

## CHAPTER 159

### DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

	SUBCHAPTER I	159.22	Grants and gifts of funds.
	GENERAL PROVISIONS	159.23	Special fund.
		159.24	Grades or classifications of farm products.
159.1	Definitions.		
159.2	Object of department.	159.25	and 159.26 Repealed by 86 Acts, ch 1245, §852.
159.3	Cooperation.		
159.4	Location.	159.27	Iowa seal.
159.5	Powers and duties.	159.28	through 159.29B Transferred to chapter 460; 2002 Acts, ch 1137, §68, 71; 2002 Acts, 2nd Ex, ch 1003, §260, 262.
159.6	Additional duties.		
159.6A	Contributions.		
159.7	Intake airprobes not approved.		
159.8	Comprehensive management plan — highly erodible acres.	159.30	Repealed by 2001 Acts, ch 129, §7.
159.9	Publication and distribution of rules.	159.31	Iowa seal. Transferred to §159.27; 2003 Acts, ch 48, §7.
159.10	Repealed by 2001 Acts, ch 129, §7.		
159.11	Repealed by 2004 Acts, ch 1082, §2.		
159.12	Repealed by 98 Acts, ch 1032, §10.		
159.13	Repealed by 2004 Acts, ch 1082, §3.	159.32	
159.14	Bonds.	159.33	Definitions.
159.15	Repealed by 2001 Acts, ch 129, §7.	159.34	Assistance services — authority to contract with depository.
159.16	Duty of peace officers.	159.35	Assistance services — filing documents.
159.17	Interference with department.		Assistance services — collection of moneys.
159.18	Publicizing of farm programs.	159.36	Filing documents and payment of moneys to department.
159.19	Salary.		
	SUBCHAPTER II		SUBCHAPTER III
	AGRICULTURAL MARKETING		DEPOSITARIES — ASSISTANCE SERVICES
159.20	Powers of department.	159.37	Repealed by 2001 Acts, ch 129, §7.
159.21	International relations fund.		
			SUBCHAPTER IV
			SPECIAL QUALITY GRAINS

### SUBCHAPTER I

#### GENERAL PROVISIONS

#### 159.1 Definitions.

For the purposes of [subtitles 1 through 3 of this title](#), excluding [chapters 161A through 161C](#), unless otherwise provided:

1. “*Agricultural drainage well*” means the same as defined in [section 460.101](#).
2. “*Agricultural drainage well area*” means the same as defined in [section 460.101](#).
3. “*Department*” means the department of agriculture and land stewardship and if the department is required or authorized to do an act, unless otherwise provided, the act may be performed by an officer, regular assistant, or duly authorized agent of the department.
4. “*Designated agricultural drainage well area*” means the same as defined in [section 460.101](#).
5. “*Person*” includes an individual, a corporation, company, firm, society, or association; and the act, omission, or conduct of any officer, agent, or other person acting in a representative capacity shall be imputed to the organization or person represented, and the person acting in such capacity shall also be liable for violation of [subtitles 1 through 3 of this title](#), excluding [chapters 161A through 161C](#).

6. “Secretary” means the secretary of agriculture.

[S13, §1657-b; C24, 27, 31, 35, 39, §2586; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.1]

86 Acts, ch 1245, §604; 91 Acts, ch 74, §1; 92 Acts, ch 1163, § 38; 94 Acts, ch 1023, §13; 97 Acts, ch 193, §1

### **159.2 Object of department.**

The object of the department of agriculture and land stewardship shall be:

1. To encourage, promote, and advance the interests of agriculture, including horticulture, livestock industry, dairying, cheese making, poultry raising, beekeeping, production of wool, production of domesticated fur-bearing animals, and other kindred and allied industries.

2. To encourage a relationship between people and the land that recognizes land as a resource to be managed in a manner that avoids irreparable harm.

3. To develop and implement policies that inspire public confidence in the long-term future of agriculture as an economic activity as well as a way of life.

4. To administer efficiently and impartially the inspection service of the state as is now or may hereafter be placed under its supervision.

