

SENATE FILE 200  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 1111)

Passed Senate, Date 3-14-05 Passed House, Date 4-28-05  
Vote: Ayes 50 Nays 0 Vote: Ayes 99 Nays 0  
*Repassed 5-4-05* Approved 6/15  
*50-0*

A BILL FOR

1 An Act relating to the administration of the department of  
2 agriculture and land stewardship, by providing for its powers  
3 and duties.

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

5

SENATE FILE 200

S-3224

1 Amend the House amendment, S-3208, to Senate File  
2 200, as passed by the Senate, as follows:  
3 1. Page 2, by inserting after line 26, the  
4 following:  
5 "\_\_\_\_. One member of the Iowa section of the  
6 American water works association."  
7 2. By renumbering as necessary.

By JOHN PUTNEY

S-3224 FILED MAY 2, 2005

SF 200

*Conference Comm. Rpt*

*adopted*  
*5-20-05*  
*48-0*

*adopted*  
*5-20-05*  
*98-0*

15  
16  
17  
18  
19  
20  
21  
22

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

DIVISION I

IOWA BOARD OF VETERINARY MEDICINE --  
ELIMINATION OF REPORTING REQUIREMENT

Section 1. Section 169.5, subsection 7, unnumbered paragraph 3, Code 2005, is amended by striking the unnumbered paragraph.

DIVISION II

PESTICIDE ACT OF IOWA

Sec. 2. Section 206.21, subsection 2, Code 2005, is amended to read as follows:

2. For the purpose of carrying out the provisions and the requirements of this chapter and the rules ~~made~~ adopted and notices given pursuant ~~thereto~~ to this chapter, the secretary or the secretary's authorized agents, inspectors, or employees may enter into or upon any place during reasonable business hours in order to examine pesticide use or take periodic random samples for chemical examinations of pesticides and devices and to open any bundle, package or other container containing or believed to contain a pesticide in order to determine whether the pesticide or device complies with the requirements of this chapter. Methods of analysis shall be those currently used by the ~~Association~~ association of ~~Official-Agricultural-Chemists~~ official agricultural chemists.

DIVISION III

MOTOR VEHICLE FUEL DEALERS -- ELIMINATION OF  
VOLUNTARY SAMPLING PROCEDURE AND FEE

Sec. 3. Section 214A.6, Code 2005, is repealed.

EXPLANATION

IOWA BOARD OF VETERINARY MEDICINE -- ELIMINATION OF REPORTING REQUIREMENT. This division amends a provision in Code chapter 169, the Iowa veterinary practice Act. The Code chapter is administered by the Iowa board of veterinary medicine within the department of agriculture and land stewardship. The division provides that the president and secretary of the board must submit a report to the governor

1 involving the board's transactions, including financial  
2 information. The division eliminates that requirement.

3 PESTICIDE ACT OF IOWA. This division amends Code chapter  
4 206 which provides for the regulation of pesticides. Code  
5 section 206.21 provides that the department may enter onto a  
6 person's premises in order to take samples of chemicals for  
7 testing in order to ensure compliance with the provisions of  
8 this chapter. The division provides that the department may  
9 also examine pesticide use on the premises.

10 MOTOR VEHICLE FUEL DEALERS -- ELIMINATION OF VOLUNTARY  
11 SAMPLING PROCEDURE AND FEE. This division amends Code chapter  
12 214A regulating dealers of motor vehicle fuel on a wholesale  
13 or retail basis. The Code chapter provision currently allows  
14 a dealer to submit a motor vehicle fuel sample or oxygenate  
15 octane enhancer (alcohol) to the department of agriculture and  
16 land stewardship for testing. It prescribes procedures for  
17 taking a test sample and delivering it to the department. The  
18 dealer must also submit a statement made under oath by a  
19 "reputable" witness and a \$2 fee to the department. The  
20 division repeals that provision.

21  
22

**SENATE FILE 200**

**H-1344**

- 1 Amend Senate File 200, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 7 through 23.
- 4 2. By renumbering as necessary.

COMMITTEE ON AGRICULTURE  
DRAKE of Pottawattamie, Chairperson

**H-1344** FILED APRIL 7, 2005

29  
30  
31  
32  
33  
34  
35

SENATE FILE 200

H-1540

1 Amend Senate File 200 as follows:

2 1. Page 1, by inserting after line 27, the  
3 following:

4 "DIVISION IV

5 WATERSHED IMPROVEMENT

6 Sec. \_\_\_\_\_. Section 16.5, Code 2005, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 19. Provide administrative and  
9 fiscal oversight and support for local watershed  
10 improvement grants awarded pursuant to section 16.185.

11 Sec. \_\_\_\_\_. NEW SECTION. 16.185 WATERSHED  
12 IMPROVEMENT FUND -- BOARD -- DUTIES.

13 1. A watershed improvement fund is created in the  
14 state treasury under the control of the Iowa finance  
15 authority. Moneys appropriated to the watershed  
16 improvement fund and any other moneys available to and  
17 obtained or accepted by the authority for placement in  
18 the watershed improvement fund shall be deposited in  
19 the fund. Additionally, payments of interest,  
20 recaptures of awards, and other repayments to the  
21 watershed improvement fund shall be deposited in the  
22 fund. Notwithstanding section 12C.7, subsection 2,  
23 interest or earnings on moneys in the watershed  
24 improvement fund shall be credited to the fund.  
25 Notwithstanding section 8.33, moneys in the fund that  
26 remain unencumbered or unobligated at the end of the  
27 fiscal year shall not revert, but shall remain  
28 available for the same purpose in the succeeding  
29 fiscal year.

30 2. A watershed improvement board is created with  
31 the following purposes:

32 a. Enhancement of water quality in the state  
33 through a variety of impairment-based, locally  
34 directed watershed improvement grant projects.

35 b. Positively affecting the management and use of  
36 water for the purposes of drinking, agriculture,  
37 recreation, sport, and economic development in the  
38 state.

39 c. Ensuring public participation in the process of  
40 determining priorities related to water quality  
41 including but not limited to all of the following:

42 (1) Agricultural runoff and drainage.

43 (2) Stream bank erosion.

