following amount, or so
 9 much thereof as is necessary, to be used for the
 10 purpose designated:
 11 For use by Iowa state university for the purpose of
 12 supporting multiflora rose eradication research and
 13 projects:
 14 \$ 25,000"
 15 2. By renumbering as necessary.
 By TOM FLYNN

S-3395 FILED APRIL 15, 1999

*Lost 4/21/99
(P. 1246)*

HOUSE FILE 746

S-3400

1 Amend House File 746, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 12, line 1, by striking the figure "1."
 4 2. Page 12, by striking lines 5 through 8.
 5 3. Page 17, by striking lines 19 through 31.
 6 4. By renumbering as necessary.
 By DENNIS H. BLACK

S-3400 FILED APRIL 15, 1999

*Lost
4/21/99
(P. 1246)*

HOUSE FILE 746

S-3367

- 1 Amend House File 746, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, line 30, by striking the figure
- 4 "242.50" and inserting the following: "243.50".
- 5 2. Page 14, by striking lines 4 through 10 and
- 6 inserting the following: "this section. The
- 7 department".
- 8 3. By striking page 16, line 32, through page 17,
- 9 line 1.
- 10 4. By renumbering as necessary.

By JERRY BEHN
DENNIS H. BLACK

S-3367 FILED APRIL 14, 1999

W/D 4/21/99 (p. 1245)

HOUSE FILE 746

S-3357

- 1 Amend House File 746, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 14, by striking the figure
- 4 "2,137,161" and inserting the following: "2,226,161".
- 5 2. Page 1, line 15, by striking the figure
- 6 "47.88" and inserting the following: "48.88".
- 7 3. Page 1, line 32, by striking the figure
- 8 "30,000" and inserting the following: "12,000".
- 9 4. Page 2, line 10, by striking the figure
- 10 "43,500" and inserting the following: "61,500".
- 11 5. Page 2, line 19, by striking the figure
- 12 "45,834" and inserting the following: "69,834".
- 13 6. Page 2, line 26, by striking the figure
- 14 "4,110,954" and inserting the following: "4,152,954".
- 15 7. Page 4, line 29, by striking the figure
- 16 "6,500,850" and inserting the following: "6,370,850".
- 17 8. Page 15, by striking line 10 and inserting the
- 18 following:
- 19 "Notwithstanding section 455E.11, subsection 2,
- 20 paragraph "b", prior to any other appropriation from
- 21 the agriculture management account of the groundwater
- 22 protection fund, as provided in section 455E.11,
- 23 subsection 2, paragraph "b", there is appropriated
- 24 from the agriculture management account to".
- 25 9. By striking page 15, line 21, through page 16,
- 26 line 6.
- 27 10. By renumbering as necessary.

By COMMITTEE ON APPROPRIATIONS
DERRYL McLAREN, Chairperson

S-3357 FILED APRIL 13, 1999

W/D 4/21/99 (p. 1244)

HOUSE FILE 746

S-3456

1 Amend House File 746, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 18, by inserting after line 31 the
4 following:

5 "Sec. _____. Section 12.32, Code 1999, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 4. "Qualified linked investment"
8 means a linked investment in which a certificate of
9 deposit is placed by the treasurer of state with an
10 eligible lending institution under the value-added
11 agricultural linked investment program established
12 under section 12.42.

13 Sec. _____. Section 12.34, Code 1999, is amended to
14 read as follows:

15 12.34 LINKED INVESTMENTS -- LIMITATIONS -- RULES
16 -- MATURITY AND RENEWAL OF CERTIFICATES.

17 1. The treasurer of state may invest up to the
18 lesser of ~~sixty-eight~~ one hundred eight million
19 dollars or ten percent of the balance of the state
20 pooled money fund in certificates of deposit in
21 eligible lending institutions pursuant to this
22 division. The treasurer of state shall allocate forty
23 million dollars of the amount authorized for
24 investment under this subsection for purposes of
25 supporting the value-added agricultural linked
26 investment program established in section 12.42. The
27 treasurer of state shall provide for the security of
28 the deposits made to eligible lending institutions as
29 provided in chapter 12C.

30 2. The treasurer of state shall adopt rules
31 pursuant to chapter 17A to administer this division.

32 3. The following shall apply to a certificate of
33 deposit, which is placed with an eligible lending
34 institution by the treasurer of state pursuant to this
35 division:

36 a. Certificates A certificate of deposit, which is
37 not part of a qualified linked investment, placed by
38 the treasurer of state with an eligible lending
39 institution on or after July 1, 1996, pursuant-to-this
40 division may be renewed at the option of the
41 treasurer. The initial certificate of deposit for a
42 given borrower shall have a maturity of one year and
43 may be renewed for eight additional one-year periods.

44 b. A certificate of deposit which is part of a
45 qualified linked investment placed by the treasurer of
46 state with an eligible lending institution shall have
47 a maturity of up to twelve months. The certificate of
48 deposit may be renewed at the option of the treasurer
49 on an annual basis for a total term not to exceed nine
50 years.

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Page 2

1 Sec. ____ . NEW SECTION. 12.42 VALUE-ADDED

2 AGRICULTURAL LINKED INVESTMENT PROGRAM.

3 1. The treasurer of state shall establish and
4 administer, and adopt rules as necessary to establish
5 and administer, a value-added agricultural linked
6 investment program. The purpose of the program is to
7 provide capital in the form of low-interest loans in
8 order to do any of the following:

9 a. Stimulate existing businesses or encourage the
10 establishment of new businesses that add value through
11 the processing of agricultural commodities.

12 b. Encourage the production of agricultural
13 commodities, if a shortage in production exists.

14 2. A borrower shall be eligible to participate in
15 the value-added agricultural linked investment
16 program, to the extent that the borrower meets
17 eligibility requirements established by the treasurer
18 of state.

19 3. A borrower shall not receive a loan of more
20 than five hundred thousand dollars under this program.

21 Sec. ____ . NEW SECTION. 15.204 VALUE-ADDED

22 AGRICULTURAL LINKED INVESTMENT PROGRAM.

23 The agricultural products advisory council
24 established in section 15.203, in cooperation with the
25 department of economic development, shall recommend to
26 the treasurer of state eligibility requirements for
27 borrowers to participate in the value-added
28 agricultural linked investment program established in
29 section 12.42. The treasurer of state shall establish
30 the eligibility requirements by rule adopted pursuant
31 to chapter 17A."

32 2. By renumbering as necessary.

By MARK SHEARER
EUGENE S. FRAISE
JOHN P. KIBBIE

S-3456 FILED APRIL 21, 1999
RULED OUT OF ORDER

(P. 1246)

HOUSE FILE 746

S-3459

1 Amend House File 746, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 14, by striking the figure
4 "2,137,161" and inserting the following: "2,175,536".
5 2. Page 1, line 15, by striking the figure
6 "47.88" and inserting the following: "48.88".
7 3. Page 1, line 32, by striking the figure
8 "30,000" and inserting the following: "12,000".
9 4. Page 2, line 10, by striking the figure
10 "43,500" and inserting the following: "61,500".
11 5. Page 2, line 19, by striking the figure
12 "45,834" and inserting the following: "70,055".
13 6. Page 2, line 26, by striking the figure
14 "4,110,954" and inserting the following: "4,152,418".
15 7. Page 7, line 29, by striking the figure
16 "4,941,285" and inserting the following: "4,906,116".
17 8. Page 7, line 30, by striking the figure
18 "242.50" and inserting the following: "243.50".
19 9. Page 8, line 9, by striking the figure
20 "424,600" and inserting the following: "524,600".
21 10. Page 8, line 9, by striking the figure "9.00"
22 and inserting the following: "12.00".
23 11. Page 8, line 10, by inserting after the word
24 "operations." the following: "It is the intent of the
25 general assembly that 3 FTEs and moneys used to
26 support those full-time equivalent positions not be
27 available after June 30, 2002."
28 12. Page 8, line 17, by striking the figure
29 "140,733" and inserting the following: "105,564".
30 13. Page 12, by striking line 33 and inserting
31 the following:
32 "Sec. ____ . JOHNE'S DISEASE
33 1. a. There is appropriated from the".
34 14. Page 13, line 5, by inserting after the word
35 "tests" the following: "by Iowa state university of
36 science and technology".
37 15. Page 13, line 6, by striking the figure
38 "50,000" and inserting the following: "5,330".
39 16. Page 13, by inserting after line 6 the
40 following:
41 "b. There is appropriated from the state federal
42 animal health laboratory fund within the laboratory
43 division of the department of agriculture and land
44 stewardship to the livestock disease research fund
45 created in section 267.8 for the fiscal year beginning
46 July 1, 1999, and ending June 30, 2000, the following
47 amount, or so much thereof as is necessary, to be used
48 for the purpose designated:
49 For the purpose of supporting research and to
50 evaluate procedures and tests by Iowa state university

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1 of science and technology to accurately diagnose
2 Johne's disease:
3 \$ 44,670
4 Notwithstanding section 8.33, moneys appropriated
5 in this paragraph "b" that remain unencumbered or
6 unobligated at the close of the fiscal year shall be
7 deposited in the general fund of the state."
8 17. Page 13, line 7, by striking the figure "1."
9 and inserting the following: "2."
10 18. Page 13, line 11, by striking the figure "2."
11 and inserting the following: "3."
12 19. Page 14, by striking lines 4 through 10 and
13 inserting the following: "this section. A landowner
14 cooperating with the animal and plant health
15 inspection service is not required to pay a fee in
16 order to obtain a depredation permit. The
17 department".
18 20. Page 15, by striking line 10 and inserting
19 the following:
20 "Notwithstanding section 455E.11, subsection 2,
21 paragraph "b", prior to any other appropriation from
22 the agriculture management account of the groundwater
23 protection fund, as provided in section 455E.11,
24 subsection 2, paragraph "b", there is appropriated
25 from the agriculture management account to".
26 21. Page 16, by inserting before line 7 the
27 following:
28 "Sec. 100. REGENTS -- COOPERATIVE EXTENSION.
29 There is appropriated from the general fund of the
30 state to the state board of regents for the fiscal
31 year beginning July 1, 1998, and ending June 30, 1999,
32 the following amounts, or so much thereof as may be
33 necessary, to be used for the purposes designated:
34 To Iowa state university of science and technology,
35 cooperative extension service in agriculture and home
36 economics, to provide immediate educational assistance
37 to farm families who are facing financial problems:
38 1. For support of farming financial counseling by
39 use of computer software which provides analysis of
40 farm business records:
41 \$ 150,000
42 2. For support of the Iowa concern hotline to
43 provide stress counseling, information, and referral
44 to families in financial stress:
45 \$ 150,000
46 Notwithstanding section 8.33, moneys appropriated
47 in this section which remain unobligated or unexpended
48 at the close of the fiscal year shall not revert but
49 shall remain available to be used for the purposes
50 designated in the succeeding fiscal year."

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Page 3

- 1 22. By striking page 16, line 32, through page
2 17, line 1.
3 23. Page 20, by inserting after line 24 the
4 following:
5 "Sec. ____ . NEW SECTION. 461A.35A ENTRANCE FEE.
6 The department shall not impose a fee upon a person
7 for entering into a state park or preserve."
8 24. Page 20, by inserting after line 35 the
9 following:
10 "____ . Section 100, relating to educational
11 assistance to farm families provided by Iowa state
12 university of science and technology."
13 25. Page 21, by striking line 1 and inserting the
14 following:
15 "____ . Section 461A.35A, as enacted by this Act,
16 relating to a fee to enter parks and".
17 26. By renumbering as necessary.

By JERRY BEHN
DENNIS H. BLACK
DERRYL McLAREN

S-3459 FILED APRIL 21, 1999

ADOPTED

(P. 1244)

HOUSE FILE 746

S-3458

1 Amend House File 746, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 16, by inserting before line 7 the
4 following:

5 "Sec. 100. DEPARTMENT OF AGRICULTURE AND LAND
6 STEWARDSHIP -- LIVESTOCK ECONOMIC EMERGENCY PROGRAMS.

