

FILED MAR 07 2006

SENATE FILE 2377  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3238)

Passed Senate, Date 3-16-06 Passed House, Date 5-3-06  
Vote: Ayes 36 Nays 12 Vote: Ayes 66 Nays 25

*Repassed*  
*5-3-06 38-11* Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to animal feeding operations, by providing for  
2 standards and evaluations by the department of natural  
3 resources.

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

SC 2377

1 Section 1. Section 459.303, subsection 1, unnumbered  
2 paragraph 1, Code 2005, is amended to read as follows:

3 The department shall approve or disapprove applications for  
4 permits for the construction, including the expansion, of  
5 confinement feeding operation structures, as provided by rules  
6 adopted pursuant to this chapter. The department's decision  
7 to approve or disapprove a permit for the construction of a  
8 confinement feeding operation structure shall be based on  
9 whether the application is submitted according to procedures  
10 required by the department and the application meets standards  
11 established by ~~the department~~ this chapter. A person shall  
12 not begin construction of a confinement feeding operation  
13 structure requiring a permit under this section, unless the  
14 department first approves the person's application and issues  
15 to the person a construction permit. The department shall  
16 provide conditions for requiring when a person must obtain a  
17 construction permit.

18 Sec. 2. Section 459.312, subsection 9, unnumbered  
19 paragraph 1, Code 2005, is amended to read as follows:

20 The department shall approve or disapprove a manure  
21 management plan according to standards established by this  
22 chapter and procedures established by the department:

23 Sec. 3. NEW SECTION. 459.611 DEPARTMENTAL EVALUATION AND  
24 ORDER.

25 1. The department may conduct an evaluation of a  
26 confinement feeding operation that has commenced operation to  
27 determine if any of the following apply:

28 a. Manure from the confinement feeding operation is being  
29 discharged into a water of the state and the confinement  
30 feeding operation is not providing for the applicable minimum  
31 level of manure control as specified in section 459.311.

32 b. Manure from the confinement feeding operation is  
33 causing or may reasonably be expected to cause pollution of a  
34 water of the state.

35 c. Manure from the confinement feeding operation may

1 reasonably be expected to cause a violation of water quality  
2 standards as provided in this chapter or chapter 455B.

3 2. The department may evaluate a confinement feeding  
4 operation regardless of whether it is a small animal feeding  
5 operation or includes a confinement feeding operation  
6 structure which is constructed pursuant to a permit issued  
7 pursuant to section 459.303.

8 3. The department shall not conduct an evaluation of a  
9 confinement feeding operation which has not commenced  
10 operation to determine if any of the conditions provided in  
11 this section exist, unless the requirements of this chapter  
12 are not met.

13 4. If based on the results of the evaluation the  
14 department determines that a condition provided in this  
15 section exists, the department may issue an order to a person  
16 responsible for the operation of the confinement feeding  
17 operation which has been evaluated. The order shall require  
18 the person to institute remedial action necessary to eliminate  
19 the condition.

20 Sec. 4. NEW SECTION. 459A.511 DEPARTMENTAL EVALUATION  
21 AND ORDER.

22 1. The department may conduct an evaluation of an open  
23 feedlot operation that has commenced operation to determine if  
24 any of the following apply:

25 a. Open feedlot effluent from the open feedlot operation  
26 is being discharged into a water of the state and the open  
27 feedlot operation is not providing for the applicable minimum  
28 level of open feedlot effluent control as provided in section  
29 459A.401, 459A.402, or 459A.410.

30 b. Open feedlot effluent from the open feedlot operation  
31 is causing or may reasonably be expected to cause pollution of  
32 a water of the state.

33 c. Open feedlot effluent from the open feedlot operation  
34 is causing or may reasonably be expected to cause a violation  
35 of state water quality standards under this chapter or chapter

1 455B.

2 2. The department shall not conduct an evaluation of an  
3 open feedlot operation which has not commenced operation to  
4 determine if any of the conditions provided in this section  
5 exist, unless the requirements of this chapter are not met.

