

MAR 17 2005
APPROPRIATIONS CALENDAR

HOUSE FILE 808
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 276)

Passed House, Date 3-23-05 Passed Senate, Date 5-3-05
Vote: Ayes 51 Nays 49 Vote: Ayes 48 Nays 2
Re-passed Approved 6/14/05 Re-passed
5-11-05 59-40 5-20-05 39-8

A BILL FOR

1 An Act relating to and making appropriations involving state
2 government, including provisions affecting agriculture and
3 natural resources.

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

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HF 808

1 AGRICULTURE AND NATURAL RESOURCES
2 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
3 GENERAL APPROPRIATIONS

4 Section 1. GENERAL DEPARTMENT APPROPRIATION. There is
5 appropriated from the general fund of the state to the
6 department of agriculture and land stewardship for the fiscal
7 year beginning July 1, 2005, and ending June 30, 2006, the
8 following amount, or so much thereof as is necessary, to be
9 used for the purposes designated:

10 1. For purposes of supporting the department, including
11 its divisions, for administration, regulation, and programs,
12 for salaries, support, maintenance, miscellaneous purposes,
13 and for not more than the following full-time equivalent
14 positions:

15 \$ 18,047,299
16 FTEs 417.12

17 2. a. Of the amount appropriated in subsection 1, the
18 department shall not expend less than \$77,000 for salaries,
19 support, maintenance, and miscellaneous purposes of
20 administering the senior farmers market nutrition program
21 under the jurisdiction of the United States department of
22 agriculture.

23 b. Of the amount appropriated in subsection 1, the
24 department shall not expend less than \$250,000 to reimburse
25 commissioners of soil and water conservation districts for
26 administrative expenses including but not limited to travel
27 expenses, technical training, and professional dues.

28 c. Of the amount appropriated in subsection 1, the
29 department shall not expend less than \$127,000 for salaries,
30 support, maintenance, and miscellaneous purposes for the
31 administration of the chronic wasting disease program for
32 deer, including as provided in chapter 170.

33 d. Of the amount appropriated in subsection 1, the
34 department shall not expend less than \$48,000 for salaries,
35 support, maintenance, and miscellaneous purposes for the

1 administration of horse and dog racing under section 99D.22.

2 e. Of the amount appropriated in subsection 1, the
3 department shall not expend less than \$172,000 to convert data
4 and update the department's databases.

5 f. Of the amount appropriated in subsection 1, the
6 department shall not expend less than \$65,000 to purchase
7 laptop computers for field staff relating to the
8 administration of regulations of commercial feed under chapter
9 198, fertilizer and soil conditioners under chapter 200,
10 pesticides under chapter 206, grain dealers under chapter 203,
11 and warehouse operators under chapter 203C.

12 g. Of the amount appropriated in subsection 1, the
13 department shall not expend less than \$96,000 for salary,
14 support, maintenance, and miscellaneous purposes relating to
15 the employment of an additional assistant veterinarian.

16 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

17 DESIGNATED APPROPRIATIONS

18 Sec. 2. RIVER AUTHORITY. There is appropriated from the
19 general fund of the state to the department of agriculture and
20 land stewardship for the fiscal year beginning July 1, 2005,
21 and ending June 30, 2006, the following amount, or so much
22 thereof as is necessary, to be used for the purpose
23 designated:

24 For purposes of supporting the department's membership in
25 the state interagency Missouri river authority, created in
26 section 28L.1, in the Missouri river basin association:

27 \$ 9,535

28 Sec. 3. HORSE AND DOG RACING. There is appropriated from
29 the moneys available under section 99D.13 to the department of
30 agriculture and land stewardship for the fiscal year beginning
31 July 1, 2005, and ending June 30, 2006, the following amount,
32 or so much thereof as is necessary, to be used for the
33 purposes designated:

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

1 \$ 305,516

2 Sec. 4. DAIRY PRODUCTS CONTROL BUREAU. 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, 2005, and ending June 30, 2006, the
6 following amount, or so much thereof as is necessary, to be
7 used for the purposes designated:

8 For purposes of supporting the operations of the dairy
9 products control bureau, including salaries, support,
10 maintenance, and miscellaneous purposes:

11 \$ 643,166

12 Sec. 5. AVIAN INFLUENZA. There is appropriated from the
13 general fund of the state to the department of agriculture and
14 land stewardship for the fiscal year beginning July 1, 2005,
15 and ending June 30, 2006, the following amount, or so much
16 thereof as is necessary, to be used for the purpose
17 designated:

18 For the support of testing and monitoring avian influenza:

19 \$ 50,000

20 Notwithstanding section 8.33, moneys appropriated in this
21 section that remain unencumbered or unobligated at the close
22 of the fiscal year shall not revert but shall remain available
23 for the continued testing and monitoring of avian influenza
24 until the close of the succeeding fiscal year.

25 DEPARTMENT OF NATURAL RESOURCES

26 GENERAL APPROPRIATIONS

27 Sec. 6. GENERAL DEPARTMENT APPROPRIATION. There is
28 appropriated from the general fund of the state to the
29 department of natural resources for the fiscal year beginning
30 July 1, 2005, and ending June 30, 2006, the following amount,
31 or so much thereof as is necessary, to be used for the
32 purposes designated:

33 1. For purposes of supporting the department, including
34 its divisions, for administration, regulation, and programs,
35 for salaries, support, maintenance, miscellaneous purposes,

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

3 \$ 16,390,463
4 FTEs 1,105.46

5 2. a. Of the amount appropriated in subsection 1, the
6 department shall not expend less than \$17,000 for the help us
7 stop hunger (HUSH) program.

8 b. Of the amount appropriated in subsection 1, the
9 department shall not expend more than \$280,151 for out-of-
10 state travel.

11 c. Of the amount appropriated in subsection 1, the
12 department shall not expend more than \$172,732 for advertising
13 and publicity.

14 d. Of the amount appropriated in subsection 1, the
15 department shall not expend more than \$624,876 for printing
16 and binding of publications.

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

19 1. a. There is appropriated from the state fish and game
20 protection fund to the department of natural resources for the
21 fiscal year beginning July 1, 2005, and ending June 30, 2006,
22 the following amount, or so much thereof as is necessary, to
23 be used for the purposes designated:

24 For administrative support, and for salaries, support,
25 maintenance, equipment, and miscellaneous purposes:
26 \$ 31,370,766

27 b. Notwithstanding section 455A.10, the department may use
28 the unappropriated balance remaining in the fish and game
29 protection fund to provide for the funding of health and life
30 insurance premium payments from unused sick leave balances of
31 conservation peace officers employed in a protection
32 occupation who retire, pursuant to section 97B.49B.

33 2. The department shall not expend more moneys from the
34 fish and game protection fund than provided in this section,
35 unless the expenditure derives from contributions made by a

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

8 Sec. 8. GROUNDWATER PROTECTION FUND. There is
9 appropriated from the groundwater protection fund created in
10 section 455E.11 to the department of natural resources for the
11 fiscal year beginning July 1, 2005, and ending June 30, 2006,
12 from those moneys which are not allocated pursuant to that
13 section, the following amount, or so much thereof as is
14 necessary, to be used for the purposes designated:

15 For administrative support, and for salaries, support,
16 maintenance, equipment, and miscellaneous purposes related to
17 providing for groundwater quality:

18 \$ 3,455,832

19 DEPARTMENT OF NATURAL RESOURCES

20 RELATED TRANSFERS

21 Sec. 9. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT
22 PURPOSES. There is transferred on July 1, 2005, from the fees
23 required to be deposited in the special snowmobile fund under
24 section 321G.7 to the fish and game protection fund and
25 appropriated to the department of natural resources for the
26 fiscal year beginning July 1, 2005, and ending June 30, 2006,
27 the following amount, or so much thereof as is necessary, to
28 be used for the purpose designated:

29 For enforcing snowmobile laws as part of the state
30 snowmobile program administered by the department of natural
31 resources:

32 \$ 100,000

33 Sec. 10. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.
34 There is transferred on July 1, 2005, from the fees required
35 to be deposited in the special conservation fund under section

1 462A.52 to the fish and game protection fund and appropriated
2 to the natural resource commission for the fiscal year
3 beginning July 1, 2005, and ending June 30, 2006, 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 Notwithstanding section 8.33, moneys transferred and
10 appropriated in this section that remain unencumbered or
11 unobligated at the close of the fiscal year shall not revert
12 to the credit of the fish and game protection fund but shall
13 be credited to the special conservation fund established by
14 section 462A.52 to be used as provided in that section.

15 DEPARTMENT OF NATURAL RESOURCES

16 DESIGNATED APPROPRIATIONS

17 Sec. 11. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE
18 UNDERGROUND STORAGE TANK FUND BOARD. There is appropriated
19 from the unassigned revenue fund administered by the Iowa
20 comprehensive underground storage tank fund board, to the
21 department of natural resources for the fiscal year beginning
22 July 1, 2005, and ending June 30, 2006, the following amount,
23 or so much thereof as is necessary, to be used for the purpose
24 designated:

25 For administration expenses of the underground storage tank
26 section of the department of natural resources:

27 \$ 200,000

28 Sec. 12. FLOODPLAIN PERMIT BACKLOG. Notwithstanding any
29 contrary provision of state law, for the fiscal year beginning
30 July 1, 2005, and ending June 30, 2006, the department of
31 natural resources may use additional funds available to the
32 department from stormwater discharge permit fees for the
33 staffing of the following additional full-time staff members
34 to reduce the department's floodplain permit backlog:

35 FTEs 2.00

1 testing and monitoring avian influenza.

2 For the department of natural resources, moneys are
3 appropriated in order to support its divisions. The bill
4 allocates moneys from the department's general appropriation
5 to support the help us stop hunger program, out-of-state
6 travel, advertising and publicity, and publications.

7 The bill makes appropriations from other funds and
8 accounts. The bill appropriates moneys to the department of
9 natural resources from the groundwater protection fund. The
10 bill appropriates moneys to the department of natural
11 resources from the state fish and game protection fund for
12 support related to fish and wildlife. The bill makes an
13 appropriation from moneys transferred to the state fish and
14 game protection fund to support snowmobile programs and
15 enforce state navigation laws administered by the department
16 of natural resources.

17 An appropriation is made from the unassigned revenue fund
18 administered by the Iowa comprehensive underground storage
19 tank fund board to the department of natural resources for
20 administration and expenses of the underground storage tank
21 section.

22 The bill provides that the department of natural resources
23 may use additional funds for staffing to reduce the
24 department's floodplain permit backlog. It provides that the
25 department may use additional funds available from stormwater
26 discharge permit fees for staffing required to implement the
27 federal maximum daily load program.

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HOUSE FILE 808

H-1153

1 Amend House File 808 as follows:

2 1. Page 1, line 15, by striking the figure
3 "18,047,299" and inserting the following:
4 "18,083,299".

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

7 " _____. Of the amount appropriated in subsection 1,
8 the department shall not expend less than \$40,000 for
9 salary, support, maintenance and miscellaneous
10 purposes relating to the administration of apiary
11 regulations as provided in chapter 160."

12 3. Page 4, line 3, by striking the figure
13 "16,390,463" and inserting the following:
14 "16,985,439".

15 4. Page 4, line 5, by striking the word "a."

16 5. Page 4, by striking lines 8 through 16.

17 6. Page 7, by inserting after line 9 the
18 following:

19 "MISCELLANEOUS PROVISIONS

20 Sec. _____. Section 99D.22, subsection 4, Code 2005,
21 is amended to read as follows:

22 4. a. To qualify for the Iowa horse and dog
23 breeders fund, a dog shall have been whelped in Iowa
24 and raised for the first six months of its life in
25 Iowa. In addition, the owner of the dog shall have
26 been a resident of the state for at least two years
27 prior to the whelping. The department of agriculture
28 and land stewardship shall adopt rules and prescribe
29 forms to bring Iowa breeders into compliance with
30 residency requirements of dogs and breeders in this
31 subsection.

32 b. The department may adopt a schedule of fees to
33 be charged to breeders of dogs for purposes of
34 administering this subsection."

35 7. Title page, line 3, by inserting after the
36 word "resources" the following: ", and providing for
37 fees".

38 8. By renumbering as necessary.

By MERTZ of Kossuth

D. OLSON of Boone

H-1153 FILED MARCH 22, 2005

HOUSE FILE 808

H-1156

1 Amend House File 808 as follows:

2 1. Page 7, by inserting after line 9 the
3 following:

4 "MISCELLANEOUS PROVISIONS

5 Sec. ____ . NEW SECTION. 455B.196 IOWA CLEAN WATER
6 GRANT PROGRAM.

7 1. The commission shall establish and administer
8 an Iowa clean water grant program for purposes of
9 providing financial assistance for remedial activities
10 designed to lead to the removal of a water of the
11 state from any list of impaired waters including any
12 section 303(d) list within five years of receiving the
13 financial assistance.

14 2. Any city, county, soil and water conservation
15 district, county conservation board, or other public
16 sector agency may apply to the commission for
17 financial assistance under the program. The applicant
18 shall be deemed to be the lead local agency for
19 purposes of the program. In addition to any other
20 information required by the commission, an applicant
21 shall provide all of the following information:

22 a. The impaired water of the state that is
23 intended to be remediated.

24 b. Entities that support the application for
25 financial assistance. Such entities may include, but
26 are not limited to, the department of agriculture and
27 land stewardship, the Iowa department of public
28 health, a city, a county, a soil and water
29 conservation district, a county conservation board, a
30 farm services agency office, the Iowa state university
31 agricultural extension service, a school district, a
32 community college, an accredited private college, a
33 university under the control of the state board of
34 regents, and a nonprofit organization. The
35 application shall state the type of support that the
36 entity is providing to the lead local agency.

37 c. The source and amount of public and private
38 local funding, as well as additional state and federal
39 funding for the remediation plan.

40 d. A remediation plan which may consist of a total
41 maximum daily load plan. The remediation plan shall
42 include all of the following:

43 (1) The biological feasibility of cleaning up the
44 impaired water of the state that is subject to the
45 application to the extent that the water of the state
46 can be removed from any list of impaired waters
47 including any section 303(d) list.

48 (2) The method for measuring water quality in the
49 watershed and for measuring the results of the
50 remediation plan, once implemented.

H-1156

H-1156

Page 2

1 (3) The anticipated public health, environmental,
2 wildlife, and economic impact of the remediation plan.

3 (4) The need for the remediation plan as
4 demonstrated by past monitoring data and an assessment
5 of current sources of water pollution.

6 3. Applications for financial assistance under the
7 program shall be reviewed and approved by the
8 commission. In addition to any financial assistance
9 awarded by the commission, the commission may, as part
10 of an award, require technical assistance to be given
11 by the department. The commission shall not award
12 financial assistance to one lead local agency in an
13 amount that is more than twenty percent or less than
14 two percent of the total amount appropriated to the
15 commission during a fiscal year for the program.

16 Sec. ____ . APPROPRIATION. There is appropriated
17 from the general fund of the state to the
18 environmental protection commission for the fiscal
19 year beginning July 1, 2005, and ending June 30, 2006,
20 the following amount, or so much thereof as is
21 necessary, to be used for the purpose designated:

22 For providing grants under the clean water grant
23 program, pursuant to section 455B.196, if enacted:

24 \$ 10,000,000"

25 2. By renumbering as necessary.

By HOGG of Linn
SHOULTZ of Black Hawk

H-1156 FILED MARCH 22, 2005

HOUSE FILE 808

H-1164

1 Amend the amendment, H-1153, to House File 808, as
2 follows:

3 1. Page 1, by striking lines 2 through 4.

4 2. Page 1, by striking lines 12 through 15.

5 3. Page 1, by striking line 16, and inserting the
6 following:

7 " ____ . Page 4, line 8, by inserting after the word
8 and figure "subsection 1," the following: "and from
9 any other moneys available to the department,".

10 ____ . Page 4, line 11, by inserting after the word
11 and figure "subsection 1," the following: "and from
12 any other moneys available to the department,".

13 ____ . Page 4, line 14, by inserting after the word
14 and figure "subsection 1," the following: "and from
15 any other moneys available to the department,".

By DE BOEF of Keokuk

H-1164 FILED MARCH 23, 2005

OUT OF ORDER

SENATE AMENDMENT TO
HOUSE FILE 808

H-1678

1 Amend House File 808, as passed by the House, as
2 follows:

3 1. Page 1, line 10, by striking the figure "1."

4 2. Page 1, line 15, by striking the figure
5 "18,047,299" and inserting the following:

6 "17,213,319".

7 3. Page 1, line 16, by striking the figure
8 "417.12" and inserting the following: "412.52".

9 4. By striking page 1, line 17, through page 2,
10 line 15.

11 5. Page 2, by inserting after line 17, the
12 following:

13 "Sec. ____ . SENIOR FARMERS MARKET NUTRITION
14 PROGRAM. There is appropriated from the general fund
15 of the state to the department of agriculture and land
16 stewardship for the fiscal year beginning July 1,
17 2005, and ending June 30, 2006, the following amount,
18 or so much thereof as is necessary, to be used for the
19 purposes designated:

20 For purposes of administering a senior farmers
21 market nutrition program, including salaries, support,
22 maintenance, miscellaneous purposes, and for not more
23 than the following full-time equivalent positions:

24	\$	77,000
25	FTEs	1.00

26 Sec. ____ . CHRONIC WASTING DISEASE. There is
27 appropriated from the general fund of the state to the
28 department of agriculture and land stewardship for the
29 fiscal year beginning July 1, 2005, and ending June
30 30, 2006, the following amount, or so much thereof as
31 is necessary, to be used for the purposes designated:

32 For purposes of administering a chronic wasting
33 disease control program for the control of chronic
34 wasting disease which threatens farm deer as provided
35 in chapter 170, including salaries, support,
36 maintenance, miscellaneous purposes, and for not more
37 than the following full-time equivalent positions:

38	\$	100,000
39	FTEs	1.60

40 The program may include procedures for the
41 inspection and testing of farm deer, responses to
42 reported cases of chronic wasting disease, and methods
43 to ensure that owners of farm deer may engage in the
44 movement and sale of farm deer.

45 Sec. ____ . HOMELAND SECURITY. There is
46 appropriated from the general fund of the state to the
47 department of agriculture and land stewardship for the
48 fiscal year beginning July 1, 2005, and ending June
49 30, 2006, the following amount, or so much thereof as
50 is necessary, to be used for the purposes designated:

H-1678

1 For purposes of administering programs which
2 provide for homeland security and emergency
3 management, including programs which are necessary to
4 prevent or control a serious threat to the production
5 and processing of agricultural commodities, and
6 including salaries, support, maintenance,
7 miscellaneous purposes, and for not more than the
8 following full-time equivalent positions:

9 \$ 79,004
10 FTEs 1.00

11 The department may use the moneys appropriated in
12 this section to preserve and protect the public
13 health, public safety, or the state's economy caused
14 by the transmission of disease among livestock as
15 defined in section 717.1 or agricultural animals as
16 defined in section 717A.1. The department shall
17 cooperate with the homeland security and emergency
18 management division of the department of public
19 defense in the administration of emergency planning
20 matters which involve agriculture."