7 There is appropriated from the general fund of the
8 state to the department of agriculture and land
9 stewardship for the fiscal year beginning July 1,
10 1998, and ending June 30, 1999, the following amount,
11 or so much thereof as is necessary, to be used for the
12 purpose designated:

13 For the purpose of supporting the livestock
14 economic emergency programs as provided in this Act:

15 \$ 9,000,000

16 1. The moneys appropriated pursuant to this
17 section shall be used to reduce the interest rate
18 charged on loans for purposes of satisfying or
19 restructuring existing debt obligations as provided in
20 this Act. Of the amount appropriated in this section,
21 not more than \$2,000,000 shall be used to provide
22 emergency assistance to livestock producers under a
23 program administered in cooperation with the farm
24 service agency as provided in section 175A.7.

25 2. Notwithstanding the reversion date provisions
26 of section 8.33, unencumbered and unobligated moneys
27 appropriated pursuant to this section remaining on
28 June 30, 1999, shall remain available until the close
29 of the following fiscal year.

30 Sec. 101. IOWA STATE UNIVERSITY -- LIVESTOCK
31 ECONOMIC EMERGENCY PROGRAMS. There is appropriated
32 from the general fund of the state to the state board
33 of regents for the fiscal year beginning July 1, 1998,
34 and ending June 30, 1999, the following amount, or so
35 much thereof as is necessary, to be used for the
36 purpose designated:

37 For the purpose of supporting a program
38 administered by the Iowa cooperative extension service
39 in agriculture and home economics at Iowa state
40 university of science and technology to provide
41 financial management and counseling services to
42 individual farm operators as provided in section
43 266.36:

44 \$ 500,000

45 Notwithstanding the reversion date provisions of
46 section 8.33, unencumbered and unobligated moneys
47 appropriated pursuant to this section remaining on
48 June 30, 1999, shall remain available until the close
49 of the following fiscal year.

50 Sec. 102. DEPARTMENT OF JUSTICE -- LIVESTOCK

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1 ECONOMIC EMERGENCY PROGRAMS. There is appropriated
2 from the general fund of the state to the department
3 of justice for the fiscal year beginning July 1, 1998,
4 and ending June 30, 1999, the following amount, or so
5 much thereof as is necessary, to be used for the
6 purpose designated:

7 For the purpose of supporting the farm mediation
8 service as provided in section 13.13 in conducting
9 farmer-creditor mediation as provided in chapter 654A:
10 \$ 500,000

11 Notwithstanding the reversion date provisions of
12 section 8.33, unencumbered and unobligated moneys
13 appropriated pursuant to this section remaining on
14 June 30, 1999, shall remain available until the close
15 of the following fiscal year."

16 2. Page 18, by inserting after line 31 the
17 following:

18 "Section 201. NEW SECTION. 175A.1 PURPOSE.

19 The purpose of this chapter is to assist this
20 state's livestock producers during periods of severe
21 financial hardship that threaten the economic
22 viability of this state's livestock producers.

23 Sec. 202. NEW SECTION. 175A.2 DEFINITIONS.

24 As used in this section, unless the context
25 otherwise requires:

26 1. "Authority" means the agricultural development
27 authority established in section 175.3.

28 2. "Cash flow requirement" means the availability
29 of money adequate to provide for obligations that
30 become due during the term of a loan for expenses
31 related to livestock production.

32 3. "Family farm entity" means the same as defined
33 in section 10.1.

34 4. "Farm service agency" means the farm service
35 agency of the United States department of agriculture.

36 5. "Farming" means the same as defined in section
37 175.2.

38 6. "Livestock" means cattle or swine.

39 7. "Livestock operation" means a farm or animal
40 feeding operation as defined in section 455B.161 where
41 livestock are produced.

42 8. "Livestock producer" means a person engaged in
43 producing livestock.

44 9. "Produce" means to breed, raise, or feed, and
45 care for livestock.

46 10. "Program" means a livestock economic emergency
47 program as provided in this chapter.

48 11. "Qualified lending institution" means a bank,
49 credit union, or savings and loan as defined in
50 section 12C.1.

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1 12. "State assistance" means to grant a qualified
2 lending institution an amount foregone by the
3 qualified lending institution for reducing the
4 interest rate on a loan as provided in this chapter.

5 Sec. 203. NEW SECTION. 175A.3 GENERAL.

6 1. The agricultural development authority, in
7 cooperation with the department, shall establish and
8 administer livestock economic emergency programs as
9 provided in this chapter to provide state assistance
10 to livestock producers during a period of economic
11 emergency.

12 2. The authority shall adopt rules as provided in
13 chapter 17A necessary to establish and administer
14 livestock economic emergency programs.

15 3. A livestock producer shall apply for state
16 assistance under a program in a manner and according
17 to procedures required by the authority. The
18 authority shall adopt rules to enforce the provisions
19 of this section or the terms of a contract to which
20 the authority is a party. The authority may also
21 enforce the provisions of this chapter or terms of a
22 contract by bringing an action in any court of
23 competent jurisdiction for injunctive relief or to
24 recover damages.

25 Sec. 204. NEW SECTION. 175A.4 DECLARATION OF
26 ECONOMIC EMERGENCY.

27 The authority shall provide state assistance under
28 livestock economic emergency programs under this
29 chapter, to the extent that moneys are available. The
30 authority shall provide the state assistance upon a
31 declaration of livestock economic emergency issued by
32 the secretary. The secretary shall issue the
33 declaration if the secretary determines that the
34 market price paid for livestock threatens the economic
35 viability of this state's livestock producers. The
36 determination shall be made after consulting with the
37 authority's board and agricultural economists at Iowa
38 state university of science and technology, and upon
39 review of market news reports published by the
40 agricultural marketing service of the United States
41 department of agriculture.

42 Sec. 205. NEW SECTION. 175A.5 STATE ASSISTANCE.

43 1. The authority shall provide state assistance
44 under a livestock economic emergency program by
45 contracting with a qualified lending institution and a
46 livestock producer to reduce the interest rate charged
47 on a loan for purposes of satisfying or restructuring
48 existing debt obligations.

49 2. As part of the contract for state assistance,
50 the authority shall agree to grant a qualified lending

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1 institution an amount foregone by the qualified
2 lending institution for reducing the interest rate on
3 a loan to the livestock producer as provided in this
4 chapter.

5 a. The authority may determine the amount that the
6 rate is reduced, by considering the qualified lending
7 institution's customary loan rate as certified to the
8 authority by the qualified lending institution.

9 b. The authority may require that a qualified
10 lending institution satisfy additional requirements in
11 order to participate in livestock economic emergency
12 programs, including by requiring the qualified lending
13 institution to partially reduce the interest rate on
14 loans subject to the contract for state assistance.

15 c. The authority shall not provide state
16 assistance to reduce the interest rate charged on a
17 loan for more than twelve months.

18 3. The authority shall not provide assistance
19 under both sections 175A.7 and 175A.8 to the same
20 livestock producer.

21 Sec. 206. NEW SECTION. 175A.6 ELIGIBILITY.

22 1. The authority shall provide state assistance to
23 a livestock producer under a livestock economic
24 emergency loan program only if the authority
25 determines that without such state assistance the
26 livestock producer could not reasonably be expected to
27 be able to obtain, retain, restructure, or service
28 loans or other financing.

29 2. A livestock producer is eligible to participate
30 in a livestock economic emergency program only if all
31 the following criteria are satisfied:

32 a. One of the following applies:

33 (1) The livestock producer is an individual or a
34 partnership. If the livestock producer is an
35 individual or partnership, all of the following must
36 apply:

37 (a) The individual or all partners must be
38 residents of this state.

39 (b) The individual or all partners must be at
40 least eighteen years old.

41 (2) The livestock producer is a family farm entity
42 organized in this state.

43 b. The facilities involved in livestock production
44 must be located in this state.

45 c. The livestock producer does not produce
46 livestock under a contract with an owner of the
47 livestock.

48 d. The gross income received by the livestock
49 producer from farming for the last completed calendar
50 year was more than fifty thousand dollars.

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1 e. Fifty percent or more of the livestock
2 producer's income attributable to farming is derived
3 from the sale of livestock.

4 f. All of the following apply:

5 (1) The livestock producer is not classified as a
6 habitual violator under section 455B.191.

7 (2) The livestock producer has not committed a
8 violation of chapter 455B or of a rule adopted
9 pursuant to chapter 455B regulating animal feeding
10 operations during the twelve-month period immediately
11 prior to the date of submission of the application.

12 Sec. 207. NEW SECTION. 175A.7 LIVESTOCK ECONOMIC
13 EMERGENCY PROGRAM -- COOPERATION WITH THE FARM SERVICE
14 AGENCY.

15 1. The authority shall cooperate with the farm
16 service agency if the farm service agency provides
17 emergency assistance to livestock producers under a
18 program administered by the farm service agency.

19 a. The authority shall provide state assistance to
20 livestock producers who apply to the farm service
21 agency for emergency assistance in order to retain,
22 restructure, or service loans or other financing.

23 b. The authority shall approve an application for
24 state assistance only if a livestock producer is
25 provided emergency assistance by the farm service
26 agency. The authority shall provide state assistance
27 to the extent necessary to allow livestock producers
28 to qualify for emergency federal assistance by
29 enhancing the livestock producer's cash flow
30 requirement.

31 2. The authority shall grant a qualified lending
32 institution not more than two percent of the amount
33 foregone by the qualified lending institution in
34 reducing the interest rate on the loan as provided in
35 this chapter.

36 Sec. 208. NEW SECTION. 175A.8 LIVESTOCK ECONOMIC
37 EMERGENCY PROGRAM -- INDEPENDENT PROGRAM.

38 1. The authority shall provide state assistance to
39 livestock producers under the livestock economic
40 emergency program independent of assistance provided
41 by the farm service agency as provided in section
42 175A.7.

43 2. The authority shall provide state assistance to
44 livestock producers who apply to the authority in
45 order to retain, restructure, or service loans or
46 other financing.

47 a. The authority may require that the livestock
48 producer and the qualified lending institution
49 restructure existing debt.

50 b. A livestock producer must participate in a

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1 program administered by the Iowa cooperative extension
2 service in agriculture and home economics at Iowa
3 state university of science and technology that
4 provides financial management and counseling services
5 to individual farm operators as provided in section
6 266.36.

7 3. The application shall contain financial
8 information regarding the livestock producer as
9 required by the authority. The application must
10 include all of the following:

11 a. The livestock producer's projected cash flow
12 requirements if the application is approved.

13 b. A statement by Iowa state university certifying
14 that the livestock producer is participating in the
15 program provided in section 266.36.

16 4. The authority shall grant a qualified lending
17 institution not more than three percent of the amount
18 foregone by the qualified lending institution in
19 reducing the interest rate on the loan as provided in
20 this chapter."

21 3. Page 20, by inserting before line 34 the
22 following:

23 "____. Sections 100 through 102, relating to
24 appropriations for livestock economic emergency
25 programs."

26 4. Page 21, by inserting before line 3 the
27 following:

28 "____. Sections 201 through 208 relating to
29 livestock economic emergency programs."

30 5. By renumbering as necessary.

By EUGENE S. FRAISE
JOHN P. KIBBIE

S-3458 FILED APRIL 21, 1999
RULED OUT OF ORDER

(P. 1246)

HOUSE FILE 746

S-3457

1 Amend House File 746, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 33, through page 2,
4 line 2, and inserting the following: "for the
5 following purposes:

6 (a) Collecting, summarizing, and publishing
7 marketing information on a monthly basis, regarding
8 finished cattle in cooperation with the Iowa
9 cattlemen's association, including unfinished cattle
10 for market, cattle placed on feed, and cattle on hand
11 under marketing arrangements.

12 (b) Monitoring the marketing of cattle or swine to
13 processors from feedlots as defined in section 9H.1,
14 to every extent practicable using moneys allocated
15 under this subparagraph. The department shall
16 cooperate with the attorney general in administering
17 this subparagraph subdivision.