6 3. If based on the results of the evaluation the  
7 department determines that a condition provided in this  
8 section exists, the department may issue an order to a person  
9 responsible for the operation of the open feedlot operation  
10 which has been evaluated. The order shall require the person  
11 to institute remedial action necessary to eliminate the  
12 condition.

13

EXPLANATION

14 This bill amends provisions in Code chapter 459, which  
15 authorizes the department of natural resources to regulate  
16 animal feeding operations, including confinement feeding  
17 operations, and Code chapter 459A, which supplements those  
18 provisions by authorizing the department to regulate open  
19 feedlot operations.

20 Code section 459.303 provides for the approval or  
21 disapproval of applications for permits to construct  
22 confinement feeding operation structures (e.g., confinement  
23 buildings, manure storage structures, and egg washwater  
24 storage structures). The department's decision is in part  
25 based on whether the application meets the standards  
26 established by the department. The bill provides that the  
27 application must meet standards established in the Code  
28 chapter. See Code section 459A.205, which authorizes the  
29 department to approve or disapprove applications for permits  
30 to construct settled open feedlot effluent basins and  
31 alternative technology systems associated with open feedlots  
32 based on standards and procedures required in the chapter.

33 Code section 459.312 provides for the submission of manure  
34 management plans to the department, including updated manure  
35 management plans by an owner of a confinement feeding

1 operation or a person who applies manure from a confinement  
2 feeding operation which is located in another state, if the  
3 manure is applied on land located in this state. Generally, a  
4 manure management plan must include information regarding how  
5 much and where manure kept in a manure storage structure is to  
6 be applied. The department must approve the manure management  
7 plan according to procedures established by the department.  
8 The bill provides that the application must meet standards  
9 established in the Code chapter. See Code section 459A.208  
10 requiring the department to approve nutrient management plans  
11 according to procedures required by the department in  
12 compliance with the provisions of that chapter.

13 The bill provides for additional provisions in both Code  
14 chapters which authorize the department to conduct an  
15 evaluation of a confinement feeding operation or an open  
16 feedlot operation that has commenced operation in order to  
17 determine if manure or open feedlot effluent is being  
18 discharged into a water of the state or may reasonably be  
19 expected to cause pollution of a water of the state. The  
20 provisions are similar to administrative rules (567 IAC 65.5  
21 and 567 IAC 65.103). In addition, the bill provides that the  
22 department is prohibited from conducting an evaluation of a  
23 confinement feeding operation or open feedlot operation which  
24 has not commenced operation, unless a requirement provided in  
25 Code chapter 459 or 459A has not been met. The bill provides  
26 that based on the results of the evaluation, the department  
27 may issue an order (as opposed to a notice as provided in the  
28 rules) to a person responsible for the operation of the  
29 confinement feeding operation or open feedlot operation which  
30 has been evaluated in order to compel the person to institute  
31 remedial action necessary to eliminate the condition.

32  
33  
34  
35

SENATE FILE 2377

H-8575

1 Amend Senate File 2377, as passed by the Senate, as  
2 follows:

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

5 "Sec. \_\_\_\_ Section 459.312, subsection 4A, as  
6 enacted in 2006 Iowa Acts, Senate File 2076, section  
7 1, is amended to read as follows:

8 4A. The department shall provide for the receipt  
9 and processing of manure management plans, including  
10 updates to manure management plans, in an electronic  
11 format pursuant to section 459.302, not later than  
12 July 1, ~~2008~~ 2009. After that time, a person required  
13 to submit a manure management plan under this section  
14 ~~may~~ shall submit the manure management plan to the  
15 department and to the county board of supervisors in  
16 an electronic format."

17 2. By renumbering as necessary.

