

Agriculture 3/1/81
Referred " 4/9/81
Amend per 34462 Do Pass 4/9/81 (p. 1203)

FILED MAR 2 1981

SENATE FILE 321

BY COMMITTEE ON STATE GOVERNMENT

(FORMERLY SSB 255)
Approved 3/2 (p. 609)

Failed
Passed Senate, Date 4-13-81 (p. 1241) Passed House, Date _____
Vote: Ayes 24 Nays 25 Vote: Ayes _____ Nays _____
Approved _____

Motion to reconsider (p. 1250) failed 5/22 (p. 1883)

A BILL FOR

1 An Act relating to the fees and licenses issued by the
2 department of agriculture.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Chapter 159, Code 1981, is amended by adding
2 the following new section:

3 NEW SECTION. LICENSES AND FEES. If a statute provides
4 for a license or certificate to be issued by the department
5 and for the payment of a fee for the license or certificate
6 and the statute refers to this section, the department shall
7 establish the fee for that license or certificate by rule.
8 If the annual fee for a license or certificate is less than
9 one hundred dollars, a biennial license or certificate shall
10 be issued and twice the annual fee shall be collected.
11 Licenses shall be issued for one or two years from the date
12 of issue unless the statute provides a beginning or ending
13 date for the license period or otherwise provides for the
14 license period. Fees may be established on a varying range
15 where authorized by statute. It is the intent of the general
16 assembly that the license and certificate fees be established
17 in amounts sufficient to cover at least fifty percent of the
18 costs of issuing the license or certificate, conducting any
19 required inspections, and otherwise conducting that regulatory
20 program, except for the animal health, seed and entomology,
21 pesticide, fertilizer, commercial feed, meat and poultry and
22 public scales and gasoline pump inspections.

23 Sec. 2. Section 162.3, Code 1981, is amended to read as
24 follows:

25 162.3 CERTIFICATE OF REGISTRATION FOR POUND. No A pound
26 shall not be operated unless a certificate of registration
27 for the pound is granted by the secretary. Application for
28 the certificate shall be made in the manner approved by the
29 secretary. No A fee shall not be required for the application
30 or certificate. Certificates of registration shall expire
31 ~~annually~~ biennially on March 1 unless revoked and may be
32 renewed upon application in the manner provided by the
33 secretary. A registered pound may engage in the sale of dogs
34 or cats, or both, under its control, if ~~it~~ the pound obtains
35 a license for such that activity, but ~~no~~ a fee shall not be

1 charged therefor unless the registered pound is privately
2 owned.

3 Sec. 3. Section 162.4, Code 1981, is amended to read as
4 follows:

5 162.4 CERTIFICATE OF REGISTRATION FOR ANIMAL SHELTER.

6 ~~No~~ A person shall not operate an animal shelter unless a
7 certificate of registration for the animal shelter is granted
8 by the secretary. Application for the certificate shall be
9 made in the manner provided by the secretary. ~~No~~ A fee shall
10 not be required for the application or certificate.

11 Certificates of registration shall expire ~~annually~~ biennially
12 on March 1 unless revoked and may be renewed in the manner
13 provided by the secretary. A registered animal shelter may
14 engage in the sale of dogs or cats, or both, under its control,
15 if ~~it~~ the shelter obtains a license for ~~such~~ the activity,
16 but ~~no~~ a fee shall not be charged therefor.

17 Sec. 4. Section 162.5, Code 1981, is amended to read as
18 follows:

19 162.5 PET SHOP LICENSE. ~~No~~ A person shall not operate
20 a pet shop unless ~~he~~ the person has obtained a license to
21 operate a pet shop issued by the secretary. Application for
22 the license shall be made in the manner provided by the
23 secretary. The license shall expire ~~annually~~ on March 1 ~~of~~
24 ~~each-year~~ unless revoked and may be renewed in the manner
25 provided by the secretary. The license fee shall be ~~forty~~
26 ~~dollars-per-year-or-ten-dollars-for-each-quarter-or-portion~~
27 ~~of-a-quarter-of-a-year~~ established under section 1 of this
28 Act. The license may be renewed if the licensee has conformed
29 to all statutory and regulatory requirements.

30 Sec. 5. Section 162.6, Code 1981, is amended to read as
31 follows:

32 162.6 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE. ~~No~~
33 A person shall not operate a commercial kennel or public
34 auction, as defined in section 162.2, unless ~~he~~ the person
35 has obtained a license to operate a commercial kennel or a

1 public auction issued by the secretary or unless he the person
2 has obtained a certificate of registration issued by the
3 secretary if ~~his~~ the kennel is federally licensed. Application
4 for the license or the certificate shall be made in the manner
5 provided by the secretary. The license and the certificate
6 shall expire ~~annually~~ on March 1 unless revoked. The license
7 fee shall ~~be twenty-five dollars per year or seven dollars~~
8 ~~for each quarter or portion of a quarter of a year~~ and the
9 certification fee shall be ~~five dollars annually~~ established
10 under section 1 of this Act. If the person has obtained a
11 federal license, he the person need only obtain a certificate.
12 The license may be renewed upon application and payment of
13 the prescribed fee in the manner provided by the secretary
14 ~~provided~~ if the licensee has conformed to all statutory and
15 regulatory requirements. The certificate may be renewed upon
16 application and payment of the prescribed fee in the manner
17 provided by the secretary.

18 Sec. 6. Section 162.7, Code 1981, is amended to read as
19 follows:

20 162.7 DEALER LICENSE. ~~No~~ A person shall not operate as
21 a dealer unless he the person has obtained a license issued
22 by the secretary or unless he the person has obtained a
23 certificate of registration issued by the secretary if his
24 the kennel is federally licensed. Application for the license
25 or the certificate shall be made in the manner provided by
26 the secretary. The license and certificate shall expire
27 ~~annually~~ on March 1 unless revoked. The license fee shall
28 ~~be fifty dollars per year or fifteen dollars for each quarter~~
29 ~~or portion of a quarter of a year~~, and the certification fee
30 shall be ~~five dollars per year~~ established under section 1
31 of this Act. The license may be renewed upon application
32 and payment of the prescribed fee in the manner provided by
33 the secretary, ~~provided~~ if the licensee has conformed to all
34 statutory and regulatory requirements. The certificate may
35 be renewed upon application and payment of the prescribed

1 fee in the manner provided by the secretary.

2 Sec. 7. Section 162.8, Code 1981, is amended to read as
3 follows:

4 162.8 COMMERCIAL BREEDER'S LICENSE. No A person shall
5 not operate as a commercial breeder unless he the person has
6 obtained a license issued by the secretary or unless he the
7 person has obtained a certificate of registration issued by
8 the secretary if his the kennel is federally licensed.
9 Application for the license or the certificate shall be made
10 in the manner provided by the secretary. The ~~annual~~ license
11 or the certification period shall commence March 1 ~~of each~~
12 year. The license fee shall ~~be twenty-five dollars per year~~
13 ~~or seven dollars for each quarter or portion of a quarter~~
14 ~~of a year~~ and the certificate fee shall be ~~five dollars per~~
15 ~~year~~ established under section 1 of this Act. The license
16 may be renewed upon application and payment of the prescribed
17 fee in the manner provided by the secretary ~~provided if~~ the
18 licensee has conformed to all statutory and regulatory
19 requirements. The certificate may be renewed upon application
20 and payment of the prescribed fee in the manner provided by
21 the secretary.

22 Sec. 8. Section 162.9, Code 1981, is amended to read as
23 follows:

24 162.9 BOARDING KENNEL OPERATOR'S LICENSE. No A person
25 shall not operate a boarding kennel unless he the person has
26 obtained a license to operate a boarding kennel issued by
27 the secretary. Application for the license shall be made
28 in the manner provided by the secretary. The ~~annual~~ license
29 period shall commence March 1 ~~of each year~~. The license fee
30 shall be ~~fifteen dollars per year or four dollars for each~~
31 ~~quarter or portion of a quarter of a year~~ established under
32 section 1 of this Act. The license may be renewed upon
33 application and payment of the prescribed fee in the manner
34 provided by the secretary ~~provided if~~ the licensee has
35 conformed to all statutory and regulatory requirements.

1 Sec. 9. Section 162.10, Code 1981, is amended to read
2 as follows:

3 162.10 HOBBY KENNEL OWNER'S LICENSE. No A person shall
4 not operate a hobby kennel unless he the person obtains a
5 license issued by the secretary. Application for the license
6 shall be in the manner provided by the secretary. The ~~annual~~
7 license period shall commence March 1. The license fee shall
8 be ~~two-dollars-per-year~~ established under section 1 of this
9 Act. The license may be renewed upon application in the
10 manner prescribed by the secretary, provided the licensee
11 has conformed to all statutory and regulatory requirements.

12 Sec. 10. Chapter 163, Code 1981, is amended by adding
13 sections 11 and 12 of this Act as a new division entitled
14 "Livestock Dealers and Agents".

15 Sec. 11. NEW SECTION. DEFINITIONS. When used in this
16 division:

17 1. "Department" means the Iowa department of agriculture.

18 2. "Livestock dealer" means a person engaged in the
19 business of buying for resale, or selling, leasing, or
20 exchanging livestock, except feeder swine, as a principal,
21 or one who holds himself or herself out as so engaged, but
22 does not include the owner or operator of a farm who does
23 not hold himself or herself out as so engaged, and who sells,
24 leases, or exchanges only the livestock which have been kept
25 by the person for feeding or breeding purposes.

26 3. "Livestock agent" means an employee or agent doing
27 business by buying for resale, selling, or exchanging live-
28 stock, except feeder swine, in the name of a licensed livestock
29 dealer.

30 4. "Livestock" means cattle, horses, sheep, goats, swine
31 other than feeder swine, or any other animals of the bovine,
32 equine, ovine, caprine, or porcine species.

33 Sec. 12. NEW SECTION. LICENSE REQUIRED.

34 1. A person shall not act as a livestock dealer without
35 obtaining a livestock dealer's license from the department.

1 The fee for a livestock dealer's license shall be established
2 under section 1 of this Act. To secure a license, the
3 applicant must file with the department a bond in an amount
4 equal to or greater than that required for livestock dealers
5 by the federal Packers and Stockyards Act, with the secretary
6 named as trustee for the use and benefit of anyone damaged
7 by a violation of this title by a livestock dealer.

8 2. A person shall not act as a livestock agent without
9 obtaining a livestock agent's license from the department.
10 The fee for a license of a livestock agent shall be established
11 by rule of the secretary.

12 3. All licenses of this section shall expire on the first
13 day of September. The licenses shall be numbered and the
14 dealer or agent shall retain the number when the license is
15 renewed. Licenses shall be issued upon application forms
16 furnished by the department.

17 4. A livestock agent shall not represent more than one
18 livestock dealer.

19 5. This section does not apply to persons licensed as
20 required in chapter 172A.

21 Sec. 13. Section 163.28, unnumbered paragraphs 3 and 4,
22 Code 1981, are amended to read as follows:

23 On receipt of such the certificate, the department shall
24 issue a license to said the applicant to conduct such business
25 at the place specified until the first day of September
26 ~~following-date-of-issue.~~

27 The license fee for each processing plant shall be ~~fifty~~
28 ~~dollars,--except-that-the-first-license-fee-may-be-prorated~~
29 ~~on-a-monthly-basis-as-prescribed-by-the-department~~ established
30 under section 1 of this Act. The secretary shall not issue
31 a license which would permit the processing of any garbage
32 for swine feeding after September 1, 1970.

33 Sec. 14. Section 163.30, subsection 3, unnumbered
34 paragraphs 1 and 2, Code 1981, are amended to read as follows:

35 No A person shall not act as a dealer without first securing

1 a dealer's license from the department. The fee for a dealer's
2 license shall be ~~five-dollars-per-annum~~ established under
3 section 1 of this Act and all licenses shall expire on the
4 first day of July ~~following-date-of-issue~~. Licenses shall
5 be numbered and the dealer shall retain ~~his~~ the number from
6 year to year. To secure a license, the applicant ~~must~~ shall
7 file with the department a bond in the sum of ten thousand
8 dollars with the secretary named as trustee, for the use and
9 benefit of anyone damaged by a violation of this section,
10 except that the bond shall not be required for dealers who
11 are bonded in the same or a greater amount than required
12 pursuant to the federal Packers and Stockyards Act.