[S13, §1657-b, -g; C24, 27, 31, 35, 39, §2587; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.2]

86 Acts, ch 1245, §605

Referred to in §7E.5

### **159.3 Cooperation.**

The department and the Iowa state university of science and technology shall cooperate in all ways that may be beneficial to the agricultural interests of the state, but without duplicating research or educational work conducted by the university. [This section](#) does not subordinate either the department or the university in their spheres of action.

The department may cooperate with the United States department of agriculture as the department deems wise and just.

[C97, §1677; S13, §1657-g; C24, 27, 31, 35, 39, §2588; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.3]

86 Acts, ch 1245, §606

### **159.4 Location.**

The department of agriculture and land stewardship shall be located at the seat of government.

[C97, §1678; SS15, §2507; C24, 27, 31, 35, 39, §2589; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.4]

### **159.5 Powers and duties.**

The secretary of agriculture is the head of the department of agriculture and land stewardship which shall:

1. Carry out the objects for which the department is created and maintained.

2. Establish and maintain such divisions in the department as are necessary for the proper enforcement of the laws administered by it.

3. Consolidate the inspection service of the state in respect to the laws administered by the department so as to eliminate duplication of inspection insofar as practicable.

4. Maintain a weather division which shall, in cooperation with the national weather service, collect and disseminate weather and phenological statistics and meteorological data, and promote knowledge of meteorology, phenology, and climatology of the state. The division shall be headed by the state climatologist who shall be appointed by the secretary of agriculture, and shall be an officer of the national weather service, if one is detailed for that purpose by the federal government.

5. Establish volunteer weather stations in one or more places in each county, appoint observers thereat, supervise such stations, receive reports of meteorological events and tabulate the same for permanent record.

6. Issue weekly weather and crop bulletins from April 1 to October 1 of each year, and edit and cause to be published monthly weather reports, containing meteorological matter in its relationship to agriculture, transportation, commerce, and the general public.

7. Maintain a division of agricultural statistics, which shall, in cooperation with the United States department of agriculture statistical reporting service, gather, compile, and publish statistical information concerning the condition and progress of crops, the production of crops, livestock, livestock products, poultry, and other such related agricultural statistics, as will generally promote knowledge of the agricultural industry in the state of Iowa. The statistics, when published, constitute official agricultural statistics for the state of Iowa. The division is in the charge of an administrator, who shall be appointed by the secretary of agriculture and who shall be an officer of the United States department of agriculture statistical reporting service, if one is detailed for that purpose by the federal government.

8. Establish and maintain a marketing news service division in the department which shall, in cooperation with the federal market news and grading division of the United States department of agriculture, collect and disseminate data and information relative to the market prices and conditions of agricultural products raised, produced, and handled in the state. The division is in the charge of an administrator, who shall be appointed by the secretary of agriculture and shall be an officer of the federal market news and grading division of the United States department of agriculture, if one is detailed for that purpose by the federal government.

9. Inspect and supervise all meat, poultry, or dairy producing or distributing establishments including the furniture, fixtures, utensils, machinery, and other equipment so as to prevent the production, preparation, packing, storage, or transportation of meat, poultry, or dairy products in a manner detrimental to the character or quality of those products.

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

11. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of [subtitles 1 through 3 of this title](#), excluding [chapters 161A through 161C](#), and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

12. *a.* Establish a swine tuberculosis eradication program including but not limited to all of the following:

(1) The inspection of swine herds in this state when the department finds that an animal from a swine herd has, or is believed to have, tuberculosis.

(2) Ear tagging or otherwise physically marking all swine reacting positively to tests for tuberculosis.

(3) Condemning any swine which has tuberculosis.

(4) Depopulating any swine herd where tuberculosis is found to be generally present.

(5) Compensate the owners of condemned swine as provided under [section 165.18](#), following the general procedures for filing claims and paying indemnities as provided in [chapter 165](#).

