

FILED MAR 6 1978

SENATE FILE 2176

BY COMMITTEE ON AGRICULTURE

Passed Senate, Date 3-12-78 (p. 550) Passed House, Date _____
Vote: Ayes 46 Nays 0 Vote: Ayes _____ Nays _____
Approved 6-2-78

A BILL FOR

1 An Act relating to the probing of grain for foreign material
2 content.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SENATE FILE 2176

S-5332

1 Amend Senate File 2176 as follows:
2 1. Page 1, by striking lines 1 through 5 and
3 inserting in lieu thereof the following:
4 "Section 1. Section one hundred fifty-nine point
5 five, (159.5), Code of 1977, is amended by adding the
6 following new subsection:
7 NEW SUBSECTION 10. Approve all methods of probing
8 for foreign material content of any type of grain."
9 2. By renumbering the remaining subsections to
10 conform with this amendment.

S-5332 FILED *Adopted 3/13*
MARCH 8, 1978 (*p. 549*)

BY C. W. HUTCHINS
MERLIN D. HULSE
JOHN SCOTT

1 Section 1. Section one hundred fifty-nine point twenty-
2 one (159.21), Code 1977, is amended by adding the following
3 new subsection:

4 NEW SUBSECTION. To approve all methods of probing for
5 foreign material content of any type of grain.

6 EXPLANATION

7 This bill provides that the director of marketing shall
8 approve all methods of probing for foreign material content
9 of any type of grain.

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LSB 3987S

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1 Section 1. Section one hundred fifty-nine point five
2 (159.5), Code 1977, is amended by adding the following new
3 subsection:

4 NEW SUBSECTION 10. Approve all methods of probing for
5 foreign material content of any type of grain.

6 EXPLANATION

7 This bill provides that the director of marketing shall
8 approve all methods of probing for foreign material content
9 of any type of grain.

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1 Amend Senate File 2176 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section five hundred forty-two point
5 one (542.1), Code 1977, is amended by adding the
6 following new subsections:

7 NEW SUBSECTION. "Moisture weight shrinkage factor"
8 is the rate of weight reduction used in adjusting
9 the weight of grain determined on the basis of its
10 moisture content.

11 NEW SUBSECTION. "Grain probe" means any device
12 used to gather or collect, by inserting directly into
13 the grain, a sample of bulk grain for the purpose
14 of determining the kind, class, quality and condition
15 of the grain.

16 NEW SUBSECTION. "Official grain standards" means
17 the standards of quality and condition of grain used
18 to determine the grade of the grain promulgated by
19 the United States secretary of agriculture under the
20 provisions of the United States Grain Standards Act
21 as amended to and including January 1, 1978.

22 Sec. 2. Section five hundred forty-two point two
23 (542.2), Code 1977, is amended to read as follows:

24 542.2 DUTIES AND POWERS OF THE COMMISSION. The
25 commission may exercise general supervision over the
26 business operations of grain dealers. The supervisory
27 and regulatory powers authorized by this chapter shall
28 be the responsibility of the warehouse division of
29 the commission. The commission may inspect or cause
30 to be inspected any grain dealer operating in this
31 state and may require the filing of reports pertaining
32 to the operation of his or her business. The
33 commission shall adopt rules to provide for the
34 efficient administration and regulation of the
35 provisions of this chapter, and may designate an
36 employee of the commission to act for the commission
37 in any details connected with such administration,
38 including the issuance of licenses and approval of
39 grain dealers' bonds in the name of the commission.
40 The commission shall adopt as grades for grain those
41 grain grades as determined under the official grain
42 standards.

43 Sec. 3. Section five hundred forty-two point three
44 (542.3), Code 1977, is amended by adding the following
45 new unnumbered paragraph:

46 NEW UNNUMBERED PARAGRAPH. Every applicant shall
47 file with the commission at the time of filing for
48 each license the moisture weight shrinkage factor
49 and shall publish the same. The publication shall
50 be made by posting the same in a conspicuous place

1 in the place of business of the applicant. The posting
2 shall be done on a form prescribed by the commission
3 and shall become effective at the time the license
4 becomes effective. If a grain dealer wishes to change
5 the moisture weight shrinkage factor, the grain dealer
6 shall file with the commission the new factor and
7 after approval by the commission following a hearing
8 on such change shall post the same in the same place
9 and manner as the previous publication.

