

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 203.2 and 203D.4(4), the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 92, “Participation in Grain Indemnity Fund,” Iowa Administrative Code.

The proposed amendments change the definition of purchased grain used for the assessment of fees paid into the Iowa grain depositors and sellers indemnity fund. Two new exemptions are added to clarify that the cancellation of collateral warehouse receipts and intracompany location transfers are not counted as purchases. Also, all exemptions to purchased grain will be applied uniformly to both the participation fees paid by grain dealers and the per-bushel fees paid by grain sellers.

Any interested persons may make written suggestions or comments on the proposed amendments on or before July 14, 2015. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or by e-mail to Margaret.Thomson@IowaAgriculture.gov.

The proposed amendments are subject to the Department’s general waiver provisions.

After analysis and review of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement 2015 Iowa Acts, House File 634, sections 12 to 15.

The following amendments are proposed.

ITEM 1. Adopt the following **new** paragraphs **92.2(1)“d”** and **“e”**:

d. Grain entered in the company-owned paid position as a cancellation of a collateral warehouse receipt.

e. Grain entered in the company-owned paid position as an intra-company location transfer.

ITEM 2. Amend paragraph **92.2(2)“a”** as follows:

a. For grain dealers, a participation fee of fourteen thousandths of a cent per bushel on all purchased grain entered into the company-owned paid position during the grain dealer’s last fiscal year. However, a grain dealer shall pay a minimum participation fee of \$50. ~~Redemptions of collateral warehouse receipts entered into the company-owned paid position shall not be considered as a purchase.~~ If the grain dealer provides documentation satisfactory to the department, the following transactions shall be excluded from the participation fee:

(1) Grain purchased from the United States government or any of its subdivisions or agencies.

(2) Grain purchased from a person licensed as a grain dealer in any jurisdiction.

(3) Grain purchased under a credit-sale contract.

(4) Grain entered in the company-owned paid position as a cancellation of a collateral warehouse receipt.

(5) Grain entered in the company-owned paid position as an intracompany location transfer.