

FILED MAR 25 1981

SENATE FILE 479

BY COMMITTEE ON AGRICULTURE

(FORMERLY SSB 169)

Approved 3/25 (p 454)

Substituted for H.F. 805 4/14/81

Passed Senate, Date 4-2-81 (p 1025) Passed House, Date 4-16-81 (p 1267)

Vote: Ayes 37 Nays 30 Vote: Ayes 63 Nays 3

Approved May 19, 1981

Repealed House 5-6-81 (p 1704)
79-17

A BILL FOR

- 1 An Act relating to the state entomologist, including fees for
- 2 certificates of inspection, and assessment of costs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE AMENDMENT TO SENATE FILE 479

S-3536

1 Amend Senate File 479, as passed by the Senate,
2 as follows:

3 1. Page 1, by striking lines 16 through 35 and
4 inserting in lieu thereof the following:

5 "A fee of not less than five fifteen dollars plus
6 one dollar per acre or fraction thereof nor more than
7 sixty-five five hundred dollars per annum, according
8 to the amount of stock inspected, shall be paid at
9 the time of inspection or before a certificate is
10 granted. Certificates shall be issued to nursery
11 stock growers and dealers and shall be valid for one
12 year from the date of issue. However, a certificate
13 may be revoked if the state entomologist determines
14 that conditions violate the standards for which the
15 certificate was issued. Inspections and certifications
16 shall take place as necessary to enforce this chapter
17 and the rules made pursuant to it Such certificate
18 shall be valid for one year from date of issue, unless
19 sooner revoked by the state entomologist. The
20 inspection of nurseries shall take place between May
21 1 and October 30 of each year and at such other times
22 as may be necessary to make effective the provisions
23 of this chapter and the rules made pursuant thereto."

S-3536 FILED
APRIL 22, 1981

RECEIVED FROM THE HOUSE

Senate refused to concur 4/23/81 (p 1287)
House receded 5/6/81 (p 1704)

1 Section 1. Section 177A.3, Code 1981, is amended to read
2 as follows:

3 177A.3 STATE ENTOMOLOGIST. There is hereby created and
4 established within the department of agriculture the office
5 of state entomologist. ~~The entomologist of the Iowa~~
6 ~~agricultural experiment station is hereby constituted the~~
7 ~~state entomologist who is the executive officer of this~~
8 ~~chapter.~~ The state entomologist shall be appointed by,
9 responsible to and under the authority of the secretary of
10 agriculture in the issuance of all rules, ~~regulations,~~ the
11 establishment of quarantines and other official acts. He
12 ~~shall be provided~~ The secretary of agriculture shall provide
13 the state entomologist with suitable office space.

14 Sec. 2. Section 177A.9, unnumbered paragraph 2, Code 1981,
15 is amended to read as follows:

16 ~~A fee of~~ The fees for inspections and certifications shall
17 not be less than five fifteen dollars nor more than sixty-
18 five five hundred dollars per annum. Certificates shall be
19 issued to nursery stock growers and dealers on an annual
20 basis. Inspection and certification fees for nursery stock
21 growers shall be fifteen dollars plus one dollar per acre
22 or part thereof, according to the amount of stock inspected,
23 The inspection and certification fee for nursery stock dealers
24 shall be fifteen dollars. All fees shall be paid at the time
25 of inspection or before a certificate is granted issued.
26 ~~Such certificate shall be valid for one year from date of~~
27 ~~issue, unless sooner revoked by the state entomologist.~~ ~~The~~
28 ~~inspection of nurseries~~ Inspection and certification shall
29 take place between May 1 and October 30 of each year and at
30 ~~such other times as may be~~ when necessary to make effective
31 ~~the provisions of~~ enforce this chapter and the rules made
32 pursuant ~~thereto~~ to it. Certificates issued in accordance
33 with this chapter may be revoked when inspection results
34 determine that conditions violate the standards for which
35 certification was issued.

1 Sec. 3. Section 177A.17, Code 1981, is amended to read
2 as follows:

3 177A.17 DUTY OF OWNER--ASSESSMENT OF COSTS. ~~Whenever~~
4 When treatment or destruction of ~~any an~~ agricultural or
5 horticultural plant or product, in field, feedlot, place of
6 assemblage or storage, or elsewhere, or ~~whenever-any~~ when
7 a special type of plowing or any other agricultural or
8 horticultural operation is required under the rules, the owner
9 or person having charge of ~~such~~ the plants, plant products
10 or places, upon due notice from the state entomologist or
11 ~~his~~ the entomologist's authorized agents, shall take the
12 action required within the time and in the manner designated
13 by ~~such~~ the notice. ~~In-case~~ If the owner or person in charge
14 ~~shall-refuse-or-neglect~~ refuses or neglects to obey the notice,
15 the secretary of agriculture, or ~~his~~ the secretary's authorized
16 agents, may do what is required, and ~~the-expense-thereof~~ the
17 secretary shall assess the expense to the owner after giving
18 ~~him~~ the owner legal notice and a hearing. ~~Provided-that-no~~
19 No expense other than ~~such-as-is~~ that incidental to normal
20 and usual farm operations shall be so assessed. If the
21 assessment is not paid, the secretary shall certify it to
22 the treasurer of the proper county who shall enter it on the
23 tax books and collect it as ordinary taxes are collected and
24 remit it to the secretary.

