

FILED MAR 26 1979

SENATE FILE 469  
By COMMITTEE ON COMMERCE  
*Approved 3/22 (p. 468)*

Passed Senate, Date 4-11-79 (p. 119E) Passed House, Date \_\_\_\_\_  
Vote: Ayes 42 Nays 5 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to the licensing of grain dealers.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 469

S-3275

1 Amend Senate File 469 as follows:  
2 1. Page 2, line 3, by inserting after the  
3 word "him" the words "or her".

S-3275 FILED *Adopted 4/11 (p. 1197)* BY IRVIN L. BERGMAN  
MARCH 26, 1979

1 Section 1. Section five hundred forty-two point one  
2 (542.1), subsection three (3), Code 1979, is amended to read  
3 as follows:

4 3. "Grain dealer" shall mean any person who is engaged  
5 in the business of buying grain or seed grain for resale in  
6 its natural or processed form or as seed grain, or any  
7 merchandiser. However, "grain dealer" shall not be construed  
8 to mean a person solely engaged in buying or selling ~~on the~~  
9 ~~board of trade~~, grain future contracts, ~~a person who purchases~~  
10 ~~grain only for sale in a registered feed~~, ~~a person engaged~~  
11 ~~in the business of selling agricultural seeds regulated by~~  
12 ~~chapter 199~~ on the board of trade; a person who purchases  
13 not more than five thousand dollars worth of grain annually  
14 for processing; a person ~~buying or~~ selling grain only as a  
15 farm manager; or an executor, administrator, trustee, guardian,  
16 or conservator of an estate; or a bargaining agent as defined  
17 in section 542A.1.

18 Sec. 2. Section five hundred forty-two point one (542.1),  
19 Code 1979, is amended by adding the following new subsection:

20 NEW SUBSECTION. "Merchandiser" means a person who for  
21 compensation or a commission buys grain in the capacity of  
22 a broker for the purpose of resale, whether or not the person  
23 operates a warehouse or vehicles used in the storage or  
24 transportation of grain.

25 Sec. 3. Section five hundred forty-two point ten (542.10),  
26 Code 1979, is amended to read as follows:

27 542.10 ~~SUSPENSION OR REVOCATION OF LICENSE~~ SUSPENSION,  
28 REVOCATION, CANCELLATION OR TERMINATION OF LICENSE. The  
29 commission may after hearing and upon information being filed  
30 with the commission by the head of the warehouse division  
31 of the commission or upon complaint filed by any person,  
32 suspend or revoke the license of any person licensed under  
33 this chapter for the violation of or failure to comply with  
34 the provisions of this chapter or any rule adopted under this  
35 chapter. An information or a verified complaint stating the

1 grounds for suspension or revocation shall be filed with the  
2 commission in triplicate. The commission shall notify the  
3 licensee of the complaint and furnish him with a copy of the  
4 information or the complaint and a copy of the order of the  
5 commission fixing the time for a hearing, which time shall  
6 be at least five days from the date of notification. If the  
7 commission determines that the public good requires immediate  
8 action, the commission may, upon the filing of the information  
9 or the complaint and without hearing, temporarily suspend  
10 a license pending the determination by it of the complaint.  
11 Judicial review of the actions of the commission may be sought  
12 in accordance with the terms of the Iowa administrative  
13 procedure Act.

14 The commission may revoke a grain dealer's license upon  
15 information without hearing if a grain dealer fails to have  
16 sufficient bond on file with the commission, or if a grain  
17 dealer fails to submit to inspection.

18 The commission after opportunity for hearing shall cancel  
19 the license of a grain dealer who has failed to make any  
20 purchases of grain for resale within the previous twelve-month  
21 period.

22 Upon revocation, cancellation or termination of a license,  
23 the dealer shall be notified by regular mail of such  
24 revocation, cancellation or termination and the dealer shall  
25 immediately surrender to the commission the grain dealer's  
26 license and all vehicle identification plates.

27 Sec. 4. Section five hundred forty-two point eleven  
28 (542.11), Code 1979, is amended to read as follows:

29 542.11 PENALTIES--MISDEMEANOR. Any A person who engages  
30 in-business-as-a-grain-dealer-without-obtaining-a-license  
31 or-any-person-in-violation-of-any-other who violates a  
32 provision of this chapter, or any a grain dealer who refuses  
33 to permit inspection of his or her premises, books, accounts  
34 or records as provided in this chapter, shall-be-guilty-of  
35 commits a simple misdemeanor, except that a person who engages

1 in business as a grain dealer without obtaining a license  
2 commits a serious misdemeanor. Each day that any violation  
3 continues shall constitute a separate offense. Any A person  
4 violating the provisions of this chapter may be restrained  
5 by an injunction.