21 6. Page 3, by inserting after line 24, the
22 following:

23 "Sec. ____ . APIARY REGULATION. There is
24 appropriated from the general fund of the state to the
25 department of agriculture and land stewardship for the
26 fiscal year beginning July 1, 2005, and ending June
27 30, 2006, the following amount, or so much thereof as
28 is necessary, to be used for the purposes designated:

29 For support of apiary regulation as provided in
30 chapter 160, including salaries, support, maintenance,
31 and miscellaneous purposes:

32 \$ 40,000

33 Sec. ____ . SOIL AND WATER CONSERVATION DISTRICTS.

34 There is appropriated from the general fund of the
35 state to the department of agriculture and land
36 stewardship for the fiscal year beginning July 1,
37 2005, and ending June 30, 2006, the following amount,
38 or so much thereof as is necessary, to be used for the
39 purposes designated:

40 For purposes of reimbursing commissioners of soil
41 and water conservation districts for administrative
42 expenses including but not limited to travel expenses,
43 technical training, and professional dues:

44 \$ 250,000

45 A soil and water conservation district receiving
46 moneys from an allocation provided pursuant to this
47 section shall submit a report to the soil conservation
48 division of the department of agriculture and land
49 stewardship by January 1, 2006, accounting for moneys
50 which have been expended or unexpended or which have

1 been obligated or encumbered. The report shall state
2 how the moneys were used."

3 7. Page 3, line 33, by striking the figure "1."

4 8. Page 4, line 3, by striking the figure

5 "16,390,463" and inserting the following:

6 "16,968,439".

7 9. Page 4, by striking lines 5 through 16.

8 10. Page 7, by inserting after line 9, the

9 following:

10 "ENERGY-RELATED PROVISIONS

11 Sec. _____. Section 476B.1, subsection 4, paragraph
12 c, Code 2005, is amended to read as follows:

13 c. Was originally placed in service on or after
14 July 1, ~~2004~~ 2005, but before July 1, ~~2007~~ 2008.

15 Sec. _____. Section 476B.3, Code 2005, is amended to
16 read as follows:

17 476B.3 CREDIT AMOUNT.

18 ~~1. Except as limited by subsection 2, the The wind~~
19 ~~energy production tax credit allowed under this~~
20 ~~chapter equals the product of one cent multiplied by~~
21 ~~the number of kilowatt-hours of qualified electricity~~
22 ~~sold by the owner during the taxable year.~~

23 ~~2. a. The maximum amount of tax credit which a~~
24 ~~group of qualified facilities operating as one unit~~
25 ~~may receive for a taxable year equals the rate of~~
26 ~~credit times thirty two percent of the total number of~~
27 ~~kilowatts of nameplate generating capacity.~~

28 ~~b. However, if for the previous taxable year the~~
29 ~~amount of the tax credit for the group of qualified~~
30 ~~facilities operating as one unit is less than the~~
31 ~~maximum amount available as provided in paragraph "a",~~
32 ~~the maximum amount for the next taxable year shall be~~
33 ~~increased by the amount of the previous year's unused~~
34 ~~maximum credit.~~

35 Sec. _____. Section 476B.5, Code 2005, is amended by
36 striking the section and inserting in lieu thereof the
37 following:

38 476B.5 DETERMINATION OF ELIGIBILITY.

39 1. An owner may apply to the board for a written
40 determination regarding whether a facility is a
41 qualified facility by submitting to the board a
42 written application containing all of the following:

43 a. Information regarding the ownership of the
44 facility including the percentage of equity interest
45 held by each owner.

46 b. The nameplate generating capacity of the
47 facility.

48 c. Information regarding the facility's initial
49 placement in service.

50 d. Information regarding the type of facility.

1 e. A copy of an executed power purchase agreement
2 or other agreement to purchase electricity upon
3 completion of the project.

4 f. Any other information the board may require.

5 2. The board shall review the application and
6 supporting information and shall make a preliminary
7 determination regarding whether the facility is a
8 qualified facility. The board shall notify the
9 applicant of the approval or denial of the application
10 within thirty days of receipt of the application and
11 information required. If the board fails to notify
12 the applicant of the approval or denial within thirty
13 days, the application shall be deemed denied. An
14 applicant who receives a determination denying an
15 application may file an appeal with the board within
16 thirty days from the date of the denial pursuant to
17 the provisions of chapter 17A. In the absence of a
18 timely appeal, the preliminary determination shall be
19 final. If the application is incomplete, the board
20 may grant an extension of time for the provision of
21 additional information.

22 3. A facility that is not operational within
23 eighteen months after issuance of an approval for the
24 facility by the board shall cease to be a qualified
25 facility. A facility that is granted and thereafter
26 loses approval may reapply to the board for a new
27 determination.

28 4. The maximum amount of nameplate generating
29 capacity of all qualified facilities the board may
30 find eligible under this chapter shall not exceed four
31 hundred fifty megawatts of nameplate generating
32 capacity.

33 5. An owner shall not be an owner of more than two
34 qualified facilities.

35 Sec. ____ . Section 476B.6, Code 2005, is amended by
36 striking the section and inserting in lieu thereof the
37 following:

38 476B.6 TAX CREDIT CERTIFICATE PROCEDURE.

39 1. a. To be eligible to receive the wind energy
40 production tax credit, the owner must first receive
41 approval of the board of supervisors of the county in
42 which the qualified facility is located. The
43 application for approval may be submitted prior to
44 commencement of the construction of the qualified
45 facility but shall be submitted no later than the
46 close of the owner's first taxable year for which the
47 credit is to be applied for. The application must
48 contain the owner's name and address, the address of
49 the qualified facility, and the dates of the owner's
50 first and last taxable years for which the credit will

1 be applied for. Within forty-five days of the receipt
2 of the application for approval, the board of
3 supervisors shall either approve or disapprove the
4 application. After the forty-five-day limit, the
5 application is deemed to be approved.

6 b. Upon approval of the application, the owner may
7 apply for the tax credit as provided in subsection 2.
8 In addition, approval of the application is acceptance
9 by the applicant for the assessment of the qualified
10 facility for property tax purposes for a period of
11 twelve years and approval by the board of supervisors
12 for the payment of the property taxes levied on the
13 qualified property to the state. For purposes of
14 property taxation, the qualified facility shall be
15 centrally assessed and shall be exempt from any
16 replacement tax under section 437A.6 for the period
17 during which the facility is subject to property
18 taxation. The property taxes to be paid to the state
19 are those property taxes which make up the
20 consolidated tax levied on the qualified facility and
21 which are due and payable in the twelve-year period
22 beginning with the first fiscal year beginning on or
23 after the end of the owner's first taxable year for
24 which the credit is applied for. Upon approval of the
25 application, the board of supervisors shall notify the
26 county treasurer to state on the tax statement which
27 lists the taxes on the qualified facility that the
28 amount of the property taxes shall be paid to the
29 department. Payment of the designated property taxes
30 to the department shall be in the same manner as
31 required for the payment of regular property taxes and
32 failure to pay designated property taxes to the
33 department shall be treated the same as failure to pay
34 property taxes to the county treasurer.

35 c. Once the owner of the qualified facility
36 receives approval under paragraph "a", subsequent
37 approval under paragraph "a" is not required for the
38 same qualified facility for subsequent taxable years.

39 2. An owner of a qualified facility may apply to
40 the board for the wind energy production tax credit by
41 submitting to the board all of the following:

42 a. A completed application in a form prescribed by
43 the board.

44 b. A copy of the determination granting approval
45 of the facility as a qualified facility by the board.

46 c. A copy of a signed power purchase agreement or
47 other agreement to purchase electricity.

48 d. Sufficient documentation that the electricity
49 has been generated by the qualified facility and sold
50 to a purchaser.

1 e. Any other information the board deems
2 necessary.

3 3. The board shall notify the department of the
4 amount of kilowatt-hours generated and purchased from
5 a qualified facility. The department shall calculate
6 the amount of the tax credit for which the applicant
7 is eligible and shall issue the tax credit certificate
8 for that amount or notify the applicant in writing of
9 its refusal to do so. An applicant whose application
10 is denied may file an appeal with the department
11 within sixty days from the date of the denial pursuant
12 to the provisions of chapter 17A.

13 4. Each tax credit certificate shall contain the
14 owner's name, address, and tax identification number,
15 the amount of tax credits, the first taxable year the
16 certificate may be used, the type of tax to which the
17 tax credits shall be applied, and any other
18 information required by the department. The tax
19 credit certificate shall only list one type of tax to
20 which the amount of the tax credit may be applied.
21 Once issued by the department, the tax credit
22 certificate shall not be terminated or rescinded.

23 5. If the tax credit application is filed by a
24 partnership, limited liability company, S corporation,
25 estate, trust, or other reporting entity all of the
26 income of which is taxed directly to its equity
27 holders or beneficiaries, for the taxes imposed under
28 chapter 422, division II or III, the tax credit
29 certificate shall be issued directly to equity holders
30 or beneficiaries of the applicant in proportion to
31 their pro rata share of the income of such entity.
32 The applicant shall, in the application made under
33 this section, identify its equity holders or
34 beneficiaries, and the percentage of such entity's
35 income that is allocable to each equity holder or
36 beneficiary. If the tax credit application is filed
37 by a partnership, limited liability company, S
38 corporation, estate, trust, or other reporting entity,
39 all of whose income is taxed directly to its equity
40 holders or beneficiaries for the taxes imposed under
41 chapter 422, division V, or under chapter 432, the tax
42 credit certificate shall be issued directly to the
43 partnership, limited liability company, S corporation,
44 estate, trust, or other reporting entity.

45 6. The department shall not issue a tax credit
46 certificate if the facility approved by the board as a
47 qualified facility is not operational within eighteen
48 months after the approval is issued.

49 7. Once a tax credit certificate is issued
50 pursuant to this section, the tax credit may only be

1 claimed against the type of tax reflected on the
2 certificate.

3 8. A tax credit certificate shall not be used or
4 attached to a return filed for a taxable year
5 beginning prior to July 1, 2006.

6 Sec. _____. Section 476B.7, unnumbered paragraph 1,
7 Code 2005, is amended to read as follows:

8 Wind energy production tax credit certificates
9 issued under this chapter may be transferred to any
10 person or entity. Within thirty days of transfer, the
11 transferee must submit the transferred tax credit
12 certificate to the ~~board~~ department along with a
13 statement containing the transferee's name, tax
14 identification number, and address, and the
15 denomination that each replacement tax credit
16 certificate is to carry and any other information
17 required by the department. Within thirty days of
18 receiving the transferred tax credit certificate and
19 the transferee's statement, the ~~board~~ department shall
20 issue one or more replacement tax credit certificates
21 to the transferee. Each replacement certificate must
22 contain the information required under section 476B.6
23 and must have the same effective taxable year and the
24 same expiration date that appeared in the transferred
25 tax credit certificate. Tax credit certificate
26 amounts of less than the minimum amount established by
27 rule of the board shall not be transferable. A tax
28 credit shall not be claimed by a transferee under this
29 chapter until a replacement tax credit certificate
30 identifying the transferee as the proper holder has
31 been issued.

32 Sec. _____. Section 476B.8, Code 2005, is amended to
33 read as follows:

34 476B.8 USE OF TAX CREDIT CERTIFICATES.

35 To claim a wind energy production tax credit under
36 this chapter, a taxpayer must attach one or more tax
37 credit certificates to the taxpayer's tax return. A
38 tax credit certificate shall not be used or attached
39 to a return filed for a taxable year beginning prior
40 to July 1, ~~2005~~ 2006. The tax credit certificate or
41 certificates attached to the taxpayer's tax return
42 shall be issued in the taxpayer's name, expire on or
43 after the last day of the taxable year for which the
44 taxpayer is claiming the tax credit, and show a tax
45 credit amount equal to or greater than the tax credit
46 claimed on the taxpayer's tax return. Any tax credit
47 in excess of the taxpayer's tax liability for the
48 taxable year may be credited to the taxpayer's tax
49 liability for the following seven taxable years or
50 until depleted, whichever is the earlier.

1 Sec. _____. Section 476B.9, Code 2005, is amended to
2 read as follows:

3 476B.9 REGISTRATION OF TAX CREDIT CERTIFICATES.

4 The ~~board shall, in conjunction with the~~
5 department, shall develop a system for the
6 registration of the wind energy production tax credit
7 certificates issued or transferred under this chapter
8 and a system that permits verification that any tax
9 credit claimed on a tax return is valid and that
10 transfers of the tax credit certificates are made in
11 accordance with the requirements of this chapter. The
12 tax credit certificates issued under this chapter
13 shall not be classified as a security pursuant to
14 chapter 502.

15 Sec. _____. NEW SECTION. 476B.10 RULES.

16 The department and the board may adopt rules
17 pursuant to chapter 17A for the administration and
18 enforcement of this chapter."

19 11. Page 7, by inserting before line 10 the
20 following:

21 "IOWA STATE UNIVERSITY
22 DESIGNATED APPROPRIATION

23 Sec. _____. OPEN FEEDLOTS HOUSING BEEF CATTLE --
24 WATER QUALITY RESEARCH PROJECT. There is appropriated
25 from the agrichemical remediation fund created in
26 section 161.7 to Iowa state university for the fiscal
27 year beginning July 1, 2005, and ending June 30, 2006,
28 the following amount, or so much thereof as is
29 necessary, to be used for the purposes designated:

30 For purposes of supporting a water quality research
31 project which studies the effectiveness of alternative
32 technologies used to reduce risks to water quality
33 from effluent originating from open feedlots which
34 house beef cattle:

35 \$ 100,000

36 In conducting the project, Iowa state university
37 shall cooperate with the Iowa cattlemen's association,
38 the department of natural resources, the department of
39 agriculture and land stewardship, and the United
40 States department of agriculture natural resource
41 conservation service.

42 DEPARTMENT OF AGRICULTURE
43 AND LAND STEWARDSHIP
44 HORSE AND DOG
45 REGULATION -- FEES

46 Sec. _____. Section 99D.22, subsection 3, paragraph
47 d, Code 2005, is amended to read as follows:

48 d. Adopt rules establishing a schedule of fees to
49 be ~~charged to~~ imposed on breeders of thoroughbreds,
50 quarter horses, or standardbreds ~~to administer for~~

1 purposes of administering and enforcing this
2 subsection. The moneys paid to the department from
3 fees as provided in this paragraph shall be considered
4 repayment receipts as defined in section 8.2, and
5 shall be used for the administration and enforcement
6 of this subsection.

7 Sec. ____ . Section 99D.22, Code 2005, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 3A. a. The department of
10 agriculture and land stewardship shall adopt rules
11 establishing a schedule of registration fees to be
12 imposed on owners of dogs that are whelped and raised
13 for the first six months of their lives in Iowa for
14 purposes of promoting native dogs as provided in this
15 chapter, including section 99D.12 and this section.
16 The amount of the registration fees shall be imposed
17 as follows:

18 (1) An owner of a dam registering the dam, twenty-
19 five dollars.

20 (2) An owner of a litter registering the litter,
21 ten dollars.

22 (3) An owner of a dog registering the dog, five
23 dollars.

24 b. The moneys paid to the department from
25 registration fees as provided in paragraph "a" shall
26 be considered repayment receipts as defined in section
27 8.2, and shall be used for the administration and
28 enforcement of programs for the promotion of native
29 dogs.

30 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
31 AND DEPARTMENT OF NATURAL RESOURCES
32 DEER REGULATION AND FEES

33 Sec. ____ . NEW SECTION. 170.3A CHRONIC WASTING
34 DISEASE CONTROL PROGRAM.

35 The department shall establish and administer a
36 chronic wasting disease control program for the
37 control of chronic wasting disease which threatens
38 farm deer. The program shall include procedures for
39 the inspection and testing of farm deer, responses to
40 reported cases of chronic wasting disease, and methods
41 to ensure that owners of farm deer may engage in the
42 movement and sale of farm deer.

43 Sec. ____ . NEW SECTION. 170.3B FARM DEER
44 ADMINISTRATION FEE.

45 The department may establish a farm deer
46 administration fee which shall be annually imposed on
47 each landowner who keeps farm deer in this state. The
48 amount of the fee shall not exceed two hundred dollars
49 per year. The fee shall be collected by the
50 department in a manner specified by rules adopted by

1 the department after consulting with the farm deer
2 council established in section 170.2. The collected
3 fees shall be credited to the farm deer administration
4 fund created pursuant to section 170.3C.

5 Sec. ____ . NEW SECTION. 170.3C FARM DEER
6 ADMINISTRATION FUND -- APPROPRIATION.

7 A farm deer administration fund is created in the
8 state treasury under the control of the department.

9 1. The fund shall be composed of moneys
10 appropriated by the general assembly and moneys
11 available to and obtained or accepted by the
12 department from the United States or private sources
13 for placement in the fund. The fund shall include all
14 moneys collected from the farm deer administration fee
15 as provided in section 170.3B.

16 2. The moneys in the fund are appropriated
17 exclusively to the department for purposes of
18 administering this chapter, including but not limited
19 to the administration of the chronic wasting disease
20 control program as provided in section 170.3A.

21 3. Section 8.33 shall not apply to moneys credited
22 to the fund. Notwithstanding section 12C.7, moneys
23 earned as income or interest from the fund shall
24 remain in the fund until expended as provided in this
25 section.

26 Sec. ____ . Section 483A.24, subsection 2, paragraph
27 c, if enacted by 2005 Iowa Acts, Senate File 206,
28 section 8, is amended to read as follows:

29 c. Upon written application on forms furnished by
30 the department, the department shall issue annually
31 without fee two deer hunting licenses, one antlered or
32 any sex deer hunting license and one antlerless deer
33 only deer hunting license, to the owner of a farm unit
34 or a member of the owner's family, but only a total of
35 two licenses for both, and to the tenant of a farm
36 unit or a member of the tenant's family, but only a
37 total of two licenses for both. The deer hunting
38 licenses issued shall be valid only for use on the
39 farm unit for which the applicant applies pursuant to
40 this paragraph. The owner or the tenant need not
41 reside on the farm unit to qualify for the free deer
42 hunting licenses to hunt on that farm unit. The free
43 deer hunting licenses issued pursuant to this
44 paragraph shall be valid and may be used during any
45 shotgun deer season. The licenses may be used to
46 harvest deer in two different seasons. In addition, a
47 person who receives a free deer hunting license
48 pursuant to this paragraph shall pay a one dollar fee
49 for each license that shall be used and is
50 appropriated for the purpose of deer herd population

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1 management, including assisting with the cost of
2 processing deer donated to the help us stop hunger
3 program administered by the commission."

4 12. Title page, line 3, by inserting after the
5 word "resources" the following: ", and provisions
6 relating to a wind energy production tax credit".

7 13. Title page, line 3, by inserting after the
8 word "resources" the following: ", and providing for
9 fees".

10 14. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1678 FILED MAY 11, 2005

AS AMENDED - CONCURRED

HOUSE FILE 808

H-1682

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:

3 1. By striking page 8, line 42, through page 9,
4 line 29.

5 2. By renumbering as necessary.

By MERTZ of Kossuth

H-1682 FILED MAY 11, 2005

OUT OF ORDER

HOUSE FILE 808

H-1683

1 Amend the Senate amendment H-1678, to House File
2 808, as passed by the House, as follows:

3 1. By striking page 9, line 30, through page 10,
4 line 25, and inserting the following:

5 "MISCELLANEOUS"

6 2. By renumbering as necessary.