18 "Feedlot" as used in statute includes confinement
19 feeding operations as defined in section 455B.161,
20 unless otherwise expressly provided. A person who is
21 a processor of beef or pork as provided in section
22 9H.2, owns, controls, or operates a feedlot in Iowa in
23 which hogs or cattle are fed regardless of whether the
24 processor directly or indirectly owns, controls, or
25 operates the feedlot."

By JOHN P. KIBBIE
EUGENE S. FRAISE

S-3457 FILED APRIL 21, 1999
LOST

(p.1244)

HOUSE FILE 746

S-3461

- 1 Amend House File 746, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, line 35, by striking the figure
- 4 "301,373" and inserting the following: "401,373".

By MIKE CONNOLLY
PATRICIA HARPER
EUGENE S. FRAISE

MATT McCOY
BETTY A. SOUKUP

S-3461 FILED APRIL 21, 1999
LOST

p. 1247

HOUSE FILE 746

S-3460

1 Amend House File 746, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 18, by inserting after line 31 the
4 following:

5 "Sec. _____. Section 159A.6, subsection 2,
6 unnumbered paragraph 2, Code 1999, is amended to read
7 as follows:

8 The committee shall develop standards for ~~decais~~ a
9 decal required pursuant to section 214A.16, which
10 shall be designed to promote the advantages of using
11 renewable-fuels diesel fuel containing more than one
12 percent soybean oil by volume. The standards may be
13 incorporated within a model decal adopted by the
14 committee and approved by the office.

15 Sec. _____. Section 214A.1, Code 1999, is amended to
16 read as follows:

17 214A.1 DEFINITIONS.

18 The following definitions shall apply to the
19 various terms used in this chapter:

20 1. "A.S.T.M." means the American society for
21 testing and materials.

22 ~~2. "Motor vehicle fuel" means a substance or~~
23 ~~combination of substances which is intended to be or~~
24 ~~is capable of being used for the purpose of propelling~~
25 ~~or running by combustion any internal combustion~~
26 ~~engine and is kept for sale or sold for that purpose.~~
27 ~~The products commonly known as kerosene and distillate~~
28 ~~or petroleum products of lower gravity (Baume scale)7~~
29 ~~when not used to propel a motor vehicle or for~~
30 ~~compounding or combining with a motor vehicle fuel,~~
31 ~~are exempt from this chapter except as provided in~~
32 ~~section 214A.2A.~~

33 2. "Dealer" means a retail dealer or a wholesale
34 dealer.

35 3. "Gasoline" means a motor vehicle fuel which is
36 not any of the following:

37 a. Diesel fuel.

38 b. Aviation gasoline or special fuel as defined in
39 section 452A.2.

40 4. "Gasoline station" means the location of a
41 profit or nonprofit business where gasoline is offered
42 for sale by a retail dealer.

43 5. "Motor vehicle" means a self-propelled vehicle
44 that operates using gasoline, including but not
45 limited to any of the following:

46 a. An automobile as defined in section 321.1.

47 b. A motor truck as defined in section 321.1.

48 c. A motor bus as used in section 452A.57.

49 d. A motorcycle as defined in section 321.1.

50 e. A watercraft as defined in section 462A.2.

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1 f. An off-road vehicle which is a snowmobile or an
2 all-terrain vehicle as defined in section 321G.1.

3 6. "Motor vehicle fuel" means the same as defined
4 in section 214.1.

5 7. "Motor vehicle fuel container" means a
6 container used for the temporary storage of motor
7 vehicle fuel by the consumer of that motor vehicle
8 fuel.

9 8. "Motor vehicle fuel pump" or "pump" means the
10 same as defined in section 214.1.

11 9. "Offer for sale" means to make an offer to sell
12 motor vehicle fuel on a retail basis.

13 ~~3-~~ 10. "Oxygenate octane enhancer" means oxygen-
14 containing compounds, including but not limited to
15 alcohols, ethers, or ethanol.

16 11. "Oxygenated gasoline" means gasoline that
17 contains an oxygenate octane enhancer as provided in
18 section 214A.2.

19 12. "Qualified motor vehicle" means a motor
20 vehicle that is any of the following:

21 a. A watercraft.

22 b. A motorcycle.

23 c. An antique vehicle registered under section
24 321.115.

25 d. An off-road vehicle that is a snowmobile or an
26 all-terrain vehicle.

27 13. "Raceway" means an enclosed area in which
28 there is located a public or private road used for
29 racing.

30 ~~4-~~ 14. "Retail dealer" shall mean and include any
31 means a person, firm, partnership, association, or
32 corporation who operates, maintains, or conducts,
33 either in person, or by any agent, employee, or
34 servant, any place of business, filling station, pump
35 station, or tank wagon, from which any motor vehicle
36 fuel, as defined herein, is sold or offered for sale,
37 at retail, or to the final or ultimate consumer.

38 ~~5-~~ 15. "Wholesale dealer" shall mean and include
39 any means a person, firm, partnership, association, or
40 corporation, other than a retail dealers as defined in
41 subsection 3 of this section, who sells, keeps, or
42 holds, for sale, or purchase dealer who provides motor
43 vehicle fuel for the purpose of sale within this
44 state, any motor vehicle fuel.

45 16. "Unoxygenated gasoline" means gasoline other
46 than oxygenated gasoline.

47 Sec. ____. Section 214A.2, subsection 1, Code 1999,
48 is amended to read as follows:

49 1. a. The secretary department shall adopt rules
50 pursuant to chapter 17A for carrying out this chapter.

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1 The rules ~~may~~ shall include, but are not limited to,
 2 establishing specifications relating to motor vehicle
 3 fuel or oxygenate octane enhancers.

4 b. In the interest of uniformity, the secretary
 5 department shall adopt rules, by reference or
 6 otherwise, to establish specifications relating to
 7 tests and standards for motor vehicle fuel or
 8 oxygenate octane enhancers, ~~established.~~ The
 9 specifications shall be based on those established by
 10 the American society for testing and materials
 11 (A.S.T.M.), unless the secretary department determines
 12 that those specifications are inconsistent with this
 13 chapter or are not appropriate to the conditions which
 14 exist in this state.

15 c. The department shall not use Reid vapor
 16 pressure tests more frequently to test oxygenated
 17 gasoline than customarily required to test
 18 unoxygenated gasoline.

19 Sec. ____. Section 214A.2, Code 1999, is amended by
 20 adding the following new subsection:

21 NEW SUBSECTION. 1A. An oxygenated gasoline must
 22 contain at least three and five-tenths percent oxygen
 23 by weight.

24 Sec. ____. Section 214A.2A, Code 1999, is amended
 25 to read as follows:

26 214A.2A KEROSENE LABELING AND LOW GRAVITY
 27 PETROLEUM PRODUCTS.

28 1. Except as provided in subsection 2, products
 29 commonly known as kerosene and distillate or petroleum
 30 products of lower gravity (Baume scale), when not used
 31 to propel a motor vehicle or for compounding or
 32 combining with a motor vehicle fuel, are exempt from
 33 this chapter.

34 2. Fuel which is sold or is kept, offered, or
 35 exposed for sale as kerosene shall be labeled as
 36 kerosene. The label shall include the word "kerosene"
 37 and a designation as either "K1" or "K2", and shall
 38 indicate that the kerosene is in compliance with the
 39 standard specification adopted by the A.S.T.M. in
 40 specification D-3699 (1982).

41 Sec. ____. Section 214A.16, Code 1999, is amended
 42 to read as follows:

43 214A.16 NOTICE OF-BLENDED-FUEL----DECAL ON MOTOR
 44 VEHICLE FUEL PUMPS.

45 1. All-motor-vehicle-fuel-kept, offered, or
 46 exposed-for-sale, or sold-at-retail-containing-over
 47 one-percent-ethanol, methanol, or any combination of
 48 oxygenate-octane-enhancers shall be identified as
 49 "with-either-ethanol," "methanol,"
 50 "ethanol/methanol," or similar wording on A retail

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1 dealer shall place a decal on a motor vehicle fuel
2 pump that dispenses motor vehicle fuel as required in
3 this section. The decal shall identify the motor
4 vehicle fuel as follows:

5 a. If the motor vehicle fuel is unoxygenated
6 gasoline, the decal shall state the following:
7 "Nonoxygenated gasoline only for use in antique
8 vehicles, off-road vehicles, motorcycles, watercraft,
9 or small engines."

10 b. ~~All~~ If the motor vehicle fuel is diesel fuel
11 ~~kept, offered, or exposed for sale, or sold at retail~~
12 containing over more than one percent soybean oil by
13 volume the decal shall be identified identify the
14 diesel fuel as "with soydiesel" or similar wording on
15 a decal.

16 2. The design and location of the decals shall be
17 prescribed by rules adopted by the department. The
18 department shall adopt the rules to be effective by
19 January 1, ~~1995~~ 2001. A decal identifying a renewable
20 diesel fuel containing more than one percent soybean
21 oil by volume shall be consistent with standards
22 adopted pursuant to section 159A.6. ~~Until the~~
23 ~~department establishes standards for decals, the~~
24 ~~wording shall be on a white adhesive decal with black~~
25 ~~letters at least one-half inch high and at least one-~~
26 ~~quarter inch wide placed between thirty and forty~~
27 ~~inches above the driveway level on the front sides of~~
28 ~~any container or pump from which the motor fuel is~~
29 ~~sold.~~ The department may approve an application to
30 place a decal in a special location on a pump or
31 container or use a decal with special lettering or
32 colors, if the decal appears clear and conspicuous to
33 the consumer. The application shall be made in
34 writing pursuant to procedures adopted by the
35 department. Designs for a decal identifying a
36 renewable fuel shall be consistent with standards
37 adopted pursuant to section 159A.6.

38 Sec. ____ . Section 214A.4, Code 1999, is amended to
39 read as follows:

40 214A.4 INTRASTATE SHIPMENTS.

41 A ~~wholesale~~ dealer or ~~retail~~ dealer shall not
42 receive or sell or hold for sale, within this state,
43 any motor vehicle fuel or an oxygenate octane enhancer
44 ~~for which specifications are prescribed in this~~
45 chapter, unless the all of the following apply:

46 1. The motor vehicle fuel is subject to
47 specifications required in this chapter, other than
48 standards relating to the oxygen content of oxygenated
49 gasoline as provided pursuant to section 214A.2A.

50 2. The dealer first-secures receives from the

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1 refiner or producer of the motor vehicle fuel or
2 oxygenate octane enhancer, a certified statement,
3 verified-by-the-oath-of by a competent chemist
4 qualified according to requirements of the department,
5 who is employed by or representing represents the
6 refiner or producer, showing. The statement shall
7 certify that the true-standards-and-tests-of-the motor
8 vehicle fuel or oxygenate octane enhancer, obtained-by
9 the-methods-referred-to satisfies specifications for
10 the motor vehicle fuel or oxygenate octane enhancer as
11 required by the department pursuant to section 214A.2.
12 The statement shall be based on tests and standards
13 approved by the department as provided in section
14 214A.2. The verified-tests-are-required-and statement
15 must accompany the bill of lading or shipping
16 documents representing the shipment of the motor
17 vehicle fuel or oxygenate octane enhancer into this
18 state before the shipment can be received and
19 unloaded, and shall be included with any cargo
20 documents required pursuant to section 452A.12.

21 Sec. . NEW SECTION. 214A.21 GASOLINE
22 REQUIREMENTS.

23 1. Except as provided in this section, a person
24 shall not offer for sale gasoline other than
25 oxygenated gasoline in this state.

26 2. This section shall not apply to gasoline used
27 to operate any of the following:

28 a. An aircraft as defined in section 328.1.

29 b. A motor vehicle used exclusively for motor
30 sports, including a raceway, if the motor vehicle
31 cannot operate on a highway as provided in chapter 321
32 or rules adopted by the state department of
33 transportation.

34 3. A person may offer for sale unoxxygenated
35 gasoline only as provided in this subsection. All
36 unoxxygenated gasoline offered for sale in this state
37 must be unleaded gasoline as provided in section
38 214A.2. The unoxxygenated gasoline shall only be
39 offered for sale for one of the following purposes:

40 a. The operation of a qualified motor vehicle or a
41 small engine.