By DIX of Butler

DE BOEF of Keokuk

REASONER of Union

MERTZ of Kossuth

DRAKE of Pottawattamie

BAUDLER of Adair

QUIRK of Chickasaw

MILLER of Webster

GRANZOW of Hardin

SHOMSHOR of Pottawattamie

WILDERDYKE of Harrison

ALONS of Sioux

THOMAS of Clayton

PETTENGILL of Benton

H-8575 FILED APRIL 25, 2006

SENATE FILE 2377

H-8606

1 Amend Senate File 2377, as passed by the Senate, as  
2 follows:

3 1. Page 2, line 12, by inserting after the word  
4 "met." the following: "However, the department may  
5 send a letter of concern by certified mail to the  
6 owner of the confinement feeding operation that  
7 explicitly states the department's concern that a  
8 condition on the site where the confinement feeding  
9 operation is or may be constructed, if not addressed,  
10 may result in the pollution of the waters of the  
11 state. The department's letter shall provide the  
12 reasons for its concern and a possible remedy to the  
13 condition which could be implemented by the owner.  
14 The letter shall also inform the owner of likely  
15 administrative or judicial action if the condition  
16 exists, is not remedied, and results in the pollution  
17 of the waters of the state when the confinement  
18 feeding operation commences operations."

19 2. Page, 3, line 5, by inserting after the word  
20 "met." the following: "However, the department may  
21 send a letter of concern by certified mail to the  
22 owner of the open feedlot operation that explicitly  
23 states the department's concern that a condition on  
24 the site where the open feedlot operation is or may be  
25 constructed, if not addressed, may result in the  
26 pollution of the waters of the state. The  
27 department's letter shall provide the reasons for its  
28 concern and a possible remedy to the condition which  
29 could be implemented by the owner. The letter shall  
30 also inform the owner of likely administrative or  
31 judicial action if the condition exists, is not  
32 remedied, and results in the pollution of the waters  
33 of the state when the open feedlot operation commences  
34 operations."

35 3. By renumbering as necessary.

By DRAKE of Pottawattamie  
MERTZ of Kossuth

H-8606 FILED MAY 2, 2006

HOUSE AMENDMENT TO  
SENATE FILE 2377

S-5270

1 Amend Senate File 2377, as passed by the Senate, as  
2 follows:

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

5 "Sec. \_\_\_\_\_. Section 459.312, subsection 4A, as  
6 enacted in 2006 Iowa Acts, Senate File 2076, section  
7 1, is amended to read as follows:

8 4A. The department shall provide for the receipt  
9 and processing of manure management plans, including  
10 updates to manure management plans, in an electronic  
11 format pursuant to section 459.302, not later than  
12 July 1, ~~2008~~ 2009. After that time, a person required  
13 to submit a manure management plan under this section  
14 ~~may~~ shall submit the manure management plan to the  
15 department and to the county board of supervisors in  
16 an electronic format."

17 2. Page 2, line 12, by inserting after the word  
18 "met." the following: "However, the department may  
19 send a letter of concern by certified mail to the  
20 owner of the confinement feeding operation that  
21 explicitly states the department's concern that a  
22 condition on the site where the confinement feeding  
23 operation is or may be constructed, if not addressed,  
24 may result in the pollution of the waters of the  
25 state. The department's letter shall provide the  
26 reasons for its concern and a possible remedy to the  
27 condition which could be implemented by the owner.  
28 The letter shall also inform the owner of likely  
29 administrative or judicial action if the condition  
30 exists, is not remedied, and results in the pollution  
31 of the waters of the state when the confinement  
32 feeding operation commences operations."

33 3. Page 3, line 5, by inserting after the word  
34 "met." the following: "However, the department may  
35 send a letter of concern by certified mail to the  
36 owner of the open feedlot operation that explicitly  
37 states the department's concern that a condition on  
38 the site where the open feedlot operation is or may be  
39 constructed, if not addressed, may result in the  
40 pollution of the waters of the state. The  
41 department's letter shall provide the reasons for its  
42 concern and a possible remedy to the condition which  
43 could be implemented by the owner. The letter shall  
44 also inform the owner of likely administrative or  
45 judicial action if the condition exists, is not  
46 remedied, and results in the pollution of the waters  
47 of the state when the open feedlot operation commences  
48 operations."