By MERTZ of Kossuth

H-1683 FILED MAY 11, 2005

WITHDRAWN

HOUSE FILE 808

H-1685

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:

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

5 "WILDLIFE CONSERVATION

6 Sec. ____ . Section 481A.55, subsection 1, Code
7 2005, is amended to read as follows:

8 1. Except as otherwise provided, a person shall
9 not buy or sell, dead or alive, a bird or animal or
10 any part of one which is protected by this chapter,
11 but this section does not apply to fur-bearing
12 animals, bones of wild turkeys that were legally
13 taken, and the skins, plumage, and antlers of legally
14 taken game. This section does not prohibit the
15 purchase of jackrabbits from sources outside this
16 state. A person shall not purchase, sell, barter, or
17 offer to purchase, sell, or barter for millinery or
18 ornamental use the feathers of migratory game birds;
19 and a person shall not purchase, sell, barter, or
20 offer to purchase, sell, or barter mounted specimens
21 of migratory game birds.""

By REICHERT of Muscatine

H-1685 FILED MAY 11, 2005
WITHDRAWN

HOUSE FILE 808

H-1686

1 Amend the Senate Amendment, H-1678, to House File
2 808, as passed by the House, as follows:

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

5 "AGRICULTURAL LEGISLATION

6 Sec. _____. Section 331.304A, Code 2005, is amended
7 to read as follows:

8 331.304A LIMITATIONS ON COUNTY LEGISLATION --
9 CONFINEMENT FEEDING OPERATION SITING ORDINANCES.

10 1. As used in this section:

11 a. "Aerobic structure", "animal", "animal feeding
12 operation", "animal feeding operation structure", and
13 "confinement feeding operation", "confinement feeding
14 operation structure", "manure", and "small animal
15 feeding operation" mean the same as defined in section
16 459.102.

17 b. "County legislation" means any ordinance,
18 motion, resolution, or amendment adopted by a county
19 pursuant to section 331.302.

20 2. a. Except as provided in paragraph "b", a
21 county shall not adopt or enforce county legislation
22 regulating a condition or activity occurring on land
23 used for the production, care, feeding, or housing of
24 animals unless the regulation of the production, care,
25 feeding, or housing of animals is expressly authorized
26 by state law. County legislation adopted in violation
27 of this section is void and unenforceable and any
28 enforcement activity conducted in violation of this
29 section is void. A condition or activity occurring on
30 land used for the production, care, feeding, or
31 housing of animals includes but is not limited to the
32 construction, operation, or management of an animal
33 feeding operation, an animal feeding operation
34 structure, or aerobic structure, and to the storage,
35 handling, or application of manure or egg washwater.

36 b. (1) A county may adopt a confinement feeding
37 operations siting ordinance pursuant to section
38 331.302. The purpose of the ordinance shall be to
39 designate areas for the construction of confinement
40 feeding operation structures regardless of whether the
41 county has adopted an ordinance under chapter 335 or
42 has filed a county construction evaluation resolution
43 with the department of natural resources pursuant to
44 section 459.304.

45 (2) The county shall adopt or amend a confinement
46 feeding operations siting ordinance only after
47 considering the recommendation of a confinement
48 feeding operations siting commission which shall be
49 established by a county adopting or amending an
50 ordinance. The board shall appoint five persons as

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1 members of the commission. Four members shall not
2 reside in a city and one member shall reside in a
3 city. At least three of the members shall be persons
4 who are or were actively engaged in animal
5 agriculture.

6 (3) The ordinance shall apply to the siting of
7 confinement feeding operation structures that are part
8 of confinement feeding operations in which swine are
9 kept. However, the ordinance shall not apply to a
10 small animal feeding operation. The designation of
11 sites for construction shall be based on criteria
12 required in order to preserve and protect natural
13 resources, including water sources and fragile
14 environmental locations; lessen congestion and
15 overcrowding of confinement feeding operations,
16 especially near cities; and protect the health and
17 welfare of the public.

18 Sec. ____ . Section 335.2, Code 2005, is amended to
19 read as follows:

20 335.2 FARMS AGRICULTURAL PURPOSES EXEMPT.

21 Except to the extent required to implement as
22 provided in this section 335.27, no, an ordinance
23 adopted under this chapter applies shall not apply to
24 an agricultural operation including but not limited to
25 land, farm houses, farm barns, farm outbuildings or
26 other buildings or structures which are primarily
27 adapted, by reason of nature and area, for use for an
28 agricultural purposes purpose, while so used.
29 However, the ordinances an ordinance adopted under
30 this chapter may apply to any of the following:

31 1. The implementation of an agricultural land
32 preservation ordinance as provided in section 335.27.

33 2. The implementation of a confinement feeding
34 operations siting ordinance as provided in section
35 331.304A.

36 3. A structure, building, dam, obstruction,
37 deposit or excavation in or on the flood plains of any
38 a river or stream.

39 Sec. ____ . Section 459.303, subsection 1,
40 unnumbered paragraph 1, Code 2005, is amended to read
41 as follows:

42 The department shall approve or disapprove
43 applications for permits for the construction,
44 including the expansion, of confinement feeding
45 operation structures, as provided by rules adopted
46 pursuant to this chapter. The department's decision
47 to approve or disapprove a permit for the construction
48 of a confinement feeding operation structure shall be
49 based on whether the application is submitted
50 according to procedures required by the department and

1 the application meets standards established by the
2 department. The department shall not approve an
3 application for the construction of a confinement
4 feeding operation structure if the construction would
5 be in violation of a confinement feeding operations
6 siting ordinance adopted pursuant to section 331.304A
7 that is filed with the department pursuant to section
8 459.304. A person shall not begin construction of a
9 confinement feeding operation structure requiring a
10 permit under this section, unless the department first
11 approves the person's application and issues to the
12 person a construction permit. The department shall
13 provide conditions for requiring when a person must
14 obtain a construction permit.

15 Sec. _____. Section 459.304, subsection 2, paragraph
16 b, Code 2005, is amended by adding the following new
17 subparagraph:

18 NEW SUBPARAGRAPH. (5) Whether the construction of
19 a proposed confinement feeding operation structure
20 violates a confinement feeding operations siting
21 ordinance adopted by the county board of supervisors
22 pursuant to section 331.304A.

23 Sec. _____. Section 459.304, Code 2005, is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. 2A. A county board of supervisors
26 that has adopted a confinement feeding operations
27 siting ordinance pursuant to section 331.304A shall
28 file the most current version of the ordinance with
29 the department according to procedures required by the
30 department."

By FREVERT of Palo Alto

HOUSE FILE 808

H-1687

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:

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

5 "ESTABLISHMENT OF RENEWABLE FUEL STANDARDS

6 Sec. _____. Section 159A.2, Code 2005, is amended by
7 adding the following new subsections:

8 NEW SUBSECTION. 0A. "Biodiesel fuel" means a
9 motor vehicle fuel which is a mixture of diesel fuel
10 and processed soybean oil, which meets the standards
11 for such motor vehicle fuel established in section
12 214A.2, if at least twenty percent of the mixed fuel
13 by volume is processed soybean oil.

14 NEW SUBSECTION. 3A. "Ethanol blended gasoline"
15 means motor vehicle fuel which is a mixture of
16 gasoline and denatured alcohol, which meets the
17 standards for such motor vehicle fuel established in
18 section 214A.2.

19 NEW SUBSECTION. 4A. "Motor vehicle fuel" means
20 the same as defined in section 214A.1.

21 Sec. _____. Section 159A.2, subsection 6, Code 2005,
22 is amended by striking the subsection and inserting in
23 lieu thereof the following:

24 6. "Renewable fuel" means the same as defined in
25 section 214A.1.

26 Sec. _____. Section 159A.3, subsection 3, Code 2005,
27 is amended to read as follows:

28 3. a. A chief purpose of the office is to further
29 the production and consumption of ethanol ~~fuel~~ blended
30 gasoline in this state. The office shall be the
31 primary state agency charged with the responsibility
32 to promote public consumption of ethanol ~~fuel~~ blended
33 gasoline.

34 b. The office shall promote the production and
35 consumption of ~~soy~~ biodiesel fuel in this state.

36 Sec. _____. Section 214A.1, Code 2005, is amended by
37 adding the following new subsections:

38 NEW SUBSECTION. 0A. "Advertise" means to present
39 a commercial message in any medium, including but not
40 limited to print, radio, television, sign, display,
41 label, tag, or articulation.

42 NEW SUBSECTION. 6A. "Renewable fuel" means an
43 energy source at least in part derived from biomass or
44 other nonfossil organic compound capable of powering
45 machinery, including but not limited to an engine or
46 power plant. A renewable fuel includes but is not
47 limited to ethanol blended gasoline or biodiesel fuel
48 meeting the standards of section 214A.2.

49 Sec. _____. Section 214A.2, subsection 1, Code 2005,
50 is amended to read as follows:

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1 1. The secretary shall adopt rules pursuant to
2 chapter 17A for carrying out this chapter. The rules
3 may include, but are not limited to, specifications
4 relating to motor vehicle fuel or, including but not
5 limited to renewable fuel which may contain oxygenate
6 octane enhancers. In the interest of uniformity, the
7 secretary shall adopt by reference or otherwise
8 specifications relating to tests and standards for
9 motor fuel or oxygenate octane enhancers, established
10 by A.S.T.M. (American society for testing and
11 materials) international, unless the secretary
12 determines those specifications are inconsistent with
13 this chapter or are not appropriate to the conditions
14 which exist in this state.

15 Sec. _____. Section 214A.2, subsection 3, Code 2005,
16 is amended by striking the subsection and inserting in
17 lieu thereof the following:

18 3. a. Gasoline blended with denatured alcohol
19 shall be known as ethanol blended gasoline if it meets
20 the standards for renewable fuel as provided in this
21 section. In addition, all of the following must
22 apply:

23 (1) Until July 1, 2015, at least ten percent of
24 the mixture of gasoline and denatured alcohol by
25 volume must be denatured alcohol.

26 (2) On and after July 1, 2015, at least twenty
27 percent of the mixture of gasoline and denatured
28 alcohol by volume must be denatured alcohol.

29 b. Ethanol blended gasoline shall be known as E-85
30 gasoline if it meets the standards for renewable fuel
31 as provided in this section. In addition, all of the
32 following must apply:

33 (1) From the first day of April until the last day
34 of October, at least eighty-five percent of the
35 mixture of gasoline and denatured alcohol by volume
36 must be denatured alcohol.

37 (2) From the first day of November until the last
38 day of March, at least seventy-five percent of the
39 mixture of gasoline and denatured alcohol by volume
40 must be denatured alcohol.

41 Sec. _____. Section 214A.2, Code 2005, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 3A. Diesel fuel blended with
44 processed soybean oil shall be known as biodiesel fuel
45 if it meets the standards for renewable fuel as
46 provided in this section. In addition, all of the
47 following must apply:

48 (1) Until July 1, 2015, at least two percent of
49 the mixture of diesel fuel and processed soybean oil
50 by volume must be processed soybean oil.

1 (2) On and after July 1, 2015, at least twenty
2 percent of the mixture of diesel fuel and processed
3 soybean oil by volume must be processed soybean oil.

4 Sec. _____. Section 214A.3, Code 2005, is amended to
5 read as follows:

6 214A.3 FALSE REPRESENTATIONS ADVERTISING.

7 A person ~~for purposes of selling~~ shall not ~~falsely~~
8 ~~represent~~ do any of the following:

9 1. Falsely advertise the quality or kind of any
10 motor vehicle fuel or oxygenate octane enhancer ~~or add~~
11 which is blended into the motor vehicle fuel.

12 2. Falsely advertise that a motor vehicle fuel is
13 a renewable fuel as provided in section 214A.2. The
14 dealer shall not advertise the sale of motor vehicle
15 fuel using the term "ethanol", "E-85", or "biodiesel",
16 or use any derivative, plural, or compound of any such
17 word unless the motor vehicle fuel meets the standards
18 as provided in section 214A.2.

19 3. Add coloring matter ~~thereto~~ to motor vehicle
20 fuel for the purpose of misleading the public as to
21 its quality.

22 Sec. _____. Section 214A.19, subsection 1,
23 unnumbered paragraph 1, Code 2005, is amended to read
24 as follows:

25 The department of natural resources, conditioned
26 upon the availability of funds, is authorized to award
27 demonstration grants to persons who purchase vehicles
28 which operate on alternative fuels, including but not
29 limited to, ~~high blend ethanol~~ E-85 gasoline,
30 compressed natural gas, electricity, solar energy, or
31 hydrogen. A grant shall be for the purpose of
32 conducting research connected with the fuel or the
33 vehicle, and not for the purchase of the vehicle
34 itself, except that the money may be used for the
35 purchase of the vehicle if all of the following
36 conditions are satisfied:

37 CONFORMING CHANGES

38 Sec. _____. Section 8A.362, subsection 3, unnumbered
39 paragraph 2, Code 2005, is amended to read as follows:

40 A motor vehicle operated under this subsection
41 shall not operate on gasoline other than ethanol
42 blended gasoline ~~blended with at least ten percent~~
43 ~~ethanol~~ as provided in section 214A.2, unless under
44 emergency circumstances. A state-issued credit card
45 used to purchase gasoline shall not be valid to
46 purchase gasoline other than ethanol blended gasoline
47 ~~blended with at least ten percent ethanol,~~ if
48 commercially available. The motor vehicle shall also
49 be affixed with a brightly visible sticker which
50 notifies the traveling public that the motor vehicle

1 is being operated on ethanol blended gasoline blended
2 ~~with ethanol~~. However, the sticker is not required to
3 be affixed to an unmarked vehicle used for purposes of
4 providing law enforcement or security.

5 Sec. _____. Section 8A.362, subsection 5, paragraph
6 a, subparagraphs (1) and (2), Code 2005, are amended
7 to read as follows:

8 (1) ~~A fuel blended with not more than fifteen~~
9 ~~percent E-85 gasoline and at least eighty-five percent~~
10 ~~ethanol as provided in section 214A.2.~~

11 (2) ~~A fuel which is a mixture of diesel Biodiesel~~
12 ~~fuel and processed soybean oil. At least twenty~~
13 ~~percent of the mixed fuel by volume must be processed~~
14 ~~soybean oil as defined in section 159A.2.~~

15 Sec. _____. Section 216B.3, subsection 16, paragraph
16 a, Code 2005, is amended to read as follows:

17 a. A motor vehicle purchased by the commission
18 shall ~~not~~ only operate on ethanol blended gasoline
19 ~~other than gasoline blended with at least ten percent~~
20 ~~ethanol as provided in section 214A.2.~~ A state issued
21 state-issued credit card used to purchase gasoline
22 shall not be valid to purchase gasoline other than
23 ethanol blended gasoline blended with at least ten
24 percent ethanol. The motor vehicle shall also be
25 affixed with a brightly visible sticker which notifies
26 the traveling public that the motor vehicle is being
27 operated on ethanol blended gasoline blended with
28 ethanol. However, the sticker is not required to be
29 affixed to an unmarked vehicle used for purposes of
30 providing law enforcement or security.

31 Sec. _____. Section 216B.3, subsection 16, paragraph
32 b, subparagraph (1), subparagraph subdivisions (a) and
33 (b), Code 2005, are amended to read as follows:

34 (a) ~~A fuel blended with not more than fifteen~~
35 ~~percent E-85 gasoline and at least eighty-five percent~~
36 ~~ethanol as provided in section 214A.2.~~

37 (b) ~~A fuel which is a mixture of diesel Biodiesel~~
38 ~~fuel and processed soybean oil. At least twenty~~
39 ~~percent of the mixed fuel by volume must be processed~~
40 ~~soybean oil as defined in section 159A.2.~~

41 Sec. _____. Section 260C.19A, subsection 1, Code
42 2005, is amended to read as follows:

43 1. A motor vehicle purchased by or used under the
44 direction of the board of directors to provide
45 services to a merged area shall ~~not~~ only operate on
46 ethanol blended gasoline other than gasoline blended
47 with at least ten percent ethanol as provided in
48 section 214A.2. The motor vehicle shall also be
49 affixed with a brightly visible sticker which notifies
50 the traveling public that the motor vehicle is being

1 operated on ethanol blended gasoline ~~blended with~~
2 ~~ethanol~~. However, the sticker is not required to be
3 affixed to an unmarked vehicle used for purposes of
4 providing law enforcement or security.

5 Sec. _____. Section 260C.19A, subsection 2,
6 paragraph a, subparagraphs (1) and (2), Code 2005, are
7 amended to read as follows:

8 (1) ~~A fuel blended with not more than fifteen~~
9 ~~percent E-85 gasoline and at least eighty-five percent~~
10 ~~ethanol as provided in section 214A.2.~~

11 (2) ~~A fuel which is a mixture of diesel Biodiesel~~
12 ~~fuel and processed soybean oil. At least twenty~~
13 ~~percent of the mixed fuel by volume must be processed~~
14 ~~soybean oil as defined in section 159A.2.~~

15 Sec. _____. Section 262.25A, subsection 2, Code
16 2005, is amended to read as follows:

17 2. A motor vehicle purchased by the institutions
18 shall ~~not~~ only operate on ethanol blended gasoline
19 ~~other than gasoline blended with at least ten percent~~
20 ~~ethanol as provided in section 214A.2.~~ A state-issued
21 credit card used to purchase gasoline shall not be
22 valid to purchase gasoline other than ethanol blended
23 ~~gasoline blended with at least ten percent ethanol.~~

24 The motor vehicle shall also be affixed with a
25 brightly visible sticker which notifies the traveling
26 public that the motor vehicle is being operated on
27 ethanol blended gasoline ~~blended with ethanol~~.
28 However, the sticker is not required to be affixed to
29 an unmarked vehicle used for purposes of providing law
30 enforcement or security.

31 Sec. _____. Section 279.34, Code 2005, is amended to
32 read as follows:

33 279.34 MOTOR VEHICLES REQUIRED TO OPERATE ON
34 ~~ETHANOL-BLENDED~~ ETHANOL BLENDED GASOLINE.

35 A motor vehicle purchased by or used under the
36 direction of the board of directors to provide
37 services to a school corporation shall ~~not, on or~~
38 ~~after January 1, 1993,~~ only operate on ethanol blended
39 ~~gasoline other than gasoline blended with at least ten~~
40 ~~percent ethanol as provided in section 214A.2.~~ The
41 motor vehicle shall also be affixed with a brightly
42 visible sticker which notifies the traveling public
43 that the motor vehicle is being operated on ethanol
44 blended gasoline ~~blended with ethanol~~. However, the
45 sticker is not required to be affixed to an unmarked
46 vehicle used for purposes of providing law enforcement
47 or security.

48 Sec. _____. Section 307.20, subsection 3, paragraph
49 a, Code 2005, is amended to read as follows:

50 a. "Biodiesel fuel" means ~~soydiesel fuel~~ the same

1 as defined in section 159A.2.
 2 Sec. _____. Section 307.21, subsection 4, paragraph
 3 d, Code 2005, is amended to read as follows:
 4 d. A motor vehicle purchased by the administrator
 5 shall not operate on gasoline other than ethanol
 6 blended gasoline blended with at least ten percent
 7 ethanol as provided in section 214A.2. A state-issued
 8 credit card used to purchase gasoline shall not be
 9 valid to purchase gasoline other than ethanol blended
 10 gasoline blended with at least ten percent ethanol.
 11 The motor vehicle shall also be affixed with a
 12 brightly visible sticker which notifies the traveling
 13 public that the motor vehicle is being operated on
 14 ethanol blended gasoline blended with ethanol.
 15 However, the sticker is not required to be affixed to
 16 an unmarked vehicle used for purposes of providing law
 17 enforcement or security.