44 (3) Municipal discharge.

45 (4) Stormwater runoff.

46 (5) Unsewered communities.

47 (6) Industrial discharge.

48 (7) Livestock runoff.

49 3. The watershed improvement board shall consist  
50 of all of the following voting members, appointed by

H-1540

- 1 the named entity:
- 2 a. One member of the Iowa association of business
- 3 and industry.
- 4 b. One member of the Iowa association of municipal
- 5 utilities.
- 6 c. One member of the Iowa association of water
- 7 agencies.
- 8 d. One member of the Iowa cattlemen's association.
- 9 e. One member of the Iowa environmental council.
- 10 f. One member of the Iowa environmental health
- 11 association.
- 12 g. One member of the Iowa farm bureau federation.
- 13 h. One member of the Iowa league of cities.
- 14 i. One member of the Iowa pork producers
- 15 association.
- 16 j. One member of the Iowa rural water association.
- 17 k. One member of the Iowa soybean association.
- 18 l. One member representing soil and water
- 19 conservation districts of Iowa.
- 20 m. One member of the Iowa corn growers
- 21 association.
- 22 n. One member of the Iowa poultry association.
- 23 o. One member of the Iowa land improvement
- 24 contractors association.
- 25 4. The chairpersons and ranking members of the
- 26 committee on natural resources in the senate and the
- 27 committee on environmental protection in the house of
- 28 representatives shall serve as ex officio members of
- 29 the board.
- 30 5. The members of the watershed improvement board
- 31 shall serve three-year staggered terms commencing and
- 32 ending as provided in section 69.19. If a vacancy
- 33 occurs, a successor shall be appointed in the same
- 34 manner and subject to the same qualifications as the
- 35 original appointment to serve the remainder of the
- 36 term.
- 37 6. The members of the board shall elect a
- 38 chairperson and vice chairperson annually from the
- 39 voting membership of the board. A majority of the
- 40 voting members of the board constitutes a quorum. If
- 41 the chairperson and vice chairperson are unable to
- 42 preside over the board due to absence or disability, a
- 43 majority of the voting members present may elect a
- 44 temporary chairperson by a majority vote providing a
- 45 quorum is present.
- 46 7. The board shall meet no more than on a
- 47 quarterly basis.
- 48 8. The members of the watershed improvement board
- 49 may receive reimbursement for actual expenses incurred
- 50 while engaged in the performance of their official

1 duties. A board member may also be eligible to  
2 receive compensation as provided in section 7E.6.

3 9. The chairperson of the board shall notify the  
4 legislative council of the membership of the board on  
5 an annual basis and shall notify the legislative  
6 council of any changes in membership that occur due to  
7 a vacancy on the board.

8 10. A watershed improvement board member shall not  
9 serve on a local watershed improvement committee.

10 11. The Iowa finance authority shall provide  
11 administrative support to the board. Not more than  
12 twelve thousand dollars of the moneys appropriated for  
13 the purposes of the local watershed improvement  
14 grants, annually, shall be used for administrative  
15 purposes.

16 12. The watershed improvement board shall do all  
17 of the following:

18 a. Award local watershed improvement grants and  
19 monitor the progress of local watershed improvement  
20 projects awarded grants. A local watershed  
21 improvement grant may be awarded for a period not to  
22 exceed three years. Each local watershed improvement  
23 grant awarded shall not exceed ten percent of the  
24 moneys appropriated for the grants during a fiscal  
25 year.

26 b. Assist with the development of monitoring plans  
27 for local watershed improvement projects.

28 c. Review monitoring results before, during, and  
29 after completion of a local watershed improvement  
30 project.

31 d. Review costs and benefits of mitigation  
32 practices utilized by a project.

33 e. By January 31, annually, submit an electronic  
34 report to the governor and the general assembly  
35 regarding the progress of the watershed improvement  
36 projects during the previous calendar year.

37 f. Adopt administrative rules pursuant to chapter  
38 17A to administer this section.

39 13. The board may elicit the expertise of other  
40 organizations for technical assistance in the work of  
41 the board. The organizations may include but are not  
42 limited to all of the following:

43 a. The state university of Iowa.

44 b. The Iowa state university of science and  
45 technology.

46 c. The department of natural resources.

47 d. The department of agriculture and land  
48 stewardship.

49 e. The United States geological survey.

50 f. The United States department of agriculture,

1 agricultural research service national soil tilth  
 2 laboratory.  
 3 g. The Leopold center for sustainable agriculture.  
 4 14. a. A local watershed improvement committee  
 5 shall be organized for the purposes of applying for a  
 6 local watershed improvement grant and implementing a  
 7 local watershed improvement project. A majority of  
 8 the members of the local watershed improvement  
 9 committee shall represent a cause for the impairment  
 10 of the watershed. The committee shall be authorized  
 11 as a not-for-profit organization by the secretary of  
 12 state. Soil and water conservation districts may also  
 13 be eligible and apply for and receive local watershed  
 14 improvement grants.  
 15 b. A local watershed improvement committee shall  
 16 be responsible for application for and implementation  
 17 of an approved local watershed improvement grant,  
 18 including providing authorization for project bids and  
 19 project expenditures under the grant. A portion of  
 20 the grant moneys may be used to engage engineering  
 21 expertise related to the project. The committee shall  
 22 monitor local performance throughout the local  
 23 watershed grant project and shall submit a report at  
 24 six-month intervals regarding the progress and  
 25 findings of the project as required by the watershed  
 26 improvement board."  
 27 2. Title page, by striking lines 1 through 3 and  
 28 inserting the following: "An Act relating to  
 29 agriculture by providing for the powers and duties of  
 30 the department of agriculture and land stewardship and  
 31 watershed improvement."  
 32 3. By renumbering as necessary.