13 Each employee or agent doing business by buying for resale,
14 selling or exchanging feeder swine in the name of a licensed
15 dealer, shall ~~be-required-to~~ secure a permit and identification
16 card issued by the department showing ~~he~~ that the person is
17 employed by or represents a licensed dealer. All such permits
18 and identification cards shall be issued upon application
19 forms furnished by the department at a cost ~~of-three-dollars~~
20 ~~per-annum~~ established under section 1 of this Act, and shall
21 expire on the first day of July ~~following-the-date-of-issue~~.

22 Sec. 15. Section 163.41, unnumbered paragraph 1, Code
23 1981, is amended to read as follows:

24 A person shall not engage in the business of leasing a
25 breeding bull without having obtained a livestock dealer's
26 license from the department of agriculture and registering
27 each breeding bull as provided in this division. ~~An-annual~~
28 ~~license-may-be-obtained-from-the-department-of-agriculture~~
29 ~~upon-application-and-payment-of-a-ten-dollar-fee.--Each-license~~
30 ~~shall-expire-on-the-first-of-July-following-the-date-of-issue.~~

31 An application shall be made on a form provided by the
32 department of agriculture and shall contain the name of the
33 person engaged in the business of leasing breeding bulls as
34 lessor, the address of ~~such~~ the business, the registration
35 number of each breeding bull, and a description as to breed,

1 color and other distinguishing marks, leased as lessor, and
2 ~~such~~ other information as the secretary of agriculture may
3 specify by rule promulgated pursuant to chapter 17A.

4 Sec. 16. Section 166A.2, unnumbered paragraph 1, Code
5 1981, is amended to read as follows:

6 Any A person engaged as a dealer shall ~~be required to~~
7 obtain a livestock dealer's license from the department.
8 ~~The fee for such license shall be five dollars per year and~~
9 ~~all licenses shall expire on the first day of July following~~
10 ~~date of issue.~~ Licenses shall be numbered and the dealer
11 shall retain ~~his~~ the number from year to year with each
12 renewal.

13 Sec. 17. Section 167.6, Code 1981, is amended to read
14 as follows:

15 167.6 LICENSE. On the receipt of the ~~foregoing~~
16 certificate, and the additional payment of ~~one hundred dollars~~
17 a fee established under section 1 of this Act, the department
18 shall issue a license to the applicant to conduct ~~such~~
19 business, at the place specified in the application, ~~for one~~
20 ~~calendar year~~, but the department shall not issue a license
21 for a disposal plant not located within the boundaries of
22 the state of Iowa.

23 Sec. 18. Section 167.10, Code 1981, is amended to read
24 as follows:

25 167.10 RENEWAL OF LICENSE. An original license shall
26 be renewed ~~for each subsequent calendar year~~ on the payment
27 of ~~one hundred dollars~~ the fee, provided the holder, in the
28 opinion of the department, remains responsible and suitable
29 to carry on ~~said~~ the business, and the place of business
30 continues to comply with this chapter and the rules of the
31 department, ~~as they then exist~~.

32 Sec. 19. Section 168.3, Code 1981, is amended to read
33 as follows:

34 168.3 TERM AND FEE. The license fee shall be ~~ten dollars~~
35 per annum established under section 1 of this Act, and each

1 license shall expire on July 1 ~~after-date-of-issue~~.

2 Sec. 20. Section 170.2, Code 1981, is amended to read
3 as follows:

4 170.2 LICENSE REQUIRED. ~~No~~ A person shall not open or
5 operate a food establishment until a license has been obtained
6 from the department of agriculture. ~~Each~~ Notwithstanding
7 section 1 of this Act, each license shall expire one year
8 from date of issue. A license is renewable. This section
9 ~~shall~~ does not require the licensing of establishments
10 exclusively engaged in the processing of meat and poultry
11 which are licensed pursuant to section 189A.3.

12 Sec. 21. Section 170.5, unnumbered paragraphs 1 and 2
13 and subsections 1 through 5, Code 1981, are amended by striking
14 those paragraphs and subsections and inserting in lieu thereof
15 the following:

16 The department shall collect fees established under section
17 1 of this Act for the licenses for the food establishments.
18 The fees shall vary in amount and increase based upon the
19 annual gross sales volume of the food establishment.

20 Sec. 22. Section 170A.5, Code 1981, is amended to read
21 as follows:

22 170A.5 LICENSE FEES. Either the department or the
23 municipal corporation shall collect ~~the-following-annual~~
24 license fees established under section 1 of this Act for the
25 following categories:

- 26 1. For a mobile food unit or pushcart, ~~ten-dollars~~.
- 27 2. For a temporary food service establishment per each
28 fixed location, ~~ten-dollars~~.
- 29 3. For a food service establishment with annual gross
30 sales of under fifty thousand dollars other than a mobile
31 food unit, pushcart, or temporary food service establishment,
32 ~~forty-dollars~~.
- 33 4. For a food service establishment with annual gross
34 sales of between fifty thousand and one hundred thousand
35 dollars other than a mobile food unit, pushcart, or temporary

1 food service establishment, ~~seventy-dollars.~~

2 5. For a food service establishment with annual gross
3 sales of more than one hundred thousand but less than two
4 hundred fifty thousand dollars other than a mobile food unit,
5 pushcart, or temporary food service establishment, ~~one-hundred~~
6 ~~twenty-five-dollars.~~

7 6. For a food service establishment with annual gross
8 sales of two hundred fifty thousand dollars or more, ~~one~~
9 ~~hundred-fifty-dollars.~~

10 Fees collected by the department shall be deposited in
11 the general fund of the state. Fees collected by a municipal
12 corporation shall be retained by ~~it~~ and the municipal
13 corporation for its use.

14 Sec. 23. Section 170A.6, Code 1981, is amended to read
15 as follows:

16 170A.6 LICENSE EXPIRATION AND RENEWAL. ~~Each~~
17 Notwithstanding section 1 of this Act, each license shall
18 expire one year from date of issue. A license is renewable.
19 All licenses issued under the Iowa food service sanitation
20 code that are not renewed by the licensee on or before the
21 expiration date shall be subject to a penalty of ten percent
22 of the license fee if the license is renewed at a later date.

23 Sec. 24. Section 170B.4, Code 1981, is amended to read
24 as follows:

25 170B.4 LICENSE REQUIRED. ~~No~~ A person shall not open or
26 operate a hotel until a license has been obtained from the
27 regulatory authority and until the hotel has been inspected
28 by the regulatory authority. ~~A license issued by the~~
29 ~~department of agriculture prior to January 1, 1979 shall be~~
30 ~~valid until its expiration date. An inspection conducted~~
31 ~~by the department of agriculture prior to January 1, 1979~~
32 ~~shall be valid for purposes of this section. Each~~
33 Notwithstanding section 1 of this Act, each license shall
34 expire one year from date of issue. A license is renewable.
35 All licenses issued under the Iowa hotel sanitation code that

1 are not renewed by the licensee on or before the expiration
2 date shall be subject to a penalty of ten percent of the
3 license fee if the license is renewed at a later date. A
4 license is not transferable.

5 Sec. 25. Section 170B.6, Code 1981, is amended by striking
6 the section and inserting in lieu thereof the following:

7 170B.6 LICENSE FEES. Either the department or the
8 municipal corporation shall collect the license fees
9 established under section 1 of this Act. The fees shall vary
10 and increase in amount based upon the number of guest rooms.

11 Fees collected by the department shall be deposited in
12 the general fund of the state. Fees collected by a municipal
13 corporation shall be retained by the municipal corporation
14 for its use.

15 Sec. 26. Section 171.4, Code 1981, is amended to read
16 as follows:

17 171.4 LICENSE FEE. The license fee shall be ~~twenty-five~~
18 ~~dollars-per-annum~~ established under section 1 of this Act,
19 and all licenses shall expire on December 31 ~~following the~~
20 ~~date-of-issue.~~

21 Sec. 27. Section 172.4, Code 1981, is amended to read
22 as follows:

23 172.4 LICENSE FEE. The license fee for each ~~such~~ plant
24 or branch plant shall be ~~ten-dollars-for-two-hundred-or-less~~
25 ~~individual-lockers-with-an-additional-two-dollars-for-each~~
26 ~~additional-one-hundred-individual-lockers-or-major-fraction~~
27 ~~thereof~~ established under section 1 of this Act and shall
28 vary in amount increasing with the number of individual lockers
29 in either a frozen food locker plant or branch frozen food
30 locker plant. Each ~~such~~ license shall expire on December
31 ~~31 of-each-year-following-the-date-of-issue~~ and ~~no-such~~ a
32 license ~~shall-be~~ is not transferable.

33 Sec. 28. Section 172A.2, unnumbered paragraph 1, Code
34 1981, is amended to read as follows:

35 ~~No~~ A person shall not act as a dealer or broker without

1 first being licensed. No A person shall not act for any a
2 dealer or broker as an agent unless such the dealer or broker
3 is licensed, has designated such the agent to act in the
4 dealer's or broker's behalf, and has notified the secretary
5 of the designation in the dealer's or broker's application
6 for license or has given official notice in writing of the
7 appointment of the agent and the secretary has issued to the
8 agent an agent's license. A dealer or broker shall be
9 accountable and responsible for contracts made by an agent
10 in the course of the agent's employment. The license of an
11 agent whose employment by the dealer or broker is terminated
12 shall be void on the date written notice of termination is
13 received by the secretary. The license of a dealer, broker,
14 or agent, unless revoked, shall expire on the last day of
15 June ~~following-the-date-of-issue~~. The ~~annual~~ fee for the
16 license of a dealer or broker ~~is-fifty-dollars--The-annual~~
17 and the fee for an agent's license is-ten-dollars shall be
18 established under section 1 of this Act.

19 Sec. 29. Section 187.4, Code 1981, is amended to read
20 as follows:

21 187.4 RECORDING--FEE. Any person desiring to adopt a
22 brand shall forward to the secretary proper brand application
23 forms of such the desired brand, together with a recording
24 fee in an amount established by ~~rule-of-the-secretary-pursuant~~
25 ~~to-chapter-17A, which-amount-shall-be-based-upon-the~~
26 ~~administrative-costs-of-maintaining-the-brand-program-provided~~
27 ~~for-by-this-chapter~~ under section 1 of this Act. Upon receipt
28 of such the application and fee, the secretary shall file
29 ~~the-same~~ them and unless such the brand is of record as that
30 of some other person or conflicts with or closely resembles
31 the brand of another person, the secretary shall record ~~the~~
32 ~~same~~ it. If the secretary determines that such the brand
33 is of record or conflicts with or closely resembles the brand
34 of another person ~~he~~ the secretary shall not record it but
35 shall return such the facsimile and fee to the forwarding

1 person. The power of examination, approval, acceptance, or
2 rejection shall-be is vested in the secretary. It shall-be
3 is the duty of the secretary to file all brands offered for
4 record pending the examination provided for in this section.
5 The secretary shall make ~~such~~ the examination as promptly
6 as possible. If the brand is accepted, the ownership thereof
7 shall-vest of the brand vests in the person recording it from
8 the date of filing.

9 Sec. 30. Section 187.8, Code 1981, is amended to read
10 as follows:

11 187.8 SALE OR ASSIGNMENT OF BRAND. Any brand recorded
12 as provided in section 187.4 shall-be is the property of the
13 person causing ~~such~~ the record to be made and shall-be is
14 subject to sale, assignment, transfer, devise, and descent
15 as personal property. Instruments of writing, evidencing
16 the sale, assignment, or transfer of ~~such~~ the brand shall
17 be recorded by the secretary and the fee for recording such
18 sale, assignment, or transfer shall be in an amount established
19 ~~by rule of the secretary pursuant to chapter 17A, which amount~~
20 ~~shall be based upon the administrative costs of maintaining~~
21 ~~the brand program provided for by this chapter~~ under section
22 1 of this Act.