10 Sec. 4. Chapter five hundred forty-two (542),
11 Code 1977, is amended by adding the following new
12 sections:

13 NEW SECTION. USE OF GRAIN PROBES. The use of
14 mechanized grain probes utilizing vacuum or pneumatic
15 systems shall be limited only to those probes approved
16 by the commission. The commission shall work in
17 conjunction with the United States and Iowa departments
18 of agriculture to establish any additional standards
19 necessary to ensure accuracy and fairness in grain
20 samples.

21 NEW SECTION. USE OF MOISTURE WEIGHT SHRINKAGE
22 FACTOR. The moisture weight shrinkage factor used
23 by any grain dealer shall not be greater than one
24 point twenty-five percent for corn or for soybeans
25 of weight loss for each one percent of moisture
26 content.

27 NEW SECTION. DISCRIMINATION. Every grain dealer
28 licensed under this chapter shall not discriminate
29 amongst persons in the use of grain probes or moisture
30 weight shrinkage factors.

31 Sec. 5. Section five hundred forty-three point
32 one (543.1), Code 1977, is amended by adding the
33 following new subsections:

34 NEW SUBSECTION. "Moisture weight shrinkage factor"
35 is the rate of weight reduction used in adjusting
36 the weight of grain determined on the basis of its
37 moisture content.

38 NEW SUBSECTION. "Grain probe" means any device
39 used to gather or collect, by inserting directly into
40 the grain, a sample of bulk grain for the purpose
41 of determining the kind, class, quality and condition
42 of the grain.

43 NEW SUBSECTION. "Official grain standards" means
44 the standards of quality and condition of grain used
45 to determine the grade of the grain promulgated by
46 the United States secretary of agriculture under the
47 provisions of the United States Grain Standards Act
48 as amended to and including January 1, 1978.

49 Sec. 6. Section five hundred forty-three point
50 two (543.2), Code 1977, is amended to read as follows:

1 543.2 DUTIES AND POWERS OF THE COMMISSION. The
2 commission is authorized to exercise general
3 supervision over the storage, warehousing, classifying
4 according to grade or otherwise, weighing, and
5 certification of agricultural products. The commission
6 may inspect or cause to be inspected any warehouse
7 and may require the filing of reports describing any
8 warehouse or the operation thereof. If upon any such
9 inspection a deficiency is found to exist as to the
10 quantity or quality of agricultural products stored,
11 the commission shall have the authority to, and may
12 require an employee to remain at the licensed ware-
13 house and supervise all operations conducted thereat
14 involving agricultural products stored under the
15 provisions of this chapter until the deficiency is
16 corrected. The commission shall inspect or cause
17 to be inspected every licensed warehouse and the
18 contents thereof not less than once every six months
19 and the commission shall have authority to make
20 available to the United States government, or any
21 of its agencies, including the Commodity Credit
22 Corporation, the results of inspections made and
23 inspection reports submitted to it by employees of
24 the commission, upon payment to it of such charges
25 as may be determined by the commission, but in no
26 event shall such charges be less than the actual cost
27 of such services rendered in regard thereto, as
28 determined by the commission. The commission shall
29 have authority to enter into contracts and agreements
30 for such purpose and shall keep a record of all money
31 thus received. All such money shall be paid over
32 to the treasurer of state as miscellaneous receipts.
33 The commission may classify any warehouse in accordance
34 with its suitability for the storage of agricultural
35 products and shall specify in any license issued for
36 the operation of any warehouse the type or types and
37 the quantity of agricultural products which may be
38 exclusively stored in such warehouse. The commission
39 may prescribe, within the limitations of this chapter,
40 the duties of licensed warehousemen with respect to
41 the care of and responsibility for the contents of
42 licensed warehouses. The commission may from time
43 to time establish and publish standards for agricul-
44 tural products by which quality or value of such
45 products may be judged or determined. The commission
46 may from time to time publish such data in connection
47 with the administration of this chapter as may be
48 of public interest. The commission shall have the
49 duty of administration of the further provisions
50 of this chapter. The commission shall adopt as grades

1 for grain those grain grades as determined under the
2 official grain standards.

3 Sec. 7. Section five hundred forty-three point
4 four (543.4), Code 1977, is amended by adding the
5 following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. Every applicant shall
7 file with the commission at the time of filing for
8 each license the moisture weight shrinkage factor
9 and shall publish the same. The publication shall
10 be made by posting the same in a conspicuous place
11 in the place of business of the applicant. The posting
12 shall be done on a form prescribed by the commission
13 and shall become effective at the time the license
14 becomes effective. If a warehouseman wishes to change
15 the moisture weight shrinkage factor, the warehouseman
16 shall file with the commission the new factor and
17 after approval by the commission following a hearing
18 on such change shall post the same in the same place
19 and manner as the previous publication.