By GREINER of Washington

H-1540 FILED APRIL 27, 2005

**SENATE FILE 200**

**H-1585**

1 Amend the amendment, H-1540, to Senate File 200, as  
 2 passed by the Senate, as follows:  
 3 1. Page 2, line 1, by inserting after the word  
 4 "entity" the following: "and approved by the  
 5 governor".  
 6 2. Page 2, by inserting after line 24 the  
 7 following:  
 8 "\_\_\_\_. One member of the Iowa farmers union.  
 9 \_\_\_\_\_. One member of the Iowa state association of  
 10 counties.  
 11 \_\_\_\_\_. One member of the Iowa chapter of the sierra  
 12 club.  
 13 \_\_\_\_\_. One member of the Iowa citizens for community  
 14 improvement.  
 15 \_\_\_\_\_. Two members of the general public with  
 16 expertise in water quality appointed by the governor."  
 17 3. Page 4, line 7, by inserting after the word  
 18 "project." the following: "Each local watershed  
 19 improvement grant application shall include a  
 20 methodology for attaining measurable, observable, and  
 21 performance-based results."  
 22 4. By relettering as necessary.

By KUHN of Floyd

HOUSE AMENDMENT TO  
SENATE FILE 200

S-3208

1 Amend Senate File 200, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 7 through 23.

4 2. Page 1, by inserting after line 27, the  
5 following:

6 "DIVISION IV  
7 WATERSHED IMPROVEMENT

8 Sec. \_\_\_\_\_. Section 16.5, Code 2005, is amended by  
9 adding the following new subsection:

10 NEW SUBSECTION. 19. Provide administrative and  
11 fiscal oversight and support for local watershed  
12 improvement grants awarded pursuant to section 16.185.

13 Sec. \_\_\_\_\_. NEW SECTION. 16.185 WATERSHED  
14 IMPROVEMENT FUND -- BOARD -- DUTIES.

15 1. A watershed improvement fund is created in the  
16 state treasury under the control of the Iowa finance  
17 authority. Moneys appropriated to the watershed  
18 improvement fund and any other moneys available to and  
19 obtained or accepted by the authority for placement in  
20 the watershed improvement fund shall be deposited in  
21 the fund. Additionally, payments of interest,  
22 recaptures of awards, and other repayments to the  
23 watershed improvement fund shall be deposited in the  
24 fund. Notwithstanding section 12C.7, subsection 2,  
25 interest or earnings on moneys in the watershed  
26 improvement fund shall be credited to the fund.  
27 Notwithstanding section 8.33, moneys in the fund that  
28 remain unencumbered or unobligated at the end of the  
29 fiscal year shall not revert, but shall remain  
30 available for the same purpose in the succeeding  
31 fiscal year.

32 2. A watershed improvement board is created with  
33 the following purposes:

34 a. Enhancement of water quality in the state  
35 through a variety of impairment-based, locally  
36 directed watershed improvement grant projects.

37 b. Positively affecting the management and use of  
38 water for the purposes of drinking, agriculture,  
39 recreation, sport, and economic development in the  
40 state.

41 c. Ensuring public participation in the process of  
42 determining priorities related to water quality  
43 including but not limited to all of the following:

- 44 (1) Agricultural runoff and drainage.
- 45 (2) Stream bank erosion.
- 46 (3) Municipal discharge.
- 47 (4) Stormwater runoff.
- 48 (5) Unsewered communities.
- 49 (6) Industrial discharge.
- 50 (7) Livestock runoff.

S-3208

- 1 3. The watershed improvement board shall consist  
2 of all of the following voting members, appointed by  
3 the named entity:
- 4 a. One member of the Iowa association of business  
5 and industry.
  - 6 b. One member of the Iowa association of municipal  
7 utilities.
  - 8 c. One member of the Iowa association of water  
9 agencies.
  - 10 d. One member of the Iowa cattlemen's association.
  - 11 e. One member of the Iowa environmental council.
  - 12 f. One member of the Iowa environmental health  
13 association.
  - 14 g. One member of the Iowa farm bureau federation.
  - 15 h. One member of the Iowa league of cities.
  - 16 i. One member of the Iowa pork producers  
17 association.
  - 18 j. One member of the Iowa rural water association.
  - 19 k. One member of the Iowa soybean association.
  - 20 l. One member representing soil and water  
21 conservation districts of Iowa.
  - 22 m. One member of the Iowa corn growers  
23 association.
  - 24 n. One member of the Iowa poultry association.
  - 25 o. One member of the Iowa land improvement  
26 contractors association.
- 27 4. The chairpersons and ranking members of the  
28 committee on natural resources in the senate and the  
29 committee on environmental protection in the house of  
30 representatives shall serve as ex officio members of  
31 the board.
- 32 5. The members of the watershed improvement board  
33 shall serve three-year staggered terms commencing and  
34 ending as provided in section 69.19. If a vacancy  
35 occurs, a successor shall be appointed in the same  
36 manner and subject to the same qualifications as the  
37 original appointment to serve the remainder of the  
38 term.
- 39 6. The members of the board shall elect a  
40 chairperson and vice chairperson annually from the  
41 voting membership of the board. A majority of the  
42 voting members of the board constitutes a quorum. If  
43 the chairperson and vice chairperson are unable to  
44 preside over the board due to absence or disability, a  
45 majority of the voting members present may elect a  
46 temporary chairperson by a majority vote providing a  
47 quorum is present.
- 48 7. The board shall meet no more than on a  
49 quarterly basis.
- 50 8. The members of the watershed improvement board

1 may receive reimbursement for actual expenses incurred  
2 while engaged in the performance of their official  
3 duties. A board member may also be eligible to  
4 receive compensation as provided in section 7E.6.

5 9. The chairperson of the board shall notify the  
6 legislative council of the membership of the board on  
7 an annual basis and shall notify the legislative  
8 council of any changes in membership that occur due to  
9 a vacancy on the board.

10 10. A watershed improvement board member shall not  
11 serve on a local watershed improvement committee.

12 11. The Iowa finance authority shall provide  
13 administrative support to the board. Not more than  
14 twelve thousand dollars of the moneys appropriated for  
15 the purposes of the local watershed improvement  
16 grants, annually, shall be used for administrative  
17 purposes.

18 12. The watershed improvement board shall do all  
19 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. Adopt administrative rules pursuant to chapter  
40 17A to administer this section.

41 13. The board may elicit the expertise of other  
42 organizations for technical assistance in the work of  
43 the board. The organizations may include but are not  
44 limited to all of the following:

45 a. The state university of Iowa.