49 4. By renumbering, relettering, or redesignating  
50 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5270 FILED MAY 3, 2006  
CONCURRED

Houser co-chair  
Wood co-chair  
Black  
Johnson

Approved By  
SF/HF2377

SSB# 3238  
Natural Resources

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT BILL BY  
CO-CHAIRPERSONS BLACK  
AND HOUSER)

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

**A BILL FOR**

1 An Act relating to animal feeding operations, by providing for  
2 standards and evaluations by the department of natural  
3 resources.

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

1 Section 1. Section 459.303, subsection 1, unnumbered  
2 paragraph 1, Code 2005, is amended to read as follows:

3 The department shall approve or disapprove applications for  
4 permits for the construction, including the expansion, of  
5 confinement feeding operation structures, as provided by rules  
6 adopted pursuant to this chapter. The department's decision  
7 to approve or disapprove a permit for the construction of a  
8 confinement feeding operation structure shall be based on  
9 whether the application is submitted according to procedures  
10 required by the department and the application meets standards  
11 established by ~~the department~~ this chapter. A person shall  
12 not begin construction of a confinement feeding operation  
13 structure requiring a permit under this section, unless the  
14 department first approves the person's application and issues  
15 to the person a construction permit. The department shall  
16 provide conditions for requiring when a person must obtain a  
17 construction permit.

18 Sec. 2. Section 459.312, subsection 9, unnumbered  
19 paragraph 1, Code 2005, is amended to read as follows:

20 The department shall approve or disapprove a manure  
21 management plan according to standards established by this  
22 chapter and procedures established by the department:

23 Sec. 3. NEW SECTION. 459.611 DEPARTMENTAL EVALUATION AND  
24 ORDER.

25 1. The department may conduct an evaluation of a  
26 confinement feeding operation that has commenced operation to  
27 determine if any of the following apply:

28 a. Manure from the confinement feeding operation is being  
29 discharged into a water of the state and the confinement  
30 feeding operation is not providing for the applicable minimum  
31 level of manure control as specified in section 459.311.

32 b. Manure from the confinement feeding operation is  
33 causing or may reasonably be expected to cause pollution of a  
34 water of the state.

35 c. Manure from the confinement feeding operation may

1 reasonably be expected to cause a violation of water quality  
2 standards as provided in this chapter or chapter 455B.

3 2. The department may evaluate a confinement feeding  
4 operation regardless of whether it is a small animal feeding  
5 operation or includes a confinement feeding operation  
6 structure which is constructed pursuant to a permit issued  
7 pursuant to section 459.303.

8 3. The department shall not conduct an evaluation of a  
9 confinement feeding operation which has not commenced  
10 operation to determine if any of the conditions provided in  
11 this section exist, unless the requirements of this chapter  
12 are not met.

13 4. If based on the results of the evaluation the  
14 department determines that a condition provided in this  
15 section exists, the department may issue an order to a person  
16 responsible for the operation of the confinement feeding  
17 operation which has been evaluated. The order shall require  
18 the person to institute remedial action necessary to eliminate  
19 the condition.

20 Sec. 4. NEW SECTION. 459A.511 DEPARTMENTAL EVALUATION  
21 AND ORDER.

22 1. The department may conduct an evaluation of an open  
23 feedlot operation that has commenced operation to determine if  
24 any of the following apply:

25 a. Open feedlot effluent from the open feedlot operation  
26 is being discharged into a water of the state and the open  
27 feedlot operation is not providing for the applicable minimum  
28 level of open feedlot effluent control as provided in section  
29 459A.401, 459A.402, or 459A.410.

30 b. Open feedlot effluent from the open feedlot operation  
31 is causing or may reasonably be expected to cause pollution of  
32 a water of the state.

33 c. Open feedlot effluent from the open feedlot operation  
34 is causing or may reasonably be expected to cause a violation  
35 of state water quality standards under this chapter or chapter

1 455B.

2 2. The department shall not conduct an evaluation of an  
3 open feedlot operation which has not commenced operation to  
4 determine if any of the conditions provided in this section  
5 exist, unless the requirements of this chapter are not met.