20 Sec. 8. Chapter five hundred forty-three (543),
21 Code 1977, is amended by adding the following new
22 sections:

23 NEW SECTION. USE OF GRAIN PROBES. The use of
24 mechanized grain probes utilizing vacuum or pneumatic
25 systems shall be limited only to those probes approved
26 by the commission. The commission shall work in
27 conjunction with the United States and Iowa departments
28 of agriculture to establish any additional standards
29 necessary to ensure accuracy and fairness in grain
30 samples.

31 NEW SECTION. USE OF MOISTURE WEIGHT SHRINKAGE
32 FACTOR. The moisture weight shrinkage factor used
33 by any warehouseman shall not be greater than one
34 point twenty-five percent for corn or for soybeans
35 of weight loss for each one percent of moisture
36 content.

37 NEW SECTION. DISCRIMINATION. Every warehouseman
38 licensed under this chapter shall not discriminate
39 amongst persons in the use of grain probes or moisture
40 weight shrinkage factors.

41 Sec. 9. Section five hundred forty-three point
42 sixteen (543.16), Code 1977, is amended to read as
43 follows:

44 543.16 LICENSE REQUIRED FOR THE STORAGE OF BULK
45 GRAIN. It shall be unlawful for any person other
46 than a licensed warehouseman to place in storage or
47 to accept for storage any bulk grain, and it shall
48 be unlawful for any person to place bulk grain in
49 storage in a warehouse other than a licensed warehouse.
50 This section shall not apply to the acceptance and

1 storage of bulk grain by a person bonded and licensed
 2 under the provisions of a federal law, if and to the
 3 extent that such person is authorized under federal
 4 law to accept and store bulk grain, provided, that
 5 person is authorized to do business in this state
 6 which authorization is dependent upon the compliance
 7 with the provisions of this Act but such person shall
 8 comply with all other provisions of this chapter which
 9 do not conflict with such federal law. This section
 10 shall not apply to the storage of bulk grain owned
 11 by the person storing the same.

12 Sec. 10. This Act is effective January 1, 1979."

13 2. Amend the title, line 2, by inserting after
 14 the word "content" the words ", the grading of grain
 15 and the use of weight reduction factors based upon
 16 moisture content".

H-6445 FILED *Wittkowski* BY BYERLY of Polk
 MAY 2, 1978 *5/12 (p. 2759)* DAVITT of Warren
 SCHEELHAASE of Woodbury
 JESSE of Polk
 BINNEBOESE of Plymouth
 HOWELL of Floyd
 WOODS of Polk
 CHIODO of Polk
 GILLOON of Dubuque
 NEWHARD of Jones
 MILLER of Buchanan
 CUSACK of Scott
 HORN of Linn
 NORLAND of Worth
 CONNORS of Polk
 JOCHUM of Dubuque
 ARNOULD of Scott
 WALTER of Pottawattamie
 GETTINGS of Wapello
 DYRLAND of Clayton

SENATE FILE 2176

H-6558

1 Amend the amendment H-6445 to Senate File 2176
 2 as follows:
 3 1. Page 2, line 7, by striking the words
 4 "following a hearing".

H-6558 FILED *Jan. of* BY MIDDLESWART of Warren
 MAY 5, 1978 *added 5/12* DAVITT of Warren

SENATE FILE 2176

H-6561

1 Amend the amendment H-6445 to Senate File 2176
 2 as follows:
 3 1. Page 2, line 24, by inserting after the word
 4 "or" the words "one point thirty-five percent".

H-6561 FILED *Jan. of* BY GILSON of Guthrie
 MAY 5, 1978 *5/12*

SENATE FILE 2176

H-6597

- 1 Amend the amendment, H-6445, to Senate File 2176
- 2 as follows:
- 3 1. Page 1, by striking lines 11 through 15 and
- 4 inserting in lieu thereof the following:
- 5 "NEW SUBSECTION. "Grain probe" means any device
- 6 used to gather or collect a representative sample
- 7 of bulk grain for the purpose of determining the kind,
- 8 class, quality and condition of the grain by inserting
- 9 the device directly into the grain."
- 10 2. Page 2, by striking lines 38 through 42 and
- 11 inserting in lieu thereof the following:
- 12 "NEW SUBSECTION. "Grain probe" means any device
- 13 used to gather or collect a representative sample
- 14 of bulk grain for the purpose of determining the kind,
- 15 class, quality and condition of the grain by inserting
- 16 the device directly into the grain."