46 b. The Iowa state university of science and  
47 technology.

48 c. The department of natural resources.

49 d. The department of agriculture and land  
50 stewardship.

- 1 e. The United States geological survey.  
2 f. The United States department of agriculture,  
3 agricultural research service national soil tilth  
4 laboratory.  
5 g. The Leopold center for sustainable agriculture.  
6 14. a. A local watershed improvement committee  
7 shall be organized for the purposes of applying for a  
8 local watershed improvement grant and implementing a  
9 local watershed improvement project. A majority of  
10 the members of the local watershed improvement  
11 committee shall represent a cause for the impairment  
12 of the watershed. The committee shall be authorized  
13 as a not-for-profit organization by the secretary of  
14 state. Soil and water conservation districts may also  
15 be eligible and apply for and receive local watershed  
16 improvement grants.  
17 b. A local watershed improvement committee shall  
18 be responsible for application for and implementation  
19 of an approved local watershed improvement grant,  
20 including providing authorization for project bids and  
21 project expenditures under the grant. A portion of  
22 the grant moneys may be used to engage engineering  
23 expertise related to the project. The committee shall  
24 monitor local performance throughout the local  
25 watershed grant project and shall submit a report at  
26 six-month intervals regarding the progress and  
27 findings of the project as required by the watershed  
28 improvement board."  
29 3. Title page, by striking lines 1 through 3 and  
30 inserting the following: "An Act relating to  
31 agriculture by providing for the powers and duties of  
32 the department of agriculture and land stewardship and  
33 watershed improvement."  
34 4. By renumbering, relettering, or redesignating  
35 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

**EIGHTY FIRST GENERAL ASSEMBLY  
2005 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

MAY 5, 2005

**SENATE FILE 200**

**S-3250**

1 Amend the House amendment, S-3208, to Senate File  
2 200, as passed by the Senate, as follows:

3 1. By striking page 1, line 8, through page 4,  
4 line 33, and inserting the following:

5 "Sec. \_\_\_\_ . NEW SECTION. 455B.118 WATERSHED  
6 IMPROVEMENT FUND.

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

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

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

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

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

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

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

49 a. One member of the agribusiness association of  
50 Iowa.

**S-3250**

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

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

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

25 \_\_\_\_\_. Title page, by striking lines 1 through 3  
26 and inserting the following: "An Act relating to  
27 agriculture by providing for the powers and duties of  
28 the department of agriculture and land stewardship and  
29 watershed improvement.""

By BRIAN SCHOENJAHN  
STEVE KETTERING  
DENNIS H. BLACK

HUBERT M. HOUSER  
EUGENE S. FRAISE  
E. THURMAN GASKILL

**SENATE FILE 200**

**S-3253**

1 Amend the amendment, S-3250, to the House  
2 amendment, S-3208, to Senate File 200, as amended,  
3 passed, and reprinted by the Senate, as follows:  
4 1. Page 2, line 38, by striking the word "their"  
5 and inserting the following: "other".

**By BRIAN SCHOENJAHN**

**S-3253** FILED MAY 4, 2005  
ADOPTED

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 200

To the President of the Senate and the Speaker of the House of Representatives:

We the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 200, a bill for an Act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1630.

2. That the House amendment, S-3208, to Senate File 200, as passed by the Senate, is amended to read as follows:

1. By striking page 1, line 8, through page 4, line 33, and inserting the following:

"Sec. \_\_\_\_ . NEW SECTION. 466A.1 DEFINITIONS.

As used in the chapter, unless the context otherwise requires:

1. "Board" means the watershed improvement review board as established in section 466A.3.

2. "Committee" means a local watershed improvement committee as provided in section 466A.4.

3. "Division" means the division of soil conservation within the department of agriculture and land stewardship as established in section 161A.4.

4. "Fund" means the watershed improvement fund as created pursuant to section 466A.2.

Sec. \_\_\_\_ . NEW SECTION. 466A.2 WATERSHED IMPROVEMENT FUND.

1. A watershed improvement fund is created in the state treasury which shall be administered by the treasurer of state upon direction of the watershed improvement review board.

Moneys appropriated to the fund and any other moneys available to and obtained or accepted by the treasurer of state for placement in the fund shall be deposited in the fund. Additionally, payments of interest, recaptures of awards, and other repayments to the fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the end of the fiscal year shall not revert, but shall remain available for the same purpose in the succeeding fiscal year. The moneys in the fund shall be used exclusively for carrying out the purposes of the fund as provided in this section. Moneys appropriated to the treasurer of state and deposited in the fund shall not be used by the treasurer of state for administrative purposes.

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

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

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

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

- (1) Agricultural runoff and drainage.
- (2) Stream bank erosion.
- (3) Municipal discharge.
- (4) Stormwater runoff.
- (5) Unsewered communities.
- (6) Industrial discharge.
- (7) Livestock runoff.

Sec. \_\_\_\_ . NEW SECTION. 466A.3 WATERSHED IMPROVEMENT REVIEW BOARD.

1. A watershed improvement review board is established.

a. The board shall consist of all of the following voting members, appointed by the named entity or entities and approved by the governor:

- (1) One member of the agribusiness association of Iowa.
- (2) One member of the Iowa association of water agencies.
- (3) One member of the Iowa environmental council.
- (4) One member of the Iowa farm bureau federation.
- (5) One member of the Iowa pork producers association.
- (6) One member of the Iowa rural water association.
- (7) One member of the Iowa soybean association.
- (8) One member representing soil and water conservation districts of Iowa.
- (9) One member of the Iowa association of county conservation boards.
- (10) One person representing the department of agriculture and land stewardship.
- (11) One person representing the department of natural resources.

b. The board shall consist of four members of the general assembly who shall serve as voting members. Not more than one member from each house shall be from the same political party. Two state senators shall be appointed, one by the majority leader of the senate and one by the minority leader of the senate. Two state representatives shall be appointed, one by the speaker of the house of representatives and one by the minority leader of the house of representatives. A member may designate another person to attend a board meeting if the member is unavailable. Only the member is eligible for per diem and expenses as provided in section 2.10.