*b.* If the department finds that the source of the tuberculosis in a swine herd is from another species of animal, except bovine, located on or near the premises on which the affected swine herd is located, the department may destroy those animals and indemnify the owners of the condemned animals as provided in [chapter 163](#).

13. Establish and maintain a division of soil conservation. The division administrator shall be appointed by the secretary from a list of names of persons recommended by the soil conservation committee, pursuant to [section 161A.4, subsection 6](#), paragraph “c”, and shall serve at the pleasure of the secretary.

14. Establish and administer programs for the inspection and control of disease among livestock as defined in [section 717.1](#).

15. In the administration of programs relating to water quality improvement and watershed improvements, cooperate with the department of natural resources in order to maximize the receipt of federal funds.

1. [C24, 27, 31, 35, 39, §2590; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]

2. [S13, §1657-g; C24, 27, 31, 35, 39, §2590; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]
3. [C24, 27, 31, 35, 39, §2590; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]
4. [C97, §1677, 1678; C24, 27, 31, 35, 39, §2590; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]
5. [C97, §1679, 1680; S13, §1679; C24, 27, 31, 35, 39, §2590; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]
6. [C97, §1679; S13, §1679; C24, 27, 31, 35, 39, §2590; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]
7. [C97, §1680; S13, §1363; C24, 27, 31, 35, 39, §2590; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]
8. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]
9. [S13, §2527-d5, 4527-m; C24, 27, 31, 35, 39, §2590; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]
10. [C79, 81, S81, §159.5(10)]
11. [S13, §2528-d10; C24, 27, 31, 35, 39, §2590; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §159.5(10); C79, 81, S81, §159.5(11)]
12. [C46, 50, 54, 58, 62, 66, §185.2; C71, 73, 75, 77, §159.5(11); C79, 81, S81, §159.5(12)]
13. [C75, 77, §159.5(12); C79, 81, S81, §159.5(13); 81 Acts, ch 117, §1019; 82 Acts, ch 1104, §4]  
83 Acts, ch 96, §60, 157, 159; 83 Acts, ch 123, §69, 209; 84 Acts, ch 1067, §22; 86 Acts, ch 1137, §1; 86 Acts, ch 1245, §607, 608; 87 Acts, ch 115, §26; 88 Acts, ch 1134, §32; 89 Acts, ch 83, §29; 89 Acts, ch 106, §1; 94 Acts, ch 1023, §14; 99 Acts, ch 96, §15; 2000 Acts, ch 1038, §1; 2003 Acts, ch 74, §1; 2006 Acts, ch 1030, §16; 2007 Acts, ch 211, §36; 2009 Acts, ch 41, §57

Referred to in [§159.6](#), [159.7](#), [165.18](#)

### 159.6 Additional duties.

In addition to the duties imposed by [section 159.5](#) the department shall enforce the law relative to:

1. Forest and fruit-tree reservations, [chapter 427C](#).
2. Infectious and contagious diseases among animals, [chapter 163](#).
3. Eradication of bovine tuberculosis, [chapter 165](#).
4. Hog-cholera virus and serum, [chapter 166](#).
5. Use and disposal of dead animals, [chapter 167](#).
6. Practice of veterinary medicine and surgery, [chapter 169](#).
7. Regulation and inspection of foods, drugs, and other articles, as provided in [Title V, subtitle 4](#), but [chapter 205](#) of that subtitle shall be enforced as provided in that chapter.
8. State aid received by certain associations as provided in [chapters 176A through 182, 186, and 352](#).
9. Coal mining and mines as set forth in [chapters 207 and 208](#).
10. Soil and water conservation as set forth in [chapters 161A, 161C, 161E, and 161F](#).
11. Grain dealers as set forth in [chapter 203](#).
12. Bonded warehouses for agricultural products as set forth in [chapter 203C](#).
13. The grain depositors and sellers indemnity fund as set forth in [chapter 203D](#).  
[C24, 27, 31, 35, 39, §2591; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.6]  
86 Acts, ch 1245, §609; 88 Acts, ch 1053, §1; 88 Acts, ch 1134, §33, 34; 89 Acts, ch 83, §30; 89 Acts, ch 197, §24; 90 Acts, ch 1009, §1; 94 Acts, ch 1023, §15; 98 Acts, ch 1032, §1, 2; 2002 Acts, ch 1017, §2, 8; 2003 Acts, ch 44, §40, 116; 2003 Acts, ch 69, §23; 2004 Acts, ch 1082, §4