6 3. If based on the results of the evaluation the  
7 department determines that a condition provided in this  
8 section exists, the department may issue an order to a person  
9 responsible for the operation of the open feedlot operation  
10 which has been evaluated. The order shall require the person  
11 to institute remedial action necessary to eliminate the  
12 condition.

13

EXPLANATION

14 This bill amends provisions in Code chapter 459, which  
15 authorizes the department of natural resources to regulate  
16 animal feeding operations, including confinement feeding  
17 operations, and Code chapter 459A, which supplements those  
18 provisions by authorizing the department to regulate open  
19 feedlot operations.

20 Code section 459.303 provides for the approval or  
21 disapproval of applications for permits to construct  
22 confinement feeding operation structures (e.g., confinement  
23 buildings, manure storage structures, and egg washwater  
24 storage structures). The department's decision is in part  
25 based on whether the application meets the standards  
26 established by the department. The bill provides that the  
27 application must meet standards established in the Code  
28 chapter. See Code section 459A.205, which authorizes the  
29 department to approve or disapprove applications for permits  
30 to construct settled open feedlot effluent basins and  
31 alternative technology systems associated with open feedlots  
32 based on standards and procedures required in the chapter.

33 Code section 459.312 provides for the submission of manure  
34 management plans to the department, including updated manure  
35 management plans by an owner of a confinement feeding

1 operation or a person who applies manure from a confinement  
 2 feeding operation which is located in another state, if the  
 3 manure is applied on land located in this state. Generally, a  
 4 manure management plan must include information regarding how  
 5 much and where manure kept in a manure storage structure is to  
 6 be applied. The department must approve the manure management  
 7 plan according to procedures established by the department.  
 8 The bill provides that the application must meet standards  
 9 established in the Code chapter. See Code section 459A.208  
 10 requiring the department to approve nutrient management plans  
 11 according to procedures required by the department in  
 12 compliance with the provisions of that chapter.

13 The bill provides for additional provisions in both Code  
 14 chapters which authorize the department to conduct an  
 15 evaluation of a confinement feeding operation or an open  
 16 feedlot operation that has commenced operation in order to  
 17 determine if manure or open feedlot effluent is being  
 18 discharged into a water of the state or may reasonably be  
 19 expected to cause pollution of a water of the state. The  
 20 provisions are similar to administrative rules (567 IAC 65.5  
 21 and 567 IAC 65.103). In addition, the bill provides that the  
 22 department is prohibited from conducting an evaluation of a  
 23 confinement feeding operation or open feedlot operation which  
 24 has not commenced operation, unless a requirement provided in  
 25 Code chapter 459 or 459A has not been met. The bill provides  
 26 that based on the results of the evaluation, the department  
 27 may issue an order (as opposed to a notice as provided in the  
 28 rules) to a person responsible for the operation of the  
 29 confinement feeding operation or open feedlot operation which  
 30 has been evaluated in order to compel the person to institute  
 31 remedial action necessary to eliminate the condition.

32  
 33  
 34  
 35

SENATE FILE 2377

AN ACT

RELATING TO ANIMAL FEEDING OPERATIONS, BY PROVIDING FOR  
STANDARDS AND EVALUATIONS BY THE DEPARTMENT OF NATURAL  
RESOURCES.

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

Section 1. Section 459.303, subsection 1, unnumbered  
paragraph 1, Code 2005, is amended to read as follows:

The department shall approve or disapprove applications for  
permits for the construction, including the expansion, of  
confinement feeding operation structures, as provided by rules  
adopted pursuant to this chapter. The department's decision  
to approve or disapprove a permit for the construction of a  
confinement feeding operation structure shall be based on  
whether the application is submitted according to procedures  
required by the department and the application meets standards  
established by the department this chapter. A person shall  
not begin construction of a confinement feeding operation

structure requiring a permit under this section, unless the  
department first approves the person's application and issues  
to the person a construction permit. The department shall  
provide conditions for requiring when a person must obtain a  
construction permit.