2. a. The voting members of the board shall serve three-year staggered terms commencing and ending as provided in section 69.19. If a vacancy occurs, a successor shall be appointed in the same manner and subject to the same qualifications as the original appointment, to serve the remainder of the term.

b. The voting members of the board shall elect a

chairperson and vice chairperson annually from the voting membership of the board. A majority of the voting members of the board constitutes a quorum. If the chairperson and vice chairperson are unable to preside over the board due to absence or disability, a majority of the voting members present may elect a temporary chairperson by a majority vote providing a quorum is present.

3. The watershed improvement review board shall do all of the following:

a. Award local watershed improvement grants and monitor the progress of local watershed improvement projects awarded grants. A local watershed improvement grant may be awarded for a period not to exceed three years. Each local watershed improvement grant awarded shall not exceed ten percent of the moneys appropriated for the grants during a fiscal year.

b. Assist with the development of monitoring plans for local watershed improvement projects.

c. Review monitoring results before, during, and after completion of a local watershed improvement project.

d. Review costs and benefits of mitigation practices utilized by a project.

e. By January 31, annually, submit an electronic report to the governor and the general assembly regarding the progress of the watershed improvement projects during the previous calendar year.

f. Elicit the expertise of other organizations for technical assistance in the work of the board.

g. Independently develop and adopt administrative rules pursuant to chapter 17A to administer this chapter.

4. A watershed improvement review board member who also serves on a local watershed improvement committee shall abstain from voting on a local watershed improvement grant application submitted by the same local watershed improvement committee of which the person is a member. A member of the general assembly shall abstain from participating on any issue relating to a watershed which is in the member's legislative

district.

Sec. \_\_\_\_ . NEW SECTION. 466A.4 LOCAL WATERSHED  
IMPROVEMENT COMMITTEES.

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

2. A local watershed improvement committee shall be responsible for application for and implementation of an approved local watershed improvement grant, including providing authorization for project bids and project expenditures under the grant. A portion of the grant moneys may be used to engage engineering expertise related to the project. The committee shall monitor local performance throughout the local watershed grant project and shall submit a report at six-month intervals regarding the progress and findings of the project as required by the committee.

Sec. \_\_\_\_ . NEW SECTION. 466A.5 ADMINISTRATION.

The soil conservation division of the department of agriculture and land stewardship shall provide administrative support to the board. Not more than one percent of the total moneys deposited in the watershed improvement fund on July 1 of a fiscal year or fifty thousand dollars, whichever is less, is appropriated each fiscal year to the division for the purposes of assisting the watershed improvement review board in administering this chapter."

\_\_\_\_. Title page, by striking lines 1 through 3 and inserting the following: "An Act relating to agriculture by

providing for the powers and duties of the department of agriculture and land stewardship and watershed improvement.""

2. By renumbering as necessary.

**ON THE PART OF THE SENATE:**

DENNIS H. BLACK, CO-CHAIRPERSON  
STEVE KETTERING, CO-CHAIRPERSON  
HUBERT M. HOUSER  
DAVID JOHNSON  
AMANDA RAGAN  
BRIAN SCHOENJAHN

**ON THE PART OF THE HOUSE:**

SANDRA H. GREINER, CHAIRPERSON  
ROBERT M. HOGG  
JAMES M. KURTENBACH  
DELORES M. MERTZ  
DANIEL J. RASMUSSEN

CCR 200  
ADOPTED

FILED MAY 20, 2005

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 200

To the President of the Senate and the Speaker of the House of Representatives:

We the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 200, a bill for an Act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1630.

2. That the House amendment, S-3208, to Senate File 200, as passed by the Senate, is amended to read as follows:

1. By striking page 1, line 8, through page 4, line 33, and inserting the following:

"Sec. \_\_\_\_ . NEW SECTION. 466A.1 DEFINITIONS.

As used in the chapter, unless the context otherwise requires:

1. "Board" means the watershed improvement review board as established in section 466A.3.

2. "Committee" means a local watershed improvement committee as provided in section 466A.4.

3. "Division" means the division of soil conservation within the department of agriculture and land stewardship as established in section 161A.4.

4. "Fund" means the watershed improvement fund as created pursuant to section 466A.2.

Sec. \_\_\_\_ . NEW SECTION. 466A.2 WATERSHED IMPROVEMENT FUND.

1. A watershed improvement fund is created in the state treasury which shall be administered by the treasurer of state upon direction of the watershed improvement review board.

a. The board shall consist of all of the following voting members, appointed by the named entity or entities and approved by the governor:

- (1) One member of the agribusiness association of Iowa.
- (2) One member of the Iowa association of water agencies.
- (3) One member of the Iowa environmental council.
- (4) One member of the Iowa farm bureau federation.
- (5) One member of the Iowa pork producers association.
- (6) One member of the Iowa rural water association.
- (7) One member of the Iowa soybean association.
- (8) One member representing soil and water conservation districts of Iowa.
- (9) One member of the Iowa association of county conservation boards.
- (10) One person representing the department of agriculture and land stewardship.
- (11) One person representing the department of natural resources.

b. The board shall consist of four members of the general assembly who shall serve as voting members. Not more than one member from each house shall be from the same political party. Two state senators shall be appointed, one by the majority leader of the senate and one by the minority leader of the senate. Two state representatives shall be appointed, one by the speaker of the house of representatives and one by the minority leader of the house of representatives. A member may designate another person to attend a board meeting if the member is unavailable. Only the member is eligible for per diem and expenses as provided in section 2.10.

2. a. The voting members of the board shall serve three-year staggered terms commencing and ending as provided in section 69.19. If a vacancy occurs, a successor shall be appointed in the same manner and subject to the same qualifications as the original appointment, to serve the remainder of the term.

b. The voting members of the board shall elect a

district.

Sec. \_\_\_\_ . NEW SECTION. 466A.4 LOCAL WATERSHED IMPROVEMENT COMMITTEES.

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

2. A local watershed improvement committee shall be responsible for application for and implementation of an approved local watershed improvement grant, including providing authorization for project bids and project expenditures under the grant. A portion of the grant moneys may be used to engage engineering expertise related to the project. The committee shall monitor local performance throughout the local watershed grant project and shall submit a report at six-month intervals regarding the progress and findings of the project as required by the committee.