23 Sec. 31. Section 187.13, Code 1981, is amended to read
24 as follows:

25 187.13 FEE EACH FIFTH YEAR. Each owner of a brand of
26 record beginning-on-January-1,-1970, shall pay to the secretary
27 a-fee-of-five-dollars-and a renewal fee on January 1 of each
28 fifth year after ~~the payment of the five-dollar fee, or on~~
29 ~~January 1 of each fifth year~~ following the original recording
30 of a brand recorded-after-June-30,-1975. The amount of the
31 renewal fee ~~required for January 1, 1976 and each year~~
32 thereafter shall be established by-rule-of-the-secretary
33 ~~pursuant to chapter 17A~~ under section 1 of this Act. ~~Such~~
34 ~~amount shall be based upon the administrative costs of~~
35 ~~maintaining the brand program provided for in this chapter.~~

1 ~~It shall be the duty of the~~ The secretary ~~to~~ shall notify
 2 every owner of a brand of record at least thirty days prior
 3 to the date of the renewal period. The secretary shall give
 4 a receipt for all ~~such~~ payments made and if any owner of a
 5 brand of record ~~shall fail to~~ fails, refuses, or ~~neglect~~
 6 neglects to pay ~~such~~ the fee by July 1 of each year in which
 7 it is due, ~~such~~ the brand shall become forfeited and no longer
 8 carried in the record. ~~Any such~~ A forfeited brand shall not
 9 be issued to any other person within a period of less than
 10 five years following date of forfeiture.

11 Sec. 32. Section 189.19, subsection 3, Code 1981, is
 12 amended by striking the subsection.

13 Sec. 33. Section 189A.3, unnumbered paragraph 1,
 14 subsections 1 and 2, and unnumbered paragraph 2, Code 1981,
 15 are amended to read as follows:

16 ~~No~~ A person shall not operate an establishment other than
 17 a grocery store or food service establishment as defined in
 18 section 170A.2 without first obtaining a license from the
 19 department. The license fee for each establishment ~~per-year~~
 20 ~~or any part of a year~~ shall be established under section
 21 1 of this Act and shall be based on the pounds of meat and
 22 poultry slaughtered or otherwise prepared per year.

23 ~~1.---For all meat and poultry slaughtered or otherwise~~
 24 ~~prepared not exceeding twenty thousand pounds per year for~~
 25 ~~sale, resale, or custom, twenty-five dollars.~~

26 ~~2.---For all meat and poultry slaughtered or otherwise~~
 27 ~~prepared in excess of twenty thousand pounds per year for~~
 28 ~~sale, resale, or custom, fifty dollars.~~

29 The funds shall be deposited with the department of
 30 agriculture. The license ~~year~~ period shall be ~~from July 1~~
 31 ~~to~~ end on June 30. Applications for licenses shall be in
 32 writing on forms prescribed by the department.

33 Sec. 34. Section 191A.2, Code 1981, is amended to read
 34 as follows:

35 191A.2 LICENSE TO OPERATE. ~~No~~ A person shall not operate

1 one or more vending machines until a vending machine operator's
2 license has been obtained from the regulatory authority.

3 The ~~annual~~ license ~~shall expire one year from the date of~~
4 ~~original issuance and~~ is renewable. Vending machines
5 dispensing only ball gum, or similar nonperishable snacks
6 as prescribed and defined by regulation of the secretary,
7 or bottled or canned soft drinks shall not require a license
8 or be subject to the fee schedule provided in this chapter,
9 but they may be inspected pursuant to section 191A.8.

10 Sec. 35. Section 191A.4, unnumbered paragraph 1, Code
11 1981, is amended to read as follows:

12 The regulatory authority shall collect a fee ~~of two dollars~~
13 established under section 1 of this Act per vending machine
14 for a vending machine operator's license.

15 Sec. 36. Section 192.40, Code 1981, is amended to read
16 as follows:

17 192.40 FEES. The fee for each license shall be ~~three~~
18 ~~dollars, and standard test bottles and pipettes shall be~~
19 ~~furnished at actual cost~~ established under section 1 of this
20 Act.

21 Sec. 37. Section 194.14, Code 1981, is amended to read
22 as follows:

23 194.14 FEE. Each license shall, unless sooner revoked,
24 be valid until July 1 ~~after date of issuance~~. The fee ~~therefor~~
25 shall be ~~three dollars~~ established under section 1 of this
26 Act, which shall be paid before the license is issued.

27 Sec. 38. Section 195.9, Code 1981, is amended to read
28 as follows:

29 195.9 TENURE--FEE. Each license shall, unless sooner
30 revoked, be valid until July 1 ~~after date of issuance~~. The
31 fee ~~therefor~~ shall be ~~three dollars which~~ established under
32 section 1 of this Act and shall be paid before the license
33 is issued.

34 Sec. 39. Section 195.17, Code 1981, is amended to read
35 as follows:

1 195.17 TENURE--FEES. Such The license, unless sooner
 2 revoked, shall expire December 31 after the date of issuance,
 3 notwithstanding section 1 of this Act. The fee ~~therefor~~,
 4 payable to the secretary before its issuance, shall be
 5 established under section 1 of this Act for each of the
 6 following categories:

- 7 1. For each creamery, ~~five-dollars.~~
- 8 2. For each cream station, ~~three-dollars.~~
- 9 3. For each vehicle, ~~three-dollars.~~
- 10 4. For each cheese factory, ~~five-dollars.~~

11 Sec. 40. Section 196.3, unnumbered paragraphs 1 and 2,
 12 Code 1981, are amended to read as follows:

13 Every egg handler shall obtain ~~an-annual~~ license from the
 14 department. The fee for the license shall be ~~determined~~
 15 established under section 1 of this Act on the basis of the
 16 total number of eggs purchased or handled during the preceding
 17 month of April ~~in-each-calendar-year-as-follows.~~

18 ~~The-license-shall-expire-one-year-after-its-date-of-issue.~~
 19 For the purpose of determining fees, a case shall be thirty
 20 dozen eggs. All fees collected shall be remitted to the
 21 treasurer of state for deposit in the general fund of the
 22 state.

23 Sec. 41. Section 196.3, subsections 1 through 6, Code
 24 1981, are amended by striking the subsections.

25 Sec. 42. Section 197.2, Code 1981, is amended to read
 26 as follows:

27 197.2 FEE. The license fee shall be ~~three-dollars-per~~
 28 annum established under section 1 of this Act, and each license
 29 shall expire on March 1 ~~after-the-date-of-issue.~~

30 Sec. 43. Section 198.9, subsection 1, unnumbered paragraph
 31 1, and paragraphs d, e, and f, Code 1981, are amended to read
 32 as follows:

33 An inspection fee ~~to-be-fixed-annually-by-the-secretary,~~
 34 ~~at-the-rate-of-no-more-than-ten-cents-per-ton~~ established
 35 under section 1 of this Act on a per ton basis shall be paid

1 annually on commercial feeds distributed in this state, by
2 the person who distributes the commercial feed to the consumer,
3 subject to the following:

4 d. In the case of a commercial feed which is distributed
5 in the state only in packages of ten pounds or less, an annual
6 ~~fee of twenty-five dollars~~ established under section 1 of
7 this Act, shall be paid in lieu of the inspection fee specified
8 above.

9 e. The semiannual minimum inspection fee shall be a
10 ~~semiannual fee of ten dollars~~ established under section 1
11 of this Act.

12 f. In the case of specialty pet food, which is distributed
13 in the state in packages of one pound or less, an annual fee
14 ~~of twenty-five dollars~~ established under section 1 of this
15 Act shall be paid in lieu of an inspection fee.

16 Sec. 44. Section 199.15, Code 1981, is amended to read
17 as follows:

18 199.15 PERMIT NUMBER--FEE--FRAUD. No person shall sell,
19 distribute, solicit orders for, offer or expose for sale,
20 any agricultural seed without first obtaining from the
21 department a permit number to engage in such business. No
22 permit number shall be required of persons selling seeds,
23 including seed corn, which has been packed and distributed
24 by a seedsman holding and having in force a permit number
25 as herein provided. No permit number shall be required of
26 persons selling, offering or exposing for sale seed of their
27 own production, provided that ~~such~~ the seed is stored or
28 delivered to purchaser only on or from the farm or premises
29 where grown. The fee for each permit number shall be ~~five~~
30 ~~dollars-per-annum~~ established under section 1 of this Act,
31 and all permit numbers shall expire on the first day of July
32 ~~following date of issue~~. After due notice given at least
33 ten days prior to a date of hearing fixed by the secretary
34 of agriculture, the department may revoke or refuse to renew
35 any permit issued under the authority of this section, if

1 intent to defraud is established. The failure to fulfill
 2 any contract to repurchase the seed crop produced from any
 3 agricultural seed, other than hybrid seed corn, if the same
 4 meets the requirements set forth in the contract and the
 5 standards specified in this chapter, ~~shall be~~ is prima-facie
 6 evidence of intent to defraud the purchaser at the time of
 7 entering into the contract.

8 Sec. 45. Section 200.4, subsection 1, unnumbered paragraph
 9 1, Code 1981, is amended to read as follows:

10 ~~Any~~ A person who manufactures, mixes, blends, or mixes
 11 to customers order any fertilizer or soil conditioner offered
 12 for sale, sold, or distributed in Iowa ~~must~~ shall first obtain
 13 a license from the secretary of agriculture and shall pay
 14 a ~~ten-dollar~~ license fee established under section 1 of this
 15 Act for each plant or place of manufacture, from which
 16 fertilizer or soil conditioner products are sold or distributed
 17 in Iowa. ~~Such~~ The license fee shall be paid ~~annually~~ on July
 18 ~~1 of each year~~ and the manufacturer, blender or mixer shall
 19 at the same time, list the name and address of each ~~such~~ plant
 20 or place of manufacture, from which sale or distribution is
 21 made.

22 Sec. 46. Section 200.8, subsection 1, Code 1981, is amended
 23 to read as follows:

24 1. ~~There shall be paid by the~~ The licensee shall annually
 25 pay to the secretary for all commercial fertilizers and soil
 26 conditioners sold, or distributed in this state, an inspection
 27 fee ~~to be fixed annually by the secretary of agriculture at~~
 28 ~~not more than twenty cents per ton. Except~~ established under
 29 section 1 of this Act on a per ton basis. However, sales
 30 for manufacturing purposes only are ~~hereby~~ exempted from fees
 31 but ~~must still~~ shall be reported showing the manufacturer
 32 who purchased ~~same~~ the product. Payment of ~~said~~ the inspection
 33 fee by any licensee shall exempt all other persons, ~~firms~~
 34 ~~or corporations~~ from the payment thereof.

35 On individual packages of specialty fertilizer containing

1 twenty-five pounds or less, there shall be paid in lieu of
2 the annual license fee and the semiannual inspection fee as
3 set forth in this chapter, an annual registration and
4 inspection fee ~~of twenty-five dollars~~ established under section
5 1 of this Act for each brand and grade sold or distributed
6 in the state. ~~In-the-event-that~~ If any person sells specialty
7 fertilizer in packages of twenty-five pounds or less and also
8 in packages of more than twenty-five pounds, this annual
9 registration and inspection fee ~~shall apply~~ applies only to
10 that portion sold in packages of twenty-five pounds or less,
11 and that portion sold in packages of more than twenty-five
12 pounds ~~shall be~~ is subject to the same inspection fee ~~as fixed~~
13 ~~by the secretary of agriculture as provided in this chapter~~
14 established under section 1 of this Act.

15 Sec. 47. Section 201.2, Code 1981, is amended to read
16 as follows:

17 201.2 LICENSE TO SELL. Before ~~any~~ a person shall sell,
18 offer for sale, or dispose of in this state ~~any~~ agricultural
19 lime to be used for soil fertility or the correction of soil
20 acidity, ~~such~~ the person shall file with the secretary of
21 agriculture an acceptable application for a license to sell,
22 together with the license fee, on or before January 31 ~~of~~
23 ~~each~~-year. The application shall be sworn to before a notary
24 public, or other proper official, stating the name of the
25 manufacturer or shipper, the location of the principal office
26 of the manufacturer or shipper, and the name, brand, or
27 trademark under which the agricultural lime will be sold.