6 Sec. 5. This Act is effective January first following  
7 its enactment.

8 EXPLANATION

9 This bill amends sections of chapter 542 of the Code,  
10 relating to the licensing of grain dealers.

11 Section 1 amends the definition of grain dealer as follows:

12 a. The definition of "grain" is expanded to include seed  
13 grain.

14 b. The exemption from the chapter for persons purchasing  
15 grain for sale in a registered feed, and persons engaged in  
16 the business of selling agricultural seeds regulated by chap-  
17 ter 199 of the Code, are removed.

18 c. A new exemption from the chapter is added for persons  
19 whose purchaes are limited to not more than five thousand  
20 dollars a year when the grain is purchased for processing.

21 Section 2 adds a new definition of the term "merchandiser".  
22 The term merchandiser is presently contained in the definition  
23 of grain dealer (see section 1 of the bill).

24 Section 3 adds new language to permit the Iowa state com-  
25 merce commission to revoke the license of a person who does  
26 not make purchases authorized by the license within the  
27 preceding year.

28 Section 3 also provides that upon a revocation, cancellation  
29 or termination of a grain dealer's license, the commission  
30 shall notify the licensee by ordinary mail, and the licensee  
31 immediately shall surrender the license and all grain dealer  
32 vehicle identification plates.

33 Section 4 amends the penalties section to provide that  
34 the simple misdemeanor penalty presently existing for  
35 violations of the chapter does not apply to persons who fail

1 to obtain the required license. For engaging in the business  
2 of a grain dealer without a license, the penalty would be  
3 that for a serious misdemeanor (a maximum fine of \$1,000,  
4 or imprisonment for one year, or both).

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SENATE FILE 469

S-3317

1 Amend Senate File 469 as follows:  
2 1. Page 1, by striking lines 9 through 12 and  
3 inserting in lieu thereof the following: "~~board of~~  
4 ~~trade,~~ grain future contracts on the board of trade;  
5 a person who purchases grain only for sale in a  
6 registered feed; a person engaged in the business  
7 of selling agricultural seeds regulated by chapter  
8 199; a person who purchases".

S-3317 FILED *Adopted 4/11 (p. 1, 27)* BY BERL E. PRIEBE  
MARCH 28, 1979

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LSB 1762S 68  
lb/jw/5

SENATE FILE 469

S-3349

- 1 Amend Senate File 469 as follows:
- 2 1. Page 2, line 3, by striking the word "him" and
- 3 inserting in lieu thereof the words "him the
- 4 licensee".
- 5

S-3349 FILED *Ruled Out of Order* BY RAY TAYLOR  
APRIL 2, 1979 *4/11 (1198)*

SENATE FILE 469

S-3390

- 1 Amend Senate File 469 as follows:
- 2 1. Page 1, line 13 by striking the words
- 3 "five thousand" and inserting in lieu thereof
- 4 the words "twenty-five thousand".

S-3390 FILED *W/Drawn 4/11* BY ARNE WALDSTEIN  
APRIL 4, 1979 BERL PRIEBE

SENATE FILE 469

S-3475

- 1 Amend Senate File 469 as follows:
- 2 1. Page 1, by striking lines 9 through 12 and
- 3 inserting in lieu thereof the following: "board-of
- 4 trade; grain future contracts on the board of trade;
- 5 a-person-who-purchases-grain-only-for-sale-in-a
- 6 registered-feed; a person engaged in the business of
- 7 selling agricultural seeds which have been packed
- 8 and distributed by a seedsman regulated by chapter
- 9 199; a person who purchases".

S-3475 FILED BY IRVIN L. BERGMAN  
APRIL 11, 1979  
RULED OUT OF ORDER (*p. 1198*)

*Sen. Commerce 4/18*

SENATE FILE 469

By COMMITTEE ON COMMERCE

(AS AMENDED AND PASSED BY THE SENATE ON APRIL 11, 1979)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

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\_\_\_\_\_ = New Language  
by the Senate

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35 chapter. An information or a verified complaint stating the

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4 of the information or the complaint and a copy of the order  
5 of the commission fixing the time for a hearing, which time  
6 shall be at least five days from the date of notification.  
7 If the commission determines that the public good requires  
8 immediate action, the commission may, upon the filing of the  
9 information or the complaint and without hearing, temporarily  
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SF 469  
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