42 b. The temporary storage of unoxxygenated gasoline
43 in a small motor vehicle fuel container. The small
44 motor vehicle fuel container shall meet all of the
45 following requirements:

46 (1) It shall comply with the standards set forth
47 in section 214A.15, or rules adopted by the
48 department.

49 (2) It shall have a capacity of not more than six
50 gallons.

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1 c. A retail dealer shall only offer for sale
2 unoxygenated gasoline at a gasoline station.

3 Sec. _____. Section 452A.3, subsection 2, Code 1999,
4 is amended to read as follows:

5 2. a. For the privilege of operating aircraft in
6 this state an excise tax of eight cents per gallon is
7 imposed on the use of all aviation gasoline.

8 ~~b. For the privilege of operating motor vehicles~~
9 ~~in this state, an excise tax of nineteen cents per~~
10 ~~gallon until June 30, 2007, is imposed upon the use of~~
11 ~~motor fuel containing at least ten percent alcohol~~
12 ~~distilled from cereal grains grown in the United~~
13 ~~States and used for any purpose except as otherwise~~
14 ~~provided in this division.~~

15 Sec. _____. Section 452A.12, Code 1999, is amended
16 to read as follows:

17 452A.12 LOADING AND DELIVERY EVIDENCE ON
18 TRANSPORTATION EQUIPMENT.

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

21 a. "Cargo document" means a manifest or loading
22 and delivery evidence as provided in this section.

23 b. "Gasoline" means the same as defined in section
24 214A.1.

25 c. "Oxygenated gasoline" means the same as defined
26 in section 214A.1.

27 d. "Oxygenate octane enhancer" means the same as
28 defined in section 214A.1.

29 2. A cargo document shall describe any
30 transportation of motor fuel as required in this
31 section.

32 2A. a. A serially-numbered-manifest cargo
33 document shall be carried on every vehicle, except
34 small tank wagons, while in use in transportation
35 service, on which shall be entered the following. The
36 cargo document shall be a serially numbered manifest.
37 The manifest shall include information as to about the
38 cargo of motor fuel or special fuel being moved in the
39 vehicle as required by the department, including all
40 of the following:

41 (1) The date and place of loading, and the place
42 to be unloaded, the of unloading the cargo.

43 (2) The person for whom it the cargo is to be
44 delivered, the.

45 (3) The nature and kind of product, the being
46 delivered. The manifest shall state whether the motor
47 fuel is gasoline or another type of motor fuel.

48 (4) The amount of product, and other information
49 required by the department including the number of
50 gallons of motor fuel being delivered.

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1 (5) If the motor fuel is gasoline, the manifest
2 shall include provisions required in subsection 4.
3 b. The manifest for small tank wagons shall be
4 retained at the home office. The manifest covering
5 each load transported, upon consummation of the
6 delivery, shall be completed by showing the date and
7 place of actual delivery and the person to whom
8 actually delivered and shall be kept as a permanent
9 record for a period of three years. However, the The
10 record of the manifest of past cargoes need is not
11 required to be carried on the conveyance but shall be
12 preserved by the carrier for inspection by the
13 department. A carrier subject to this subsection when
14 distributing for a licensee may with the approval of
15 the department substitute the loading and delivery
16 evidence required in-subsection-2-for in lieu of the
17 manifest.

18 2- 3. A person while transporting motor fuel or
19 undyed special fuel from a refinery or marine or
20 pipeline terminal in this state or from a point
21 outside this state over the highways of this state in
22 service other than that under subsection 1 2A shall
23 carry in the vehicle a loading-invoice cargo document
24 which shall be loading and delivery evidence showing
25 all of the following:

26 a. The name and address of the seller or
27 consignor, the.

28 b. The date and place of loading, and the.

29 c. The kind and quantity of motor fuel or special
30 fuel loaded, together with invoices. The loading and
31 delivery evidence shall state whether the motor fuel
32 is gasoline or another type of motor fuel.

33 d. Invoices showing the kind and quantity of each
34 delivery and the name and address of each purchaser or
35 consignee. If the motor fuel is gasoline, the invoice
36 shall state the number of gallons of gasoline being
37 delivered. The loading invoice shall include
38 provisions required in subsection 4.

39 4. a. Except as provided in paragraph "b", if the
40 cargo is gasoline, the cargo document shall identify
41 the volume percentage or gallons of oxygenate octane
42 enhancers in the gasoline, and the octane number for
43 the gasoline as provided in section 214A.2. The cargo
44 document shall include a statement printed in at least
45 ten-point boldface type. The statement shall provide
46 as follows:

47 (1) If the motor fuel is oxygenated gasoline, the
48 statement shall provide: "This motor fuel is
49 oxygenated gasoline legal for sale in this state as
50 provided by Iowa Code chapter 214A."

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1 (2) If the motor fuel is not oxygenated gasoline,
2 the statement shall provide: "This motor fuel is
3 nonoxygenated gasoline legal for restricted retail
4 sale in this state as provided in Iowa Code chapter
5 214A."

6 b. This subsection shall not apply to the
7 transport of gasoline between refineries, between
8 terminals, or between a refinery and a terminal.

9 Sec. ____ . Section 455G.9, subsection 1, Code 1999,
10 is amended by adding the following new lettered
11 paragraph:

12 NEW PARAGRAPH. j. Up to one hundred percent of
13 the costs necessary to reimburse the owner or operator
14 for costs associated with converting a fiberglass
15 motor vehicle fuel storage tank or storage tank piping
16 used to transport oxygenated gasoline from a
17 fiberglass storage tank to a pump as required pursuant
18 to chapter 214A, pursuant to section 455G.23.
19 However, the owner or operator shall not be reimbursed
20 more than ten thousand dollars for converting a
21 fiberglass storage tank or more than three thousand
22 dollars for converting storage tank piping.

23 Sec. ____ . NEW SECTION. 455G.23 CONVERSION
24 NECESSARY TO STORE AND DISPENSE OXYGENATED GASOLINE.

25 1. As used in this section:

26 a. "Fiberglass storage tank" means a storage tank
27 that is fiberglass or fiberglass-lined when
28 manufactured.

29 b. "Oxygenated gasoline" means oxygenated gasoline
30 as defined in section 214A.1.

31 c. "Storage tank" means a storage container that
32 is a fixture on the surface or underground on the
33 premises of a gasoline station as defined in section
34 214A.1 that is used to store and dispense gasoline to
35 customers on a retail basis.

36 d. "Storage tank equipment" means a storage tank
37 or storage tank piping.

38 e. "Storage tank piping" means any rigid or
39 flexible piping used to transport motor fuel from a
40 storage tank to a motor vehicle fuel pump as defined
41 in section 214A.1.

42 2. The board shall establish a program to
43 reimburse the owner or operator of a site for costs
44 necessary to convert a fiberglass storage tank or
45 storage tank piping for use in storing or dispensing
46 oxygenated gasoline as provided pursuant to chapter
47 214A. The conversion may be the replacement of
48 storage tank equipment or modifications necessary for
49 the storage and dispensing of oxygenated gasoline.

50 3. In order to be eligible for reimbursement, all

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- 1 of the following must apply:
- 2 a. The site must be located at a gasoline station
- 3 as defined in section 214A.1.
- 4 b. The site must comply with federal and state
- 5 standards governing new or upgraded storage tank
- 6 equipment.
- 7 4. The owner or operator shall apply to the board
- 8 in a manner and according to procedures required by
- 9 the board. The application shall contain all
- 10 information required by the board and shall at least
- 11 include all of the following:
- 12 a. The name of the owner or operator and the
- 13 address of the gasoline station.
- 14 b. A detailed description of the storage tank
- 15 equipment, including all of the following:
- 16 (1) The location of the storage tank equipment on
- 17 the premises of the gasoline station.
- 18 (2) The date that the storage tank equipment was
- 19 installed on the premises of the gasoline station.
- 20 (3) The model number of the storage tank
- 21 equipment, if available.
- 22 (4) A statement that the conversion necessary to
- 23 store oxygenated fuel in the fiberglass storage tank
- 24 or dispense oxygenated fuel using storage tank piping
- 25 has not begun or been completed since the date of
- 26 installation.
- 27 c. One of the following:
- 28 (1) A statement certified by the manufacturer of
- 29 the storage tank equipment verifying that the storage
- 30 tank equipment is not warranted for the storage or
- 31 dispensing of oxygenated fuel.
- 32 (2) A letter signed by an agent or representative
- 33 of two property and casualty insurers of petroleum
- 34 equipment recognized by the board. Each letter must
- 35 state that the storage tank equipment is not insurable
- 36 for the storage or dispensing of oxygenated fuel under
- 37 policies customarily issued by the insurer covering
- 38 storage tank equipment.
- 39 5. A site classified as a no further action site
- 40 pursuant to a certificate issued by the department
- 41 under section 455B.474 shall retain its classification
- 42 following modifications necessary to store and
- 43 dispense oxygenated gasoline, and the owner operator
- 44 shall not be required to perform a new site assessment
- 45 unless the site causes a clear, present, and impending
- 46 danger to the public health or the environment."
- 47 2. By renumbering as necessary.

By JOHN P. KIBBIE

S-3460 FILED APRIL 21, 1999
RULED OUT OF ORDER

(p. 1247)

HOUSE FILE 746

H-1796

1 Amend the Senate amendment, H-1762, to House File
2 746, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 19 through 24 and
5 inserting the following:
6 "_____. Page 8, line 16, by inserting after the
7 word "department." the following: "It is the intent
8 of the".

9 2. Page 1, by inserting after line 29 the
10 following:

11 "_____. Page 12, line 1, by striking the figure
12 "1."_____.

13 _____ Page 12, by striking lines 5 through 8."

14 3. Page 2, by striking lines 36 through 44 and
15 inserting the following: "economics, to support the
16 Iowa concern hotline in providing stress counseling,
17 information, and referral to farm families facing
18 financial distress:"

19 4. Page 3, by inserting after line 2 the
20 following:

21 "_____. Page 17, by striking lines 19 through 31."

22 5. By renumbering as necessary.

By GREINER of Washington

-1796 FILED APRIL 22, 1999

Adopted
4/26/99
(P. 1684)

SENATE AMENDMENT TO H. F. 746

H-1762

1 Amend House File 746, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 14, by striking the figure
4 "2,137,161" and inserting the following: "2,175,536".
5 2. Page 1, line 15, by striking the figure
6 "47.88" and inserting the following: "48.88".
7 3. Page 1, line 32, by striking the figure
8 "30,000" and inserting the following: "12,000".
9 4. Page 2, line 10, by striking the figure
10 "43,500" and inserting the following: "61,500".
11 5. Page 2, line 19, by striking the figure
12 "45,834" and inserting the following: "70,055".
13 6. Page 2, line 26, by striking the figure
14 "4,110,954" and inserting the following: "4,152,418".
15 7. Page 7, line 29, by striking the figure
16 "4,941,285" and inserting the following: "4,906,116".
17 8. Page 7, line 30, by striking the figure
18 "242.50" and inserting the following: "243.50".
19 9. Page 8, line 9, by striking the figure
20 "424,600" and inserting the following: "524,600".
21 10. Page 8, line 9, by striking the figure "9.00"
22 and inserting the following: "12.00".
23 11. Page 8, line 10, by inserting after the word
24 "operations." the following: "It is the intent of the
25 general assembly that 3 FTEs and moneys used to
26 support those full-time equivalent positions not be
27 available after June 30, 2002."
28 12. Page 8, line 17, by striking the figure
29 "140,733" and inserting the following: "105,564".
30 13. Page 12, by striking line 33 and inserting
31 the following:
32 "Sec. ____ . JOHNE'S DISEASE
33 1. a. There is appropriated from the".
34 14. Page 13, line 5, by inserting after the word
35 "tests" the following: "by Iowa state university of
36 science and technology".
37 15. Page 13, line 6, by striking the figure
38 "50,000" and inserting the following: "5,330".
39 16. Page 13, by inserting after line 6 the
40 following:
41 "b. There is appropriated from the state federal
42 animal health laboratory fund within the laboratory
43 division of the department of agriculture and land
44 stewardship to the livestock disease research fund
45 created in section 267.8 for the fiscal year beginning
46 July 1, 1999, and ending June 30, 2000, the following
47 amount, or so much thereof as is necessary, to be used
48 for the purpose designated:
49 For the purpose of supporting research and to
50 evaluate procedures and tests by Iowa state university
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1 of science and technology to accurately diagnose
2 Johne's disease:

3 \$ 44,670

4 Notwithstanding section 8.33, moneys appropriated
5 in this paragraph "b" that remain unencumbered or
6 unobligated at the close of the fiscal year shall be
7 deposited in the general fund of the state."