28 Sec. 48. Section 201.3, Code 1981, is amended to read
29 as follows:

30 201.3 FEE. The ~~annual~~ license fee shall be ~~twenty-five~~
31 ~~dollars~~ established under section 1 of this Act.

32 Sec. 49. Section 201.12, Code 1981, is amended to read
33 as follows:

34 201.12 RULES AND REGULATIONS. The secretary of agriculture
35 ~~is hereby empowered to~~ may prescribe and enforce ~~such~~ rules

1 ~~and-regulations~~ relating to agricultural lime, limestone,
2 or aglime as ~~may-be-deemed~~ necessary to carry into effect
3 the full intent and meaning of this chapter, including
4 establishing under section 1 of this Act and collecting a
5 reasonable annual fee from the producers of agricultural lime
6 to cover the cost of obtaining samples and analyzing ~~same~~
7 them as prescribed in sections 201.6 and 201.7, and ~~to~~ may
8 refuse the registration of any agricultural lime, limestone,
9 or aglime under a name or claim which would be misleading.

10 Sec. 50. Section 201.13, Code 1981, is amended to read
11 as follows:

12 201.13 FEES TO STATE-TREASURY FERTILIZER FUND. The moneys
13 received under ~~the-provisions-of~~ this chapter shall be paid
14 into-the-state-treasury placed in the fertilizer fund created
15 by section 200.9 for the payment of costs of inspection,
16 sampling, analysis, supportive research, and other expenses
17 necessary for the administration of this chapter. The
18 secretary of agriculture shall issue a quarterly report showing
19 a statement of moneys received from license fees for the sale
20 of agricultural lime, limestone or aglime, and of fines
21 collected from prosecutions in the enforcement of this chapter.
22 The secretary shall also issue a quarterly report, which shall
23 be available to the public, showing the certifications of
24 ECCE for all agricultural lime, limestone, or aglime certified
25 as provided in this chapter, which report shall be by
26 manufacturer or producer and location or locations. The
27 reports required by this section shall be issued not later
28 than twenty days after March 31, June 30, September 30, and
29 December 31.

30 Sec. 51. Section 206.6, subsection 1, unnumbered paragraph
31 1, Code 1981, is amended to read as follows:

32 ~~No~~ A person shall not engage in the business of applying
33 pesticides to the lands or property of another at any time
34 without being licensed by the secretary. The secretary shall
35 require ~~an-annual~~ a license fee ~~of-not-more-than-twenty-five~~

1 ~~dollars-for-each-license~~ established under section 1 of this
2 Act. Application for a license shall be made in writing to
3 the department on a designated form obtained from the
4 department. Each application for a license shall contain
5 information regarding the applicant's qualifications and
6 proposed operations, license classification or classifications
7 for which the applicant is applying.

8 Sec. 52. Section 206.6, subsection 5, Code 1981, is amended
9 to read as follows:

10 5. ISSUE COMMERCIAL APPLICATOR LICENSE. If the secretary
11 finds the applicant qualified to apply pesticides in the
12 classifications for which ~~he~~ the person has applied and if
13 the applicant files the bonds or insurance required under
14 section 206.13, and if the applicant applying for a license
15 to engage in aerial application of pesticides has met all
16 of the requirements of the federal aviation administration,
17 the Iowa aeronautics commission and any other applicable
18 federal or state laws or regulations to operate the equipment
19 described in the application, the secretary shall issue a
20 commercial applicator license limited to the classifications
21 for which ~~he~~ the person is qualified, which shall expire at
22 the end of the ~~calendar-year-of-issue~~ license period unless
23 ~~it~~ the license has been revoked or suspended ~~prior thereto~~
24 by the secretary for cause. The secretary may limit the
25 license of the applicant to the use of certain pesticides,
26 or to certain areas, or to certain types of equipment if the
27 applicant is only so qualified. If a license is not issued
28 as applied for, the secretary shall inform the applicant in
29 writing of the reasons ~~therefor~~.

30 Sec. 53. Section 206.8, subsections 1 and 2, Code 1981,
31 are amended to read as follows:

32 1. It ~~shall-be~~ is unlawful for ~~any~~ a person to act in
33 the capacity of a pesticide dealer, or advertise as, or assume
34 to act as a pesticide dealer at any time without first having
35 obtained a license from the secretary ~~which shall expire at~~

1 ~~the-end-of-the-calendar-year-of-issue.~~ A license shall be
2 required for each location or outlet located within this state
3 from which ~~such~~ the pesticides are distributed. Any A
4 manufacturer, registrant, or distributor who has no pesticide
5 dealer outlet licensed within this state and who distributes
6 ~~such~~ pesticides directly into this state shall obtain a
7 pesticide dealer license for ~~his~~ the principal out-of-state
8 location or outlet.

9 2. Application for a license shall be accompanied by a
10 ~~twenty-five-dollar-annual~~ license fee fees established under
11 section 1 of this Act for the primary business location and
12 ~~an-additional-five-dollar-annual-license-fee~~ for each other
13 location or outlet within the state, and shall be on a form
14 prescribed by the secretary and shall include the full name
15 of the person applying for ~~such~~ the license.

16 Sec. 54. Section 208A.4, unnumbered paragraph 1, Code
17 1981, is amended to read as follows:

18 Before any antifreeze shall be sold, exposed for sale,
19 or held with intent to sell within this state, a sample ~~thereof~~
20 must be inspected by the department of agriculture. Upon
21 application of the manufacturer, packer, seller or distributor
22 and the payment of a fee ~~of-twenty-dollars~~ established under
23 section 1 of this Act for each brand of antifreeze submitted,
24 the department shall inspect the antifreeze submitted. If
25 the antifreeze is not adulterated or misbranded, if it meets
26 the standards of the department, and is not in violation of
27 this chapter, the department shall give the applicant a written
28 permit authorizing the sale of ~~such~~ the antifreeze in this
29 state until the formula or labeling of the antifreeze is
30 changed in any manner.

31 Sec. 55. Section 214.3, unnumbered paragraphs 1 and 2,
32 Code 1981, are amended by striking those paragraphs and
33 inserting in lieu thereof the following:

34 The fees for the licenses for public scales and gasoline
35 pumps shall be established under section 1 of this Act. The

1 license for a public scale shall expire on December 30 and
2 the license for a gasoline pump shall expire on June 30.

3 Sec. 56. Sections 192.39, 192.41, 214.4, and 214.5 and
4 chapter 166, Code 1981, are repealed.

5 Sec. 57. All fees for licenses and permits issued by the
6 department of agriculture which are amended by this Act shall
7 remain in effect until a rule of the department establishing
8 a fee for that license or permit becomes effective. Any
9 license or permit in effect on the effective date of this
10 Act which expires prior to the rule becoming effective shall
11 be renewed subject to the provisions of the 1981 Code. A
12 license or permit applied for or submitted for renewal after
13 the rule setting the fee for that license or permit becomes
14 effective shall be issued under the provisions of section
15 1 of this Act.

16

EXPLANATION

17 This bill amends many of the licenses and permits issued
18 by the department of agriculture. It directs the department
19 to establish the fee for the license or permit by rule. If
20 the fee is under \$100 a biennial license shall be issued and
21 twice the annual fee paid. There are exceptions to this
22 provision and they are the operation licenses for food service,
23 food service establishments, hotels, creameries, cream
24 stations, collecting vehicles, and cheese factories, the
25 inspection fees for commercial feeds, the inspection fees
26 for commercial fertilizers and soil conditioners, and the
27 license for the sale of agricultural lime. The department
28 is directed to establish fees in amounts to cover at least
29 fifty percent of the costs of issuing the license or
30 certificate, conducting any required inspections, and otherwise
31 conducting the regulatory program except for the inspections
32 specified in section 1.

33 The licenses, permits, and certificates affected are as
34 follows: certificate of registration for a pound, certificate
35 of registration for animal shelter, pet shop license,

1 commercial kennel or public auction license, pet dealer
2 license, commercial breeder license, boarding kennel operator's
3 license, hobby kennel owner's license, livestock dealer
4 license, livestock agent's license, garbage processing plant
5 license, swine dealer license, breeding bull license,
6 (manufacturer or dealer of biological products permit,) sheep
7 dealer's license, dead animal disposal plant license, baby
8 chick dealer's license, food establishment licenses, food
9 service establishment license, hotel licenses, cold storage
10 plant license, frozen food locker plant license, slaughter
11 dealer or broker license, brand record, meat and poultry
12 license, vending machine operator's license, milk tester's
13 license, milk grader's license, milk or cream grader's license,
14 operating licenses for creamery, cream station, collecting
15 vehicle, and cheese factory, egg handler's license, poultry
16 buyer's license, commercial feed inspection fee, seed dealer's
17 permit, fertilizer manufacturer's license, commercial
18 fertilizer inspection fee, lime fertilizer seller's license,
19 commercial pesticide applicator's license, pesticide dealer's
20 license, and antifreeze inspection fee and public scale and
21 gasoline pump licenses.

22 The bill also establishes a livestock dealer's license
23 and livestock agent's license and this license replaces the
24 license for leasing breeding bulls and sheep dealers.

25 The bill repeals the chapter on hog cholera which is now
26 administered under chapter 163.

27 The bill takes effect July 1 following enactment.

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SENATE FILE 321
FISCAL NOTE

REQUESTED BY SENATOR DRAKE

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 321 pursuant to Joint Rule 16.

S.F. 321, An Act relating to the fees and licenses issued by the department of agriculture.

S.F. 321 eliminates the fees set by statute for a variety of regulatory programs operated by the Department of Agriculture and requires the department to set such fees by administrative rule. The bill also replaces some licenses with new licenses, permitting fees to be established by rule. It also requires biennial licensing when the fee is established at less than \$100 per year. The bill requires fee revenue to cover at least 50% of the cost of the regulation with some exceptions.

Because the bill does not establish fees at a specific amount, the revenue impact is dependent on the fees set by the Department. For the purposes of this fiscal note it was assumed that the Department would set fees at the level indicated in Table I. Based on this assumption, Table II identifies the expected increase in general fund revenue by the general class of the license. The increase in total revenues is expected to be \$820,877 or 83% above current revenues. Table III compares the fee revenue generated by the new fees to the direct costs of the regulatory program. It should be noted that the direct costs identified in Table III do not include indirect administration costs or the cost to the state for the provision of state-owned office space. Based on the analysis in Table III, the fees proposed by the department would meet the requirement of S.F. 321 that fee revenue equal at least 50% of the regulatory cost with the exceptions noted.

(CONTINUED)

SENATE FILE 321
FISCAL NOTE

REQUESTED BY SENATOR TAYLOR

In compliance with a written request there is hereby submitted a Fiscal Note for Amendment S-3446 to Senate File 321 pursuant to Joint Rule 16.

The amendment strikes everything after the enacting clause and substitutes specific legislated fees for fees covered in SF 321 and makes some changes to the categories of fees. Table I compares current revenues with projected revenues for SF 321 unamended and is this amendment is adpted. Under SF 321 fee revenue to the general fund will increase \$519,236 or 48% and if amended fee revenue to the general fund will increase \$475,985 or 44%.

Table I

Comparison of Fee Revenue

	<u>Current Revenue</u>	<u>SF 321 Revenue</u>	<u>New Revenue</u>	<u>SF 321 Amended Revenue</u>	<u>New Revenue</u>
Animal Health & Livestock Dirs	30,215	81,265	51,080	108,935	78,720
Food Products Control	749,092	783,627	34,535	784,977	35,885
Meat & Poultry	30,075	69,275	39,200	69,275	39,200
Dairy Products	12,106	137,722	125,616	16,241	4,135
Weights & Measures	255,150	523,985	268,835	573,195	318,045
TOTAL	1,076,638	1,595,874	519,236	1,552,623	475,985

Table II compares current revenue, SF 321 revenue and SF 321 revenue with the estimated regulatory cost of the program to determine the relative cost recovery potential of each option.