Sec. \_\_\_\_ . NEW SECTION. 466A.5 ADMINISTRATION.

The soil conservation division of the department of agriculture and land stewardship shall provide administrative support to the board. Not more than one percent of the total moneys deposited in the watershed improvement fund on July 1 of a fiscal year or fifty thousand dollars, whichever is less, is appropriated each fiscal year to the division for the purposes of assisting the watershed improvement review board in administering this chapter."

\_\_\_\_. Title page, by striking lines 1 through 3 and inserting the following: "An Act relating to agriculture by

CCR 200

Page 6

providing for the powers and duties of the department of agriculture and land stewardship and watershed improvement."

2. By renumbering as necessary.

**ON THE PART OF THE SENATE:**

DENNIS H. BLACK, CO-CHAIRPERSON  
STEVE KETTERING, CO-CHAIRPERSON  
HUBERT M. HOUSER  
DAVID JOHNSON  
AMANDA RAGAN  
BRIAN SCHOENJAHN

**ON THE PART OF THE HOUSE:**

SANDRA H. GREINER, CHAIRPERSON  
ROBERT M. HOGG  
JAMES M. KURTENBACH  
DELORES M. MERTZ  
DANIEL J. RASMUSSEN

CCR 200  
ADOPTED

FILED MAY 20, 2005

SENATE AMENDMENT TO HOUSE AMENDMENT TO  
SENATE FILE 200

H-1630

1 Amend the House amendment, S-3208, to Senate File  
2 200, as passed by the Senate, as follows:

3 1. By striking page 1, line 8, through page 4,  
4 line 33, and inserting the following:

5 "Sec. \_\_\_\_ . NEW SECTION. 455B.118 WATERSHED  
6 IMPROVEMENT FUND.

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

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

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

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

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

38 (1) Agricultural runoff and drainage.

39 (2) Stream bank erosion.

40 (3) Municipal discharge.

41 (4) Stormwater runoff.

42 (5) Unsewered communities.

43 (6) Industrial discharge.

44 (7) Livestock runoff.

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

49 a. One member of the agribusiness association of  
50 Iowa.

H-1630

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

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

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

25 \_\_\_\_\_. Title page, by striking lines 1 through 3  
26 and inserting the following: "An Act relating to  
27 agriculture by providing for the powers and duties of  
28 the department of agriculture and land stewardship and  
29 watershed improvement.""

RECEIVED FROM THE SENATE

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 200

To the President of the Senate and the Speaker of the House of Representatives:

We the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 200, a bill for an Act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1630.

2. That the House amendment, S-3208, to Senate File 200, as passed by the Senate, is amended to read as follows:

1. By striking page 1, line 8, through page 4, line 33, and inserting the following:

"Sec. \_\_\_\_ . NEW SECTION. 466A.1 DEFINITIONS.

As used in the chapter, unless the context otherwise requires:

1. "Board" means the watershed improvement review board as established in section 466A.3.

2. "Committee" means a local watershed improvement committee as provided in section 466A.4.

3. "Division" means the division of soil conservation within the department of agriculture and land stewardship as established in section 161A.4.

4. "Fund" means the watershed improvement fund as created pursuant to section 466A.2.

Sec. \_\_\_\_ . NEW SECTION. 466A.2 WATERSHED IMPROVEMENT FUND.

1. A watershed improvement fund is created in the state treasury which shall be administered by the treasurer of state upon direction of the watershed improvement review board.

Moneys appropriated to the fund and any other moneys available to and obtained or accepted by the treasurer of state for placement in the fund shall be deposited in the fund. Additionally, payments of interest, recaptures of awards, and other repayments to the fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the end of the fiscal year shall not revert, but shall remain available for the same purpose in the succeeding fiscal year. The moneys in the fund shall be used exclusively for carrying out the purposes of the fund as provided in this section. Moneys appropriated to the treasurer of state and deposited in the fund shall not be used by the treasurer of state for administrative purposes.

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

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

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

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

- (1) Agricultural runoff and drainage.
- (2) Stream bank erosion.
- (3) Municipal discharge.
- (4) Stormwater runoff.
- (5) Unsewered communities.
- (6) Industrial discharge.
- (7) Livestock runoff.

Sec. \_\_\_\_ . NEW SECTION. 466A.3 WATERSHED IMPROVEMENT REVIEW BOARD.

1. A watershed improvement review board is established.

a. The board shall consist of all of the following voting members, appointed by the named entity or entities and approved by the governor:

- (1) One member of the agribusiness association of Iowa.
- (2) One member of the Iowa association of water agencies.
- (3) One member of the Iowa environmental council.
- (4) One member of the Iowa farm bureau federation.
- (5) One member of the Iowa pork producers association.
- (6) One member of the Iowa rural water association.
- (7) One member of the Iowa soybean association.
- (8) One member representing soil and water conservation districts of Iowa.
- (9) One member of the Iowa association of county conservation boards.
- (10) One person representing the department of agriculture and land stewardship.
- (11) One person representing the department of natural resources.

b. The board shall consist of four members of the general assembly who shall serve as voting members. Not more than one member from each house shall be from the same political party. Two state senators shall be appointed, one by the majority leader of the senate and one by the minority leader of the senate. Two state representatives shall be appointed, one by the speaker of the house of representatives and one by the minority leader of the house of representatives. A member may designate another person to attend a board meeting if the member is unavailable. Only the member is eligible for per diem and expenses as provided in section 2.10.

2. a. The voting members of the board shall serve three-year staggered terms commencing and ending as provided in section 69.19. If a vacancy occurs, a successor shall be appointed in the same manner and subject to the same qualifications as the original appointment, to serve the remainder of the term.

b. The voting members of the board shall elect a

chairperson and vice chairperson annually from the voting membership of the board. A majority of the voting members of the board constitutes a quorum. If the chairperson and vice chairperson are unable to preside over the board due to absence or disability, a majority of the voting members present may elect a temporary chairperson by a majority vote providing a quorum is present.