8 17. Page 13, line 7, by striking the figure "1."
9 and inserting the following: "2."

10 18. Page 13, line 11, by striking the figure "2."
11 and inserting the following: "3."

12 19. Page 14, by striking lines 4 through 10 and
13 inserting the following: "this section. A landowner
14 cooperating with the animal and plant health
15 inspection service is not required to pay a fee in
16 order to obtain a depredation permit. The
17 department".

18 20. Page 15, by striking line 10 and inserting
19 the following:

20 "Notwithstanding section 455E.11, subsection 2,
21 paragraph "b", prior to any other appropriation from
22 the agriculture management account of the groundwater
23 protection fund, as provided in section 455E.11,
24 subsection 2, paragraph "b", there is appropriated
25 from the agriculture management account to".

26 21. Page 16, by inserting before line 7 the
27 following:

28 "Sec. 100. REGENTS -- COOPERATIVE EXTENSION.
29 There is appropriated from the general fund of the
30 state to the state board of regents for the fiscal
31 year beginning July 1, 1998, and ending June 30, 1999,
32 the following amounts, or so much thereof as may be
33 necessary, to be used for the purposes designated:

34 To Iowa state university of science and technology,
35 cooperative extension service in agriculture and home
36 economics, to provide immediate educational assistance
37 to farm families who are facing financial problems:

38 1. For support of farming financial counseling by
39 use of computer software which provides analysis of
40 farm business records:

41 \$ 150,000

42 2. For support of the Iowa concern hotline to
43 provide stress counseling, information, and referral
44 to families in financial stress:

45 \$ 150,000

46 Notwithstanding section 8.33, moneys appropriated
47 in this section which remain unobligated or unexpended
48 at the close of the fiscal year shall not revert but
49 shall remain available to be used for the purposes
50 designated in the succeeding fiscal year."

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- 1 22. By striking page 16, line 32, through page
- 2 17, line 1.
- 3 23. Page 20, by inserting after line 24 the
- 4 following:
- 5 "Sec. ____ . NEW SECTION. 461A.35A ENTRANCE FEE.
- 6 The department shall not impose a fee upon a person
- 7 for entering into a state park or preserve."
- 8 24. Page 20, by inserting after line 35 the
- 9 following:
- 10 " ____ . Section 100, relating to educational
- 11 assistance to farm families provided by Iowa state
- 12 university of science and technology."
- 13 25. Page 21, by striking line 1 and inserting the
- 14 following:
- 15 " ____ . Section 461A.35A, as enacted by this Act,
- 16 relating to a fee to enter parks and".
- 17 26. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-1762 FILED APRIL 22, 1999

*House Concurred
4/26/99 (p. 1695)*

HOUSE FILE 746

H-1792

- 1 Amend the amendment, H-1762, to House File 746, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 29 the
- 5 following:
- 6 " ____ . Page 12, line 1, by striking the figure
- 7 "1."
- 8 ____ . Page 12, by striking lines 5 through 8."
- 9 2. Page 3, by inserting after line 2 the
- 10 following:
- 11 " ____ . Page 17, by striking lines 19 through 31."
- 12 3. By renumbering as necessary.

By SCHRADER of Marion
MERTZ of Kossuth

H-1792 FILED APRIL 22, 1999

*0/0
4/26/99
(p. 1684)*

HOUSE FILE 746

H-1833

1 Amend the Senate amendment, H-1762, to House File
2 746, as amended, passed and reprinted by the House, as
3 follows:

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

6 "____. Page 18, by inserting after line 31 the
7 following:

8 "Sec. ____ Section 214A.1, Code 1999, is amended
9 to read as follows:

10 214A.1 DEFINITIONS.

11 The following definitions shall apply to the
12 various terms used in this chapter:

13 1. "A.S.T.M." means the American society for
14 testing and materials.

15 2. ~~---"Motor-vehicle-fuel" means a substance or
16 combination of substances which is intended to be or
17 is capable of being used for the purpose of propelling
18 or running by combustion any internal combustion
19 engine and is kept for sale or sold for that purpose.
20 The products commonly known as kerosene and distillate
21 or petroleum products of lower gravity (Baume scale),
22 when not used to propel a motor vehicle or for
23 compounding or combining with a motor vehicle fuel,
24 are exempt from this chapter except as provided in
25 section 214A.2A.~~

26 2. "Dealer" means a retail dealer or a wholesale
27 dealer.

28 3. "Dispense" means to do any of the following:

29 a. Sell motor vehicle fuel on a retail basis.

30 b. Place motor vehicle fuel in the fuel tank of a
31 motor vehicle or small engine for the operation of
32 that motor vehicle or small engine.

33 c. Place motor vehicle fuel in or remove motor
34 vehicle fuel from a motor vehicle fuel container,
35 including for storage in a motor vehicle fuel storage
36 tank or transfer by motor vehicle storage tank piping.

37 4. "Fiberglass motor vehicle fuel storage tank" or
38 "fiberglass storage tank" means a motor vehicle fuel
39 storage tank that is fiberglass or fiberglass lined
40 when manufactured.

41 5. "Gasoline" means a motor vehicle fuel which is
42 not any of the following:

43 a. Diesel fuel.

44 b. Aviation gasoline or special fuel as defined in
45 section 452A.2.

46 6. "Gasoline station" means the location of a
47 profit or nonprofit business where gasoline is
48 dispensed by a retail dealer.

49 7. "Motor vehicle" means a self-propelled vehicle
50 that operates using gasoline, including but not

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- 1 limited to any of the following:
2 a. An automobile as defined in section 321.1.
3 b. A motor truck as defined in section 321.1.
4 c. A motor bus as used in section 452A.57.
5 d. A motorcycle as defined in section 321.1.
6 e. A watercraft as defined in section 462A.2.
7 f. An off-road vehicle which is a snowmobile or an
8 all-terrain vehicle as defined in section 321G.1.
9 8. "Motor vehicle fuel" means the same as defined
10 in section 214.1.
11 9. "Motor vehicle fuel container" means a
12 container used for the temporary storage of motor
13 vehicle fuel by the consumer of that motor vehicle
14 fuel.
15 10. "Motor vehicle fuel pump" or "pump" means the
16 same as defined in section 214.1.
17 11. "Motor vehicle fuel storage tank" or "storage
18 tank" means a tank that is a fixture on the surface or
19 underground on the premises of a gasoline station, if
20 the tank and piping are used to store and dispense
21 gasoline to customers on a retail basis.
22 12. "Motor vehicle fuel storage tank equipment" or
23 "storage tank equipment" means a motor vehicle fuel
24 storage tank and motor vehicle fuel storage tank
25 piping.
26 13. "Motor vehicle fuel storage tank piping" or
27 "storage tank piping" means any rigid or flexible
28 piping used to transport motor vehicle fuel from a
29 motor vehicle fuel storage tank to a motor vehicle
30 storage tank pump.
31 3- 14. "Oxygenate octane enhancer" means oxygen-
32 containing compounds, including but not limited to
33 alcohols, ethers, or ethanol.
34 15. "Oxygenated gasoline" means gasoline that
35 contains an oxygenate octane enhancer as provided in
36 section 214A.2.
37 16. "Qualified motor vehicle" means a motor
38 vehicle that is any of the following:
39 a. A watercraft.
40 b. A motorcycle.
41 c. An antique vehicle registered under section
42 321.115.
43 d. An off-road vehicle that is a snowmobile or an
44 all-terrain vehicle.
45 17. "Raceway" means an enclosed area in which
46 there is located a public or private road used for
47 racing.
48 4- 18. "Retail dealer" shall-mean-and-include-any
49 means a person, firm, partnership, association, or
50 corporation who operates, maintains, or conducts,
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1 either in person, or by any agent, employee, or
2 servant, any place of business, ~~filling station, pump~~
3 ~~station, or tank wagon,~~ from which any motor vehicle
4 fuel, ~~as defined herein,~~ is sold or offered for sale,
5 at retail, ~~or to the final or ultimate consumer.~~

6 5- 19. "Unoxygenated gasoline" means gasoline other
7 than oxygenated gasoline.

8 20. "Wholesale dealer" shall mean and include any
9 means a person, firm, partnership, association, or
10 corporation, other than a retail dealers as defined in
11 subsection 3 of this section, who sells, keeps, or
12 holds, for sale, or purchase dealer, who provides
13 motor vehicle fuel for the purpose of sale within this
14 state, any motor vehicle fuel.

15 Sec. ____ . Section 214A.2, subsection 1, Code 1999,
16 is amended to read as follows:

17 1. a. The secretary department shall adopt rules
18 pursuant to chapter 17A for carrying out this chapter.
19 The rules may shall include, but are not limited to,
20 establishing specifications relating to motor vehicle
21 fuel or oxygenate octane enhancers.

22 b. In the interest of uniformity, the secretary
23 department shall adopt rules, by reference or
24 otherwise, to establish specifications relating to
25 tests and standards for motor vehicle fuel or
26 oxygenate octane enhancers, established. The
27 specifications shall be based on those established by
28 the American society for testing and materials
29 (A.S.T.M.), unless the secretary department determines
30 that those specifications are inconsistent with this
31 chapter or are not appropriate to the conditions which
32 exist in this state.

33 Sec. ____ . Section 214A.2, Code 1999, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 1A. An oxygenated gasoline must
36 contain at least three and five-tenths percent oxygen
37 by weight.

38 Sec. ____ . Section 214A.2A, Code 1999, is amended
39 to read as follows:

40 214A.2A KEROSENE LABELING AND LOW GRAVITY
41 PETROLEUM PRODUCTS.

42 1. Fuel which is sold or is kept, offered, or
43 exposed for sale as kerosene shall be labeled as
44 kerosene. The label shall include the word "kerosene"
45 and a designation as either "K1" or "K2", and shall
46 indicate that the kerosene is in compliance with the
47 standard specification adopted by the A.S.T.M. in
48 specification D-3699 (1982).

49 2. Kerosene and distillate or petroleum products
50 of lower gravity (Baume scale), when not used to

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1 propel a motor vehicle or compounded or combined with
2 a motor vehicle fuel, are exempt from this chapter.

3 Sec. ____ . Section 214A.4, Code 1999, is amended to
4 read as follows:

5 214A.4 INTRASTATE SHIPMENTS.

6 A ~~wholesale dealer or retail dealer~~ shall not
7 receive or sell or hold for sale, within this state,
8 any motor vehicle fuel or an oxygenate octane enhancer
9 ~~for which specifications are prescribed in this~~
10 ~~chapter, unless the all of the following apply:~~

11 1. The motor vehicle fuel is subject to
12 specifications required in this chapter, other than
13 standards relating to the oxygen content of oxygenated
14 gasoline as provided pursuant to section 214A.2.

15 2. The dealer first secures receives from the
16 refiner or producer of the motor vehicle fuel or
17 oxygenate octane enhancer, a certified statement,
18 verified by the oath of by a competent chemist
19 qualified according to requirements of the department,
20 who is employed by or representing represents the
21 refiner or producer, showing. The statement shall
22 certify that the true standards and tests of the motor
23 vehicle fuel or oxygenate octane enhancer, obtained by
24 the methods referred to satisfies specifications for
25 the motor vehicle fuel as required by the department
26 pursuant to section 214A.2. The statement shall be
27 based on tests and standards approved by the
28 department as provided in section 214A.2. The
29 ~~verified tests are required and~~ statement must
30 accompany the bill of lading or shipping documents
31 representing the shipment of the motor vehicle fuel or
32 oxygenate octane enhancer into this state before the
33 shipment can be received and unloaded, and shall be
34 included with any cargo documents required pursuant to
35 section 452A.12.