Table II
Cost Recovery Comparison

	FY 82 Estimated Cost (1)	Percentage of Cost Covered by:		
		Current Revenue	SF 321 Revenue	SF 321 Amended Revenue
Animal Health & Livestk.	179,636	17%	45%	61%
Food Products	831,549	90%	94%	94%
Meat & Poultry	633,417	5%	11%	11%
Dairy Products	196,139	6%	70%	8%
Weights & Measures	624,166	41%	84%	92%
TOTAL	2,464,907	44%	65%	63%

(1) Estimates are based on costs assumed to be related to regulation of the licensees covered by the bill.

SOURCE: DEPARTMENT OF AGRICULTURE

FILED
APRIL 10, 1981

BY GERRY D. RANKIN, DIRECTOR
LEGISLATIVE FISCAL BUREAU

Assumed Fee Increases

SENATE 2
 MARCH 11, 1981
 SF 321-Page 2
 FISCAL NOTE

Dairy Products

Babcock
 Milk Graders)
 Cream Graders) Combine
 Milk or Cream Routes
 Grade B Plants
 Grade B Producers (Eliminate)
 Cream/Milk Station

Present
 Fee

Proposed
 Fee

\$ 3
 3
 3
 3
 3-5
 0
 0

\$ 10
 10
 10
 3/4¢/cwt.
 50

Animal Health and Welfare

Pound (New Category)
 Commercial Breeders
 Hobby Kennels
 Boarding Kennels
 Commercial Kennels
 Dealers
 Pet Shops
 Public Auctions
 Federal Registrants (included in
 Commercial Breeders)

0
 25
 2
 15
 25
 50
 40
 25
 5

25
 25
 15
 25
 25
 50
 50
 25
 0

Livestock Agents (Eliminate)
 Hatcheries
 In-State Pig Dealers
 In-State Pig Agents
 Out-of-State Pig Dealers
 Out-of-State Pig Agents
 In-State Livestock Dealers
 In-State Livestock Agents
 Out-of-State Livestock Dealers
 Out-of-State Livestock Agents
 Sheep Dealers

10
 10
 5
 3
 5
 3
 0
 0
 0
 0
 0
 5

-
 25
 50
 10
 100
 20
 50
 10
 100
 20
 0

Veterinary

State Exams
 License Renewals

40
 15

50
 No Change

Brands

Brands

5

35

Weights and Measures

Moisture Testers
 Moisture Scales
 L.P. Gas
 L.P. Gas Adjustments
 Bulk Trucks and Tanks
 Gas Pumps
 1-5)
 6-10)
 11-15)
 16+)

10
 0
 10
 0
 0
 2 or 4

20
 -
 35
 -
 35
 30
 45
 70
 100

Scales
 Capacity 500-20,000
 20,000-100,000
 100,000-Over

4

25
 75
 100

Table II
Revenue Comparison

	<u>Old Schedule Revenue</u>	<u>Assumed Schedule Revenue</u>	
Dairy Products	\$ 3,204	\$133,031	
Animal Health & Welfare	\$ 27,760	\$ 92,380	
Veterinary	\$ 38,570	\$ 39,490	
Brands	\$ 9,500	\$ 45,500	
Weights & Measures	\$129,610	\$719,120	
Food Products Control*	\$751,828	\$751,828	
Meat & Poultry*	\$ 30,075	\$ 30,075	
TOTAL	<u>\$990,547</u>	<u>\$1,811,424</u>	
INCREASE		\$ 820,877	83%

*No change in fees anticipated

Table III
Revenue/Cost Comparison

	<u>Direct Costs*</u>	<u>Assumed Fee Revenue</u>	<u>% of Cost</u>
Dairy Products	\$ 196,139	\$133,031	68%
Animal Health & Welfare + (including Brands)	898,180	137,880	15%
Weights & Measures	624,166	719,120	115%
Food Products Control (including lodging)	948,893	751,828	79%
Meat & Poultry +	1,266,834	30,075	2%
Brd of Vet. Exams.	9,069	39,490	435%
	<u>\$3,943,281</u>	<u>\$1,811,424</u>	46%

*projected for FY 1981-82

+exempted from 50% requirement of SF 321

SOURCE: DEPARTMENT OF AGRICULTURE

FILED
MARCH 10, 1981

Gerry Rankin, Director
LEGISLATIVE FISCAL BUREAU

SENATE FILE 321

S-3440

- 1 Amend Senate File 321 as follows:
2 1. Page 22, by inserting after line 30 the
3 following:
4 "Sec. _____. Section 214.1, Code 1981, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. "Bulk terminal meter" shall mean
7 any pump, meter or similar measuring device used in
8 the wholesale distribution of motor vehicle fuel or
9 fuel oil.
10 Sec. _____. Section 214.2, Code 1981, is amended
11 to read as follows:
12 214.2 LICENSE. Every person who ~~shall use~~ uses
13 or display displays for use any a public scale, pump
14 or meter used in measuring the quantity of gasoline
15 or fuel oil sold to consumer customers or a bulk
16 terminal meter used for the wholesale distribution
17 of motor vehicle fuel or fuel oil shall secure a
18 license for said the scale, pump or meter from the
19 department."
20 2. Page 22, line 34, by striking the words "scales
21 and" and inserting in lieu thereof the word "scales;".
22 3. Page 22, line 35, by inserting after the word
23 "pumps" the words "and bulk terminal meters".
24 4. Page 23, line 2, by inserting after the word
25 "pump" the words "and bulk terminal meter".
26 5. Page 23, by inserting after line 2 the
27 following:
28 "Sec. _____. Section 214.5, Code 1981, is amended
29 to read as follows:
30 214.5 LICENSE TO BE DISPLAYED. The license plate
31 shall be displayed prominently on the front of the
32 scale or pump or bulk terminal meter, and the defacing
33 or wrongful removal of such plate shall be punished
34 as provided in chapter 189. Absence of license plate
35 shall be prima-facie evidence that the weighing or
36 measuring device is being operated contrary to law."
37 6. By numbering and correcting internal references
38 as required by this amendment.

S-3440 FILED
APRIL 9, 1981

BY JOE BROWN

Placed out of order 4/13 (p. 1240)

SENATE FILE 321

S-3137

- 1 Amend Senate File 321 as follows:
2 1. Page 1, line 22, by inserting after the word
3 "inspections." the words "The department shall not
4 increase a fee established under this section by more
5 than ten percent in any calendar year."
6 2. Page 23, line 15, by inserting after the word
7 "Act." the words "The limitation on the increase in
8 fees per year in section 1 of this Act shall not apply
9 to the fees initially established by rule under that
10 section."

S-3137 FILED
MARCH 5, 1981

BY RICHARD DRAKE

Placed out of order 4/13 (p. 1240)

S-3138

- 1 Amend Senate File 321 as follows:
 2 1. Page 9, by striking line 2 through page 10,
 3 line 13.
 4 2. By renumbering to conform with this amendment.

S-3138 FILED

BY RICHARD DRAKE

MARCH 5, 1981

Placed out of order 4/13 (1240) SENATE FILE 321

S-3146

- 1 Amend Senate File 321 as follows:
 2 1. Page 6, by striking line 11 and inserting in
 3 lieu thereof the words "under section 1 of this Act."
 4 2. Page 6, line 16, by inserting after the word
 5 "department." the words "The department may establish
 6 higher license fees for nonresident livestock dealers
 7 and agents."
 8 3. Page 6, by striking lines 21 through 32.
 9 4. Page 23, by inserting after line 2 the
 10 following:
 11 "Sec. 56. Section 215.23, Code 1981, is amended
 12 to read as follows:
 13 215.23 SERVICER'S LICENSE. A servicer shall not
 14 install, service or repair a commercial weighing or
 15 measuring device until the servicer has demonstrated
 16 that ~~he-or-she~~ the servicer has available adequate
 17 testing equipment, and ~~that he-or-she~~ possesses a
 18 working knowledge of all devices ~~he-or-she~~ the servicer
 19 intends to install or repair and of all appropriate
 20 weights, measures, statutes and rules, as evidenced
 21 by passing a qualifying examination to be conducted
 22 by the department and obtaining a license. The
 23 secretary of agriculture shall establish by rule
 24 pursuant to chapter 17A, requirements for and contents
 25 of the examination. In determining these
 26 qualifications, the secretary shall consider the
 27 specifications of the national bureau of standards,
 28 handbook forty-four, "specifications, tolerances,
 29 and technical requirements for commercial weighing
 30 and measuring devices". The secretary shall require
 31 ~~an-annual~~ a license fee of not more than five dollars
 32 ~~for each license~~ established under section 1 of this
 33 Act. Each license shall expire one year from date
 34 of issuance."
 35 5. Page 23, line 3, by inserting after the word
 36 "Sections" the figure "163.28,".
 37 6. By renumbering the sections to conform with
 38 this amendment.

S-3146 FILED

BY RICHARD DRAKE

MARCH 6, 1981

Placed out of order 4/13 (p. 1246) SENATE FILE 321

S-3314

- 1 Amend Senate File 321 as follows:
 2 1. Page 1, by striking lines 1 through 22.
 3 2. By renumbering sections and correcting internal
 4 references as required by this amendment.

S-3314 FILED

BY COMMITTEE ON AGRICULTURE :

APRIL 1, 1981

RAY TAYLOR, CHAIRPERSON

SENATE FILE 321

S-3463

Amend Senate amendment S-3446 to Senate File 321,
2 as follows:

3 1. Page 1, by striking lines 12 through 20, and
4 inserting in lieu thereof the word "changes."

5 2. Page 2, lines 25 through 27, by striking the
6 words "~~or unless he has obtained a certificate of~~
7 ~~registration issued by the secretary if his kennel~~
8 ~~is federally licensed.~~" and inserting in lieu thereof
9 the words "or unless he the person has obtained a
10 certificate of registration issued by the secretary
11 if his the kennel is federally licensed."

12 3. Page 2, line 28, by striking the words "~~or~~
13 ~~the certificate~~" and inserting in lieu thereof the
14 words "or the certificate".

15 4. Page 2, line 29, by striking the words "~~and~~
16 ~~the certificate~~" and inserting in lieu thereof the
17 words "and the certificate".

18 5. Page 2, lines 33 and 34, by striking the words
19 "~~and the certification fee shall be five dollars~~
20 ~~annually~~" and inserting in lieu thereof the words
21 "and the certification fee shall be five dollars
22 annually".

23 6. Page 2, line 35, by striking the word
24 "~~certificate~~" and inserting in lieu thereof the words
25 "certificate or a".

26 7. Page 2, lines 43 through 45, by striking the
27 words "~~The certificate may be renewed upon application~~
28 ~~and payment of the prescribed fee in the manner~~
29 ~~provided by the secretary.~~" and inserting in lieu
30 thereof the words "The certificate may be renewed
31 upon application and payment of the prescribed fee
32 in the manner provided by the secretary."

33 8. By striking page 2, line 50 through page 3,
34 line 2 and inserting in lieu thereof the words "a
35 license issued by the secretary or unless he the
36 person has obtained a certificate of registration
37 issued by the secretary if his the kennel is federally
38 licensed."

39 9. Page 3, line 3, by striking the words "~~or the~~
40 ~~certificate~~" and inserting in lieu thereof the words
41 "or the certificate".

42 10. Page 3, line 5, by striking the words "~~and~~
43 ~~certificate~~" and inserting in lieu thereof the words
44 "and certificate".

45 11. Page 3, lines 8 and 9, by striking the words
46 "~~and the certification fee shall be five dollars per~~
47 ~~year~~" and inserting in lieu thereof the words "and
48 the certification fee shall be five dollars per year".

49 12. Page 3, by striking lines 13 through 16, and
50 inserting in lieu thereof the words "to all statutory

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1 and regulatory requirements. The certificate may
2 be renewed upon application and payment of the
3 prescribed fee in the manner provided by the
4 secretary."