H-6597 FILED *By of order* BY HOWELL of Floyd
MAY 9, 1978 *5/9/78*

SENATE FILE 2176

H-6602

- 1 Amend the amendment H-6445 to Senate File 2176
- 2 as follows:
- 3 1. Page 2, line 7, by striking the words
- 4 "following a hearing".
- 5 2. Page 4, line 17, by striking the words
- 6 "following a hearing".

H-6602, FILED *By of order* BY MIDDLESWART of Warren
MAY 9, 1978 *5/9* DAVITT of Warren

SENATE FILE 2176

H-6627

- 1 Amend the amendment H-6445 to Senate File 2176
- 2 as follows:
- 3 1. Page 2, line 24, by inserting after the word
- 4 "or" the words "one point thirty-five percent".
- 5 2. Page 4, line 34, by inserting after the word
- 6 "or" the words "one point thirty-five percent".

H-6627 FILED *By of order* BY GILSON of Guthrie
MAY 10, 1978 *5/10*

SENATE FILE 2176

H-6635

- 1 Amend amendment H-6445, to Senate File 2176 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 2, line 2, by striking the words "on a
- 4 form" and inserting in lieu thereof the words "in
- 5 the manner".
- 6 2. Page 4, line 12, by striking the words "on a
- 7 form" and inserting in lieu thereof the words "in
- 8 the manner".

H-6635 FILED *By of order* BY DIELEMAN of Marion
MAY 10, 1978 *5/10*

1 Amend the amendment H-6445 to Senate File
2 2176 as follows:

3 1. Page 2, by adding after line 20, the
4 following:

5 "NEW SECTION. HAND PROBES. Every grain
6 dealer licensed under this chapter shall afford to
7 all interested parties the right to demand use of
8 a hand grain probe, and shall post a notice declaring
9 this right at each place of business in the manner
10 prescribed by the commission."

11 2. Page 4, by inserting after line 30, the
12 following:

13 "NEW SECTION. HAND PROBES. Every warehouseman
14 licensed under this chapter shall afford to all
15 interested parties the right to demand use of a
16 hand grain probe, and shall post a notice declaring
17 this right at each place of business in the manner
18 prescribed by the commission."
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H-6628 FILED *Order of order* BY DUNTON of Keokuk
MAY 10, 1978 *5/10/78*

SENATE FILE 2176

H-6682

1 Amend the amendment H-6445 to Senate File
2 2176 as follows:

3 1. Page 2, line 15, by striking the words
4 "limited only to those probes" and inserting in
5 lieu thereof the words "in a manner".

6 2. Page 4, line 25, by striking the words
7 "limited only to those probes" and inserting in
8 lieu thereof the words "in a manner".

H-6682 FILED *Order of order* BY WYCKOFF of Benton
MAY 11, 1978 *5/11/78*

SENATE FILE 2176

H-6683

1 Amend the amendment, H-6445, to Senate File 2176
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 2, by striking lines 16 through 20 and
5 inserting in lieu thereof the following: "by the
6 department of agriculture. The department of
7 agriculture shall work in conjunction with the United
8 States department of agriculture to establish any
9 additional standards necessary to ensure accuracy
10 and fairness in grain samples."

11 2. Page 4, by striking lines 26 through 30 and
12 inserting in lieu thereof the following: "by the
13 department of agriculture. The department of
14 agriculture shall work in conjunction with the United
15 States department of agriculture to establish any
16 additional standards necessary to ensure accuracy
17 and fairness in grain samples."

18 3. Page 4, line 34, by inserting after the word
19 "or" the words "one point thirty-five percent".

H-6683 FILED *Order of order* BY HARBOR of Mills
MAY 11, 1978 *5/11/78*

AN ACT
RELATING TO THE PROBING OF GRAIN FOR FOREIGN MATERIAL
CONTENT.

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

Section 1. Section one hundred fifty-nine point five (159.5), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Approve all methods of probing for foreign material content of any type of grain.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2176, Sixty-seventh General Assembly.

KEVIN P. LIGHT
Acting Secretary of the Senate

Approved June 2, 1978

ROBERT D. RAY
Governor