3. The watershed improvement review board shall do all of the following:

a. Award local watershed improvement grants and monitor the progress of local watershed improvement projects awarded grants. A local watershed improvement grant may be awarded for a period not to exceed three years. Each local watershed improvement grant awarded shall not exceed ten percent of the moneys appropriated for the grants during a fiscal year.

b. Assist with the development of monitoring plans for local watershed improvement projects.

c. Review monitoring results before, during, and after completion of a local watershed improvement project.

d. Review costs and benefits of mitigation practices utilized by a project.

e. By January 31, annually, submit an electronic report to the governor and the general assembly regarding the progress of the watershed improvement projects during the previous calendar year.

f. Elicit the expertise of other organizations for technical assistance in the work of the board.

g. Independently develop and adopt administrative rules pursuant to chapter 17A to administer this chapter.

4. A watershed improvement review board member who also serves on a local watershed improvement committee shall abstain from voting on a local watershed improvement grant application submitted by the same local watershed improvement committee of which the person is a member. A member of the general assembly shall abstain from participating on any issue relating to a watershed which is in the member's legislative

district.

Sec. \_\_\_\_\_. NEW SECTION. 466A.4 LOCAL WATERSHED  
IMPROVEMENT COMMITTEES.

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

2. A local watershed improvement committee shall be responsible for application for and implementation of an approved local watershed improvement grant, including providing authorization for project bids and project expenditures under the grant. A portion of the grant moneys may be used to engage engineering expertise related to the project. The committee shall monitor local performance throughout the local watershed grant project and shall submit a report at six-month intervals regarding the progress and findings of the project as required by the committee.

Sec. \_\_\_\_\_. NEW SECTION. 466A.5 ADMINISTRATION.

The soil conservation division of the department of agriculture and land stewardship shall provide administrative support to the board. Not more than one percent of the total moneys deposited in the watershed improvement fund on July 1 of a fiscal year or fifty thousand dollars, whichever is less, is appropriated each fiscal year to the division for the purposes of assisting the watershed improvement review board in administering this chapter."

\_\_\_\_\_. Title page, by striking lines 1 through 3 and inserting the following: "An Act relating to agriculture by

providing for the powers and duties of the department of agriculture and land stewardship and watershed improvement.""

2. By renumbering as necessary.

**ON THE PART OF THE SENATE:**

DENNIS H. BLACK, CO-CHAIRPERSON  
STEVE KETTERING, CO-CHAIRPERSON  
HUBERT M. HOUSER  
DAVID JOHNSON  
AMANDA RAGAN  
BRIAN SCHOENJAHN

**ON THE PART OF THE HOUSE:**

SANDRA H. GREINER, CHAIRPERSON  
ROBERT M. HOGG  
JAMES M. KURTENBACH  
DELORES M. MERTZ  
DANIEL J. RASMUSSEN

CCR 200

FILED MAY 20, 2005

Ragan co-chair  
Putney co-chair  
Rielly  
Hahn

Succeeded By  
SI HF 200

SSB# 1111  
Agriculture

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
AGRICULTURE AND LAND  
STEWARDSHIP BILL)

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

**A BILL FOR**

1 An Act relating to the administration of the department of  
2 agriculture and land stewardship, by providing for its powers  
3 and duties.

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

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

DIVISION I

IOWA BOARD OF VETERINARY MEDICINE --  
ELIMINATION OF REPORTING REQUIREMENT

Section 1. Section 169.5, subsection 7, unnumbered paragraph 3, Code 2005, is amended by striking the unnumbered paragraph.

DIVISION II

PESTICIDE ACT OF IOWA

Sec. 2. Section 206.21, subsection 2, Code 2005, is amended to read as follows:

2. For the purpose of carrying out the provisions and the requirements of this chapter and the rules made adopted and notices given pursuant thereto to this chapter, the secretary or the secretary's authorized agents, inspectors, or employees may enter into or upon any place during reasonable business hours in order to examine pesticide use or take periodic random samples for chemical examinations of pesticides and devices and to open any bundle, package or other container containing or believed to contain a pesticide in order to determine whether the pesticide or device complies with the requirements of this chapter. Methods of analysis shall be those currently used by the Association association of Official-Agricultural-Chemists official agricultural chemists.

DIVISION III

MOTOR VEHICLE FUEL DEALERS -- ELIMINATION OF  
VOLUNTARY SAMPLING PROCEDURE AND FEE

Sec. 3. Section 214A.6, Code 2005, is repealed.

EXPLANATION

IOWA BOARD OF VETERINARY MEDICINE -- ELIMINATION OF REPORTING REQUIREMENT. This division amends a provision in Code chapter 169, the Iowa veterinary practice Act. The Code chapter is administered by the Iowa board of veterinary medicine within the department of agriculture and land stewardship. The division provides that the president and secretary of the board must submit a report to the governor

1 involving the board's transactions, including financial  
2 information. The division eliminates that requirement.

3 PESTICIDE ACT OF IOWA. This division amends Code chapter  
4 206 which provides for the regulation of pesticides. Code  
5 section 206.21 provides that the department may enter onto a  
6 person's premises in order to take samples of chemicals for  
7 testing in order to ensure compliance with the provisions of  
8 this chapter. The division provides that the department may  
9 also examine pesticide use on the premises.

10 MOTOR VEHICLE FUEL DEALERS -- ELIMINATION OF VOLUNTARY  
11 SAMPLING PROCEDURE AND FEE. This division amends Code chapter  
12 214A regulating dealers of motor vehicle fuel on a wholesale  
13 or retail basis. The Code chapter provision currently allows  
14 a dealer to submit a motor vehicle fuel sample or oxygenate  
15 octane enhancer (alcohol) to the department of agriculture and  
16 land stewardship for testing. It prescribes procedures for  
17 taking a test sample and delivering it to the department. The  
18 dealer must also submit a statement made under oath by a  
19 "reputable" witness and a \$2 fee to the department. The  
20 division repeals that provision.

21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

SENATE FILE 200

AN ACT  
RELATING TO AGRICULTURE BY PROVIDING FOR THE POWERS AND DUTIES  
OF THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP AND  
WATERSHED IMPROVEMENT.