18 Sec. _____. Section 307.21, subsection 5, paragraph
 19 a, subparagraphs (1) and (2), Code 2005, are amended
 20 to read as follows:
 21 (1) ~~A fuel blended with not more than fifteen~~
 22 ~~percent E-85 gasoline and at least eighty-five percent~~
 23 ~~ethanol~~ as provided in section 214A.2.

24 (2) ~~A fuel which is a mixture of processed soybean~~
 25 ~~oil and diesel Biodiesel fuel. At least twenty~~
 26 ~~percent of the fuel by volume must be processed~~
 27 ~~soybean oil~~ as defined in section 159A.2.

28 Sec. _____. Section 331.908, Code 2005, is amended
 29 to read as follows:
 30 331.908 MOTOR VEHICLES REQUIRED TO OPERATE ON
 31 ~~ETHANOL-BLENDED ETHANOL BLENDED~~ GASOLINE.

32 A motor vehicle purchased or used by a county to
 33 provide county services shall not, ~~on or after January~~
 34 ~~1, 1993,~~ operate on gasoline other than ethanol
 35 blended gasoline blended with at least ten percent
 36 ethanol as provided in section 214A.2. The motor
 37 vehicle shall also be affixed with a brightly visible
 38 sticker which notifies the traveling public that the
 39 motor vehicle is being operated on ethanol blended
 40 gasoline blended with ethanol. However, the sticker
 41 is not required to be affixed to an unmarked vehicle
 42 used for purposes of providing law enforcement or
 43 security.

44 Sec. _____. Section 364.20, Code 2005, is amended to
 45 read as follows:
 46 364.20 MOTOR VEHICLES REQUIRED TO OPERATE ON
 47 ~~ETHANOL-BLENDED ETHANOL BLENDED~~ GASOLINE.

48 A motor vehicle purchased or used by a city to
 49 provide city services shall not, ~~on or after January~~
 50 ~~1, 1993,~~ operate on gasoline other than ethanol

1 ~~blended gasoline blended with at least ten percent~~
2 ~~ethanol as provided in section 214A.2.~~ The motor
3 vehicle shall also be affixed with a brightly visible
4 sticker which notifies the traveling public that the
5 motor vehicle is being operated on ethanol blended
6 ~~gasoline blended with ethanol.~~ However, the sticker
7 is not required to be affixed to an unmarked vehicle
8 used for purposes of providing law enforcement or
9 security.

10 Sec. _____. Section 452A.2, subsection 11, Code
11 2005, is amended to read as follows:

12 11. "Ethanol blended gasoline" means ~~motor fuel~~
13 ~~containing at least ten percent alcohol distilled from~~
14 ~~cereal grains gasoline~~ which meets the standards
15 provided in section 214A.2.

16 Sec. _____. Section 904.312A, subsection 1, Code
17 2005, is amended to read as follows:

18 1. A motor vehicle purchased by the department
19 shall not operate on gasoline other than ethanol
20 blended gasoline ~~blended with at least ten percent~~
21 ~~ethanol as provided in section 214A.2.~~ A state-issued
22 credit card used to purchase gasoline shall not be
23 valid to purchase gasoline other than ethanol blended
24 gasoline ~~blended with at least ten percent ethanol.~~
25 The motor vehicle shall also be affixed with a
26 brightly visible sticker which notifies the traveling
27 public that the motor vehicle is being operated on
28 ethanol blended gasoline ~~blended with ethanol.~~
29 However, the sticker is not required to be affixed to
30 an unmarked vehicle used for purposes of providing law
31 enforcement or security.

32 Sec. _____. Section 904.312A, subsection 2,
33 paragraph a, subparagraphs (1) and (2), Code 2005, are
34 amended to read as follows:

35 (1) ~~A fuel blended with not more than fifteen~~
36 ~~percent E-85 gasoline and at least eighty five percent~~
37 ~~ethanol as provided in section 214A.2.~~

38 (2) ~~A fuel which is a mixture of diesel Biodiesel~~
39 ~~fuel and processed soybean oil. At least twenty~~
40 ~~percent of the mixed fuel by volume must be processed~~
41 ~~soybean oil as defined in section 159A.2."~~

42 2. By renumbering as necessary.

By ZIRKELBACH of Jones

HOUSE FILE 808

H-1688

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:
3 1. Page 11, by inserting after line 3, the
4 following:

5 "WATERSHED IMPROVEMENT

6 Sec. ____ . NEW SECTION. 455B.118 WATERSHED
7 IMPROVEMENT FUND.

8 1. A watershed improvement fund is created in the
9 state treasury under the joint administrative control
10 of the department of natural resources and the
11 department of agriculture and land stewardship.
12 Moneys appropriated to the fund and any other moneys
13 available to and obtained or accepted by either
14 department for placement in the fund shall be
15 deposited in the fund. Additionally, payments of
16 interest, recaptures of awards, and other repayments
17 to the fund shall be deposited in the fund.
18 Notwithstanding section 12C.7, subsection 2, interest
19 or earnings on moneys in the fund shall be credited to
20 the fund. Notwithstanding section 8.33, moneys in the
21 fund that remain unencumbered or unobligated at the
22 end of the fiscal year shall not revert, but shall
23 remain available for the same purpose in the
24 succeeding fiscal year. Moneys appropriated to either
25 department and deposited in the fund shall not be used
26 for administrative purposes.

27 2. The purposes of the watershed improvement fund
28 are the following:

29 a. Enhancement of water quality in the state
30 through a variety of impairment-based, locally
31 directed watershed improvement grant projects.

32 b. Positively affecting the management and use of
33 water for the purposes of drinking, agriculture,
34 recreation, sport, and economic development in the
35 state.

36 c. Ensuring public participation in the process of
37 determining priorities related to water quality
38 including but not limited to all of the following:

- 39 (1) Agricultural runoff and drainage.
40 (2) Stream bank erosion.
41 (3) Municipal discharge.
42 (4) Stormwater runoff.
43 (5) Unsewered communities.
44 (6) Industrial discharge.
45 (7) Livestock runoff.

46 3. A watershed improvement review committee is
47 established consisting of all of the following voting
48 members, appointed by the named entity or entities and
49 approved by the governor:

50 a. One member of the agribusiness association of

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- 1 Iowa.
- 2 b. One member of the Iowa association of water
- 3 agencies.
- 4 c. One member of the Iowa environmental council.
- 5 d. One member of the Iowa farm bureau federation.
- 6 e. One member of the Iowa pork producers
- 7 association.
- 8 f. One member of the Iowa rural water association.
- 9 g. One member of the Iowa soybean association.
- 10 h. One member representing soil and water
- 11 conservation districts of Iowa.
- 12 i. One member of the Iowa association of county
- 13 conservation boards.
- 14 j. One person representing the department of
- 15 agriculture and land stewardship.
- 16 k. One person representing the department of
- 17 natural resources.
- 18 4. The watershed improvement review committee
- 19 shall do all of the following:
 - 20 a. Award local watershed improvement grants and
 - 21 monitor the progress of local watershed improvement
 - 22 projects awarded grants. A local watershed
 - 23 improvement grant may be awarded for a period not to
 - 24 exceed three years. Each local watershed improvement
 - 25 grant awarded shall not exceed ten percent of the
 - 26 moneys appropriated for the grants during a fiscal
 - 27 year.
 - 28 b. Assist with the development of monitoring plans
 - 29 for local watershed improvement projects.
 - 30 c. Review monitoring results before, during, and
 - 31 after completion of a local watershed improvement
 - 32 project.
 - 33 d. Review costs and benefits of mitigation
 - 34 practices utilized by a project.
 - 35 e. By January 31, annually, submit an electronic
 - 36 report to the governor and the general assembly
 - 37 regarding the progress of the watershed improvement
 - 38 projects during the previous calendar year.
 - 39 f. Elicit the expertise of other organizations for
 - 40 technical assistance in the work of the review
 - 41 committee.
 - 42 g. Adopt administrative rules pursuant to chapter
 - 43 17A to administer this section.
- 44 5. A watershed improvement review committee member
- 45 who also serves on a local watershed improvement
- 46 committee shall abstain from voting on a local
- 47 watershed improvement grant application submitted by
- 48 the same local watershed improvement committee of
- 49 which the person is a member.
- 50 6. a. A local watershed improvement committee

1 shall be organized for the purposes of applying for a
2 local watershed improvement grant and implementing a
3 local watershed improvement project. Each local
4 watershed improvement grant application shall include
5 a methodology for attaining measurable, observable,
6 and performance-based results. A majority of the
7 members of the local watershed improvement committee
8 shall represent a cause for the impairment of the
9 watershed. The committee shall be authorized as a
10 not-for-profit organization by the secretary of state.
11 Soil and water conservation districts may also be
12 eligible and apply for and receive local watershed
13 improvement grants.

14 b. A local watershed improvement committee shall
15 be responsible for application for and implementation
16 of an approved local watershed improvement grant,
17 including providing authorization for project bids and
18 project expenditures under the grant. A portion of
19 the grant moneys may be used to engage engineering
20 expertise related to the project. The committee shall
21 monitor local performance throughout the local
22 watershed grant project and shall submit a report at
23 six-month intervals regarding the progress and
24 findings of the project as required by the watershed
25 improvement review committee."

By THOMAS of Clayton

H-1688 FILED MAY 11, 2005

WITHDRAWN

HOUSE FILE 808

H-1689

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:

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

5 "WATER QUALITY

6 Sec. _____. Section 455B.191, subsections 1 and 2,
7 Code 2005, are amended to read as follows:

8 1. Any person who violates any provision of part 1
9 of division III of this chapter or any permit, rule,
10 standard, or order issued under part 1 of division III
11 of this chapter shall be subject to a civil penalty
12 not to exceed ~~five~~ twenty-five thousand dollars for
13 each day of such violation.

14 2. Any person who negligently or knowingly
15 violates section 455B.183 or section 455B.186 or any
16 condition or limitation included in any permit issued
17 under section 455B.183, or who negligently or
18 knowingly introduces into a sewer system or into a
19 publicly owned treatment works any pollutant or
20 hazardous substance which the person knew or
21 reasonably should have known could cause personal
22 injury or property damage or, other than in compliance
23 with all applicable federal and state requirements or
24 permits, negligently or knowingly causes a treatment
25 works to violate any water quality standard, effluent
26 standard, pretreatment standard or condition of a
27 permit issued to the treatment works pursuant to
28 section 455B.183 is guilty of a serious misdemeanor
29 for a negligent violation and is guilty of an
30 aggravated misdemeanor for a knowing violation. A
31 conviction for a negligent violation is punishable by
32 a fine of not more than ~~twenty-five~~ fifty thousand
33 dollars for each day of violation or by imprisonment
34 for not more than one year, or both; however, if the
35 conviction is for a second or subsequent violation
36 committed by a person under this subsection, the
37 conviction is punishable by a fine of not more than
38 fifty one hundred thousand dollars for each day of
39 violation or by imprisonment for not more than two
40 years, or both. A conviction for a knowing violation
41 is punishable by a fine of not more than fifty one
42 hundred thousand dollars for each day of violation or
43 by imprisonment for not more than two years, or both;
44 however, if the conviction is for a second or
45 subsequent violation committed by a person under this
46 subsection, the conviction is punishable by a fine of
47 not more than ~~one~~ two hundred thousand dollars for
48 each day of violation or by imprisonment for not more
49 than five years, or both. As used in this section,
50 "hazardous substance" means hazardous substance as

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Page 2

1 defined in section 455B.381 or section 455B.411.""

2 2. Page 11, line 9, by inserting after the word

3 "fees" the following: "and penalties"."

By FORD of Polk

H-1689 FILED MAY 11, 2005

WITHDRAWN

HOUSE FILE 808

H-1690

1 Amend the Senate amendment, H-1678, to House File

2 808, as passed by the House, as follows:

3 1. Page 11, by inserting after line 3, the

4 following:

5 "FOREST RESERVATIONS

6 Sec. ____ . NEW SECTION. 483A.23A FOREST

7 RESERVATIONS -- PUBLIC HUNTING ACCESS.

8 On and after January 1, 2006, a nonresident owner

9 of land in this state making application for a tax

10 exemption for a forest reservation pursuant to section

11 427C.3 shall agree to allow public access for walk-in

12 hunting on the forest reservation during the period of

13 tax exemption.""

By GASKILL of Wapello

H-1690 FILED MAY 11, 2005

WITHDRAWN

HOUSE FILE 808

H-1691

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:

3 1. By striking page 1, line 45, through page 2,
4 line 32.

5 2. Page 3, line 6, by striking the figure
6 "16,968,439" and inserting the following:
7 "16,872,439".

8 3. By striking page 3, line 8, through page 8,
9 line 18.

10 4. By striking page 8, line 47, through page 9,
11 line 6, and inserting the following: "d, Code 2005,
12 is amended by striking the paragraph and inserting in
13 lieu thereof the following:

14 d. Establish a registration fee imposed on each
15 horse which is a thoroughbred, quarter horse, or
16 standardbred which shall be paid by the breeder of the
17 horse. The department shall not impose the
18 registration fee more than once on each horse. The
19 amount of the registration fee shall not exceed thirty
20 dollars. The moneys paid to the department from
21 registration fees shall be considered repayment
22 receipts as defined in section 8.2, and shall be used
23 for the administration and enforcement of this
24 subsection."

25 5. Page 11, by inserting after line 3, the
26 following:

27 "AGRICULTURAL COOPERATIVES

28 Sec. _____. Section 501A.231, subsection 5, as
29 enacted by 2005 Iowa Acts, House File 859, section 17,
30 is amended to read as follows:

31 5. The secretary of state may provide for the
32 change of registered office or registered agent on the
33 form prescribed by the secretary of state for the
34 biennial report, provided that the form contains the
35 information required by section 501A.402. If the
36 secretary of state determines that a biennial report
37 does not contain the information required by this
38 section but otherwise meets the requirements of
39 section ~~501.402~~ 501A.402 for the purpose of changing
40 the registered office or registered agent, the
41 secretary of state shall file the statement of change
42 of registered office or registered agent, effective as
43 provided in section 501A.203, before returning the
44 biennial report to the cooperative as provided in this
45 section. A statement of change of registered office
46 or agent pursuant to this subsection shall be executed
47 by a person authorized to execute the biennial report.

48 Sec. _____. Section 501A.1001, subsection 4, as
49 enacted by 2005 Iowa Acts, House File 859, section 73,
50 is amended to read as follows:

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1 4. The determinations of the board as to the
2 amount or fair value or the fairness to the
3 cooperative of the contribution accepted or to be
4 accepted by the cooperative or the terms of payment or
5 performance, including under a contribution ~~rights~~
6 agreement in section 501A.1003, and a contribution
7 rights agreement in section 501A.1004, are presumed to
8 be proper if they are made in good faith and on the
9 basis of accounting methods, or a fair valuation or
10 other method, reasonable in the circumstances.
11 Directors who are present and entitled to vote, and
12 who, intentionally or without reasonable
13 investigation, fail to vote against approving a
14 consideration that is unfair to the cooperative, or
15 overvalue property or services received or to be
16 received by the cooperative as a contribution, are
17 jointly and severally liable to the cooperative for
18 the benefit of the then members who did not consent to
19 and are damaged by the action to the extent of the
20 damages of those members. A director against whom a
21 claim is asserted under this subsection, except in
22 case of knowing participation in a deliberate fraud,
23 is entitled to contribution on an equitable basis from
24 other directors who are liable under this subsection.

25 Sec. _____. Section 10B.4, subsection 1, Code 2005,
26 as amended by 2005 Iowa Acts, House File 859, section
27 102, if enacted, is amended to read as follows:

28 1. A biennial report shall be filed by a reporting
29 entity with the secretary of state on or before March
30 31 of each odd-numbered year as required by rules
31 adopted by the secretary of state pursuant to chapter
32 17A. However, a reporting entity required to file a
33 biennial report pursuant to chapter 490, 490A, 496C,
34 497, 498, ~~490A~~, 499, 501, 501A, or 504A shall file the
35 report required by this section in the same year as
36 required by that chapter. The reporting entity may
37 file the report required by this section together with
38 the biennial report required to be filed by one of the
39 other chapters referred to in this subsection. The
40 reports shall be filed on forms prepared and supplied
41 by the secretary of state. The secretary of state may
42 provide for combining its reporting forms with other
43 biennial reporting forms required to be used by the
44 reporting entities.

45 Sec. _____. 2005 Iowa Acts, House File 859, section
46 104, is amended by striking the section and inserting
47 in lieu thereof the following:

48 SEC. 104. Section 15.385, subsection 4, paragraph
49 a, Code 2005, is amended to read as follows:

50 a. An eligible business may claim a tax credit

1 equal to a percentage of the new investment directly
2 related to new jobs created by the location or
3 expansion of an eligible business under the program.
4 The tax credit shall be allowed against taxes imposed
5 under chapter 422, division II, III, or V. If the
6 business is a partnership, S corporation, limited
7 liability company, cooperative organized under chapter
8 501 or 501A and filing as a partnership for federal
9 tax purposes, or estate or trust electing to have the
10 income taxed directly to the individual, an individual
11 may claim the tax credit allowed. The amount claimed
12 by the individual shall be based upon the pro rata
13 share of the individual's earnings of the partnership,
14 S corporation, limited liability company, cooperative
15 organized under chapter 501 or 501A, and filing as a
16 partnership for federal tax purposes, or estate or
17 trust. The percentage shall be equal to the amount
18 provided in paragraph "d". Any tax credit in excess
19 of the tax liability for the tax year may be credited
20 to the tax liability for the following seven years or
21 until depleted, whichever occurs first.

22 Subject to prior approval by the department of
23 economic development, in consultation with the
24 department of revenue, an eligible business whose
25 project primarily involves the production of value-
26 added agricultural products or uses
27 biotechnology-related processes may elect to receive a
28 refund of all or a portion of an unused tax credit.
29 For purposes of this subsection, such an eligible
30 business includes a cooperative described in section
31 521 of the Internal Revenue Code which is not required
32 to file an Iowa corporate income tax return, and whose
33 project primarily involves the production of ethanol.
34 The refund may be applied against a tax liability
35 imposed under chapter 422, division II, III, or V. If
36 the business is a partnership, S corporation, limited
37 liability company, cooperative organized under chapter
38 501 or 501A, and filing as a partnership for federal
39 tax purposes, or estate or trust electing to have the
40 income taxed directly to the individual, an individual
41 may claim the tax credit allowed. The amount claimed
42 by the individual shall be based upon the pro rata
43 share of the individual's earnings of the partnership,
44 S corporation, limited liability company, cooperative
45 organized under chapter 501 or 501A and filing as a
46 partnership for federal tax purposes, or estate or
47 trust."

48 6. Page 11, line 6, by striking the words "a wind
49 energy production tax credit" and inserting the
50 following: "cooperative associations".

H-1691

Page 4

1 7. By renumbering as necessary.