5 13. Page 3, lines 22 through 24, by striking the

6 words "or-unless-he-has-obtained-a-certificate-of
7 registration-issued-by-the-secretary-if-his-kennel
8 is-federally-licensed." and inserting in lieu thereof
9 the words "or unless he the person has obtained a
10 certificate of registration issued by the secretary if his
11 the kennel is federally licensed."

12 14. Page 3, line 25, by striking the words "or
13 the-certificate" and inserting in lieu thereof the
14 words "or the certificate".

15 15. Page 3, lines 26 and 27, by striking the words
16 "or-the-certificate" and inserting in lieu thereof
17 the words "or the certification".

18 16. Page 3, lines 30 and 31, by striking the words
19 "and-the-certificate-fee-shall-be-five-dollars-per
20 year" and inserting in lieu thereof the words "and
21 the certificate fee shall be five dollars per year".

22 17. Page 3, by striking lines 35 through 37 and
23 inserting in lieu thereof the words "regulatory
24 requirements. The certificate may be renewed upon
25 application and payment of the prescribed fee in the
26 manner provided by the secretary."

S-3463 FILED & ADOPTED BY RAY TAYLOR
APRIL 10, 1981 (p. 1218) C. W. BILL HUTCHINS

SENATE FILE 321

S-3460

1 Amend the Committee on Agriculture amendment
2 S-3446, to Senate File 321 as follows:
3 1. Page 8, line 26, by striking the word
4 "twenty" and inserting in lieu thereof the word
5 "fifteen".

S-3460 FILED BY JACK W. HESTER
APRIL 10, 1981 RAY TAYLOR
RULED OUT OF ORDER (p. 1219)

SENATE FILE 321

S-3454

1 Amend the Committee on Agriculture amendment
2 S-3446, to Senate File 321 as follows:
3 1. Page 10, line 25, by inserting after the
4 word "volume" the words "in this state".

S-3454 FILED & ADOPTED BY RAY TAYLOR
APRIL 10, 1981 (p. 1218)

SENATE FILE 321

S-3453

1 Amend the Committee on Agriculture amendment
2 S-3446, to Senate File 321 as follows:
3 1. Page 8, line 26, by striking the word
4 "twenty" and inserting in lieu thereof the word
5 "ten".

S-3453 FILED & ADOPTED BY JACK W. HESTER
APRIL 10, 1981 (p. 1218)

SENATE FILE 321

S-3452

1 Amend the Senate Amendment S-3446 to Senate File
2 321 as follows:
3 1. Page 14, by inserting after line 24 the
4 following:
5 "Sec. ____ . This bill takes effect January 1,
6 1982."

S-3452 FILED & ADOPTED BY RAY TAYLOR
APRIL 10, 1981 (p. 1219)

SENATE FILE 321

S-3446

1 Amend Senate File 321 as follows:

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

4 "Section 1. Chapter 159, Code 1981, is amended
5 by adding the following new section:

6 NEW SECTION. LICENSES AND FEES. For those statutes
7 which provide for licenses or certificates to be
8 issued by the department and for the payment of fees
9 for the licenses or certificates, the secretary shall
10 review the fees every two years and make
11 recommendations to the general assembly for needed
12 changes. If an annual fee for a license or certificate
13 is less than one hundred dollars, a biennial license
14 or certificate may be issued by the secretary at the
15 option of the applicant and twice the annual fee shall
16 be collected. A biennial license will expire one
17 year from the date the annual license would expire,
18 but this shall not prohibit the department from
19 carrying out inspections as would be required for
20 an annual license.

21 Sec. 2. Section 162.3, Code 1981, is amended to
22 read as follows:

23 162.3 CERTIFICATE OF REGISTRATION FOR POUND.
24 No A pound shall not be operated unless a certificate
25 of registration for the pound is granted by the
26 secretary. Application for the certificate shall
27 be made in the manner approved by the secretary.
28 No A fee of twenty-five dollars shall be required
29 for the application or certificate. Certificates
30 of registration shall expire annually on March 1
31 unless revoked and may be renewed upon application
32 in the manner provided by the secretary. A registered
33 pound may engage in the sale of dogs or cats, or both,
34 under its control, if ~~it~~ the pound obtains a license
35 for ~~such~~ that activity, but ~~no~~ a fee shall not be
36 charged ~~therefor~~ unless the registered pound is
37 privately owned.

38 Sec. 3. Section 162.4, Code 1981, is amended to
39 read as follows:

40 162.4 CERTIFICATE OF REGISTRATION FOR ANIMAL
41 SHELTER. No A person shall not operate an animal
42 shelter unless a certificate of registration for the
43 animal shelter is granted by the secretary.
44 Application for the certificate shall be made in the
45 manner provided by the secretary. No A fee shall
46 not be required for the application or certificate.
47 Certificates of registration shall expire annually
48 on March 1 unless revoked and may be renewed in the
49 manner provided by the secretary. A registered animal
50 shelter may engage in the sale of dogs or cats, or

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1 both, under its control, if ~~it~~ the shelter obtains
2 a license for ~~such~~ the activity, but ~~no~~ a fee shall
3 not be charged therefor.

4 Sec. 4. Section 162.5, Code 1981, is amended to
5 read as follows:

6 162.5 PET SHOP LICENSE. ~~No~~ A person shall not
7 operate a pet shop unless ~~he~~ the person has obtained
8 a license to operate a pet shop issued by the
9 secretary. Application for the license shall be made
10 in the manner provided by the secretary. The license
11 shall expire ~~annually~~ on March 1 ~~of each year~~ unless
12 revoked and may be renewed in the manner provided
13 by the secretary. The license fee shall be ~~forty~~
14 fifty dollars per year ~~or ten dollars for each quarter~~
15 ~~or portion of a quarter of a year~~. The license may
16 be renewed if the licensee has conformed to all
17 statutory and regulatory requirements.

18 Sec. 5. Section 162.6, Code 1981, is amended to
19 read as follows:

20 162.6 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE.
21 ~~No~~ A person shall not operate a commercial kennel
22 or public auction, as defined in section 162.2, unless
23 ~~he~~ the person has obtained a license to operate a
24 commercial kennel or a public auction issued by the
25 secretary ~~or unless he has obtained a certificate~~
26 ~~of registration issued by the secretary if his kennel~~
27 ~~is federally licensed~~. Application for the license
28 ~~or the certificate~~ shall be made in the manner provided
29 by the secretary. The license ~~and the certificate~~
30 shall expire ~~annually~~ on March 1 unless revoked.
31 The license fee shall be twenty-five dollars per year
32 ~~or seven dollars for each quarter or portion of a~~
33 ~~quarter of a year and the certification fee shall~~
34 ~~be five dollars annually~~. If the person has obtained
35 a ~~federal license, he need only obtain a certificate~~
36 license for a commercial kennel, the person may
37 register and operate the same facility as a boarding
38 kennel or a pound with no additional license fee
39 required. The license may be renewed upon application
40 and payment of the prescribed fee in the manner
41 provided by the secretary provided if the licensee
42 has conformed to all statutory and regulatory
43 requirements. ~~The certificate may be renewed upon~~
44 ~~application and payment of the prescribed fee in the~~
45 ~~manner provided by the secretary.~~

46 Sec. 6. Section 162.7, Code 1981, is amended to
47 read as follows:

48 162.7 DEALER LICENSE. ~~No~~ A person shall not
49 operate as a dealer unless ~~he~~ the person has obtained
50 a license issued by the secretary ~~or unless he has~~

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1 ~~obtained a certificate of registration issued by the~~
2 ~~secretary if his kennel is federally licensed.~~
3 Application for the license ~~or the certificate~~ shall
4 be made in the manner provided by the secretary.
5 The license and ~~certificate~~ shall expire annually
6 on March 1 unless revoked. The license fee shall
7 be fifty dollars per year ~~or fifteen dollars for each~~
8 ~~quarter or portion of a quarter of a year, and the~~
9 ~~certification fee shall be five dollars per year.~~
10 The license may be renewed upon application and payment
11 of the prescribed fee in the manner provided by the
12 secretary, ~~provided if~~ the licensee has conformed
13 to all statutory and regulatory requirements. The
14 ~~certificate may be renewed upon application and payment~~
15 ~~of the prescribed fee in the manner provided by the~~
16 ~~secretary.~~

17 Sec. 7. Section 162.8, Code 1981, is amended to
18 read as follows:

19 162.8 COMMERCIAL BREEDER'S LICENSE. No A person
20 shall not operate as a commercial breeder unless he
21 the person has obtained a license issued by the
22 secretary ~~or unless he has obtained a certificate~~
23 ~~of registration issued by the secretary if his kennel~~
24 ~~is federally licensed.~~ Application for the license
25 ~~or the certificate~~ shall be made in the manner provided
26 by the secretary. The annual license ~~or the~~
27 ~~certification~~ period shall commence March 1 ~~of each~~
28 year. The license fee shall be twenty-five dollars
29 per year ~~or seven dollars for each quarter or portion~~
30 ~~of a quarter of a year and the certificate fee shall~~
31 ~~be five dollars per year.~~ The license may be renewed
32 upon application and payment of the prescribed fee
33 in the manner provided by the secretary provided if
34 the licensee has conformed to all statutory and
35 regulatory requirements. ~~The certificate may be~~
36 ~~renewed upon application and payment of the prescribed~~
37 ~~fee in the manner provided by the secretary.~~

38 Sec. 8. Section 162.9, Code 1981, is amended to
39 read as follows:

40 162.9 BOARDING KENNEL OPERATOR'S LICENSE. No
41 A person shall not operate a boarding kennel unless
42 he the person has obtained a license to operate a
43 boarding kennel issued by the secretary. Application
44 for the license shall be made in the manner provided
45 by the secretary. The annual license period shall
46 commence March 1 ~~of each year.~~ The license fee shall
47 be ~~fifteen~~ twenty dollars per year ~~or four dollars~~
48 ~~for each quarter or portion of a quarter of a year.~~
49 The license may be renewed upon application and payment
50 of the prescribed fee in the manner provided by the

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1 secretary provided if the licensee has conformed to
2 all statutory and regulatory requirements.

3 Sec. 9. Section 162.10, Code 1981, is amended
4 to read as follows:

5 162.10 HOBBY KENNEL OWNER'S LICENSE. No A person
6 shall not operate a hobby kennel unless he the person
7 obtains a license issued by the secretary. Application
8 for the license shall be in the manner provided by
9 the secretary. The ~~annual~~ license period shall
10 commence March 1. The license fee shall be ~~two~~ ten
11 dollars per year. The license may be renewed upon
12 application in the manner prescribed by the secretary,
13 provided the licensee has conformed to all statutory
14 and regulatory requirements.

15 Sec. 10. Chapter 163, Code 1981, is amended by
16 adding sections 11 and 12 of this Act as a new division
17 entitled "Livestock Dealers and Agents".

18 Sec. 11. NEW SECTION. DEFINITIONS. When used
19 in this division:

20 1. "Department" means the Iowa department of
21 agriculture.

22 2. "Livestock dealer" means a person engaged in
23 the business of buying for resale, or selling, leasing,
24 or exchanging livestock, except feeder swine, as a
25 principal, or one who holds himself or herself out
26 as so engaged, but does not include the owner or
27 operator of a farm who does not hold himself or herself
28 out as so engaged, and who sells, leases, or exchanges
29 only the livestock which have been kept by the person
30 for feeding or breeding purposes.

31 3. "Livestock agent" means an employee or agent
32 doing business by buying for resale, selling, or
33 exchanging livestock, except feeder swine, in the
34 name of a licensed livestock dealer.

35 4. "Livestock" means cattle, horses, sheep, goats,
36 swine other than feeder swine, or any other animals
37 of the bovine, equine, ovine, caprine, or porcine
38 species.