#### 159.6A Contributions.

The department may accept contributions, including gifts and grants, in order to carry out and administer the provisions of [this chapter](#) and [chapter 460, subchapter III](#). The department shall maintain an itemized accounting of the contributions. At the end of each fiscal year, the department shall prepare a list recognizing private contributors.

92 Acts, ch 1239, §25

#### **159.7 Intake airprobes not approved.**

The secretary shall not approve the use of end intake airprobes, which use a vacuum to collect a sample from a load of grain, pursuant to [section 159.5, subsection 10](#). A person who uses a method of probing for foreign material content of grain which is not approved by the secretary is guilty of a simple misdemeanor.

[C81, §159.7]

#### **159.8 Comprehensive management plan — highly erodible acres.**

The department shall request cooperation from the federal government, including the United States department of agriculture natural resources conservation service and the United States department of agriculture natural resources conservation service, to investigate methods to preserve land which is highly erodible, as provided in the federal Food Security Act of 1985, 16 U.S.C. § 3801 et seq., for the purpose of developing with owners of the land a comprehensive management plan for the land. The plan may be based on the soil conservation plan of the natural resources conservation service and may include a farm unit conservation plan and a comprehensive agreement as provided in [chapter 161A](#). The extension services at Iowa state university of science and technology shall cooperate with the department in developing the comprehensive plan.

The investigation shall include methods which help to preserve highly erodible land from row crop production through production of alternative commodities, and financial incentives. The department shall report to the governor and the general assembly not later than January 15, 1990, of the department's progress in the investigation. The department shall report to the governor and the general assembly not later than January 15, 1991, on the department's recommendation for programs necessary to preserve highly erodible land from injury or destruction.

89 Acts, ch 188, §1; 95 Acts, ch 216, §25

#### **159.9 Publication and distribution of rules.**

A sufficient number of pamphlets setting forth the statutes and rules of the department shall be published from time to time to supply the various needs for the same and shall be furnished to any resident of the state upon request.

[C24, 27, 31, 35, 39, §2594; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.9]

**159.10** Repealed by 2001 Acts, ch 129, § 7.

**159.11** Repealed by 2004 Acts, ch 1082, § 2.

**159.12** Repealed by 98 Acts, ch 1032, § 10.

**159.13** Repealed by 2004 Acts, ch 1082, § 3.

#### **159.14 Bonds.**

The secretary shall require every inspector or employee who collects fees or handles funds belonging to the state to give an official bond, properly conditioned and signed by sufficient sureties, in a sum to be fixed by the secretary, which bond shall be approved by the secretary and filed in the office of the secretary of state. [This section](#) shall not apply to the deputy secretary of agriculture. The state shall pay the reasonable cost of the bonds required by [this section](#).

[C97, §2503; SS15, §2503, 2514-p; C24, 27, 31, 35, 39, §2599; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.14]

Bond of deputy, §14A.1, 64.15

**159.15** Repealed by 2001 Acts, ch 129, § 7.

#### **159.16 Duty of peace officers.**

All peace officers of the state when called upon by the secretary or any officer or authorized agent of the department shall enforce its rules and execute its lawful orders within their

respective jurisdictions, and upon the request of the secretary such officers shall make such inspections as directed by the secretary and report the results thereof to the secretary.

[C24, 27, 31, 35, 39, §2601; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.16]

#### **159.17 Interference with department.**

Any person resisting or interfering with the department, its employees or authorized agents, in the discharge of any duty imposed by law shall be guilty of a simple misdemeanor.