By DE BOEF of Keokuk

H-1691 FILED MAY 11, 2005

WITHDRAWN

HOUSE FILE 808

H-1692

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:

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

5 "WILDLIFE CONSERVATION

6 Sec. ____ . Section 481A.130, subsection 1,
7 paragraph g, Code 2005, is amended to read as follows:

8 g. For each antlered deer, reimbursement shall be
9 based on the point score of the antlered deer as
10 measured by the Boone and Crockett club's ~~net~~ scoring
11 system for whitetail deer as follows:

12 (1) 150 gross points or less: A minimum of two
13 thousand dollars and not more than five thousand
14 dollars, and eighty hours of community service or, in
15 lieu of the community service, a minimum of four
16 thousand dollars and not more than ten thousand
17 dollars, in an amount that is deemed reasonable by the
18 court.

19 (2) More than 150 gross points: A minimum of five
20 thousand dollars and not more than ten thousand
21 dollars, and eighty hours of community service or, in
22 lieu of the community service, a minimum of ten
23 thousand dollars and not more than twenty thousand
24 dollars, in an amount that is deemed reasonable by the
25 court.""

26 2. By renumbering as necessary.

By WHITAKER of Van Buren

H-1692 FILED MAY 11, 2005

WITHDRAWN

HOUSE FILE 808

H-1694

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:

3 1. Page 10, by striking lines 17 through 19, and
4 inserting the following: "exclusively to the
5 department for the purpose of administering the
6 chronic wasting disease".

7 2. By renumbering as necessary.

By MERTZ of Kossuth

BAUDLER of Adair

H-1694 FILED MAY 11, 2005

ADOPTED

HOUSE FILE 808

H-1695

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:

3 1. Page 1, by inserting after line 25, the
4 following:

5 "Sec. 100. FARMERS MARKET NUTRITION PROGRAMS.

6 1. The department of agriculture and land
7 stewardship shall revise the department's
8 administrative rules, policies, and requirements
9 regarding the eligibility of a farmers market to
10 participate in the women, infants, and children Iowa
11 farmers market nutrition program or the senior farmers
12 market nutrition program, or both. Under the
13 revision, the department shall reduce the number of
14 certified vendor applications required for a farmers
15 market to participate from five applications to one
16 application. The revision shall be implemented for
17 the farmers market season that commences in spring
18 2005.

19 2. The department may adopt administrative rules
20 under section 17A.4, subsection 2, and section 17A.5,
21 subsection 2, paragraph "b", to implement the
22 provisions of this section to be applicable to the
23 farmers markets operated beginning in spring 2005 and
24 the rules shall become effective immediately upon
25 filing or on a later effective date specified in the
26 rules, unless the effective date is delayed by the
27 administrative rules review committee. Any rules
28 adopted in accordance with this section shall not take
29 effect before the rules are reviewed by the
30 administrative rules review committee. The delay
31 authority provided to the administrative rules review
32 committee under section 17A.4, subsection 5, and
33 section 17A.8, subsection 9, shall be applicable to a
34 delay imposed under this section, notwithstanding a
35 provision in those sections making them inapplicable
36 to section 17A.5, subsection 2, paragraph "b". Any
37 rules adopted in accordance with the provisions of
38 this section shall also be published as notice of
39 intended action as provided in section 17A.4."

40 2. Page 11, by inserting after line 3 the
41 following:

42 "Sec. ____ . EFFECTIVE DATE. Section 100 of this
43 Act, being deemed of immediate importance, takes
44 effect upon enactment."

45 3. Page 11, line 9, by inserting after the word
46 "fees" the following: "and an effective date".

By SWAIM of Davis

H-1695 FILED MAY 11, 2005

WITHDRAWN

HOUSE FILE 808

H-1697

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:

3 1. By striking page 1, line 45, through page 2,
4 line 20.

5 2. Page 3, line 6, by striking the figure
6 "16,968,439" and inserting the following:
7 "16,883,439".

8 3. By striking page 3, line 8, through page 8,
9 line 18.

10 4. By striking page 8, line 47, through page 9,
11 line 6, and inserting the following: "d, Code 2005,
12 is amended by striking the paragraph and inserting in
13 lieu thereof the following:

14 d. Establish a registration fee imposed on each
15 horse which is a thoroughbred, quarter horse, or
16 standardbred which shall be paid by the breeder of the
17 horse. The department shall not impose the
18 registration fee more than once on each horse. The
19 amount of the registration fee shall not exceed thirty
20 dollars. The moneys paid to the department from
21 registration fees shall be considered repayment
22 receipts as defined in section 8.2, and shall be used
23 for the administration and enforcement of this
24 subsection."

25 5. Page 11, by inserting after line 3, the
26 following:

27 "AGRICULTURAL COOPERATIVES

28 Sec. _____. Section 501A.231, subsection 5, as
29 enacted by 2005 Iowa Acts, House File 859, section 17,
30 is amended to read as follows:

31 5. The secretary of state may provide for the
32 change of registered office or registered agent on the
33 form prescribed by the secretary of state for the
34 biennial report, provided that the form contains the
35 information required by section 501A.402. If the
36 secretary of state determines that a biennial report
37 does not contain the information required by this
38 section but otherwise meets the requirements of
39 section ~~501.402~~ 501A.402 for the purpose of changing
40 the registered office or registered agent, the
41 secretary of state shall file the statement of change
42 of registered office or registered agent, effective as
43 provided in section 501A.203, before returning the
44 biennial report to the cooperative as provided in this
45 section. A statement of change of registered office
46 or agent pursuant to this subsection shall be executed
47 by a person authorized to execute the biennial report.

48 Sec. _____. Section 501A.1001, subsection 4, as
49 enacted by 2005 Iowa Acts, House File 859, section 73,
50 is amended to read as follows:

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1 4. The determinations of the board as to the
2 amount or fair value or the fairness to the
3 cooperative of the contribution accepted or to be
4 accepted by the cooperative or the terms of payment or
5 performance, including under a contribution ~~rights~~
6 agreement in section 501A.1003, and a contribution
7 rights agreement in section 501A.1004, are presumed to
8 be proper if they are made in good faith and on the
9 basis of accounting methods, or a fair valuation or
10 other method, reasonable in the circumstances.
11 Directors who are present and entitled to vote, and
12 who, intentionally or without reasonable
13 investigation, fail to vote against approving a
14 consideration that is unfair to the cooperative, or
15 overvalue property or services received or to be
16 received by the cooperative as a contribution, are
17 jointly and severally liable to the cooperative for
18 the benefit of the then members who did not consent to
19 and are damaged by the action to the extent of the
20 damages of those members. A director against whom a
21 claim is asserted under this subsection, except in
22 case of knowing participation in a deliberate fraud,
23 is entitled to contribution on an equitable basis from
24 other directors who are liable under this subsection.

25 Sec. _____. Section 10B.4, subsection 1, Code 2005,
26 as amended by 2005 Iowa Acts, House File 859, section
27 102, if enacted, is amended to read as follows:

28 1. A biennial report shall be filed by a reporting
29 entity with the secretary of state on or before March
30 31 of each odd-numbered year as required by rules
31 adopted by the secretary of state pursuant to chapter
32 17A. However, a reporting entity required to file a
33 biennial report pursuant to chapter 490, 490A, 496C,
34 497, 498, ~~490A~~, 499, 501, 501A, or 504A shall file the
35 report required by this section in the same year as
36 required by that chapter. The reporting entity may
37 file the report required by this section together with
38 the biennial report required to be filed by one of the
39 other chapters referred to in this subsection. The
40 reports shall be filed on forms prepared and supplied
41 by the secretary of state. The secretary of state may
42 provide for combining its reporting forms with other
43 biennial reporting forms required to be used by the
44 reporting entities.

45 Sec. _____. 2005 Iowa Acts, House File 859, section
46 104, is amended by striking the section and inserting
47 in lieu thereof the following:

48 SEC. 104. Section 15.385, subsection 4, paragraph
49 a, Code 2005, is amended to read as follows:

50 a. An eligible business may claim a tax credit

1 equal to a percentage of the new investment directly
2 related to new jobs created by the location or
3 expansion of an eligible business under the program.
4 The tax credit shall be allowed against taxes imposed
5 under chapter 422, division II, III, or V. If the
6 business is a partnership, S corporation, limited
7 liability company, cooperative organized under chapter
8 501 or 501A and filing as a partnership for federal
9 tax purposes, or estate or trust electing to have the
10 income taxed directly to the individual, an individual
11 may claim the tax credit allowed. The amount claimed
12 by the individual shall be based upon the pro rata
13 share of the individual's earnings of the partnership,
14 S corporation, limited liability company, cooperative
15 organized under chapter 501 or 501A, and filing as a
16 partnership for federal tax purposes, or estate or
17 trust. The percentage shall be equal to the amount
18 provided in paragraph "d". Any tax credit in excess
19 of the tax liability for the tax year may be credited
20 to the tax liability for the following seven years or
21 until depleted, whichever occurs first.

22 Subject to prior approval by the department of
23 economic development, in consultation with the
24 department of revenue, an eligible business whose
25 project primarily involves the production of value-
26 added agricultural products or uses
27 biotechnology-related processes may elect to receive a
28 refund of all or a portion of an unused tax credit.
29 For purposes of this subsection, such an eligible
30 business includes a cooperative described in section
31 521 of the Internal Revenue Code which is not required
32 to file an Iowa corporate income tax return, and whose
33 project primarily involves the production of ethanol.
34 The refund may be applied against a tax liability
35 imposed under chapter 422, division II, III, or V. If
36 the business is a partnership, S corporation, limited
37 liability company, cooperative organized under chapter
38 501 or 501A, and filing as a partnership for federal
39 tax purposes, or estate or trust electing to have the
40 income taxed directly to the individual, an individual
41 may claim the tax credit allowed. The amount claimed
42 by the individual shall be based upon the pro rata
43 share of the individual's earnings of the partnership,
44 S corporation, limited liability company, cooperative
45 organized under chapter 501 or 501A and filing as a
46 partnership for federal tax purposes, or estate or
47 trust."

48 6. Page 11, line 6, by striking the words "a wind
49 energy production tax credit" and inserting the
50 following: "cooperative associations".

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Page 4

1 7. By renumbering as necessary.

By DE BOEF of Keokuk

D. OLSON of Boone

H-1697 FILED MAY 11, 2005

A:ADOPTED B:WITHDRAWN

Legislative Fiscal Bureau

Fiscal Note

HF 808 – Ag/DNR Appropriations Bill-Wind Energy Production Tax Credit (LSB 1083 HV)
Analyst: Jeff Robinson (Phone: (515) 281-4614) (jeff.robinson@legis.state.ia.us)
Fiscal Note Version – Senate Amendment H-1678, Energy Related Provisions
Requested by Representative Mary Lou Freeman

Description

The energy-related provisions of Senate Amendment H-1678 to HF 808 (Ag/Natural Resources Appropriations Bill) amends Chapter 476B, Code of Iowa. That Chapter, enacted by the 2004 General Assembly, created a Wind Energy Production Tax Credit, but the enacted language resulted in a tax credit of no value. As amended in H-1678, the tax credit is equal to one cent per kilowatt-hour of electricity produced and sold by a qualified wind energy facility. To qualify for the credit, the facility must:

- Produce electricity from wind.
- Be located in Iowa.
- Commence production on or after July 1, 2005, but before July 1, 2008.
- Have the approval of the Board of Supervisors of the location county.

Tax credits are earned for ten years after initial production. Tax credit certificates may be used for seven years after issue and may be transferred to a different taxpayer one time.

To qualify for the credit, the wind energy facility shall not utilize the wind energy sales tax exemption provided in Section 422.45, Code of Iowa, or the reduced property tax valuation procedure available under Section 427B.26 or 441.21, Code of Iowa.

Chapter 476B further provides that for 12 years, the consolidated property tax revenues associated with new taxable production property utilizing the wind energy tax credit will be forwarded to the State and deposited to the General Fund.

Assumptions

1. The federal production tax credit will be extended to facilities constructed through calendar year 2008.
2. A total of 450 megawatts (MW) of qualified nameplate wind energy production will choose to utilize the new tax credit during the three-year window. Of that amount:
 - a. Fifty percent will be constructed with or without the credit and the costs and benefits are net of the costs and benefits under current law.
 - b. Fifty percent will be constructed as the result of the credit and the costs and benefits are all assumed to be the result of the tax credit modified by the Amendment.
3. The average capacity factor of all facilities will be 36.5%. The capacity factor is determined by the operating time and efficiency of a facility. For a given megawatt facility, a higher capacity factor produces more kilowatt-hours of electricity. Average wind speed, air density, downtime, and other factors contribute to the capacity factor.
4. The 450 megawatts will commence production on or after July 1 of each fiscal year as follows:
 - a. FY 2006 = 220MW
 - b. FY 2007 = 171MW
 - c. FY 2008 = 49MW
 - d. Small producers = 10MW
5. The installed cost per nameplate megawatt will equal \$1.25 million.
6. Sixty-five percent of installed costs will be subject to State sales and use tax and the purchases will not be exempted or the sales tax abated under any other provision of Iowa law.

7. The construction process will generate \$14,000 in State income tax per nameplate megawatt (construction worker salaries, construction and electrical contractor profits).
8. Lease payments to landowners, facility employees, and owner profits will generate \$320 in State income tax per nameplate megawatt per year starting the year after construction.
9. Property Tax:
 - a. With spring/summer construction, the turbines will first be assessed for property taxes January 1 following initial energy production. The first property tax payments will be due 21 months later.
 - b. The wind energy property will be classified commercial and assessed for 93.0% of the installed cost. The assessed property value will be depreciated 5.0% per year.
 - c. The average property tax rate is \$25.90 per thousand of taxable valuation and the rate will increase 1.5% per year.
 - d. The property taxes will not be abated or rebated, and the property will not be part of a Tax Increment Financing area. The Amendment does not prohibit local government incentives to attract wind energy facilities.
 - e. The increased taxable property values within the school district will reduce the State School Aid payment by \$5.40 per thousand of taxable value after the 12-year period of property tax payments to the State.
 - f. During the 12-year period the State receives the consolidated property tax revenue, the portion of total project property value that was not induced by the new tax incentives will increase State school aid costs for those 12 years.
10. All facilities will remain in production and continue to pay full property taxes after the expiration of the production tax credit period.
11. The small producer incentive (one megawatt or less per owner) credit cost is not included in the prior assumptions. This fiscal note assumes there will be ten megawatts of small producer projects constructed each of the three years.

Fiscal Impact

The 450 megawatts of constructed capacity will earn approximately \$143.9 million in State production tax credits over 14 fiscal years. The finances of State government will see a return in the form of increased sales and income taxes, as well as property tax revenues deposited to the State General Fund. Local governments where the wind facilities are located will realize increases after the property tax diversion to the State General Fund has expired.

Over the 16 years it takes for all production tax credits to be exhausted, the projected 450 megawatts will reduce net State General Fund revenues over the entire period by \$19.5 million.

For the General Fund, the fiscal analysis shows that the sales and income tax receipts during the construction period will produce positive net benefits in FY 2005 and FY 2006.

Local governments will see a decrease in revenue during the 12 years the State receives the consolidated property tax, with a projected cumulative decrease in property tax revenue of \$10.1 million over 16 years. The negative impact only relates to the megawatts where construction is assumed to occur with or without the enactment of the availability of the new tax credit. For those megawatts, current law provides for a discounted property tax structure where the resulting tax is distributed to local governments.

It should be noted that the tax credit has a fiscal impact only if:

- Wind energy facilities are constructed in Iowa that would not be constructed without the new tax credit.
- The newly constructed facilities choose to use the incentive package in Chapter 476B instead of current Iowa wind energy incentives.

The following table provides an annual projection of the net fiscal impact on the State General Fund and local government property tax revenues of wind energy facilities totaling 450MW.

450MW Constructed - 50.0% Credit Induced							
Consolidated Property Tax to the State for 12 Years							
	Megawatts Constructed	Tax Credits Awarded	School Aid Change	Corporate and Personal Tax	Sales tax to State	Property Tax to State	Net General Fund Impact
FY 2006	220	\$ 0	\$ 0	\$ 1,251,000	\$ 8,938,000	\$ 0	\$ 10,189,000
FY 2007	171	-7,034,000	0	1,008,000	6,951,000	0	925,000
FY 2008	49	-12,505,000	0	340,000	1,986,000	5,545,000	-4,634,000
FY 2009		-14,069,000	-26,000	70,000	0	9,660,000	-4,365,000
FY 2010		-14,069,000	-70,000	70,000	0	10,533,000	-3,536,000
FY 2011		-14,069,000	-109,000	70,000	0	10,116,000	-3,992,000
FY 2012		-14,069,000	-149,000	70,000	0	9,685,000	-4,463,000
FY 2013		-14,069,000	-183,000	70,000	0	9,238,000	-4,944,000
FY 2014		-14,069,000	-212,000	70,000	0	8,776,000	-5,435,000
FY 2015		-14,069,000	-218,000	70,000	0	8,298,000	-5,919,000
FY 2016		-14,069,000	-206,000	70,000	0	7,803,000	-6,402,000
FY 2017		-7,034,000	-194,000	70,000	0	7,292,000	134,000
FY 2018		-1,563,000	-178,000	70,000	0	6,763,000	5,092,000
FY 2019		0	-161,000	70,000	0	6,217,000	6,126,000
FY 2020		0	331,000	70,000	0	3,001,000	3,402,000
FY 2021		0	658,000	70,000	0	653,000	1,381,000
	<u>440</u>	<u>\$ -140,688,000</u>	<u>\$ -717,000</u>	<u>\$ 3,509,000</u>	<u>\$ 17,875,000</u>	<u>\$ 103,580,000</u>	<u>\$ -16,441,000</u>
Small Prod.	10	\$ -3,197,000	\$ 55,000	\$ 80,000	\$ 0	\$ 0	\$ -3,062,000
Total	<u>450</u>	<u>\$ -143,885,000</u>	<u>\$ -662,000</u>	<u>\$ 3,589,000</u>	<u>\$ 17,875,000</u>	<u>103,580,000</u>	<u>\$ -19,503,000</u>

Sources

Legislative Fiscal Bureau Analysis
 Iowa Energy Center
 Department of Revenue and Finance
 County FY 2005 property tax records by taxing district

May 11, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

S-3092

1 Amend House File 808, as passed by the House, as
2 follows:

3 1. Page 1, line 10, by striking the figure "1."

4 2. Page 1, line 15, by striking the figure
5 "18,047,299" and inserting the following:

6 "17,213,319".

7 3. Page 1, line 16, by striking the figure
8 "417.12" and inserting the following: "412.52".

9 4. By striking page 1, line 17, through page 2,
10 line 15.

11 5. Page 2, by inserting after line 17, the
12 following:

13 "Sec. ____ . SENIOR FARMERS MARKET NUTRITION
14 PROGRAM. There is appropriated from the general fund
15 of the state to the department of agriculture and land
16 stewardship for the fiscal year beginning July 1,
17 2005, and ending June 30, 2006, the following amount,
18 or so much thereof as is necessary, to be used for the
19 purposes designated:

20 For purposes of administering a senior farmers
21 market nutrition program, including salaries, support,
22 maintenance, miscellaneous purposes, and for not more
23 than the following full-time equivalent positions:

24 \$ 77,000
25 FTEs 1.00

26 Sec. ____ . CHRONIC WASTING DISEASE. There is
27 appropriated from the general fund of the state to the
28 department of agriculture and land stewardship for the
29 fiscal year beginning July 1, 2005, and ending June
30 30, 2006, the following amount, or so much thereof as
31 is necessary, to be used for the purposes designated:

32 For purposes of administering a chronic wasting
33 disease control program for the control of chronic
34 wasting disease which threatens farm deer as provided
35 in chapter 170, including salaries, support,
36 maintenance, miscellaneous purposes, and for not more
37 than the following full-time equivalent positions:

38 \$ 100,000
39 FTEs 1.60

40 The program may include procedures for the
41 inspection and testing of farm deer, responses to
42 reported cases of chronic wasting disease, and methods
43 to ensure that owners of farm deer may engage in the
44 movement and sale of farm deer.

