

CHAPTER 52**MANURE STORAGE INDEMNITY FUND — FEES AND CHARGES***H.F. 380*

AN ACT providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 459.102, subsection 26, Code 2003, is amended to read as follows:

26. "Indemnity fee" means ~~the a~~ fee provided in section 459.502 ~~or 459.503~~.

Sec. 2. Section 459.501, subsection 2, Code 2003, is amended to read as follows:

2. The fund consists of moneys from indemnity fees remitted by permittees to the department as provided in section 459.502; moneys from indemnity fees remitted by persons required to submit manure management plans to the department pursuant to section 459.503; sums collected on behalf of the fund by the department through legal action or settlement; moneys required to be repaid to the department by a county pursuant to this subchapter; ~~civil penalties assessed and collected by the department or the attorney general pursuant to chapter 455B, against animal feeding operations; moneys paid as a settlement involving an enforcement action for a civil penalty subject to assessment and collection against permittees by the department or the attorney general pursuant to chapter 455B;~~ interest, property, and securities acquired through the use of moneys in the fund; or moneys contributed to the fund from other sources.

Sec. 3. Section 459.501, subsection 5, paragraph a, Code 2003, is amended by striking the paragraph.

Sec. 4. NEW SECTION. 459.503A INDEMNITY FEE — WAIVER AND REINSTATEMENT.

The indemnity fee required under sections 459.502 and 459.503 shall be waived and the fee shall not be assessable or owing if at the end of any three-month period, unobligated and unencumbered moneys in the manure storage indemnity fund, not counting the department's estimate of the cost to the fund for pending or unsettled claims, exceed three million dollars. The department shall reinstate the indemnity fee under those sections if unobligated and unencumbered moneys in the fund, not counting the department's estimate of the cost to the fund for pending or unsettled claims, are less than two million dollars.

Sec. 5. TRANSFER OF MONEYS FROM THE MANURE STORAGE INDEMNITY FUND. Notwithstanding 2002 Iowa Acts, chapter 1137, section 59, the department shall not transfer any amount of the balance of the manure storage indemnity fund to the animal agriculture compliance fund on or after the effective date of this Act. The department shall return any amount already transferred in accordance with the schedule established by the department pursuant to 2002 Iowa Acts, chapter 1137, section 59.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 21, 2003