[C97, §2526; S13, §2528-c, -f3, 4999-a25, -a39, 5077-a23; SS15, §3009-r; C24, 27, 31, 35, 39, §2602; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.17]

#### **159.18 Publicizing of farm programs.**

1. As used in [this section](#), “*farm programs*” includes, but is not limited to, financial incentive programs established within the division of soil conservation of the department of agriculture and land stewardship as provided in [section 161A.70](#) and the beginning farmer loan program administered by the agricultural development authority as provided in [section 175.12](#).

2. The department shall publicize the availability of farm programs to women and minority persons. The department shall disseminate the information electronically or by publishing printed brochures for distribution to locations and institutions serving farmers, including departmental offices, financial institutions participating in farm programs, and soil and water conservation district offices.

3. The department shall cooperate with private institutions and public agencies in order to carry out [this section](#), including the department of economic development and the United States department of agriculture.

2000 Acts, ch 1224, §25

#### **159.19 Salary.**

The salary of the secretary of agriculture shall be as fixed by the general assembly.

[C31, 35, §2603-c1; C39, §2603.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.19]

## SUBCHAPTER II

### AGRICULTURAL MARKETING

#### **159.20 Powers of department.**

1. The department shall perform duties designed to lead to more advantageous marketing of Iowa agricultural commodities. The department may do any of the following:

- a. Investigate the marketing of agricultural commodities.
- b. Promote the sale, distribution, and merchandising of agricultural commodities.
- c. Furnish information and assistance concerning agricultural commodities to the public.
- d. Cooperate with the college of agriculture and life sciences of the Iowa state university of science and technology in encouraging agricultural marketing education and research.
- e. Accumulate and diffuse information concerning the marketing of agricultural commodities in cooperation with persons, agencies, or the federal government.
- f. Investigate methods and practices related to the processing, handling, grading, classifying, sorting, weighing, packing, transportation, storage, inspection, or merchandising of agricultural commodities within this state.
- g. Ascertain sources of supply for Iowa agricultural commodities. The department shall prepare and periodically publish lists of names and addresses of producers and consignors of agricultural commodities.
- h. Perform inspection or grading of an agricultural commodity if requested by a person engaged in the production, marketing, or processing of the agricultural commodity. However, the person must pay for the services as provided by rules adopted by the department.
- i. Cooperate with the Iowa department of economic development to avoid duplication of

efforts between the department and the agricultural marketing program operated by the Iowa department of economic development.

j. Assist the office of renewable fuels and coproducts and the renewable fuels and coproducts advisory committee in administering the provisions of [chapter 159A](#).

2. As used in [this subchapter](#):

a. “*Agricultural commodity*” means any unprocessed agricultural product, including animals, agricultural crops, and forestry products grown, raised, produced, or fed in Iowa for sale in commercial channels.

b. “*Commercial channels*” means the processes for sale of an agricultural commodity or unprocessed product from the agricultural commodity to any person, public or private, who resells the agricultural commodity for breeding, processing, slaughter, or distribution.

[C62, 66, 71, 73, 75, 77, 79, 81, §159.20]

86 Acts, ch 1245, §610; 91 Acts, ch 254, §4; 92 Acts, ch 1163, §39; 92 Acts, ch 1239, §26 – 28; 94 Acts, ch 1119, §10; 98 Acts, ch 1032, §3; 2008 Acts, ch 1032, §27; 2009 Acts, ch 41, §58  
Agricultural products advisory council, see §15.203

### **159.21 International relations fund.**

1. An international relations fund is created in the state treasury under the control of the department. The fund is composed of moneys appropriated by the general assembly and moneys available to and obtained or accepted by the department from the United States or private sources for placement in the fund.

2. Moneys in the fund are subject to an annual audit by the auditor of state. The fund is subject to warrants written by the director of the department of administrative services, drawn upon the written requisition of the department.

3. Moneys in the fund are appropriated exclusively to support costs incurred by the department related to promoting the sale of Iowa agricultural commodities and agricultural products to government officials and business leaders of other nations. The department may use moneys in the fund to support travel, including international travel, for the secretary of agriculture or the secretary’s designee, and hosting or attending trade missions, functions, or events.