45 Sec. ____ . HOMELAND SECURITY. There is
46 appropriated from the general fund of the state to the
47 department of agriculture and land stewardship for the
48 fiscal year beginning July 1, 2005, and ending June
49 30, 2006, the following amount, or so much thereof as
50 is necessary, to be used for the purposes designated:

S-3092

1 For purposes of administering programs which
 2 provide for homeland security and emergency
 3 management, including programs which are necessary to
 4 prevent or control a serious threat to the production
 5 and processing of agricultural commodities, and
 6 including salaries, support, maintenance,
 7 miscellaneous purposes, and for not more than the
 8 following full-time equivalent positions:

9	\$	79,004
10	FTEs	1.00

11 The department may use the moneys appropriated in
 12 this section to preserve and protect the public
 13 health, public safety, or the state's economy caused
 14 by the transmission of disease among livestock as
 15 defined in section 717.1 or agricultural animals as
 16 defined in section 717A.1. The department shall
 17 cooperate with the homeland security and emergency
 18 management division of the department of public
 19 defense in the administration of emergency planning
 20 matters which involve agriculture."

- 21 6. Page 3, line 33, by striking the figure "1."
- 22 7. Page 4, line 3, by striking the figure
- 23 "16,390,463" and inserting the following:
- 24 "16,968,439".
- 25 8. Page 4, by striking lines 5 through 16.
- 26 9. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
 JEFF ANGELO, CO-CHAIRPERSON
 ROBERT E. DVORSKY, CO-CHAIRPERSON

S-3225

1 Amend House File 808, as passed by the House, as
2 follows:

3 1. Page 3, by inserting after line 24, the
4 following:

5 "Sec. ____ . APIARY REGULATION. There is
6 appropriated from the general fund of the state to the
7 department of agriculture and land stewardship for the
8 fiscal year beginning July 1, 2005, and ending June
9 30, 2006, the following amount, or so much thereof as
10 is necessary, to be used for the purposes designated:

11 For support of apiary regulation as provided in
12 chapter 160, including salaries, support, maintenance,
13 and miscellaneous purposes:

14 \$ 40,000

15 Sec. ____ . SOIL AND WATER CONSERVATION DISTRICTS.

16 There is appropriated from the general fund of the
17 state to the department of agriculture and land
18 stewardship for the fiscal year beginning July 1,
19 2005, and ending June 30, 2006, the following amount,
20 or so much thereof as is necessary, to be used for the
21 purposes designated:

22 For purposes of reimbursing commissioners of soil
23 and water conservation districts for administrative
24 expenses including but not limited to travel expenses,
25 technical training, and professional dues:

26 \$ 250,000

27 A soil and water conservation district receiving
28 moneys from an allocation provided pursuant to this
29 section shall submit a report to the soil conservation
30 division of the department of agriculture and land
31 stewardship by January 1, 2006, accounting for moneys
32 which have been expended or unexpended or which have
33 been obligated or encumbered. The report shall state
34 how the moneys were used."

35 2. Page 7, by inserting before line 10 the
36 following:

37 "IOWA STATE UNIVERSITY
38 DESIGNATED APPROPRIATION

39 Sec. ____ . OPEN FEEDLOTS HOUSING BEEF CATTLE --
40 WATER QUALITY RESEARCH PROJECT. There is appropriated
41 from the agrichemical remediation fund created in
42 section 161.7 to Iowa state university for the fiscal
43 year beginning July 1, 2005, and ending June 30, 2006,
44 the following amount, or so much thereof as is
45 necessary, to be used for the purposes designated:

46 For purposes of supporting a water quality research
47 project which studies the effectiveness of alternative
48 technologies used to reduce risks to water quality
49 from effluent originating from open feedlots which
50 house beef cattle:

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1 \$ 100,000
 2 In conducting the project, Iowa state university
 3 shall cooperate with the Iowa cattlemen's association,
 4 the department of natural resources, the department of
 5 agriculture and land stewardship, and the United
 6 States department of agriculture natural resource
 7 conservation service.

8 DEPARTMENT OF AGRICULTURE
 9 AND LAND STEWARDSHIP
 10 HORSE AND DOG
 11 REGULATION -- FEES

12 Sec. ____ . Section 99D.22, subsection 3, paragraph
 13 d, Code 2005, is amended to read as follows:

14 d. Adopt rules establishing a schedule of fees to
 15 be charged to imposed on breeders of thoroughbreds,
 16 quarter horses, or standardbreds to administer for
 17 purposes of administering and enforcing this
 18 subsection. The moneys paid to the department from
 19 fees as provided in this paragraph shall be considered
 20 repayment receipts as defined in section 8.2, and
 21 shall be used for the administration and enforcement
 22 of this subsection.

23 Sec. ____ . Section 99D.22, Code 2005, is amended by
 24 adding the following new subsection:

25 NEW SUBSECTION. 3A. a. The department of
 26 agriculture and land stewardship shall adopt rules
 27 establishing a schedule of registration fees to be
 28 imposed on owners of dogs that are whelped and raised
 29 for the first six months of their lives in Iowa for
 30 purposes of promoting native dogs as provided in this
 31 chapter, including section 99D.12 and this section.
 32 The amount of the registration fees shall be imposed
 33 as follows:

34 (1) An owner of a dam registering the dam, twenty-
 35 five dollars.

36 (2) An owner of a litter registering the litter,
 37 ten dollars.

38 (3) An owner of a dog registering the dog, five
 39 dollars.

40 b. The moneys paid to the department from
 41 registration fees as provided in paragraph "a" shall
 42 be considered repayment receipts as defined in section
 43 8.2, and shall be used for the administration and
 44 enforcement of programs for the promotion of native
 45 dogs.

46 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
 47 AND DEPARTMENT OF NATURAL RESOURCES
 48 DEER REGULATION AND FEES

49 Sec. ____ . NEW SECTION. 170.3A CHRONIC WASTING
 50 DISEASE CONTROL PROGRAM.

1 The department shall establish and administer a
2 chronic wasting disease control program for the
3 control of chronic wasting disease which threatens
4 farm deer. The program shall include procedures for
5 the inspection and testing of farm deer, responses to
6 reported cases of chronic wasting disease, and methods
7 to ensure that owners of farm deer may engage in the
8 movement and sale of farm deer.

9 Sec. _____. NEW SECTION. 170.3B FARM DEER
10 ADMINISTRATION FEE.

11 The department may establish a farm deer
12 administration fee which shall be annually imposed on
13 each landowner who keeps farm deer in this state. The
14 amount of the fee shall not exceed two hundred dollars
15 per year. The fee shall be collected by the
16 department in a manner specified by rules adopted by
17 the department after consulting with the farm deer
18 council established in section 170.2. The collected
19 fees shall be credited to the farm deer administration
20 fund created pursuant to section 170.3C.

21 Sec. _____. NEW SECTION. 170.3C FARM DEER
22 ADMINISTRATION FUND -- APPROPRIATION.

23 A farm deer administration fund is created in the
24 state treasury under the control of the department.

25 1. The fund shall be composed of moneys
26 appropriated by the general assembly and moneys
27 available to and obtained or accepted by the
28 department from the United States or private sources
29 for placement in the fund. The fund shall include all
30 moneys collected from the farm deer administration fee
31 as provided in section 170.3B.

32 2. The moneys in the fund are appropriated
33 exclusively to the department for purposes of
34 administering this chapter, including but not limited
35 to the administration of the chronic wasting disease
36 control program as provided in section 170.3A.

37 3. Section 8.33 shall not apply to moneys credited
38 to the fund. Notwithstanding section 12C.7, moneys
39 earned as income or interest from the fund shall
40 remain in the fund until expended as provided in this
41 section.

42 Sec. _____. Section 483A.24, subsection 2, paragraph
43 c, if enacted by 2005 Iowa Acts, Senate File 206,
44 section 8, is amended to read as follows:

45 c. Upon written application on forms furnished by
46 the department, the department shall issue annually
47 without fee two deer hunting licenses, one antlered or
48 any sex deer hunting license and one antlerless deer
49 only deer hunting license, to the owner of a farm unit
50 or a member of the owner's family, but only a total of

1 two licenses for both, and to the tenant of a farm
2 unit or a member of the tenant's family, but only a
3 total of two licenses for both. The deer hunting
4 licenses issued shall be valid only for use on the
5 farm unit for which the applicant applies pursuant to
6 this paragraph. The owner or the tenant need not
7 reside on the farm unit to qualify for the free deer
8 hunting licenses to hunt on that farm unit. The free
9 deer hunting licenses issued pursuant to this
10 paragraph shall be valid and may be used during any
11 shotgun deer season. The licenses may be used to
12 harvest deer in two different seasons. In addition, a
13 person who receives a free deer hunting license
14 pursuant to this paragraph shall pay a one dollar fee
15 for each license that shall be used and is
16 appropriated for the purpose of deer herd population
17 management, including assisting with the cost of
18 processing deer donated to the help us stop hunger
19 program administered by the commission."

20 3. Title page, line 3, by inserting after the
21 word "resources" the following: ", and providing for
22 fees".

23 4. By renumbering as necessary.

By DR. JOE SENG
JEFF ANGELO

ROBERT E. DVORSKY
E. THURMAN GASKILL

S-3225 FILED MAY 3, 2005

ADOPTED

S-3231

1 Amend House File 808, as passed by the House, as
2 follows:

3 1. Page 7, by inserting after line 9, the
4 following:

5 "ENERGY-RELATED PROVISIONS

6 Sec. _____. Section 476B.1, subsection 4, paragraph
7 c, Code 2005, is amended to read as follows:

8 c. Was originally placed in service on or after
9 July 1, 2004 2005, but before July 1, 2007 2008.

10 Sec. _____. Section 476B.3, Code 2005, is amended to
11 read as follows:

12 476B.3 CREDIT AMOUNT.

13 ~~1. Except as limited by subsection 2, the~~ The wind
14 energy production tax credit allowed under this
15 chapter equals the product of one cent multiplied by
16 the number of kilowatt-hours of qualified electricity
17 sold by the owner during the taxable year.

18 ~~2. a. The maximum amount of tax credit which a~~
19 ~~group of qualified facilities operating as one unit~~
20 ~~may receive for a taxable year equals the rate of~~
21 ~~credit times thirty-two percent of the total number of~~
22 ~~kilowatts of nameplate generating capacity.~~

23 ~~b. However, if for the previous taxable year the~~
24 ~~amount of the tax credit for the group of qualified~~
25 ~~facilities operating as one unit is less than the~~
26 ~~maximum amount available as provided in paragraph "a",~~
27 ~~the maximum amount for the next taxable year shall be~~
28 ~~increased by the amount of the previous year's unused~~
29 ~~maximum credit.~~

30 Sec. _____. Section 476B.5, Code 2005, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 476B.5 DETERMINATION OF ELIGIBILITY.

34 1. An owner may apply to the board for a written
35 determination regarding whether a facility is a
36 qualified facility by submitting to the board a
37 written application containing all of the following:

38 a. Information regarding the ownership of the
39 facility including the percentage of equity interest
40 held by each owner.

41 b. The nameplate generating capacity of the
42 facility.

43 c. Information regarding the facility's initial
44 placement in service.

45 d. Information regarding the type of facility.

46 e. A copy of an executed power purchase agreement
47 or other agreement to purchase electricity upon
48 completion of the project.

49 f. Any other information the board may require.

50 2. The board shall review the application and

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1 supporting information and shall make a preliminary
2 determination regarding whether the facility is a
3 qualified facility. The board shall notify the
4 applicant of the approval or denial of the application
5 within thirty days of receipt of the application and
6 information required. If the board fails to notify
7 the applicant of the approval or denial within thirty
8 days, the application shall be deemed denied. An
9 applicant who receives a determination denying an
10 application may file an appeal with the board within
11 thirty days from the date of the denial pursuant to
12 the provisions of chapter 17A. In the absence of a
13 timely appeal, the preliminary determination shall be
14 final. If the application is incomplete, the board
15 may grant an extension of time for the provision of
16 additional information.

17 3. A facility that is not operational within
18 eighteen months after issuance of an approval for the
19 facility by the board shall cease to be a qualified
20 facility. A facility that is granted and thereafter
21 loses approval may reapply to the board for a new
22 determination.

23 4. The maximum amount of nameplate generating
24 capacity of all qualified facilities the board may
25 find eligible under this chapter shall not exceed four
26 hundred fifty megawatts of nameplate generating
27 capacity.

28 5. An owner shall not be an owner of more than two
29 qualified facilities.

30 Sec. _____. Section 476B.6, Code 2005, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 476B.6 TAX CREDIT CERTIFICATE PROCEDURE.

34 1. a. To be eligible to receive the wind energy
35 production tax credit, the owner must first receive
36 approval of the board of supervisors of the county in
37 which the qualified facility is located. The
38 application for approval may be submitted prior to
39 commencement of the construction of the qualified
40 facility but shall be submitted no later than the
41 close of the owner's first taxable year for which the
42 credit is to be applied for. The application must
43 contain the owner's name and address, the address of
44 the qualified facility, and the dates of the owner's
45 first and last taxable years for which the credit will
46 be applied for. Within forty-five days of the receipt
47 of the application for approval, the board of
48 supervisors shall either approve or disapprove the
49 application. After the forty-five-day limit, the
50 application is deemed to be approved.

1 b. Upon approval of the application, the owner may
2 apply for the tax credit as provided in subsection 2.
3 In addition, approval of the application is acceptance
4 by the applicant for the assessment of the qualified
5 facility for property tax purposes for a period of
6 twelve years and approval by the board of supervisors
7 for the payment of the property taxes levied on the
8 qualified property to the state. For purposes of
9 property taxation, the qualified facility shall be
10 centrally assessed and shall be exempt from any
11 replacement tax under section 437A.6 for the period
12 during which the facility is subject to property
13 taxation. The property taxes to be paid to the state
14 are those property taxes which make up the
15 consolidated tax levied on the qualified facility and
16 which are due and payable in the twelve-year period
17 beginning with the first fiscal year beginning on or
18 after the end of the owner's first taxable year for
19 which the credit is applied for. Upon approval of the
20 application, the board of supervisors shall notify the
21 county treasurer to state on the tax statement which
22 lists the taxes on the qualified facility that the
23 amount of the property taxes shall be paid to the
24 department. Payment of the designated property taxes
25 to the department shall be in the same manner as
26 required for the payment of regular property taxes and
27 failure to pay designated property taxes to the
28 department shall be treated the same as failure to pay
29 property taxes to the county treasurer.

30 c. Once the owner of the qualified facility
31 receives approval under paragraph "a", subsequent
32 approval under paragraph "a" is not required for the
33 same qualified facility for subsequent taxable years.

34 2. An owner of a qualified facility may apply to
35 the board for the wind energy production tax credit by
36 submitting to the board all of the following:

37 a. A completed application in a form prescribed by
38 the board.

39 b. A copy of the determination granting approval
40 of the facility as a qualified facility by the board.

41 c. A copy of a signed power purchase agreement or
42 other agreement to purchase electricity.

43 d. Sufficient documentation that the electricity
44 has been generated by the qualified facility and sold
45 to a purchaser.

46 e. Any other information the board deems
47 necessary.

48 3. The board shall notify the department of the
49 amount of kilowatt-hours generated and purchased from
50 a qualified facility. The department shall calculate

1 the amount of the tax credit for which the applicant
2 is eligible and shall issue the tax credit certificate
3 for that amount or notify the applicant in writing of
4 its refusal to do so. An applicant whose application
5 is denied may file an appeal with the department
6 within sixty days from the date of the denial pursuant
7 to the provisions of chapter 17A.

8 4. Each tax credit certificate shall contain the
9 owner's name, address, and tax identification number,
10 the amount of tax credits, the first taxable year the
11 certificate may be used, the type of tax to which the
12 tax credits shall be applied, and any other
13 information required by the department. The tax
14 credit certificate shall only list one type of tax to
15 which the amount of the tax credit may be applied.
16 Once issued by the department, the tax credit
17 certificate shall not be terminated or rescinded.

18 5. If the tax credit application is filed by a
19 partnership, limited liability company, S corporation,
20 estate, trust, or other reporting entity all of the
21 income of which is taxed directly to its equity
22 holders or beneficiaries, for the taxes imposed under
23 chapter 422, division II or III, the tax credit
24 certificate shall be issued directly to equity holders
25 or beneficiaries of the applicant in proportion to
26 their pro rata share of the income of such entity.
27 The applicant shall, in the application made under
28 this section, identify its equity holders or
29 beneficiaries, and the percentage of such entity's
30 income that is allocable to each equity holder or
31 beneficiary. If the tax credit application is filed
32 by a partnership, limited liability company, S
33 corporation, estate, trust, or other reporting entity,
34 all of whose income is taxed directly to its equity
35 holders or beneficiaries for the taxes imposed under
36 chapter 422, division V, or under chapter 432, the tax
37 credit certificate shall be issued directly to the
38 partnership, limited liability company, S corporation,
39 estate, trust, or other reporting entity.

40 6. The department shall not issue a tax credit
41 certificate if the facility approved by the board as a
42 qualified facility is not operational within eighteen
43 months after the approval is issued.

44 7. Once a tax credit certificate is issued
45 pursuant to this section, the tax credit may only be
46 claimed against the type of tax reflected on the
47 certificate.

48 8. A tax credit certificate shall not be used or
49 attached to a return filed for a taxable year
50 beginning prior to July 1, 2006.

1 Sec. _____. Section 476B.7, unnumbered paragraph 1,
2 Code 2005, is amended to read as follows:
3 Wind energy production tax credit certificates
4 issued under this chapter may be transferred to any
5 person or entity. Within thirty days of transfer, the
6 transferee must submit the transferred tax credit
7 certificate to the ~~board~~ department along with a
8 statement containing the transferee's name, tax
9 identification number, and address, and the
10 denomination that each replacement tax credit
11 certificate is to carry and any other information
12 required by the department. Within thirty days of
13 receiving the transferred tax credit certificate and
14 the transferee's statement, the ~~board~~ department shall
15 issue one or more replacement tax credit certificates
16 to the transferee. Each replacement certificate must
17 contain the information required under section 476B.6
18 and must have the same effective taxable year and the
19 same expiration date that appeared in the transferred
20 tax credit certificate. Tax credit certificate
21 amounts of less than the minimum amount established by
22 rule of the board shall not be transferable. A tax
23 credit shall not be claimed by a transferee under this
24 chapter until a replacement tax credit certificate
25 identifying the transferee as the proper holder has
26 been issued.

27 Sec. _____. Section 476B.8, Code 2005, is amended to
28 read as follows:

29 476B.8 USE OF TAX CREDIT CERTIFICATES.