Sec. 2. Section 459.312, subsection 4A, as enacted in 2006  
Iowa Acts, Senate File 2076, section 1, is amended to read as  
follows:

4A. The department shall provide for the receipt and  
processing of manure management plans, including updates to  
manure management plans, in an electronic format pursuant to  
section 459.302, not later than July 1, ~~2008~~ 2009. After that  
time, a person required to submit a manure management plan  
under this section ~~may~~ shall submit the manure management plan  
to the department and to the county board of supervisors in an  
electronic format.

Sec. 3. Section 459.312, subsection 9, unnumbered  
paragraph 1, Code 2005, is amended to read as follows:

The department shall approve or disapprove a manure  
management plan according to standards established by this  
chapter and procedures established by the department:

Sec. 4. NEW SECTION. 459.611 DEPARTMENTAL EVALUATION AND  
ORDER.

1. The department may conduct an evaluation of a  
confinement feeding operation that has commenced operation to  
determine if any of the following apply:

a. Manure from the confinement feeding operation is being  
discharged into a water of the state and the confinement  
feeding operation is not providing for the applicable minimum  
level of manure control as specified in section 459.311.

b. Manure from the confinement feeding operation is  
causing or may reasonably be expected to cause pollution of a  
water of the state.

c. Manure from the confinement feeding operation may reasonably be expected to cause a violation of water quality standards as provided in this chapter or chapter 455B.

2. The department may evaluate a confinement feeding operation regardless of whether it is a small animal feeding operation or includes a confinement feeding operation structure which is constructed pursuant to a permit issued pursuant to section 459.303.

3. The department shall not conduct an evaluation of a confinement feeding operation which has not commenced operation to determine if any of the conditions provided in this section exist, unless the requirements of this chapter are not met. However, the department may send a letter of concern by certified mail to the owner of the confinement feeding operation that explicitly states the department's concern that a condition on the site where the confinement feeding operation is or may be constructed, if not addressed, may result in the pollution of the waters of the state. The department's letter shall provide the reasons for its concern and a possible remedy to the condition which could be implemented by the owner. The letter shall also inform the owner of likely administrative or judicial action if the condition exists, is not remedied, and results in the pollution of the waters of the state when the confinement feeding operation commences operations.

4. If based on the results of the evaluation the department determines that a condition provided in this section exists, the department may issue an order to a person responsible for the operation of the confinement feeding operation which has been evaluated. The order shall require the person to institute remedial action necessary to eliminate the condition.

Sec. 5. NEW SECTION. 459A.511 DEPARTMENTAL EVALUATION AND ORDER.

1. The department may conduct an evaluation of an open feedlot operation that has commenced operation to determine if any of the following apply:

a. Open feedlot effluent from the open feedlot operation is being discharged into a water of the state and the open feedlot operation is not providing for the applicable minimum level of open feedlot effluent control as provided in section 459A.401, 459A.402, or 459A.410.

b. Open feedlot effluent from the open feedlot operation is causing or may reasonably be expected to cause pollution of a water of the state.

c. Open feedlot effluent from the open feedlot operation is causing or may reasonably be expected to cause a violation of state water quality standards under this chapter or chapter 455B.

2. The department shall not conduct an evaluation of an open feedlot operation which has not commenced operation to determine if any of the conditions provided in this section exist, unless the requirements of this chapter are not met. However, the department may send a letter of concern by certified mail to the owner of the open feedlot operation that explicitly states the department's concern that a condition on the site where the open feedlot operation is or may be constructed, if not addressed, may result in the pollution of the waters of the state. The department's letter shall provide the reasons for its concern and a possible remedy to the condition which could be implemented by the owner. The letter shall also inform the owner of likely administrative or judicial action if the condition exists, is not remedied, and results in the pollution of the waters of the state when the open feedlot operation commences operations.

3. If based on the results of the evaluation the department determines that a condition provided in this section exists, the department may issue an order to a person

responsible for the operation of the open feedlot operation which has been evaluated. The order shall require the person to institute remedial action necessary to eliminate the condition.

---

JEFFREY M. LAMBERTI  
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 2377, Eighty-first General Assembly.

---

MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2006

---

THOMAS J. VILSACK  
Governor