25 ~~The-said-secretary-is-hereby-authorized-to-refund-to-the~~
26 ~~federal-department-of-agriculture-all-moneys-so-assessed-and~~
27 ~~collected-which-represent-expenditures-made-on-such-premises~~
28 ~~by-the-United-States-in-accordance-with-the-provisions-of~~
29 ~~the-Act-of-Congress-enacted-by-the-sixty-ninth-Congress,~~
30 ~~approved-February-23,-1927,-and-entitled,-"An-Act-to-provide~~
31 ~~for-the-eradication-or-control-of-the-European-corn-borer."~~

32 EXPLANATION

33 This bill deletes the requirement that the entomologist
34 of the Iowa agricultural experiment station be appointed the
35 state entomologist. It also raises the fee for an inspection

1 and certificate from the limits of not less than five nor
2 more than sixty-five to not less than fifteen nor more than
3 five hundred dollars. It deletes a reference in the Code
4 to an Act of the Sixty-ninth United States Congress in 1927
5 which has since been repealed. The bill takes effect July
6 1 following enactment.

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SENATE FILE 479
FISCAL NOTE
REQUESTED BY SENATOR TAYLOR

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In compliance with a written request there is hereby submitted a
Fiscal Note for Senate File 479 pursuant to Joint Rule 16.

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S. F. 479, An Act relating to the state entomologist, including fees for
certificates of inspection, and assessment of costs.

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The bill raises the limits on inspection and certification fees that may
be charged by the Secretary of Agriculture to nurseries and nursery stock
dealers and makes certain revisions in obsolete sections of the Code.

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The increase in fees is expected to generate approximately \$17,750 annually
in additional revenue.

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SOURCE: DEPARTMENT OF AGRICULTURE

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FILED
APRIL 2, 1981

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BY GERRY D. RANKIN, DIRECTOR
LEGISLATIVE FISCAL BUREAU

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SENATE FILE 479

AN ACT

RELATING TO THE STATE ENTOMOLOGIST, INCLUDING FEES FOR CERTIFICATES OF INSPECTION, AND ASSESSMENT OF COSTS.

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

Section 1. Section 177A.3, Code 1981, is amended to read as follows:

177A.3 STATE ENTOMOLOGIST. There is hereby created and established within the department of agriculture the office of state entomologist. ~~The entomologist of the Iowa agricultural experiment station is hereby constituted the state entomologist who is the executive officer of this chapter.~~ The state entomologist shall be appointed by, responsible to and under the authority of the secretary of agriculture in the issuance of all rules, regulations, the establishment of quarantines and other official acts. ~~He shall be provided~~ The secretary of agriculture shall provide the state entomologist with suitable office space.

Sec. 2. Section 177A.9, unnumbered paragraph 2, Code 1981, is amended to read as follows:

A fee of ~~The fees for inspections and certifications shall not be less than five fifteen~~ dollars nor more than ~~sixty-five five hundred~~ dollars per annum. Certificates shall be issued to nursery stock growers and dealers on an annual basis. Inspection and certification fees for nursery stock growers shall be fifteen dollars plus one dollar per acre or part thereof, according to the amount of stock inspected. The inspection and certification fee for nursery stock dealers shall be fifteen dollars. All fees shall be paid at the time of inspection or before a certificate is granted issued. Such certificate shall be valid for one year from date of issue, unless sooner revoked by the state entomologist. ~~The~~

~~inspection of nurseries~~ Inspection and certification shall take place between May 1 and October 30 of each year and at such other times as may be when necessary to make effective the provisions of enforce this chapter and the rules made pursuant thereto to it. Certificates issued in accordance with this chapter may be revoked when inspection results determine that conditions violate the standards for which certification was issued.

Sec. 3. Section 177A.17, Code 1981, is amended to read as follows:

177A.17 DUTY OF OWNER--ASSESSMENT OF COSTS. Whenever when treatment or destruction of any an agricultural or horticultural plant or product, in field, feedlot, place of assemblage or storage, or elsewhere, or whenever any when a special type of plowing or any other agricultural or horticultural operation is required under the rules, the owner or person having charge of such the plants, plant products or places, upon due notice from the state entomologist or his the entomologist's authorized agents, shall take the action required within the time and in the manner designated by such the notice. In case if the owner or person in charge shall refuse or neglect refuses or neglects to obey the notice, the secretary of agriculture, or his the secretary's authorized agents, may do what is required, and the expense thereof the secretary shall assess the expense to the owner after giving him the owner legal notice and a hearing. Provided that no No expense other than such as is that incidental to normal and usual farm operations shall be so assessed. If the assessment is not paid, the secretary shall certify it to the treasurer of the proper county who shall enter it on the tax books and collect it as ordinary taxes are collected and remit it to the secretary.

~~The said secretary is hereby authorized to refund to the federal department of agriculture all moneys so assessed and collected which represent expenditures made on such premises~~

~~by-the-United-States-in-accordance-with-the-provisions-of
the-Act-of-Congress-enacted-by-the-sixty-ninth-Congress,
approved-February-23,-1927,-and-entitled,-"An-Act-to-provide
for-the-eradication-or-control-of-the-European-corn-borer."~~

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 479, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved May 19, 1981

ROBERT D. RAY
Governor