30 To claim a wind energy production tax credit under
31 this chapter, a taxpayer must attach one or more tax
32 credit certificates to the taxpayer's tax return. A
33 tax credit certificate shall not be used or attached
34 to a return filed for a taxable year beginning prior
35 to July 1, ~~2005~~ 2006. The tax credit certificate or
36 certificates attached to the taxpayer's tax return
37 shall be issued in the taxpayer's name, expire on or
38 after the last day of the taxable year for which the
39 taxpayer is claiming the tax credit, and show a tax
40 credit amount equal to or greater than the tax credit
41 claimed on the taxpayer's tax return. Any tax credit
42 in excess of the taxpayer's tax liability for the
43 taxable year may be credited to the taxpayer's tax
44 liability for the following seven taxable years or
45 until depleted, whichever is the earlier.

46 Sec. _____. Section 476B.9, Code 2005, is amended to
47 read as follows:

48 476B.9 REGISTRATION OF TAX CREDIT CERTIFICATES.

49 The ~~board shall, in conjunction with the~~
50 department, shall develop a system for the

1 registration of the wind energy production tax credit
2 certificates issued or transferred under this chapter
3 and a system that permits verification that any tax
4 credit claimed on a tax return is valid and that
5 transfers of the tax credit certificates are made in
6 accordance with the requirements of this chapter. The
7 tax credit certificates issued under this chapter
8 shall not be classified as a security pursuant to
9 chapter 502.

10 Sec. ____ . NEW SECTION. 476B.10 RULES.

11 The department and the board may adopt rules
12 pursuant to chapter 17A for the administration and
13 enforcement of this chapter."

14 2. Title page, line 3, by inserting after the
15 word "resources" the following: ", and provisions
16 relating to a wind energy production tax credit".

17 3. By renumbering as necessary.

By STEWART IVERSON, Jr.
MICHAEL E. GRONSTAL

S-3232

1 Amend House File 808, as passed by the House, as
2 follows:

3 1. Page 7, by inserting before line 10 the
4 following:

5 "AQUATIC REGULATIONS AND ACTIVITIES

6 Sec. _____. Section 455A.4, subsection 1, paragraph
7 j, Code 2005, is amended by striking the paragraph.

8 Sec. _____. Section 456A.37, subsection 1, paragraph
9 c, Code 2005, is amended to read as follows:

10 c. "Aquatic invasive species" means a species that
11 is not native to an ecosystem and whose introduction
12 causes or is likely to cause economic or environmental
13 harm or harm to human health including but not limited
14 to habitat alteration and degradation, and loss of
15 biodiversity. For the purposes of this section,
16 "aquatic invasive species" are limited to Eurasian
17 water milfoil, purple loosestrife, ~~and~~ zebra mussels,
18 ~~except as provided in subsection 4 and those species~~
19 identified as "aquatic invasive species" by the
20 commission by rule.

21 Sec. _____. Section 456A.37, subsection 4,
22 unnumbered paragraph 2, Code 2005, is amended to read
23 as follows:

24 c. If the commission determines that an additional
25 species should be defined as an "aquatic invasive
26 species", the species ~~may~~ shall be defined by the
27 commission by rule as an "aquatic invasive species"
28 ~~subject to enactment of the definition by the general~~
29 ~~assembly at the next regular session of the general~~
30 ~~assembly. Failure of the general assembly to enact~~
31 ~~the definition pursuant to this paragraph constitutes~~
32 ~~a nullification of the definition effective upon~~
33 ~~adjournment of that next regular session of the~~
34 ~~general assembly.~~

35 Sec. _____. Section 462A.5, subsection 1, unnumbered
36 paragraph 1, Code 2005, is amended to read as follows:

37 The owner of each vessel required to be numbered by
38 this state shall register it every ~~two~~ three years
39 with the county recorder of the county in which the
40 owner resides, or, if the owner is a nonresident, the
41 owner shall register it in the county in which such
42 vessel is principally used. The commission shall have
43 supervisory responsibility over the registration of
44 all vessels and shall provide each county recorder
45 with registration forms and certificates and shall
46 allocate identification numbers to each county.

47 Sec. _____. Section 462A.5, subsection 1, Code 2005,
48 is amended by adding the following unnumbered
49 paragraph after unnumbered paragraph 2:

50 NEW UNNUMBERED PARAGRAPH. A vessel that has an

S-3232

1 expired registration certificate from another state
2 may be registered in this state upon proper
3 application, payment of all applicable registration
4 and writing fees, and payment of a penalty of five
5 dollars.

6 Sec. ____ . Section 462A.5, subsection 3, Code 2005,
7 is amended to read as follows:

8 3. The registration fees for vessels subject to
9 this chapter are as follows:

10 a. For vessels of any length without motor or
11 sail, ~~five~~ twelve dollars.

12 b. For motorboats or sailboats less than ~~twelve~~
13 sixteen feet in length, ~~eight~~ twenty-two dollars and
14 fifty cents.

15 c. For motorboats or sailboats ~~twelve~~ sixteen feet
16 or more, but less than ~~fifteen~~ twenty-six feet in
17 length, ~~ten~~ thirty dollars.

18 ~~d. For motorboats or sailboats fifteen feet or~~
19 ~~more, but less than eighteen feet in length, twelve~~
20 ~~dollars.~~

21 ~~e. For motorboats or sailboats eighteen feet or~~
22 ~~more, but less than twenty-five feet in length,~~
23 ~~eighteen dollars.~~

24 ~~f. d. For motorboats or sailboats twenty-five~~
25 ~~twenty-six feet in length or more, twenty-eight but~~
26 ~~less than forty feet in length, sixty dollars.~~

27 ~~e. For motorboats or sailboats forty feet in~~
28 ~~length or more, one hundred twelve dollars and fifty~~
29 ~~cents.~~

30 ~~f. For all personal watercraft, forty-five~~
31 ~~dollars.~~

32 Every registration certificate and number issued
33 becomes delinquent at midnight April 30 of ~~odd-~~
34 ~~numbered years~~ the last calendar year of the
35 registration period unless terminated or discontinued
36 in accordance with this chapter. After January 1 ~~in~~
37 ~~odd-numbered years, 2007,~~ an unregistered vessel and a
38 renewal of registration may be registered for the
39 ~~two-year~~ three-year registration period beginning May
40 1 of that year. ~~After January 1 in even-numbered~~
41 ~~years~~ When unregistered vessels are registered after
42 May 1 of the second year of the three-year
43 registration period, such unregistered vessels may be
44 registered for the remainder of the current
45 registration period at ~~fifty~~ sixty-six percent of the
46 appropriate registration fee. When unregistered
47 vessels are registered after May 1 of the third year
48 of the three-year registration period, such
49 unregistered vessels may be registered for the
50 remainder of the current registration period at

1 thirty-three percent of the appropriate registration
2 fee.

3 If a timely application for renewal is made, the
4 applicant shall receive the same registration number
5 allocated to the applicant for the previous
6 registration period. If the application for
7 registration for the ~~biennium~~ three-year registration
8 period is not made before May 1 of ~~each odd-numbered~~
9 the last calendar year of the registration period, the
10 applicant shall be charged a penalty of five dollars.

11 Sec. _____. Section 462A.5, subsection 6, Code 2005,
12 is amended to read as follows:

13 6. The owner of each vessel which has a valid
14 marine document issued by the bureau of customs of the
15 United States government or any federal agency
16 successor thereto shall register it every ~~two~~ three
17 years with the county recorder in the same manner
18 prescribed for undocumented vessels and shall cause
19 the registration validation decal to be placed on the
20 vessel in the manner prescribed by the rules of the
21 commission. When the vessel bears the identification
22 required in the documentation, it is exempt from the
23 placement of the identification numbers as required on
24 undocumented vessels. The fee for such registration
25 is twenty-five dollars plus a writing fee.

26 Sec. _____. Section 462A.12, subsection 6, Code
27 2005, is amended to read as follows:

28 6. An owner or operator of a vessel propelled by a
29 motor of more than ten horsepower shall not permit any
30 person under twelve years of age to operate the
31 ~~personal watercraft vessel~~ vessel unless accompanied in or on
32 the same ~~personal watercraft vessel~~ vessel by a responsible
33 person of at least eighteen years of age who is
34 experienced in motorboat operation. ~~Commencing~~
35 ~~January 1, 2003,~~ A person who is twelve years of age
36 or older but less than eighteen years of age shall not
37 operate any personal watercraft vessel propelled by a
38 motor of more than ten horsepower unless the person
39 has successfully completed a department-approved
40 watercraft safety course and obtained a watercraft
41 safety certificate or is accompanied in or on the same
42 vessel by a responsible person of at least eighteen
43 years of age who is experienced in motorboat
44 operation. A person required to have a watercraft
45 safety certificate shall carry and shall exhibit or
46 make available the certificate upon request of an
47 officer of the department. A violation of this
48 subsection is a simple misdemeanor as provided in
49 section 462A.13. However, a person charged with
50 violating this subsection shall not be convicted if

1 the person produces in court, within a reasonable
2 time, a department-approved certificate. The cost of
3 a department certificate, or any duplicate, shall not
4 exceed five dollars.

5 Sec. ____ . Section 462A.20, Code 2005, is amended
6 to read as follows:

7 462A.20 BOAT INSPECTION.

8 ~~Any person having,~~ A vessel either for hire or
9 offered for hire upon any waters of this state under
10 the jurisdiction of the commission, ~~any vessel, either~~
11 ~~for hire or offered for hire,~~ must have such vessel
12 and all its appurtenances annually may be inspected at
13 any time by representatives of the commission or by
14 any peace officer who is trained in enforcing, and who
15 in the regular course of duty enforces, boating and
16 navigation laws.

17 ~~Every such owner shall file in the office of the~~
18 ~~commission, an application for inspection of such~~
19 ~~vessels on a blank furnished by the commission for~~
20 ~~that purpose.~~

21 Officers appointed by the commission or any peace
22 officer who is trained in enforcing, and who in the
23 regular course of duty enforces, boating and
24 navigation laws shall have the power and authority to
25 determine whether such vessel is safe for the
26 transportation of passengers or cargo and upon what
27 waters it may be used. They may determine and
28 designate the number of passengers or cargo, including
29 crew, that may be carried and determine whether the
30 machinery, equipment and all appurtenances are such as
31 to make ~~said vessels~~ the vessel seaworthy, where used,
32 and such other matters as are pertinent.

33 ~~After such vessels have been inspected as provided~~
34 ~~herein, a current inspection seal or tag shall be~~
35 ~~issued by the commission and shall be kept posted in a~~
36 ~~conspicuous place upon or in such vessel. Any~~
37 ~~inspection seal or tag shall be in effect only for the~~
38 ~~calendar year for which the inspection seal or tag is~~
39 ~~issued.~~

40 Private vessels may also be inspected to determine
41 their seaworthiness at any time by representatives of
42 the commission or by any peace officer who is trained
43 in enforcing, and who in the regular course of duty
44 enforces, boating and navigation laws.

45 Sec. ____ . Section 462A.23, subsection 1, Code
46 2005, is amended to read as follows:

47 1. Any officer appointed by the commission may,
48 for cause, temporarily suspend the registration
49 certificate of any vessel ~~and the license of a pilot~~
50 ~~or engineer,~~ that has been issued under this chapter,

1 and the commission, after a due hearing on the matter
2 at its next session, shall make final determination in
3 the matter.

4 Sec. _____. Section 462A.23, subsection 2,
5 unnumbered paragraph 1, Code 2005, is amended to read
6 as follows:

7 The commission shall forthwith revoke the
8 registration certificate of any vessel and the ~~pilot's~~
9 ~~or engineer's license of the operator of such vessel~~
10 owner's or operator's privilege to operate a vessel
11 for hire or commercial vessel, upon receiving a record
12 of such owner or operator's conviction of any of the
13 following offenses, when such conviction has become
14 final:

15 Sec. _____. Section 462A.23, subsection 3, Code
16 2005, is amended to read as follows:

17 3. The commission is hereby authorized to suspend
18 the registration certificate of any vessel and the
19 ~~pilot's or engineer's license of an operator~~ owner's
20 or operator's privilege to operate a vessel for hire
21 or commercial vessel upon a showing by its records
22 that the owner or operator:

23 a. Has committed an offense for which mandatory
24 revocation of the registration certificate or pilot's
25 ~~or engineer's license of the privilege to operate a~~
26 vessel for hire or commercial vessel is required upon
27 conviction.

28 b. Is a habitual reckless or negligent operator of
29 a vessel for hire or commercial vessel.

30 c. Is incompetent to operate a vessel for hire or
31 commercial vessel.

32 d. Has permitted an unlawful or fraudulent use of
33 such registration certificate ~~or pilot's or engineer's~~
34 license.

35 Sec. _____. Section 462A.25, Code 2005, is amended
36 by striking the section and inserting in lieu thereof
37 the following:

38 462A.25 PENALTY.

39 If an owner or operator of a vessel for hire or
40 commercial vessel operated upon the waters of this
41 state under the jurisdiction of the commission permits
42 such vessel to be occupied by more passengers and crew
43 than the registration capacity allows or if a person
44 continues to operate a vessel for hire or commercial
45 vessel after the person's privilege to operate the
46 vessel has been revoked, the person shall be guilty of
47 a serious misdemeanor. The provisions of this section
48 shall not apply to vessels registered or numbered by
49 authority of the United States.

50 Sec. _____. Section 462A.39, Code 2005, is amended

1 to read as follows:

2 462A.39 EXPIRATION DATE.

3 Each special certificate issued hereunder shall
4 expire at midnight on April 30 of ~~each odd-numbered~~
5 the last calendar year of the registration period, and
6 a new special certificate for the ensuing ~~biennium~~
7 registration period may be obtained upon application
8 to the commission and payment of the fee provided by
9 law.

10 Sec. ____ . Section 462A.52, Code 2005, is amended
11 to read as follows:

12 462A.52 FEES REMITTED TO COMMISSION.

13 1. Within ten days after the end of each month, a
14 county recorder shall remit to the commission all fees
15 collected by the recorder during the previous month.
16 Before May 10 ~~in odd-numbered years~~ of the
17 registration period beginning May 1 of that year, a
18 county recorder shall remit to the commission all
19 unused license blanks for the previous ~~biennium~~
20 registration period. All fees collected for the
21 registration of vessels shall be forwarded by the
22 commission to the treasurer of the state, who shall
23 place the money in a ~~special conservation~~ the state
24 fish and game protection fund. The money so collected
25 is appropriated to the commission solely for the
26 administration and enforcement of navigation laws and
27 water safety.

28 2. Notwithstanding subsection 1, any increase in
29 revenues received on or after July 1, 2007, but on or
30 before June 30, 2013, pursuant to this section as a
31 result of fee increases pursuant to this Act, shall be
32 used by the commission only for the administration and
33 enforcement of programs to control aquatic invasive
34 species and for the administration and enforcement of
35 navigation laws and water safety upon the inland
36 waters of this state and shall be used in addition to
37 funds already being expended by the commission each
38 year for these purposes. The commission shall not
39 reduce the amount of other funds being expended on an
40 annual basis for these purposes as of the effective
41 date of this Act, during the period of the
42 appropriation provided for in this subsection.

43 3. The commission shall submit a written report to
44 the general assembly by December 31, 2007, and by
45 December 31 of each year thereafter through December
46 31, 2013, summarizing the activities of the department
47 in administering and enforcing programs to control
48 aquatic invasive species and administering and
49 enforcing navigation laws and water safety upon the
50 inland waters of the state. The report shall include

1 information concerning the amount of revenues
 2 collected pursuant to this section as a result of fee
 3 increases pursuant to this Act and how the revenues
 4 were expended. The report shall also include
 5 information concerning the amount and source of all
 6 other funds expended by the commission during the year
 7 for the purposes of administering and enforcing
 8 programs to control aquatic invasive species and
 9 administering and enforcing navigation laws and water
 10 safety upon the inland waters of the state and how the
 11 funds were expended.

12 Sec. _____. Section 462A.53, Code 2005, is amended
 13 to read as follows:

14 462A.53 AMOUNT OF WRITING FEES.

15 A writing fee of one dollar and twenty-five cents
 16 for each transaction shall be collected by the county
 17 recorder. If two or more functions are transacted for
 18 the same vessel at one time, the writing fee is
 19 limited to one dollar and twenty-five cents.

20 Sec. _____. Section 462A.66, Code 2005, is amended
 21 to read as follows:

22 462A.66 INSPECTION AUTHORITY.

23 An officer of the commission or any peace officer
 24 who is trained in enforcing, and who in the regular
 25 course of duty enforces, boating and navigation laws
 26 may stop and inspect a vessel being launched, being
 27 operated, or being moored on the waters of this state
 28 under the jurisdiction of the commission to determine
 29 whether the vessel is properly registered, numbered,
 30 and equipped as provided under this chapter and rules
 31 of the commission. An officer may board a vessel in
 32 the course of an inspection if the operator is unable
 33 to supply visual evidence that the vessel is properly
 34 registered and equipped as required by this chapter
 35 and rules of the commission. The inspection shall not
 36 include an inspection of an area that is not essential
 37 to determine compliance with the provisions of this
 38 chapter and rules of the commission.

39 Sec. _____. Section 462A.77, subsection 1, Code
 40 2005, is amended to read as follows:

41 1. Except as provided in subsection 3, an owner of
 42 a vessel seventeen feet or longer in length
 43 principally used on the waters of the state and to be
 44 numbered pursuant to section 462A.4 shall apply to the
 45 county recorder of the county in which the owner
 46 resides for a certificate of title for the vessel.
 47 The requirement of a certificate of title does not
 48 apply to canoes, kayaks, or inflatable vessels
 49 regardless of length.

50 Sec. _____. Sections 462A.21 and 462A.22, Code 2005,

S-3232

Page 8

1 are repealed."

2 2. Title page, line 3, by inserting after the
3 word "resources" the following: ", and providing for
4 penalties and fees".

5 3. By renumbering as necessary.

By DAVID JOHNSON

S-3232 FILED MAY 3, 2005

WITHDRAWN

**HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 808**

S-3319

1 Amend the Senate amendment, H-1678, to House File
2 808, as passed by the House, as follows:

3 1. By striking page 1, line 45, through page 2,
4 line 20.

5 2. Page 3, line 6, by striking the figure
6 "16,968,439" and inserting the following:
7 "16,883,439".

8 3. By striking page 3, line 8, through page 8,
9 line 18.

10 4. By striking page 8, line 47, through page 9,
11 line 6, and inserting the following: "d, Code 2005,
12 is amended by striking the paragraph and inserting in
13 lieu thereof the following:

14 d. Establish a registration fee imposed on each
15 horse which is a thoroughbred, quarter horse, or
16 standardbred which shall be paid by the breeder of the
17 horse. The department shall not impose the
18 registration fee more than once on each horse. The
19 amount of the registration fee shall not exceed thirty
20 dollars. The moneys paid to the department from
21 registration fees shall be considered repayment
22 receipts as defined in section 8.2, and shall be used
23 for the administration and enforcement of this
24 subsection."

25 5. Page 10, by striking lines 17 through 19, and
26 inserting the following: "exclusively to the
27 department for the purpose of administering the
28 chronic wasting disease".

29 6. By renumbering, relettering, or redesignating
30 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3319 FILED MAY 12, 2005

DeBoef-CK
WATTS
MERTZ

808

HSB 276
APPROPRIATIONS

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON HOUSE
APPROPRIATIONS BILL BY HOUSE
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 involving state
2 government, including provisions affecting agriculture and
3 natural resources.