39 Sec. 12. NEW SECTION. LICENSE REQUIRED.

40 1. A person shall not act as a livestock dealer
41 without obtaining a livestock dealer's license from
42 the department. The fee for a livestock dealer's
43 license is one hundred dollars per year. To secure
44 a license, the applicant must file with the department
45 a bond in an amount equal to or greater than that
46 required for livestock dealers by the federal Packers
47 and Stockyards Act, with the secretary named as trustee
48 for the use and benefit of anyone damaged by a
49 violation of this title by a livestock dealer.

50 2. A person shall not act as a livestock agent

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1 without obtaining a livestock agent's license from
2 the department. The fee for a license of a livestock
3 agent is twenty dollars per year.

4 3. All licenses of this section shall expire on
5 the first day of September. The licenses shall be
6 numbered and the dealer or agent shall retain the
7 number when the license is renewed. Licenses shall
8 be issued upon application forms furnished by the
9 department.

10 4. This section does not apply to persons licensed
11 as required in chapter 172A.

12 Sec. 13. Section 163.27, Code 1981, is amended
13 to read as follows:

14 163.27 BOTTING FEEDING GARBAGE PROHIBITED. It
15 shall be unlawful for any person, firm, partnership,
16 or corporation to feed garbage to animals unless such
17 garbage has been heated to a temperature of 212-F
18 for thirty minutes, or other acceptable method, as
19 provided by rules promulgated by the department,
20 provided this. This requirement shall not apply to

21 an individual who feeds to his or her own animals
22 only the garbage obtained from his or her own
23 household. ~~It shall be unlawful for any person, firm,~~
24 ~~partnership, or corporation to feed any public or~~
25 ~~commercial garbage to swine after September 1, 1970.~~

26 Sec. 14. Section 163.30, subsection 3, unnumbered
27 paragraphs 1 and 2, Code 1981, are amended to read
28 as follows:

29 No A person shall not act as a dealer without first
30 securing a dealer's license from the department.

31 The fee for a dealer's license shall be five one
32 hundred dollars per annum and all licenses shall
33 expire on the first day of July following date of
34 issue. Licenses shall be numbered and the dealer
35 shall retain his the number from year to year. To
36 secure a license, the applicant must shall file with
37 the department a bond in the sum of ten thousand
38 dollars with the secretary named as trustee, for the
39 use and benefit of anyone damaged by a violation of
40 this section, except that the bond shall not be
41 required for dealers who are bonded in the same or
42 a greater amount than required pursuant to the federal
43 Packers and Stockyards Act.

44 Each employee or agent doing business by buying
45 for resale, selling or exchanging feeder swine in
46 the name of a licensed dealer, shall be ~~required to~~
47 secure a permit and identification card issued by
48 the department showing he that the person is employed
49 by or represents a licensed dealer. All such permits
50 and identification cards shall be issued upon

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1 application forms furnished by the department at a
2 cost of ~~three~~ twenty dollars per annum, and shall
3 expire on the first day of July ~~following-the-date~~
4 ~~of-issue~~.

5 Sec. 15. Section 163.41, unnumbered paragraph
6 1, Code 1981, is amended to read as follows:

7 A person shall not engage in the business of leasing
8 a breeding bull without having obtained a livestock
9 dealer's license from the department of agriculture
10 and registering each breeding bull as provided in
11 this division. ~~An-annual-license-may-be-obtained~~
12 ~~from-the-department-of-agriculture-upon-application~~
13 ~~and-payment-of-a-ten-dollar-fee.--Each-license-shall~~
14 ~~expire-on-the-first-of-July-following-the-date-of~~
15 ~~issue~~. An application shall be made on a form provided
16 by the department of agriculture and shall contain
17 the name of the person engaged in the business of
18 leasing breeding bulls as lessor, the address of such
19 the business, the registration number of each breeding
20 bull, and a description as to breed, color and other
21 distinguishing marks, leased as lessor, and such other
22 information as the secretary of agriculture may specify
23 by rule promulgated pursuant to chapter 17A.

24 Sec. 16. Section 166A.2, unnumbered paragraph
25 1, Code 1981, is amended to read as follows:

26 Any A person engaged as a dealer shall be ~~required~~
27 ~~to obtain a livestock dealer's license~~ from the
28 department. ~~The-fee-for-such-license-shall-be-five~~
29 ~~dollars-per-year-and-all-licenses-shall-expire-on~~
30 ~~the-first-day-of-July-following-date-of-issue~~.
31 Licenses shall be numbered and the dealer shall retain
32 his the number from year-to-year with each renewal.

33 Sec. 17. Section 168.3, Code 1981, is amended
34 to read as follows:

35 168.3 TERM AND FEE. The license fee shall be
36 twenty-five dollars per annum for a person engaged
37 in the business of custom hatching, producing, and
38 selling baby chicks, and ten dollars per annum,--and
39 each for a person engaged strictly in selling or
40 offering for sale baby chicks at retail. Each license
41 shall expire on July 1 after date of issue.

42 Sec. 18. Section 171.2, Code 1981, is amended
43 to read as follows:

44 171.2 LICENSE. Every person engaged in the
45 business of operating a cold storage plant and who
46 charges a fee for the service rendered shall obtain
47 a food establishment license from the department for
48 each establishment at which said business is conducted.
49 Applications for such licenses shall be made upon
50 blanks furnished by the department and shall conform

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1 to the prescribed rules of the department.

2 Sec. 19. Section 172.2, Code 1981, is amended
3 to read as follows:

4 172.2 LICENSE. ~~No~~ A person shall not engage in
5 the operation of a frozen food locker plant or a
6 branch frozen food locker plant until he the person
7 has obtained a separate license from the department
8 for each such-~~location-or~~ establishment. If a plant
9 is subject to inspection under chapter 170 or 189A
10 on the effective date of this Act, its license shall
11 be issued under the chapter which governs its
12 inspection. If a plant is established after the
13 effective date of this Act, the person operating the
14 plant may choose either license, depending upon the
15 type of food handled, processed, or stored, subject
16 to later correction by the department. Application
17 for such license or licenses shall be made upon forms
18 furnished by the department and shall contain the
19 items required by it as to ownership, management,
20 location, equipment, and other data concerning the
21 business for which each license is desired.

22 Sec. 20. Section 187.4, Code 1981, is amended
23 to read as follows:

24 187.4 RECORDING--FEE. Any person desiring to
25 adopt a brand shall forward to the secretary proper
26 brand application forms of such the desired brand,
27 together with a recording fee ~~in an amount established~~
28 ~~by rule of the secretary pursuant to chapter 17A,~~
29 ~~which amount shall be based upon the administrative~~
30 ~~costs of maintaining the brand program provided for~~
31 ~~by this chapter~~ of twenty-five dollars. Upon receipt
32 of such the application and fee, the secretary shall
33 file ~~the same~~ them and unless such the brand is of
34 record as that of some other person or conflicts with
35 or closely resembles the brand of another person,
36 the secretary shall record ~~the same~~ it. If the
37 secretary determines that such the brand is of record
38 or conflicts with or closely resembles the brand of
39 another person he the secretary shall not record it
40 but shall return such the facsimile and fee to the
41 forwarding person. The power of examination, approval,
42 acceptance, or rejection ~~shall be~~ is vested in the
43 secretary. It ~~shall be~~ is the duty of the secretary
44 to file all brands offered for record pending the
45 examination provided for in this section. The
46 secretary shall make such the examination as promptly
47 as possible. If the brand is accepted, the ownership
48 ~~thereof shall vest~~ of the brand vests in the person
49 recording it from the date of filing.

50 Sec. 21. Section 187.8, Code 1981, is amended

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1 to read as follows:

2 187.8 SALE OR ASSIGNMENT OF BRAND. Any brand
3 recorded as provided in section 187.4 shall be is
4 the property of the person causing such the record
5 to be made and shall be is subject to sale, assignment,
6 transfer, devise, and descent as personal property.
7 Instruments of writing, evidencing the sale,
8 assignment, or transfer of such the brand shall be
9 recorded by the secretary and the fee for recording
10 such sale, assignment, or transfer shall be in an
11 amount established by rule of the secretary pursuant
12 to chapter 17A, which amount shall be based upon the
13 administrative costs of maintaining the brand program
14 provided for by this chapter is twenty-five dollars.

15 Sec. 22. Section 187.13, Code 1981, is amended
16 to read as follows:

17 187.13 FEE EACH FIFTH YEAR. Each owner of a brand
18 of record beginning on January 1, 1970, shall pay
19 to the secretary a fee of five dollars and a renewal
20 fee on January 1 of each fifth year after the payment
21 of the five dollar fee or on January 1 of each fifth
22 year following the original recording of a brand
23 recorded after June 30, 1975. The amount of the
24 renewal fee required for January 1, 1976 and each
25 year thereafter shall be established by rule of the
26 secretary pursuant to chapter 17A is twenty dollars.
27 Such amount shall be based upon the administrative
28 costs of maintaining the brand program provided for
29 in this chapter. It shall be the duty of the The
30 secretary to shall notify every owner of a brand of
31 record at least thirty days prior to the date of the
32 renewal period. The secretary shall give a receipt
33 for all such payments made and if any owner of a brand
34 of record shall fail, refuse, fails, refuses, or
35 neglect neglects to pay such the fee by July 1 of
36 each year in which it is due, such the brand shall
37 become forfeited and no longer carried in the record.
38 Any such A forfeited brand shall not be issued to
39 any other person within a period of less than five
40 years following date of forfeiture.

41 Sec. 23. Section 189.19, subsection 3, Code 1981,
42 is amended by striking the subsection and inserting
43 in lieu thereof the following:

44 3. INSPECTION OF RECORDS. The department shall
45 have access to an applicant's place of business and
46 office to examine relevant records to determine gross
47 sales when the information is used to determine the
48 appropriate license or inspection. This shall apply
49 to applicants for licenses issued under title IX as
50 well.

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1 Sec. 24. Section 189A.3, unnumbered paragraph
2 1, subsections 1 and 2, and unnumbered paragraph 2,
3 Code 1981, are amended to read as follows:

4 No A person shall not operate an establishment
5 other than a grocery store or food service
6 establishment as defined in section 170A.2 without
7 first obtaining a license from the department. The
8 license fee for each establishment per year or any
9 part of a year shall be:

10 1. For all meat and poultry slaughtered or
11 otherwise prepared not exceeding twenty thousand
12 pounds per year for sale, resale, or custom, ~~twenty-~~
13 five fifty dollars.

14 2. For all meat and poultry slaughtered or
15 otherwise prepared in excess of twenty thousand pounds
16 per year for sale, resale, or custom, fifty one hundred
17 dollars.

18 The funds shall be deposited with the department
19 of agriculture. The license year period shall be
20 ~~from July 1 to the end on~~ June 30. Applications for
21 licenses shall be in writing on forms prescribed by
22 the department.

23 Sec. 25. Section 192.40, Code 1981, is amended
24 to read as follows:

25 192.40 FEES. The fee for each license shall be
26 ~~three ten~~ dollars, and standard test bottles and
27 pipettes shall be furnished at actual cost.

28 Sec. 26. Section 194.14, Code 1981, is amended
29 to read as follows:

30 194.14 FEE. Each license shall, unless sooner
31 revoked, be valid until July 1 ~~after-date-of-issuance~~.
32 The fee ~~therefor~~ shall be three ten dollars, which
33 shall be paid before the license is issued.

34 Sec. 27. Section 195.9, Code 1981, is amended
35 to read as follows:

36 195.9 TENURE--FEE. Each license shall, unless
37 sooner revoked, be valid until July 1 ~~after-date-of~~
38 ~~issuance~~. The fee ~~therefor~~ shall be three ten dollars
39 which shall be paid before the license is issued.

40 Sec. 28. Section 195.17, Code 1981, is amended
41 to read as follows:

42 195.17 TENURE--FEES. ~~Each~~ The license, unless
43 sooner revoked, shall expire December 31 after the
44 date of issuance. The fee ~~therefor~~, payable to the
45 secretary before its issuance, shall be:

46 1. For each creamery, five fifty dollars.

47 2. For each cream station, three twenty-five
48 dollars.

49 3. For each vehicle, three ten dollars.