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

DIVISION I

IOWA BOARD OF VETERINARY MEDICINE --  
ELIMINATION OF REPORTING REQUIREMENT

Section 1. Section 169.5, subsection 7, unnumbered paragraph 3, Code 2005, is amended by striking the unnumbered paragraph.

DIVISION II

MOTOR VEHICLE FUEL DEALERS -- ELIMINATION OF  
VOLUNTARY SAMPLING PROCEDURE AND FEE

Sec. 2. Section 214A.6, Code 2005, is repealed.

DIVISION III

WATERSHED IMPROVEMENT

Sec. 3. NEW SECTION. 466A.1 DEFINITIONS.

As used in the chapter, unless the context otherwise requires:

1. "Board" means the watershed improvement review board as established in section 466A.3.
2. "Committee" means a local watershed improvement committee as provided in section 466A.4.
3. "Division" means the division of soil conservation within the department of agriculture and land stewardship as established in section 161A.4.
4. "Fund" means the watershed improvement fund as created pursuant to section 466A.2.

Sec. 4. NEW SECTION. 466A.2 WATERSHED IMPROVEMENT FUND.

1. A watershed improvement fund is created in the state treasury which shall be administered by the treasurer of state upon direction of the watershed improvement review board. Moneys appropriated to the fund and any other moneys available to and obtained or accepted by the treasurer of state for placement in the fund shall be deposited in the fund. Additionally, payments of interest, recaptures of awards, and other repayments to the fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the end of the fiscal year shall not revert, but shall remain available for the same purpose in the succeeding fiscal year. The moneys in the fund shall be used exclusively for carrying out the purposes of the fund as provided in this section. Moneys appropriated to the treasurer of state and deposited in the fund shall not be used by the treasurer of state for administrative purposes.

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

- a. Enhancement of water quality in the state through a variety of impairment-based, locally directed watershed improvement grant projects.
- b. Positively affecting the management and use of water for the purposes of drinking, agriculture, recreation, sport, and economic development in the state.
- c. Ensuring public participation in the process of determining priorities related to water quality including but not limited to all of the following:
  - (1) Agricultural runoff and drainage.
  - (2) Stream bank erosion.
  - (3) Municipal discharge.
  - (4) Stormwater runoff.

- (5) Unsewered communities.
- (6) Industrial discharge.
- (7) Livestock runoff.

Sec. 5. NEW SECTION. 466A.3 WATERSHED IMPROVEMENT REVIEW BOARD.

1. A watershed improvement review board is established.

a. The board shall consist of all of the following voting members, appointed by the named entity or entities and approved by the governor:

- (1) One member of the agribusiness association of Iowa.
- (2) One member of the Iowa association of water agencies.
- (3) One member of the Iowa environmental council.
- (4) One member of the Iowa farm bureau federation.
- (5) One member of the Iowa pork producers association.
- (6) One member of the Iowa rural water association.
- (7) One member of the Iowa soybean association.
- (8) One member representing soil and water conservation districts of Iowa.
- (9) One member of the Iowa association of county conservation boards.
- (10) One person representing the department of agriculture and land stewardship.
- (11) One person representing the department of natural resources.

b. The board shall consist of four members of the general assembly who shall serve as voting members. Not more than one member from each house shall be from the same political party. Two state senators shall be appointed, one by the majority leader of the senate and one by the minority leader of the senate. Two state representatives shall be appointed, one by the speaker of the house of representatives and one by the minority leader of the house of representatives. A member may designate another person to attend a board meeting if the member is unavailable. Only the member is eligible for per diem and expenses as provided in section 2.10.

2. a. The voting members of the board shall serve three-year staggered terms commencing and ending as provided in section 69.19. If a vacancy occurs, a successor shall be appointed in the same manner and subject to the same qualifications as the original appointment, to serve the remainder of the term.

b. The voting members of the board shall elect a chairperson and vice chairperson annually from the voting membership of the board. A majority of the voting members of the board constitutes a quorum. If the chairperson and vice chairperson are unable to preside over the board due to absence or disability, a majority of the voting members present may elect a temporary chairperson by a majority vote providing a quorum is present.

3. The watershed improvement review board shall do all of the following:

a. Award local watershed improvement grants and monitor the progress of local watershed improvement projects awarded grants. A local watershed improvement grant may be awarded for a period not to exceed three years. Each local watershed improvement grant awarded shall not exceed ten percent of the moneys appropriated for the grants during a fiscal year.

b. Assist with the development of monitoring plans for local watershed improvement projects.

c. Review monitoring results before, during, and after completion of a local watershed improvement project.

d. Review costs and benefits of mitigation practices utilized by a project.

e. By January 31, annually, submit an electronic report to the governor and the general assembly regarding the progress of the watershed improvement projects during the previous calendar year.

f. Elicit the expertise of other organizations for technical assistance in the work of the board.

g. Independently develop and adopt administrative rules pursuant to chapter 17A to administer this chapter.

4. A watershed improvement review board member who also serves on a local watershed improvement committee shall abstain from voting on a local watershed improvement grant application submitted by the same local watershed improvement committee of which the person is a member. A member of the general assembly shall abstain from participating on any issue relating to a watershed which is in the member's legislative district.

Sec. 6. NEW SECTION. 466A.4 LOCAL WATERSHED IMPROVEMENT COMMITTEES.

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

2. A local watershed improvement committee shall be responsible for application for and implementation of an approved local watershed improvement grant, including providing authorization for project bids and project expenditures under the grant. A portion of the grant moneys may be used to engage engineering expertise related to the project. The committee shall monitor local performance throughout the local watershed grant project and shall submit a report at six-month intervals regarding the progress and findings of the project as required by the committee.

Sec. 7. NEW SECTION. 466A.5 ADMINISTRATION.

The soil conservation division of the department of agriculture and land stewardship shall provide administrative support to the board. Not more than one percent of the total moneys deposited in the watershed improvement fund on July 1 of a fiscal year or fifty thousand dollars, whichever is less, is appropriated each fiscal year to the division for the purposes of assisting the watershed improvement review board in administering this chapter.

---

JOHN P. KIBBIE  
President of the Senate

---

CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 200, Eighty-first General Assembly.

---

MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 6/15, 2005

---

THOMAS J. VILSACK  
Governor