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

5
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1 AGRICULTURE AND NATURAL RESOURCES
2 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
3 GENERAL APPROPRIATIONS

4 Section 1. GENERAL DEPARTMENT APPROPRIATION. There is
5 appropriated from the general fund of the state to the
6 department of agriculture and land stewardship for the fiscal
7 year beginning July 1, 2005, and ending June 30, 2006, the
8 following amount, or so much thereof as is necessary, to be
9 used for the purposes designated:

10 1. For purposes of supporting the department, including
11 its divisions, for administration, regulation, and programs,
12 for salaries, support, maintenance, miscellaneous purposes,
13 and for not more than the following full-time equivalent
14 positions:

15 \$ 18,047,299
16 FTEs 417.12

17 2. a. Of the amount appropriated in subsection 1, the
18 department shall not expend less than \$77,000 for salaries,
19 support, maintenance, and miscellaneous purposes of
20 administering the senior farmers market nutrition program
21 under the jurisdiction of the United States department of
22 agriculture.

23 b. Of the amount appropriated in subsection 1, the
24 department shall not expend less than \$250,000 to reimburse
25 commissioners of soil and water conservation districts for
26 administrative expenses including but not limited to travel
27 expenses, technical training, and professional dues.

28 c. Of the amount appropriated in subsection 1, the
29 department shall not expend less than \$127,000 for salaries,
30 support, maintenance, and miscellaneous purposes for the
31 administration of the chronic wasting disease program for
32 deer, including as provided in chapter 170.

33 d. Of the amount appropriated in subsection 1, the
34 department shall not expend less than \$48,000 for salaries,
35 support, maintenance, and miscellaneous purposes for the

1 administration of horse and dog racing under section 99D.22.

2 e. Of the amount appropriated in subsection 1, the
3 department shall not expend less than \$172,000 to convert data
4 and update the department's databases.

5 f. Of the amount appropriated in subsection 1, the
6 department shall not expend less than \$65,000 to purchase
7 laptop computers for field staff relating to the
8 administration of regulations of commercial feed under chapter
9 198, fertilizer and soil conditioners under chapter 200,
10 pesticides under chapter 206, grain dealers under chapter 203,
11 and warehouse operators under chapter 203C.

12 g. Of the amount appropriated in subsection 1, the
13 department shall not expend less than \$100,000 for salary,
14 support, maintenance, and miscellaneous purposes relating to
15 the employment of an additional assistant veterinarian.

16 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

17 DESIGNATED APPROPRIATIONS

18 Sec. 2. RIVER AUTHORITY. There is appropriated from the
19 general fund of the state to the department of agriculture and
20 land stewardship for the fiscal year beginning July 1, 2005,
21 and ending June 30, 2006, the following amount, or so much
22 thereof as is necessary, to be used for the purpose
23 designated:

24 For purposes of supporting the department's membership in
25 the state interagency Missouri river authority, created in
26 section 28L.1, in the Missouri river basin association:

27 \$ 9,535

28 Sec. 3. HORSE AND DOG RACING. There is appropriated from
29 the moneys available under section 99D.13 to the department of
30 agriculture and land stewardship for the fiscal year beginning
31 July 1, 2005, and ending June 30, 2006, the following amount,
32 or so much thereof as is necessary, to be used for the
33 purposes designated:

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

1 \$ 305,516

2 Sec. 4. DAIRY PRODUCTS CONTROL BUREAU. 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, 2005, and ending June 30, 2006, the
6 following amount, or so much thereof as is necessary, to be
7 used for the purposes designated:

8 For purposes of supporting the operations of the dairy
9 products control bureau, including salaries, support,
10 maintenance, and miscellaneous purposes:

11 \$ 643,166

12 Sec. 5. AVIAN INFLUENZA. There is appropriated from the
13 general fund of the state to the department of agriculture and
14 land stewardship for the fiscal year beginning July 1, 2005,
15 and ending June 30, 2006, the following amount, or so much
16 thereof as is necessary, to be used for the purpose
17 designated:

18 For the support of testing and monitoring avian influenza:

19 \$ 50,000

20 Notwithstanding section 8.33, moneys appropriated in this
21 section that remain unencumbered or unobligated at the close
22 of the fiscal year shall not revert but shall remain available
23 for the continued testing and monitoring of avian influenza
24 until the close of the succeeding fiscal year.

25 DEPARTMENT OF NATURAL RESOURCES

26 GENERAL APPROPRIATIONS

27 Sec. 6. GENERAL DEPARTMENT APPROPRIATION. There is
28 appropriated from the general fund of the state to the
29 department of natural resources for the fiscal year beginning
30 July 1, 2005, and ending June 30, 2006, the following amount,
31 or so much thereof as is necessary, to be used for the
32 purposes designated:

33 1. For purposes of supporting the department, including
34 its divisions, for administration, regulation, and programs,
35 for salaries, support, maintenance, miscellaneous purposes,

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

3 \$ 16,390,463
4 FTEs 1,105.46

5 2. a. Of the amount appropriated in subsection 1, the
6 department shall not expend less than \$17,000 for the help us
7 stop hunger (HUSH) program.

8 b. Of the amount appropriated in subsection 1, the
9 department shall not expend more than \$280,151 for out-of-
10 state travel.

11 c. Of the amount appropriated in subsection 1, the
12 department shall not expend more than \$172,732 for advertising
13 and publicity.

14 d. Of the amount appropriated in subsection 1, the
15 department shall not expend more than \$624,876 for printing
16 and binding of publications.

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

19 1. a. There is appropriated from the state fish and game
20 protection fund to the department of natural resources for the
21 fiscal year beginning July 1, 2005, and ending June 30, 2006,
22 the following amount, or so much thereof as is necessary, to
23 be used for the purposes designated:

24 For administrative support, and for salaries, support,
25 maintenance, equipment, and miscellaneous purposes:
26 \$ 31,370,766

27 b. Notwithstanding section 455A.10, the department may use
28 the unappropriated balance remaining in the fish and game
29 protection fund to provide for the funding of health and life
30 insurance premium payments from unused sick leave balances of
31 conservation peace officers employed in a protection
32 occupation who retire, pursuant to section 97B.49B.

33 2. The department shall not expend more moneys from the
34 fish and game protection fund than provided in this section,
35 unless the expenditure derives from contributions made by a

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

8 Sec. 8. GROUNDWATER PROTECTION FUND. There is
9 appropriated from the groundwater protection fund created in
10 section 455E.11 to the department of natural resources for the
11 fiscal year beginning July 1, 2005, and ending June 30, 2006,
12 from those moneys which are not allocated pursuant to that
13 section, the following amount, or so much thereof as is
14 necessary, to be used for the purposes designated:

15 For administrative support, and for salaries, support,
16 maintenance, equipment, and miscellaneous purposes related to
17 providing for groundwater quality:

18 \$ 3,455,832

19 DEPARTMENT OF NATURAL RESOURCES

20 RELATED TRANSFERS

21 Sec. 9. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT
22 PURPOSES. There is transferred on July 1, 2005, from the fees
23 required to be deposited in the special snowmobile fund under
24 section 321G.7 to the fish and game protection fund and
25 appropriated to the department of natural resources for the
26 fiscal year beginning July 1, 2005, and ending June 30, 2006,
27 the following amount, or so much thereof as is necessary, to
28 be used for the purpose designated:

29 For enforcing snowmobile laws as part of the state
30 snowmobile program administered by the department of natural
31 resources:

32 \$ 100,000

33 Sec. 10. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES.
34 There is transferred on July 1, 2005, from the fees required
35 to be deposited in the special conservation fund under section

1 462A.52 to the fish and game protection fund and appropriated
2 to the natural resource commission for the fiscal year
3 beginning July 1, 2005, and ending June 30, 2006, 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 Notwithstanding section 8.33, moneys transferred and
10 appropriated in this section that remain unencumbered or
11 unobligated at the close of the fiscal year shall not revert
12 to the credit of the fish and game protection fund but shall
13 be credited to the special conservation fund established by
14 section 462A.52 to be used as provided in that section.

15 DEPARTMENT OF NATURAL RESOURCES

16 DESIGNATED APPROPRIATIONS

17 Sec. 11. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE
18 UNDERGROUND STORAGE TANK FUND BOARD. There is appropriated
19 from the unassigned revenue fund administered by the Iowa
20 comprehensive underground storage tank fund board, to the
21 department of natural resources for the fiscal year beginning
22 July 1, 2005, and ending June 30, 2006, the following amount,
23 or so much thereof as is necessary, to be used for the purpose
24 designated:

25 For administration expenses of the underground storage tank
26 section of the department of natural resources:

27 \$ 200,000

28 Sec. 12. FLOODPLAIN PERMIT BACKLOG. Notwithstanding any
29 contrary provision of state law, for the fiscal year beginning
30 July 1, 2005, and ending June 30, 2006, the department of
31 natural resources may use additional funds available to the
32 department from stormwater discharge permit fees for the
33 staffing of the following additional full-time staff members
34 to reduce the department's floodplain permit backlog:

35 FTES 2.00

1 testing and monitoring avian influenza.

2 For the department of natural resources, moneys are
3 appropriated in order to support its divisions. The bill
4 allocates moneys from the department's general appropriation
5 to support the help us stop hunger program, out-of-state
6 travel, advertising and publicity, and publications.

7 The bill makes appropriations from other funds and
8 accounts. The bill appropriates moneys to the department of
9 natural resources from the groundwater protection fund. The
10 bill appropriates moneys to the department of natural
11 resources from the state fish and game protection fund for
12 support related to fish and wildlife. The bill makes an
13 appropriation from moneys transferred to the state fish and
14 game protection fund to support snowmobile programs and
15 enforce state navigation laws administered by the department
16 of natural resources.

17 An appropriation is made from the unassigned revenue fund
18 administered by the Iowa comprehensive underground storage
19 tank fund board to the department of natural resources for
20 administration and expenses of the underground storage tank
21 section.

22 The bill provides that the department of natural resources
23 may use additional funds for staffing to reduce the
24 department's floodplain permit backlog. It provides that the
25 department may use additional funds available from stormwater
26 discharge permit fees for staffing required to implement the
27 federal maximum daily load program.

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HOUSE FILE 808

AN ACT

RELATING TO AND MAKING APPROPRIATIONS INVOLVING STATE GOVERNMENT, INCLUDING PROVISIONS AFFECTING AGRICULTURE AND NATURAL RESOURCES, AND PROVISIONS RELATING TO A WIND ENERGY PRODUCTION TAX CREDIT, AND PROVIDING FOR FEES.

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

AGRICULTURE AND NATURAL RESOURCES DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP GENERAL APPROPRIATIONS

Section 1. GENERAL DEPARTMENT 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, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs, for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 17,213,319
..... FTEs 412.52

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP DESIGNATED APPROPRIATIONS

Sec. 2. SENIOR FARMERS MARKET NUTRITION 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, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of administering a senior farmers market nutrition program, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 77,000
..... FTEs 1.00

Sec. 3. CHRONIC WASTING DISEASE. 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, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of administering a chronic wasting disease control program for the control of chronic wasting disease which threatens farm deer as provided in chapter 170, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 100,000
..... FTEs 1.60

The program may include procedures for the inspection and testing of farm deer, responses to reported cases of chronic wasting disease, and methods to ensure that owners of farm deer may engage in the movement and sale of farm deer.

Sec. 4. RIVER AUTHORITY. 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, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of supporting the department's membership in the state interagency Missouri river authority, created in section 28L.1, in the Missouri river basin association:
..... \$ 9,535

Sec. 5. HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the department of

agriculture and land stewardship for the fiscal year beginning July 1, 2005, and ending June 30, 2006, 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:
..... \$ 305,516

Sec. 6. DAIRY PRODUCTS CONTROL BUREAU. 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, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the operations of the dairy products control bureau, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 643,166

Sec. 7. AVIAN INFLUENZA. 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, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the support of testing and monitoring avian influenza:
..... \$ 50,000

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the continued testing and monitoring of avian influenza until the close of the succeeding fiscal year.

Sec. 8. APIARY REGULATION. 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, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For support of apiary regulation as provided in chapter 160, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 40,000

Sec. 9. SOIL AND WATER CONSERVATION DISTRICTS. 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, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of reimbursing commissioners of soil and water conservation districts for administrative expenses including but not limited to travel expenses, technical training, and professional dues:

..... \$ 250,000

A soil and water conservation district receiving moneys from an allocation provided pursuant to this section shall submit a report to the soil conservation division of the department of agriculture and land stewardship by January 1, 2006, accounting for moneys which have been expended or unexpended or which have been obligated or encumbered. The report shall state how the moneys were used.

DEPARTMENT OF NATURAL RESOURCES
GENERAL APPROPRIATIONS

Sec. 10. GENERAL DEPARTMENT APPROPRIATION. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs, for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 16,883,439
..... FTEs 1,105.46

Sec. 11. 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 department of natural resources for the fiscal year beginning July 1, 2005, and ending June 30, 2006, 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:
..... \$ 31,370,766

b. Notwithstanding section 455A.10, the department may use the unappropriated balance remaining in the fish and game protection fund to provide for the funding of health and life insurance premium payments from unused sick leave balances of 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 services agency and the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources concerning the commission's approval.

Sec. 12. GROUNDWATER PROTECTION FUND. There is appropriated from the groundwater protection fund created in section 455E.11 to the department of natural resources for the fiscal year beginning July 1, 2005, and ending June 30, 2006, from those moneys which are not allocated pursuant to that section, 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 related to providing for groundwater quality:

..... \$ 3,455,832

DEPARTMENT OF NATURAL RESOURCES

RELATED TRANSFERS

Sec. 13. SNOWMOBILE FEES -- TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 2005, from the fees required to be deposited in the special snowmobile fund 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, 2005, and ending June 30, 2006, 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. 14. VESSEL FEES -- TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 2005, from the fees required to be deposited in the special conservation fund 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, 2005, and ending June 30, 2006, 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:
..... \$ 1,400,000

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.

DEPARTMENT OF NATURAL RESOURCES

DESIGNATED APPROPRIATIONS

Sec. 15. 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, 2005, and ending June 30, 2006, 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:
..... \$ 200,000

Sec. 16. FLOODPLAIN PERMIT BACKLOG. Notwithstanding any contrary provision of state law, for the fiscal year beginning July 1, 2005, and ending June 30, 2006, 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 floodplain permit backlog:

..... FTEs 2.00

Sec. 17. IMPLEMENTATION OF THE FEDERAL TOTAL MAXIMUM DAILY LOAD PROGRAM. Notwithstanding any contrary provision of state law, for the fiscal year beginning July 1, 2005, and ending June 30, 2006, 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

IOWA STATE UNIVERSITY
DESIGNATED APPROPRIATION

Sec. 18. OPEN FEEDLOTS HOUSING BEEF CATTLE -- WATER QUALITY RESEARCH PROJECT. There is appropriated from the agricultural remediation fund created in section 161.7 to Iowa state university for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting a water quality research project which studies the effectiveness of alternative technologies used to reduce risks to water quality from effluent originating from open feedlots which house beef cattle:
..... \$ 100,000

In conducting the project, Iowa state university shall cooperate with the Iowa cattlemen's association, the department of natural resources, the department of agriculture and land stewardship, and the United States department of agriculture natural resource conservation service.

DEPARTMENT OF AGRICULTURE
AND LAND STEWARDSHIP
HORSE AND DOG
REGULATION -- FEES

Sec. 19. Section 99D.22, subsection 3, paragraph d, Code 2005, is amended by striking the paragraph and inserting in lieu thereof the following:

d. Establish a registration fee imposed on each horse which is a thoroughbred, quarter horse, or standardbred which shall be paid by the breeder of the horse. The department shall not impose the registration fee more than once on each horse. The amount of the registration fee shall not exceed thirty dollars. The moneys paid to the department from registration fees shall be considered repayment receipts as defined in section 8.2, and shall be used for the administration and enforcement of this subsection.

Sec. 20. Section 99D.22, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. The department of agriculture and land stewardship shall adopt rules establishing a schedule of registration fees to be imposed on owners of dogs that are whelped and raised for the first six months of their lives in Iowa for purposes of promoting native dogs as provided in this chapter, including section 99D.12 and this section. The amount of the registration fees shall be imposed as follows:

- (1) An owner of a dam registering the dam, twenty-five dollars.
- (2) An owner of a litter registering the litter, ten dollars.
- (3) An owner of a dog registering the dog, five dollars.
- b. The moneys paid to the department from registration fees as provided in paragraph "a" shall be considered repayment receipts as defined in section 8.2, and shall be used for the administration and enforcement of programs for the promotion of native dogs.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
AND DEPARTMENT OF NATURAL RESOURCES
DEER REGULATION AND FEES

Sec. 21. NEW SECTION. 170.3A CHRONIC WASTING DISEASE CONTROL PROGRAM.

The department shall establish and administer a chronic wasting disease control program for the control of chronic wasting disease which threatens farm deer. The program shall include procedures for the inspection and testing of farm deer, responses to reported cases of chronic wasting disease, and methods to ensure that owners of farm deer may engage in the movement and sale of farm deer.

Sec. 22. NEW SECTION. 170.3B FARM DEER ADMINISTRATION FEE.

The department may establish a farm deer administration fee which shall be annually imposed on each landowner who keeps farm deer in this state. The amount of the fee shall not exceed two hundred dollars per year. The fee shall be collected by the department in a manner specified by rules adopted by the department after consulting with the farm deer council established in section 170.2. The collected fees shall be credited to the farm deer administration fund created pursuant to section 170.3C.

Sec. 23. NEW SECTION. 170.3C FARM DEER ADMINISTRATION FUND -- APPROPRIATION.

A farm deer administration fund is created in the state treasury under the control of the department.

1. The fund shall be composed of moneys appropriated by the general assembly and moneys available to and obtained or accepted by the department from the United States or private sources for placement in the fund. The fund shall include all moneys collected from the farm deer administration fee as provided in section 170.3B.

2. The moneys in the fund are appropriated exclusively to the department for the purpose of administering the chronic wasting disease control program as provided in section 170.3A.

3. Section 8.33 shall not apply to moneys credited to the fund. Notwithstanding section 12C.7, moneys earned as income or interest from the fund shall remain in the fund until expended as provided in this section.

Sec. 24. Section 483A.24, subsection 2, paragraph c, if enacted by 2005 Iowa Acts, Senate File 206, section 8, is amended to read as follows:

c. Upon written application on forms furnished by the department, the department shall issue annually without fee two deer hunting licenses, one antlered or any sex deer hunting license and one antlerless deer only deer hunting license, to the owner of a farm unit or a member of the owner's family, but only a total of two licenses for both, and to the tenant of a farm unit or a member of the tenant's family, but only a total of two licenses for both. The deer hunting licenses issued shall be valid only for use on the farm unit for which the applicant applies pursuant to this paragraph. The owner or the tenant need not reside on the farm unit to qualify for the free deer hunting licenses to hunt on that farm unit. The free deer hunting licenses issued pursuant to this paragraph shall be valid and may be used during any shotgun deer season. The licenses may be used to harvest deer in two different seasons. In addition, a person who receives a free deer hunting license pursuant to this paragraph shall pay a one dollar fee for each license that

shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 808, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 6/14, 2005

THOMAS J. VILSACK
Governor