36 Sec. ____ . Section 214A.16, Code 1999, is amended
37 to read as follows:

38 214A.16 NOTICE OF BLENDED FUEL --- DECAL ON MOTOR
39 VEHICLE FUEL PUMPS.

40 1. ~~All motor vehicle fuel kept, offered, or~~
41 ~~exposed for sale, or sold at retail containing over A~~
42 retail dealer shall place a decal on the motor vehicle
43 fuel pump that dispenses motor vehicle fuel
44 identifying the fuel as follows:

45 a. If the motor vehicle fuel is gasoline
46 containing more than one percent ethanol, methanol, or
47 any combination of oxygenate octane enhancers shall be
48 identified as "with" either the decal shall identify
49 the gasoline as containing "ethanol", "methanol",
50 "ethanol/methanol", or similar wording on a decal.

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1 b. If the motor vehicle fuel is unoxygenated
2 gasoline, the decal shall state the following:
3 "Nonoxygenated gasoline only for use in antique
4 vehicles, off-road vehicles, motorcycles, watercraft,
5 or small engines."

6 c. ~~At~~ If the motor vehicle fuel is diesel fuel
7 ~~kept, offered, or exposed for sale, or sold at retail~~
8 containing ~~over~~ more than one percent soybean oil by
9 volume ~~the decal shall be identified~~ identify the
10 diesel fuel as "with soydiesel" or similar wording on
11 a decal.

12 2. The design and location of the decals shall be
13 prescribed by rules adopted by the department. The
14 department shall adopt the rules to be effective by
15 January 1, 1995 2000. A decal identifying a renewable
16 fuel shall be consistent with standards adopted
17 pursuant to section 159A.6. ~~Until the department~~
18 ~~establishes standards for decals, the wording shall be~~
19 ~~on a white adhesive decal with black letters at least~~
20 ~~one-half-inch-high and at least one-quarter-inch-wide~~
21 ~~placed between thirty and forty inches above the~~
22 ~~driveway level on the front sides of any container or~~
23 ~~pump from which the motor fuel is sold. The~~
24 department may approve an application to place a decal
25 in a special location on a pump or container or use a
26 decal with special lettering or colors, if the decal
27 appears clear and conspicuous to the consumer. The
28 application shall be made in writing pursuant to
29 procedures adopted by the department. Designs for a
30 decal identifying a renewable fuel shall be consistent
31 with standards adopted pursuant to section 159A.6.

32 Sec. ____. NEW SECTION. 214A.21 GENERAL
33 REQUIREMENTS.

34 1. Except as provided in this section, a person
35 shall not dispense gasoline other than oxygenated
36 gasoline in this state.

37 2. This section shall not apply to gasoline used
38 to operate any of the following:

39 a. An aircraft as defined in section 328.1.

40 b. A motor vehicle used exclusively for motor
41 sports, including a raceway, if the motor vehicle
42 cannot operate on a highway as provided in chapter 321
43 or rules adopted by the state department of
44 transportation.

45 3. A person may dispense unoxygenated gasoline
46 only as provided in this subsection. All unoxygenated
47 gasoline dispensed in this state shall be premium
48 grade unleaded gasoline as provided in section 214A.2.
49 The unoxygenated gasoline shall only be dispensed for
50 one of the following purposes:

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1 a. The operation of a qualified motor vehicle or a
2 small engine.

3 b. The temporary storage of unoxygenated gasoline
4 in a small motor vehicle fuel container. The small
5 motor vehicle fuel container shall meet all of the
6 following requirements:

7 (1) It shall comply with the standards set forth
8 in section 214A.15, or rules adopted by the
9 department.

10 (2) It shall have a capacity of not more than six
11 gallons.

12 c. A retail dealer shall only dispense
13 unoxygenated gasoline at a gasoline station. A gas
14 station that is a marina, mooring facility, or resort
15 shall only dispense unoxygenated gasoline for use by a
16 watercraft.

17 Sec. ____ . NEW SECTION. 214A.22 MOTOR VEHICLE
18 FUEL STORAGE TANK -- EQUIPMENT.

19 1. A retail dealer shall not install storage tank
20 equipment used to store or dispense gasoline, unless
21 the storage tank equipment is compatible with the
22 storage and dispensing of oxygenated gasoline.

23 2. a. Except as provided in this section, a
24 retail dealer shall not use more than one motor
25 vehicle fuel storage tank and connecting motor vehicle
26 fuel storage tank piping located on the premises of a
27 retail gasoline station for dispensing nonoxygenated
28 gasoline as provided in section 214A.21.

29 b. A retail dealer may use storage tank equipment
30 located on the premises of a retail gasoline station
31 for storing and dispensing nonoxygenated gasoline, if
32 the storage tank equipment is certified as exempt by
33 the department pursuant to this section.

34 c. In order to receive an exemption certificate,
35 the motor vehicle storage tank equipment must be
36 incompatible with the storage or dispensing of
37 oxygenated gasoline according to manufacturer
38 specifications. If the storage tank equipment is a
39 motor vehicle fuel storage tank, it must be a
40 fiberglass motor vehicle fuel storage tank.

41 3. The department shall grant an exemption
42 certificate upon application by the retail dealer in a
43 manner and according to procedures approved by the
44 department. The application shall contain all
45 information required by the department and shall at
46 least include all of the following:

47 a. The name of the retail dealer and the address
48 of the gasoline station.

49 b. A detailed description of the storage tank
50 equipment, including all of the following:

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1 (1) The location of the storage tank equipment on
2 the premises of the gasoline station.

3 (2) The date that the storage tank equipment was
4 installed on the premises of the gasoline station.

5 (3) The model number of the storage tank
6 equipment, if available.

7 (4) A statement certified by the retail dealer
8 that the conversion necessary to store oxygenated fuel
9 in the fiberglass storage tank or dispense oxygenated
10 fuel using storage tank piping has not begun or been
11 completed since the date of installation.

12 c. A statement certified by the manufacturer of
13 the storage tank equipment verifying that the storage
14 tank equipment is not warranted for the storage or
15 dispensing of oxygenated fuel.

16 4. The exemption certificate shall expire upon the
17 earlier of the following:

18 a. The date that the storage tank equipment is
19 replaced or converted with modifications necessary to
20 store or dispense oxygenated fuel. The retail dealer
21 shall immediately notify the department in writing of
22 the date that the exemption certificate expires under
23 this paragraph.

24 b. The twenty-year anniversary date of the
25 installation of the storage tank equipment.

26 5. The department shall extend an exemption
27 certificate upon application by the retail dealer in a
28 manner and according to procedures approved by the
29 department. The application shall contain all
30 information required in order to grant a certificate.

31 a. The retail dealer may apply for an extension
32 within one hundred eighty days from the certificate's
33 expiration date.

34 b. The retail dealer may apply for any number of
35 additional extensions within one hundred eighty days
36 from the last extended certificate's expiration date.
37 The department shall grant the extension if the
38 application meets all requirements for granting an
39 original certificate.

40 c. An extended exemption certificate shall expire
41 upon the earlier of the following:

42 (1) The date that the storage tank equipment is
43 replaced or converted with modifications necessary to
44 store or dispense oxygenated fuel. The retail dealer
45 shall immediately notify the department in writing of
46 the date that the exemption certificate expires under
47 this paragraph.

48 (2) The ten-year anniversary date of the
49 expiration of the original or an extended certificate.

50 Sec. ____ . Section 452A.3, subsection 2, Code 1999,

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1 is amended to read as follows:

2 2. a. For the privilege of operating aircraft in
3 this state an excise tax of eight cents per gallon is
4 imposed on the use of all aviation gasoline.

5 ~~b. For the privilege of operating motor vehicles~~
6 ~~in this state, an excise tax of nineteen cents per~~
7 ~~gallon until June 30, 2007, is imposed upon the use of~~
8 ~~motor fuel containing at least ten percent alcohol~~
9 ~~distilled from cereal grains grown in the United~~
10 ~~States and used for any purpose except as otherwise~~
11 ~~provided in this division.~~

12 Sec. ____ . Section 452A.12, Code 1999, is amended
13 to read as follows:

14 452A.12 LOADING AND DELIVERY EVIDENCE ON
15 TRANSPORTATION EQUIPMENT.

16 1. As used in this section, unless the context
17 otherwise requires:

18 a. "Cargo document" means a manifest or loading
19 and delivery evidence as provided in this section.

20 b. "Gasoline" means the same as defined in section
21 214A.1.

22 c. "Oxygenated gasoline" means the same as defined
23 in section 214A.1.

24 d. "Oxygenate octane enhancer" means the same as
25 defined in section 214A.1.

26 e. "Premium grade unleaded gasoline" means a
27 gasoline that complies with the requirements of
28 section 214A.2.

29 2. A cargo document shall describe any
30 transportation of motor fuel as required in this
31 section.

32 2A. a. A serially-numbered-manifest cargo
33 document shall be carried on every vehicle, except
34 small tank wagons, while in use in transportation
35 service, on which shall be entered the following. The
36 cargo document shall be a serially numbered manifest.
37 The manifest shall include information as to about the
38 cargo of motor fuel or special fuel being moved in the
39 vehicle as required by the department, including all
40 of the following:

41 (1) The date and place of loading, and the place
42 to be unloaded, the of unloading the cargo.

43 (2) The person for whom it the cargo is to be
44 delivered, the.

45 (3) The nature and kind of product, the being
46 delivered. The manifest shall state whether the motor
47 fuel is gasoline or another type of motor fuel.

48 (4) The amount of product, and other information
49 required by the department including the number of
50 gallons of motor fuel being delivered.

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1 (5) If the motor fuel is gasoline, the manifest
2 shall include the provisions required in subsection 4.

3 b. The manifest for small tank wagons shall be
4 retained at the home office. The manifest covering
5 each load transported, upon consummation of the
6 delivery, shall be completed by showing the date and
7 place of actual delivery and the person to whom
8 actually delivered and shall be kept as a permanent
9 record for a period of three years. However, ~~the~~ The
10 record of the manifest of past cargoes ~~need is~~ not
11 required to be carried on the conveyance but shall be
12 preserved by the carrier for inspection by the
13 department. A carrier subject to this subsection when
14 distributing for a licensee may with the approval of
15 the department substitute the loading and delivery
16 evidence required in subsection 2-~~for~~ in lieu of the
17 manifest.

18 2- 3. A person while transporting motor fuel or
19 undyed special fuel from a refinery or marine or
20 pipeline terminal in this state or from a point
21 outside this state over the highways of this state in
22 service other than that under subsection ~~±~~ 2A shall
23 carry in the vehicle a ~~loading-invoice~~ cargo document
24 which shall be loading and delivery evidence showing
25 all of the following:

26 a. The name and address of the seller or
27 consignor, ~~the~~.

28 b. The date and place of loading, ~~and the~~.

29 c. The kind and quantity of motor fuel or special
30 fuel loaded, ~~together with invoices~~. The loading and
31 delivery evidence shall state whether the motor fuel
32 is gasoline or another type of motor fuel.

33 d. Invoices showing the kind and quantity of each
34 delivery and the name and address of each purchaser or
35 consignee. If the motor fuel is gasoline, the invoice
36 shall state the number of gallons of gasoline being
37 delivered. The loading invoice shall include the
38 provisions required in subsection 4.

39 4. a. Except as provided in paragraph "b", if the
40 cargo is gasoline, the cargo document shall identify
41 the volume percentage or gallons of oxygenate octane
42 enhancers in the gasoline, and the octane number for
43 the gasoline as provided in section 214A.2. The cargo
44 document shall include a statement printed in at least
45 ten-point boldface type. The statement shall provide
46 as follows:

47 (1) If the motor fuel is oxygenated gasoline, the
48 statement shall provide: "This motor fuel is
49 oxygenated gasoline legal for sale in this state as
50 provided by Iowa Code chapter 214A."

