

includes all information received by the counselor and any advice, report, or working paper given to or prepared by the counselor in the course of the counseling relationship with the victim.

Confidential information is confidential information which, so far as the victim is aware, is not disclosed to a third party with the exception of a person present in the consultation for the purpose of furthering the interest of the victim, a person to whom disclosure is reasonably necessary for the transmission of the information, or a person with whom disclosure is necessary for accomplishment of the purpose for which the counselor is consulted by the victim.

2. A victim counselor shall not be examined or required to give evidence in any civil or criminal proceeding as to any confidential communication made by a victim to the counselor, nor shall a clerk, secretary, stenographer, or any other employee who types or otherwise prepares or manages the confidential reports or working papers of a ~~sexual assault or domestic violence~~ victim counselor be required to produce evidence of any such confidential communication, unless the victim waives this privilege in writing or disclosure of the information is compelled by a court pursuant to subsection 7. Under no circumstances shall the location of a ~~domestic violence~~ crime victim center or the identity of the victim counselor be disclosed in any civil or criminal proceeding.

7. Upon the motion of a party, accompanied by a written offer of proof, a court may compel disclosure of certain information if the court determines that all of the following conditions are met:

a. The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act of sexual assault or domestic violence which is the subject of a criminal proceeding.

b. The probative value of the information outweighs the harmful effect, if any, of disclosure on the victim, the counseling relationship, and the treatment services.

c. The information cannot be obtained by reasonable means from any other source.

Approved May 22, 1989

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## CHAPTER 195

### SPECIAL QUALITY GRAINS PROGRAM

*H.F. 59*

**AN ACT** relating to the purchase and sale of grain by providing for the offering of a special quality grains electronic bulletin board service through the department of agriculture and land stewardship and providing for an advisory committee study of grain marketing to draft proposed legislation to develop the market for special quality grains.

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

Section 1. LEGISLATIVE INTENT. It is the intent of the general assembly to develop a quality grain program under the auspices of the department of agriculture and land stewardship. Mindful of the potential impact of state laws involving grain standards and inspection on the competitiveness of Iowa grain in the world marketplace, the general assembly intends that development of the quality grain program be based on a high degree of private and government cooperation. As the leading corn and soybean state in the nation, Iowa should be a leader in the promotion and marketing of quality agricultural products. Success in this leadership role requires both government and industry to work together. A study of the options and impact of state inspection standards is needed to guide the development of the quality grain program and foster the desired cooperation between the private sector and state government.

Sec. 2. NEW SECTION. 159.24A SPECIAL QUALITY GRAINS ELECTRONIC BULLETIN BOARD.

1. The department shall establish within the international trade bureau of the marketing division a special quality grains electronic bulletin board system. The system shall be available to any and all buyers and sellers of special quality grains for the purpose of posting the availability of special quality grains, or a demand for special quality grains.

2. The department shall actively promote the use of this system by both of the following:

a. Sellers who are producers or elevators.

b. Buyers who are government buying agencies, elevators, commercial firms, or others.

3. The system shall be limited to an informational service to permit one party of a potential transaction to learn basic preliminary information needed to locate and contact a second party if there is a commonality of demand and supply. The system shall not be operated as a trading system for completion of a contract, without express legislative permission. The department or the state shall not be liable for any action in connection with facilitating the initial contact between the parties through the electronic bulletin board system. The department or the state makes no warranties with regard to the information supplied to the bulletin board or to system participants.

Sec. 3. ADVISORY COMMITTEE.

1. The secretary of agriculture shall establish an advisory committee to develop recommendations on legislation to assure that Iowa agricultural producers receive the actual market value of above standard quality grain when sold to buyers and to establish a market which encourages the development of markets for above standard quality or special quality grains. The advisory committee's charge includes, but is not limited to, the following:

a. Drafting proposed legislation that may incorporate the major terms of or accomplish the objectives of House File 59, as introduced during the 1989 session of the general assembly. The proposed legislation may also incorporate other recommended legislative changes based upon the advisory committee's work.

b. Investigating the feasibility and advisability of expanding the electronic bulletin board to include marketing and the actual performance of trades.

c. Investigating other methods to assure that Iowa producers receive the fair market value for grain that is delivered to buyers in above standard condition.

d. Studying the impact of a proposed quality grain program on Iowa's competitiveness in the national and world marketplace.

2. The advisory committee shall research the general subject of grain marketing, including federal grain inspection and grading standards, procedures, and requirements, and other relevant information. The advisory committee shall conduct six public hearings, one in each congressional district of the state, to gather public input on state quality grain initiatives.

3. The speaker of the house of representatives shall appoint two representatives, the minority leader of the house shall appoint one representative, the majority leader of the senate shall appoint two senators, and the minority leader of the senate shall appoint one senator to the advisory committee. No more than two members from each house shall be from the same political party. The legislative service bureau shall provide staff and other support for the advisory committee. The secretary of agriculture shall appoint as public members of the advisory committee, the titular head or the titular head's designee of the following organizations:

a. Iowa farm bureau federation.

b. National farmers' union.

c. National farm organization.

d. Iowa corn growers' association.

e. Iowa soybean association.

f. Iowa grain and feed association.

g. Iowa institute for cooperation.

All members, public and private, shall be voting members of the advisory committee. The advisory committee shall adopt its own rules.

The committee shall elect a chairperson from among the legislative members of the committee.

4. The advisory committee shall report its recommendations to the general assembly on or before January 15, 1990. The advisory committee may continue to offer advice and assistance during the course of development of the quality grain program, except that the advisory committee shall be dissolved May 1, 1991.

Approved May 22, 1989

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## CHAPTER 196

### MARKETING OF IOWA PRODUCTS AND SERVICES

*H.F. 272*

**AN ACT** relating to the Iowa logo program by providing for the use of a label or trademark to identify Iowa products and services, authorizing the establishment of guidelines, and providing an effective date.

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

Section 1. Section 15.108, subsection 2, paragraph b, Code 1989, is amended to read as follows:

b. Aid in the marketing and promotion and development of manufacturing in Iowa products and services. The department may adopt, subject to the approval of the board, a label or trademark identifying quality Iowa products and services together with any other appropriate design or inscription and this label or trademark shall be registered in the office of the secretary of state.

(1) The department may register or file the label or trademark under the laws of the United States or any foreign country which permits registration, making the registration as an association or through an individual for the use and benefit of the department.

(2) The department shall establish guidelines for granting authority to use the label or trademark to persons or firms who make a satisfactory showing to the department that the products meet product or service meets the guidelines as constituting bona fide, quality Iowa products manufactured, processed, or originating in Iowa. The trademark or label use shall be registered with the department.

(3) A person shall not use the label or trademark or advertise it, or attach it on any promotional literature, manufactured article or agricultural product except as provided in this lettered paragraph without the approval of the department.

(4) The department may deny permission to use the label or trademark if the department believes that the planned use would adversely affect the use of the label or trademark as a marketing tool for Iowa products or its use would be inconsistent with the marketing objectives of the department. Notwithstanding chapter 17A, the Iowa administrative procedure Act, the department may suspend permission to use the label or trademark prior to an evidentiary hearing which shall be held within a reasonable period of time following the denial.

Sec. 2. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 22, 1989