50 4. For each cheese factory, five fifty dollars.

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1 Sec. 29. Section 198.9, subsection 1, unnumbered
2 paragraph 1, Code 1981, is amended to read as follows:

3 An inspection fee to be fixed annually by the
4 secretary, at the rate of no more than ~~ten~~ twelve
5 cents per ton shall be paid on commercial feeds
6 distributed in this state, by the person who
7 distributes the commercial feed to the consumer,
8 subject to the following:

9 Sec. 30. Section 199.15, Code 1981, is amended
10 to read as follows:

11 199.15 PERMIT NUMBER--FEE--FRAUD. No person shall
12 sell, distribute, solicit orders for, offer or expose
13 for sale, any agricultural seed without first obtaining
14 from the department a permit number to engage in such
15 business. No permit number shall be required of
16 persons selling seeds, including seed corn, which
17 has been packed and distributed by a seedsman holding
18 and having in force a permit number as herein provided.
19 No permit number shall be required of persons selling,
20 offering or exposing for sale seed of their own
21 production, provided that ~~such~~ the seed is stored
22 or delivered to purchaser only on or from the farm
23 or premises where grown. The fee for each permit
24 number shall be ~~five-dollars-per-annum~~ and all based
25 on sales volume as follows:

26 1. For a sales volume of less than ten thousand
27 dollars, fifteen dollars.

28 2. For ten thousand to less than fifty thousand
29 dollars, thirty-five dollars.

30 3. For fifty thousand to less than one hundred
31 thousand dollars, fifty dollars.

32 4. For one hundred thousand to less than two
33 hundred thousand dollars, seventy-five dollars.

34 5. For two hundred thousand dollars or more, one
35 hundred dollars.

36 PARAGRAPH DIVIDED. All permit numbers shall expire
37 on the first day of July ~~following-date-of-issue.~~

38 After due notice given at least ten days prior to
39 a date of hearing fixed by the secretary of

40 agriculture, the department may revoke or refuse to
41 renew any permit issued under the authority of this
42 section, if intent to defraud is established. The
43 failure to fulfill any contract to repurchase the
44 seed crop produced from any agricultural seed, other
45 than hybrid seed corn, if the same meets the
46 requirements set forth in the contract and the
47 standards specified in this chapter, ~~shall-be is~~
48 prima-facie evidence of intent to defraud the purchaser
49 at the time of entering into the contract.

50 Sec. 31. Section 201.12, Code 1981, is amended

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1 to read as follows:

2 201.12 RULES AND REGULATIONS. The secretary of
3 agriculture ~~is hereby empowered to~~ may prescribe and
4 enforce such rules and regulations relating to
5 agricultural lime, limestone, or aglime as ~~may be~~
6 deemed necessary to carry into effect the full intent
7 and meaning of this chapter, ~~including establishing~~
8 ~~and collecting a reasonable~~ collect an annual fee
9 of forty dollars from the producers of agricultural
10 lime to cover the cost of obtaining samples and
11 analyzing same them as prescribed in sections 201.6
12 and 201.7, and he may refuse the registration of any
13 agricultural lime, limestone, or aglime under a name
14 or claim which would be misleading.

15 Sec. 32. Section 201.13, Code 1981, is amended
16 to read as follows:

17 201.13 FEES TO STATE-TREASURY FERTILIZER FUND.
18 The moneys received under ~~the provisions of this~~
19 ~~chapter shall be paid into the state treasury placed~~
20 in the fertilizer fund created by section 200.9 for
21 the payment of costs of inspection, sampling, analysis,
22 supportive research, and other expenses necessary
23 for the administration of this chapter. The secretary
24 of agriculture shall issue a quarterly report showing
25 a statement of moneys received from license fees for
26 the sale of agricultural lime, limestone or aglime,
27 and of fines collected from prosecutions in the
28 enforcement of this chapter. The secretary shall
29 also issue a quarterly report, which shall be available
30 to the public, showing the certifications of ECCE
31 for all agricultural lime, limestone, or aglime
32 certified as provided in this chapter, which report
33 shall be by manufacturer or producer and location
34 or locations. The reports required by this section
35 shall be issued not later than twenty days after March
36 31, June 30, September 30, and December 31.

37 Sec. 33. Section 214.1, subsections 1 and 2, Code
38 1981, are amended to read as follows:

39 1. "Public Commercial scale" shall mean any scale
40 or weighing device for the use of which a charge is
41 made or compensation is derived.

42 2. "Gasoline Motor vehicle fuel pump" shall mean
43 any pump, meter, or similar measuring device used
44 for measuring gasoline motor vehicle fuel for sale
45 at retail.

46 Sec. 34. Section 214.1, Code 1981, is amended
47 by adding the following new subsection:

48 NEW SUBSECTION. "Bulk truck pump" shall mean any
49 pump, meter, or similar measuring device used to
50 measure motor vehicle fuel or fuel oil on a bulk truck

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1 or tank used for fuel deliveries.

2451/ 2 Sec. 35. Section 214.2, Code 1981, is amended
3 to read as follows:

4 214.2 LICENSE. Every A person who shall-use uses
5 or display displays for use any-public a commercial
6 scale, or a motor vehicle fuel pump or a bulk truck
7 pump or-meter used in measuring the quantity of
8 gasoline motor vehicle fuel or fuel oil sold to

3451/ 9 consumer customers shall secure a license for said
10 the scale, or pump or-meter from the department.

11 Sec. 36. Section 214.3, unnumbered paragraph 1,
12 Code 1981, is amended to read as follows:

13 The license for a public commercial scale shall
14 expire on December 31 of each year, and for a gasoline
3451/ 15 motor vehicle fuel pump or meter bulk truck pump on
16 June 30 of each year.

17 Sec. 37. Section 214.3, unnumbered paragraph 2,
18 Code 1981, is amended by striking the paragraph and
19 inserting in lieu thereof the following:

20 A fee shall not be charged for a commercial scale
21 license. The license fee for a motor vehicle fuel
22 pump shall be five dollars per annum. The license
23 fee for a bulk truck pump shall be twenty-five dollars
3451/ 24 per annum.

25 Sec. 38. Section 214.6, Code 1981, is amended
26 to read as follows:

27 214.6 OATH OF WEIGHMASTERS. All persons keeping
28 public commercial scales, before entering upon their
29 duties as weighmasters, shall be sworn before some
30 person having authority to administer oaths, to keep
31 their scales correctly balanced, to make true weights,
32 and to render a correct account to the person having
33 weighing done.

34 Sec. 39. Section 215.2, Code 1981, is amended
35 to read as follows:

36 215.2 FEES. An inspection fee shall be charged
37 the person owning or operating the scale so inspected
38 in accordance with the following schedule:

39 1. Railroad track scales, fifty dollars each.

40 2. Other scales,

41 a. 500 to 1,000 pounds capacity, five ten dollars
42 each;

43 b. 1,001 to 30,000 pounds capacity, fifteen twenty-
44 five dollars each, except as provided in subsection
45 3;

46 c. 30,001 to 50,000 pounds capacity, thirty-five
47 fifty dollars each;

48 d. 50,001 pounds capacity or more, fifty seventy-
49 five dollars each.

50 3. A minimum fee of twenty-five dollars shall

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1 be charged for each vehicle and livestock scale.

2 Sec. 40. Section 215.20, Code 1981, is amended
3 to read as follows:

4 215.20 LIQUID PETROLEUM GAS METERS--FEE. The
5 secretary of agriculture shall annually inspect and
6 test all liquid meters used for the measurement and
7 retail sale of liquefied petroleum gas and he the
8 secretary shall condemn all meters which are found
9 to be inaccurate. A reasonable tolerance within a
10 maximum of two percent, plus or minus, shall be
11 allowed. It is unlawful to use a meter for retail
12 measurement and sale which has been condemned. All
13 condemned meters shall be conspicuously marked
14 "inaccurate", and the mark shall not be removed or
15 defaced except upon authorization of the secretary
16 of agriculture or ~~his~~ the secretary's authorized
17 representative. The secretary of agriculture shall
18 charge an annual fee of ~~ten~~ twenty-five dollars for
19 each meter tested but the testing fee provided for
20 by this section shall not be charged more than once
21 in a calendar year to each meter tested. When
22 liquefied petroleum gas is sold or delivered to a
23 consumer as a liquid and by liquid measurement, the
24 volume of liquid sold and delivered shall be corrected
25 to a temperature of 60 F. through use of an approved
26 volume correction factor table, or through use of
27 an approved meter with sealed automatic compensation
28 mechanism. All sale tickets shall show the delivered
29 gallons, the temperature at the time of delivery and
30 the corrected gallonage, or shall state that
31 temperature correction was automatically made.

32 Any person violating any provision of this section
33 is guilty of a simple misdemeanor.

34 Sec. 41. Chapter 215A, Code 1981, is amended by
35 adding after section 215A.1 the following new section:

36 NEW SECTION. A person shall not use a moisture-
37 measuring device in commerce in this state unless
38 the device has been licensed by the department. The
39 license fee for each moisture-measuring device is
40 twenty dollars per year. The license for a moisture-
41 measuring device shall expire July 1 of each year.

42 Sec. 42. Section 215A.2, Code 1981, is amended
43 to read as follows:

44 215A.2 INSPECTION BY DEPARTMENT. The department
45 shall inspect or cause to be inspected at least
46 annually every moisture-measuring device used in
47 commerce in this state, ~~except those belonging to~~
48 ~~the United States or the state or any subdivision~~
49 ~~of either, except as herein provided.~~ The department
50 may inspect or cause to be inspected at the convenience

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1 of the department any moisture-measuring device upon
2 a request in writing from the owner thereof.
3 Sec. 43. Section 215A.8, Code 1981, is amended
4 to read as follows:
5 215A.8 UNTESTED DEVICES NOT TO BE USED--EXCEPTION.
6 No A person shall not use or cause to be used any
7 grain moisture-measuring device which has not been
8 licensed, inspected and approved for use by the
9 department; except, a newly purchased grain moisture-
10 measuring device may be used prior to regular
11 licensing, inspection and approval if the user of
12 such device has given notice to the department of
13 the purchase and before use of such the new device.
14 Sec. 44. Section 215A.10, Code 1981, is amended
15 to read as follows:
16 215A.10 PENALTY. Every person who uses or causes
17 to be used a moisture-measuring device in commerce
18 with knowledge that such the device has not been
19 licensed, inspected and approved by the department
20 in accordance with the provisions of this chapter
21 shall be guilty of a simple misdemeanor.
22 Sec. 45. Sections 162.11, 163.28, 171.4, 172.4,
23 192.39, 192.41, 214.4, 214.5, and 215A.9 and chapter
24 166, Code 1981, are repealed."

S-3446 FILED
APRIL 9, 1981

BY COMMITTEE ON AGRICULTURE
RAY TAYLOR, CHAIRPERSON

Adopted as amended by
3451, 3452, 3453, 3454, & 3463
4/13/81 (p. 1240)

SENATE FILE 321

S-3451

1 Amend Senate amendment S-3446 to Senate File 321
2 as follows:
3 1. Page 11, line 47, by striking the word
4 "subsection" and inserting in lieu thereof the word
5 "subsections".
6 2. Page 12, by inserting after line 1 the
7 following:
8 "NEW SUBSECTION. "Bulk terminal pump" means any
9 pump, meter, or similar measuring device used to
10 measure motor vehicle fuel or fuel oil for sale at
11 wholesale."
12 3. Page 12, line 9, by inserting after the word
13 "customers" the words "or a bulk terminal pump".
14 4. Page 12, line 15, by striking the words "or
15 meter" and inserting in lieu thereof the words "ex
16 ~~meter~~."
17 5. Page 12, line 15, by inserting after the words
18 "truck pump" the words "and bulk terminal pump".
19 6. Page 12, line 24, by inserting after the word
20 "annum." the words "The license fee for a bulk terminal
21 pump shall be fifty dollars per annum."

S-3451 FILED
APRIL 9, 1981

BY JOE BROWN

Adopted 4/10/81 (p. 1219)