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1 (2) If the motor fuel is not oxygenated gasoline,
 2 one the of the following shall apply:
 3 (a) If the unoxxygenated gasoline is a premium
 4 grade unleaded gasoline, the statement shall provide:
 5 "This motor fuel is nonoxxygenated unleaded premium
 6 grade gasoline legal for restricted retail sale in
 7 this state as provided in Iowa Code chapter 214A."
 8 (b) If the unoxxygenated gasoline is not a premium
 9 grade unleaded gasoline, the statement shall provide:
 10 "This motor fuel is nonoxxygenated gasoline and shall
 11 not be sold on a retail basis in this state."
 12 b. This subsection shall not apply to the
 13 transport of gasoline between refineries, between
 14 terminals, or between a refinery and a terminal."

By MUNDIE of Webster

H-1833 FILED APRIL 26, 1999

*Not Germane
Motion to Suspend Rules - lost 4/26/99*

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 746

S-3487

- 1 Amend the Senate amendment, H-1762, to House File
2 746, as amended, passed, and reprinted by the House,
3 as follows:
- 4 1. Page 1, by striking lines 19 through 24 and
5 inserting the following:
6 "____. Page 8, line 16, by inserting after the
7 word "department." the following: "It is the intent
8 of the".
- 9 2. Page 1, by inserting after line 29 the
10 following:
11 "____. Page 12, line 1, by striking the figure
12 "1."____.
13 _____. Page 12, by striking lines 5 through 8."
14 3. Page 2, by striking lines 36 through 44 and
15 inserting the following: "economics, to support the
16 Iowa concern hotline in providing stress counseling,
17 information, and referral to farm families facing
18 financial distress:"
- 19 4. Page 3, by inserting after line 2 the
20 following:
21 "____. Page 17, by striking lines 19 through 31."
22 5. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3487 FILED APRIL 27, 1999
CONCURRED

(P.1307)

AN ACT

RELATING TO AND MAKING APPROPRIATIONS FOR AGRICULTURE AND NATURAL RESOURCES AND PROVIDING EFFECTIVE DATES.

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

DIVISION I

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Section 1. GENERAL APPROPRIATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

a. For salaries, support, maintenance, the support of the state 4-H foundation, support of the statistics bureau, and miscellaneous purposes, and for the salaries and support of not more than the following full-time equivalent positions:

.....	\$	2,175,536
.....	FTEs	48.88

(1) Of the amount appropriated and full-time equivalent positions authorized in this paragraph "a", \$322,329 and 7.00 FTEs shall be used to support horticulture.

(2) Of the amount appropriated in this paragraph "a", \$55,000 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

(3) Of the amount appropriated and full-time equivalent positions authorized in this paragraph "a", \$227,489 and 7.00 FTEs shall be allocated to the statistics bureau to provide county-by-county information on land in farms, production by crop, acres by crop, and county prices by crop. This

information shall be made available to the department of revenue and finance for use in the productivity formula for valuing and equalizing the values of agricultural land.

(4) Of the amount appropriated in this paragraph "a", \$12,000 shall be used by the agricultural statistics bureau for purposes of collecting, summarizing, and publishing marketing information on a monthly basis, regarding finished cattle in cooperation with the Iowa cattlemen's association, including unfinished cattle for market, cattle placed on feed, and cattle on hand under marketing arrangements.

(5) Of the amount appropriated in this paragraph "a", \$24,000 shall be used by the domestic marketing bureau through an existing federal and state cooperative agreement to develop accurate, reliable market information regarding segregated early-weaned pigs and alternate feeder pigs marketing systems.

(6) Of the amount appropriated and the number of full-time equivalent positions authorized in this paragraph "a", at least \$61,500 shall be used for livestock market news reporting.

(7) Of the amount appropriated in this paragraph "a", \$24,939 shall be used to support one full-time equivalent position on contract basis for six part-time staff to perform functions related to livestock market news reporting.

b. For the operations of the dairy trade practices bureau:	\$	72,507
c. For the purpose of performing commercial feed audits:	\$	70,055
d. For the purpose of performing fertilizer audits:	\$	70,055

2. REGULATORY DIVISION

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

.....	\$	4,152,418
.....	FTEs	123.00

Of the amount appropriated in this paragraph "a", \$10,000 shall be used by the regulatory division for purposes of inspecting livestock exhibited at the Iowa state fair, with particular attention to the inspection of livestock for club-lamb fungus.

b. For the costs of inspection, sampling, analysis, and other expenses necessary for the administration of chapters 192, 194, and 195:
..... \$ 687,716

3. LABORATORY DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, including the administration of the gypsy moth program, and for not more than the following full-time equivalent positions:
..... \$ 926,703
..... FTEs 83.00

Of the amount appropriated and the number of full-time equivalent positions authorized in this paragraph "a", \$150,000 shall be allocated and 4.93 FTEs shall be supported from the allocations to administer a program relating to the detection, surveillance, and eradication of the gypsy moth. The department shall allocate and use the appropriation made in this paragraph before moneys other than those appropriated in this paragraph are used to support the program.

b. For the operations of the commercial feed programs:
..... \$ 806,666

Of the amount appropriated in this paragraph "b", \$13,247 shall be used to support one full-time equivalent position to operate the switchboard and perform other clerical duties within the feed bureau.

c. For the operations of the pesticide programs:
..... \$ 1,248,514

(1) Of the amount appropriated in this paragraph "c", \$200,000 shall be allocated to Iowa state university of science and technology for purposes of training commercial pesticide applicators.

(2) Of the amount appropriated in this paragraph "c", \$21,757 shall be used to support one full-time equivalent position who is a temporary employee to assist with the administration of pesticide certification examinations.

d. For the operations of the fertilizer programs:
..... \$ 673,123

4. SOIL CONSERVATION DIVISION

a. For salaries, support, maintenance, assistance to soil conservation districts, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 6,789,882
..... FTEs 190.98

(1) Of the amount appropriated in this paragraph "a", \$418,376 shall be used to reimburse commissioners of soil and water conservation districts for administrative expenses, including but not limited to, travel expenses and technical training. Moneys used for the payment of meeting dues by counties shall be matched on a dollar-for-dollar basis by the soil conservation division.

(2) Of the number of full-time equivalent positions authorized in this paragraph "a", 20.00 FTEs shall be supported from allocations made pursuant to § 319 of the federal Water Quality Act of 1987, as codified in 33 U.S.C. § 1329, and appropriations to the department from the Iowa resources enhancement and protection fund.

(3) The number of full-time equivalent positions provided in paragraph "a" shall be increased by 2.00 FTEs if the general assembly appropriates moneys for the fiscal year beginning July 1, 1999, and ending June 30, 2000, to accelerate watershed protection efforts to reduce soil erosion, protect water quality, and provide flood control in priority watersheds in the state, during the 1999 Session of the Seventy-eighth General Assembly.

b. To provide financial incentives for soil conservation practices under chapter 161A:
..... \$ 6,500,850

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

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

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

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

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

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

d. Notwithstanding section 8.33, moneys appropriated in paragraph "b" that remain unencumbered or unobligated moneys at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2002.

Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, to be used by the department to continue and expand

the farmers' market coupon program by providing federal special supplemental food program recipients with coupons redeemable at farmers' markets, and for not more than the following full-time equivalent positions:

.....	\$	301,373
.....	FTEs	2.00

DIVISION II

DEPARTMENT OF NATURAL RESOURCES

Sec. 3. GENERAL APPROPRIATION. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE AND SUPPORT SERVICES

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

.....	\$	2,046,623
.....	FTEs	120.25

b. Of the amount appropriated in paragraph "a", \$12,000 shall be allocated to pay dues for membership in the upper Mississippi, Illinois, and Missouri river basin commission.

c. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", at least \$150,000 and 3.00 FTEs shall be used by administrative and support services to support a compliance and permit assistance team to facilitate cooperation between the department and persons regulated by the department in order to ensure efficient compliance with applicable legal requirements.

d. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", not less than \$34,000 and 1.00 FTE shall be used by administrative and support services to support the inspection and oversight of manure management plans associated with confinement feeding operations regulated by the department.

2. PARKS AND PRESERVES DIVISION

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

..... \$ 6,157,037
..... FTEs 195.73

Of the amount appropriated in this subsection 2, at least \$50,000 shall be allocated for the replacement of maintenance equipment used by the division.

3. FORESTS AND FORESTRY DIVISION

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

..... \$ 1,707,347
..... FTEs 48.71

4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

..... \$ 1,898,002
..... FTEs 54.00

b. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", not less than \$76,000 and 2.00 FTEs shall be used by the energy and geological resources division to review soil and hydrology data for construction permits and manure management plans associated with confinement feeding operations regulated by the department.

5. ENVIRONMENTAL PROTECTION DIVISION

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

..... \$ 4,906,116
..... FTEs 243.50

b. Of the amount appropriated in paragraph "a", at least \$1,350,000 shall be used by the department to carry out the provisions of the federal Clean Air Act, including amendments

to the Act, and regulations adopted pursuant to the Act by the United States environmental protection agency.

c. The number of full-time equivalent positions provided in paragraph "a" shall be increased by 7.00 FTEs if the general assembly appropriates moneys for the fiscal year beginning July 1, 1999, and ending June 30, 2000, to establish and operate water quality monitoring stations during the 1999 Session of the Seventy-eighth General Assembly.

d. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", at least \$424,600 and 9.00 FTEs shall be primarily used to support the regulation of animal feeding operations.

e. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", at least \$370,000 and 9.00 FTEs shall be used to support on-site inspections and the oversight of manure management plans associated with confinement feeding operations regulated by the department. It is the intent of the general assembly that 3 FTEs and moneys used to support those full-time equivalent positions not be available after June 30, 2002.

f. Of the amount appropriated in paragraph "a", \$105,564 shall be used to contract with persons to process manure management plans as required by the department.

g. Of the amount appropriated and the number of full-time equivalent positions authorized in paragraph "a", at least \$700,467 and 10.00 FTEs shall be used to support the regulation of wastewater treatment systems, including issuing permits and conducting inspections.

6. WATER QUALITY PROTECTION FUND

a. For deposit in the administration account of the water quality protection fund administered by the department, to carry out the purpose of that account:

..... \$ 729,000

b. Of the number of full-time equivalent positions authorized for the environmental protection division in subsection 5, paragraph "a", 32.50 FTEs shall be dedicated to

carrying out relevant Code provisions relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act and to support the program to assist water supply systems. However, the limitation on full-time equivalent positions provided in subsection 5, paragraph "a", shall not limit the number of additional full-time equivalent positions supported by moneys deposited in the water quality protection fund in order to carry out Code provisions relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act, and the administration of the program to assist water supply systems.

c. In providing assistance to water supply systems, the department shall give priority to water supply systems serving a population of seven thousand or less. At least 2.00 FTEs shall be allocated to provide assistance to systems serving a population of seven thousand or less.

d. Of the amount appropriated in paragraph "a", \$300,000 shall be allocated to the department of natural resources for purposes of conducting a study of groundwater and surface water contamination in this state originating from municipal lagoons. The department shall not collect any fee for administering moneys appropriated in this section. The department shall submit interim reports to the general assembly on January 10, 2000, and January 8, 2001. The department shall submit a final report to the general assembly regarding the results of its study not later than January 14, 2002.

7. FISH AND WILDLIFE DIVISION

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

..... FTEs 344.18

8. WASTE MANAGEMENT ASSISTANCE DIVISION

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

..... FTEs 16.75

Sec. 4. STATE FISH AND GAME PROTECTION FUND -- APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

1. a. There is appropriated from the state fish and game protection fund to the division of fish and wildlife of the department of natural resources for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For administrative support, and for salaries, support, maintenance, equipment, and miscellaneous purposes: \$ 23,574,548

b. Of the amount appropriated in paragraph "a", \$250,000 may be used for purposes of providing compensation to conservation peace officers employed in a protection occupation who retire, pursuant to section 97B.49B.

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

Sec. 5. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1999, from the fees deposited under section 321G.7 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For enforcing snowmobile laws as part of the state snowmobile program administered by the department of natural resources: \$ 100,000

Sec. 6. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1999, from the fees deposited under section 462A.52 to the fish and game protection fund and appropriated to the natural resource commission for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the administration and enforcement of navigation laws and water safety: \$ 1,475,000

1. Of the amount appropriated in this section and the full-time equivalent positions authorized in this Act for the fish and wildlife division, not more than \$100,000 and 1.00 FTE may be used for purposes of controlling and eradicating eurasian milfoil.

2. Of the amount appropriated in this section, not more than \$75,000 shall be used by the department to carry out the provisions of 1999 Iowa Acts, Senate File 187, if enacted by the Seventy-eighth General Assembly, 1999 Session. However, if Senate File 187 is not enacted, the amount appropriated from the state fish and game protection fund under section 4 and the amount transferred under this section for the administration and enforcement of navigation laws and water safety shall both be reduced by \$75,000.

3. Notwithstanding section 8.33, moneys transferred and appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to the credit of the fish and game protection fund but shall be credited to the special conservation fund established by section 462A.52 to be used as provided in that section.

Sec. 7. MARINE FUEL TAX RECEIPTS -- BOATING FACILITIES. There is appropriated from the marine fuel tax receipts deposited in the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of maintaining and developing boating facilities and access to public waters by the parks and preserves division:

..... \$ 411,311

DIVISION III

ANIMAL HEALTH AND INDUSTRY

Sec. 8. HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the regulatory division of the department of agriculture and land stewardship for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the administration of section 99D.22: \$ 281,606

Sec. 9. PSEUDORABIES ERADICATION PROGRAM.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the pseudorabies eradication program: \$ 900,600

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

Sec. 10. JOHNE'S DISEASE.

1. a. There is appropriated from the general fund of the state to the livestock disease research fund created in section 267.8 for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of supporting research and to evaluate procedures and tests by Iowa state university of science and technology to accurately diagnose Johnne's disease:

..... \$ 5,330

b. There is appropriated from the state federal animal health laboratory fund within the laboratory division of the department of agriculture and land stewardship to the livestock disease research fund created in section 267.8 for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of supporting research and to evaluate procedures and tests by Iowa state university of science and technology to accurately diagnose Johnne's disease:

..... \$ 44,670

Notwithstanding section 8.33, moneys appropriated in this paragraph "b" that remain unencumbered or unobligated at the close of the fiscal year shall be deposited in the general fund of the state.

2. As a condition of the appropriation made in this section, each dollar from the appropriation expended under this section must be matched by one dollar contributed by a nonstate source.

3. Moneys appropriated in this section shall be expended in accordance with the direction of the livestock health advisory council established pursuant to section 267.2.

DIVISION IV

RELATED APPROPRIATIONS

Sec. 11. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE UNDERGROUND STORAGE TANK FUND BOARD. There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive underground storage tank fund board, to the department of natural resources for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

..... \$ 75,000

Sec. 12. WILD ANIMAL CONTROL. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For allocation to the United States department of agriculture, animal and plant health inspection service, to be used for wild animal damage control in this state:

..... \$ 50,000

The department's wild animal depredation unit shall cooperate with the United States department of agriculture animal and plant health inspection service in carrying out this section. A landowner cooperating with the animal and plant health inspection service is not required to pay a fee in order to obtain a depredation permit. The department shall not collect any fee for administering moneys appropriated in this section.

Sec. 13. APPROPRIATION -- AGRICULTURAL MANAGEMENT ACCOUNT. There is appropriated from those unexpended moneys designated for use by county conservation boards in the agriculture management account of the groundwater protection fund, as provided in section 455E.11, subsection 2, paragraph "b", to the following designated departments for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amounts for use as provided in this section:

1. a. To the department of agriculture and land stewardship to allocate to the Iowa junior angus association for purposes related to shows:

..... \$ 5,000

b. The department shall not collect any fee for administering moneys appropriated in this subsection.

2. a. To the department of natural resources to be used to contract with persons to process manure management plans as required by the department:

..... \$ 10,109

b. The department shall not collect any fee for administering moneys appropriated in this subsection.

Sec. 14. BROWNFIELDS. There is appropriated from the hazardous substance remedial fund to the department of natural resources for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For deposit in the land recycling fund for purposes of carrying out the purposes of the fund, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	100,000
.....	FTEs	2.00

Sec. 15. AGRICULTURAL CHEMICALS -- RESPONSE TRAINING. Notwithstanding section 455E.11, subsection 2, paragraph "b", prior to any other appropriation from the agriculture management account of the groundwater protection fund, as provided in section 455E.11, subsection 2, paragraph "b", there is appropriated from the agriculture management account to the department of public safety for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For allocation to the state fire marshal for purposes of training volunteer fire fighters and persons providing emergency medical services to respond to emergencies involving agricultural chemicals including but not limited to fertilizers:

.....	\$	50,000
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Sec. 16. DEPARTMENT OF NATURAL RESOURCES -- GENERAL FUND SICK LEAVE PAYOUT. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the value of sick leave payout that needs to be paid out due to retirement of personnel in the parks and preserves division:

.....	\$	200,000
-------	----	---------

Sec. 17. DEPARTMENT OF NATURAL RESOURCES -- FISH AND GAME PROTECTION FUND SICK LEAVE PAYOUT. There is appropriated from the state fish and game protection fund created in section 456A.17 to the department of natural resources for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the value of sick leave pay that needs to be paid out due to retirement of personnel in the fish and wildlife division:

.....	\$	150,000
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Sec. 18. REGENTS -- COOPERATIVE EXTENSION. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

To Iowa state university of science and technology, cooperative extension service in agriculture and home economics, to support the Iowa concern hotline in providing stress counseling, information, and referral to farm families facing financial distress:

.....	\$	150,000
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Notwithstanding section 8.33, moneys appropriated in this section which remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated in the succeeding fiscal year.

DIVISION V
MISCELLANEOUS

Sec. 19. TRANSFER OF MONEYS OR POSITIONS -- CHANGES IN TABLES OF ORGANIZATION -- NOTIFICATION. In addition to the

requirements of section 8.39, in each fiscal quarter, the department of agriculture and land stewardship and the department of natural resources shall notify the chairpersons, vice chairpersons, and ranking members of the joint appropriations subcommittee on agriculture and natural resources for the previous fiscal quarter of any transfer of moneys or full-time equivalent positions made by either department which is not authorized in this Act, or any permanent position added to or deleted from either department's table of organization.

Sec. 20. WATER CONTAMINATION STUDIES -- REVERSION. Notwithstanding section 8.33, moneys allocated to Iowa state university of science and technology for purposes of conducting studies regarding groundwater and surface water contamination in this state as provided in 1998 Iowa Acts, chapter 1220, section 3, subsection 6, paragraph "b", that remain at the close of the fiscal year shall not revert to the water quality protection fund but shall remain available for expenditure for the purpose designated until January 1, 2000. The university shall make its report as provided in that Act on or before January 10, 2000.

Sec. 21. FLOOD PLAIN PERMIT BACKLOG. Notwithstanding any provision of state law, for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the department of natural resources may use additional funds available to the department from stormwater discharge permit fees for the staffing of the following additional full-time staff members to reduce the department's flood plain permit backlog:

..... FTEs 2.00

Sec. 22. IMPLEMENTATION OF THE FEDERAL TOTAL MAXIMUM DAILY LOAD PROGRAM. Notwithstanding any provision of state law, for the fiscal year beginning July 1, 1999, and ending June 30, 2000, the department of natural resources may use additional funds available to the department from stormwater discharge permit fees, for the staffing of the following additional full-time equivalent positions for implementation of the federal total maximum daily load program:

..... FTEs 2.00

Sec. 23. PUBLICATION OF FARM PROGRAMS.

1. As used in this section, "farm programs" includes, but is not limited to, financial incentive programs established within the division of soil conservation of the department of agriculture and land stewardship as provided in section 161A.70 and the beginning farmer loan program administered by the agricultural development authority as provided in section 175.12.

2. The department shall publicize the availability of farm programs to women and minority persons. The department shall disseminate the information electronically or by publishing printed brochures for distribution to locations and institutions serving farmers, including departmental offices, financial institutions participating in farm programs, and soil and water conservation district offices.

3. The department shall cooperate with private institutions and public agencies in order to carry out this section, including the department of economic development and the United States department of agriculture.

Sec. 24. FINDINGS. The general assembly finds that due to an inadequate number of department of natural resources' forestry staff, an extensive backlog of requests for forester assistance exists; that a substantial number of unfunded timber management cost share project requests have been made; that an inadequate amount of timber stand improvement has been completed; that current and future woodland owners exhibit a general lack of timber management education; that turnover of woodland owners will significantly increase in the next twenty years; that managed timberland in Iowa could produce three times more volume in half the time with improved information and education; and that due to the long time frame for timber development, many landowners are unable to invest abundant personal finances in timber development.

DIVISION VI
CODE CHANGES

Sec. 25. Section 456A.20, Code 1999, is amended to read as follows:

456A.20 LIMITATION ON NURSERY STOCK -- EXCEPTION.

1. ~~All funds~~ Moneys appropriated to the department which are used in growing or handling nursery stock shall be used for growing or handling of the nursery stock for distribution only on state-owned lands. However, the department may produce do any of the following:

a. Produce and sell ~~at private sale~~ game cover packets and trees for erosion control ~~may produce at private sale.~~

b. Produce trees for a demonstration windbreak in each township in the state ~~and may dispose.~~

c. Dispose of growing trees under a departmental plan of distribution.

2. The department shall deposit a portion of the moneys that it receives from selling trees and shrubs as provided in this section to the forestry management and enhancement fund as created in section 456A.21A. The amount deposited in the fund shall equal five cents for each coniferous tree and ten cents for each hardwood tree and shrub received from the sales.

Sec. 26. NEW SECTION. 456A.21A FORESTRY MANAGEMENT AND ENHANCEMENT FUND.

1. A forestry management and enhancement fund is created in the state treasury under the control of the department's forests and forestry division created in section 455A.7. The fund is composed of moneys deposited into the fund pursuant to section 456A.20, moneys appropriated by the general assembly, and moneys available to and obtained or accepted by the division or the department from the United States or private sources for placement in the fund.

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

3. The fund shall be used exclusively to support the management and enhancement of forests, including woodlands or timber stands in this state, on private lands in cooperation with the owners of those lands. The department shall use moneys in the fund to support the following full-time equivalent positions in addition to those supported from the general fund of the state:

a. Four forestry technicians who shall serve regions of the state as designated by the division.

b. One professional forester who shall serve the southwest region of the state.

4. The commission may adopt rules pursuant to chapter 17A to administer this section.

5. Section 8.33 shall not apply to moneys in the fund. Notwithstanding section 12C.7, moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in this section.

Sec. 27. NEW SECTION. 461A.31A SALE OF TIMBER.

If the estimated quantity of timber grown in a state park or a preserve to be sold by the department in a sixty-day period is ten thousand board feet or more or if the estimated value of the timber grown in a state park or a preserve to be sold by the department during the same period of time is five thousand dollars or more, the department shall conduct a public hearing on the proposed sale. Notice of the hearing shall be published as provided in section 331.305. After the public hearing, the department may proceed with the sale of the timber.

Sec. 28. NEW SECTION. 461A.35A ENTRANCE FEE.

The department shall not impose a fee upon a person for entering into a state park or preserve.

DIVISION VII
EFFECTIVE DATE

Sec. 29. EFFECTIVE DATE. The following provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. Section 16, relating to department of natural resources general fund sick leave payout.

2. Section 17, relating to department of natural resources fish and game protection fund sick leave payout.

3. Section 18, relating to educational assistance to farm families provided by Iowa state university of science and technology.

4. Section 20, relating to water contamination studies authorized in 1998 Iowa Acts, chapter 1220, section 3.

5. Section 461A.35A, as enacted by this Act, relating to a fee to enter parks and preserves charged by the department of natural resources.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 746, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 26, 1999

THOMAS J. VILSACK
Governor