4. [Section 8.33](#) shall not apply to moneys in the fund. Notwithstanding [section 12C.7](#), moneys earned as income or interest from the fund shall remain in the fund until expended as provided in [this section](#).

2000 Acts, ch 1224, §26; 2003 Acts, ch 145, §286

### **159.22 Grants and gifts of funds.**

The secretary may accept grants and allotments of funds from the federal government and enter into co-operative agreements with the United States department of agriculture for projects to effectuate a purpose described in [this subchapter](#).

[C62, 66, 71, 73, 75, 77, 79, 81, §159.22]

91 Acts, ch 254, §5; 92 Acts, ch 1239, §29

### **159.23 Special fund.**

All fees collected as a result of the inspection and grading provisions set out herein shall be paid into the state treasury, there to be set aside in a separate fund which is hereby appropriated for the use of the department except as indicated. Withdrawals therefrom shall be by warrant of the director of the department of administrative services upon requisition by the secretary of agriculture. Such fund shall be continued from year to year, provided, however, that if there be any balance remaining at the end of the biennium which, in the opinion of the governor, director of management and secretary of agriculture, is greater than necessary for the proper administration of the inspection and grading program referred to herein, the treasurer of state is hereby authorized on the recommendation and with the approval of the governor, director of management and secretary of agriculture, to transfer to the general fund of the state that portion of such account as they shall deem advisable.

[C62, 66, 71, 73, 75, 77, 79, 81, §159.23]

92 Acts, ch 1239, §30; 2003 Acts, ch 145, §286

**159.24 Grades or classifications of farm products.**

A certificate of the grade, or other classification, of any farm products issued under [this chapter](#) shall be accepted in any court of this state as prima facie evidence of the true grade or classification of such farm products as the same existed at the time of their classification.

[C62, 66, 71, 73, 75, 77, 79, 81, §159.24]  
92 Acts, ch 1239, §31

**159.25 and 159.26** Repealed by 86 Acts, ch 1245, § 852.

**159.27 Iowa seal.**

A seal for agricultural products shall be created under the direction of the department of agriculture and land stewardship to identify agricultural products that have been produced or processed in the state. The department shall certify that agricultural products marked with the Iowa seal are of the quality and specifications warranted by the sellers of those products.

The department of agriculture and land stewardship shall adopt rules under [chapter 17A](#) to provide methods of identifying, marking, and grading agricultural products, to prevent any misleading use of the Iowa seal, and as necessary or advisable to fully implement [this section](#).

A violation of a rule adopted by the department of agriculture and land stewardship to implement [this section](#) is a simple misdemeanor. A fraudulent use of the term “Iowa Seal” or of the identifying mark for the Iowa seal, or a deliberately misleading or unwarranted use of the term or identifying mark is a serious misdemeanor.

87 Acts, ch 107, §1  
CS87, §159.31  
2003 Acts, ch 48, §7  
CS2003, §159.27

**159.28 through 159.29B** Transferred to chapter 460; 2002 Acts, ch 1137, § 68, 71; 2002 Acts, 2nd Ex, ch 1003, § 260, 262.

**159.30** Repealed by 2001 Acts, ch 129, § 7.

**159.31 Iowa seal.** Transferred to § 159.27; 2003 Acts, ch 48, § 7.

### SUBCHAPTER III

#### DEPOSITARIES — ASSISTANCE SERVICES

**159.32 Definitions.**

As used in [this subchapter](#), unless the context otherwise requires:

1. “*Depository*” means a qualified person who executes a contract with the department pursuant to [section 159.33](#) to provide assistance services as provided in [this subchapter](#).

2. “*Electronic funds transfer*” means a remote electronic transmission used for ordering, instructing, or authorizing a financial institution to apply money to or credit the account of the payee and debit the account of the payer. The remote electronic transmission may be initiated by telephone, computer, or similar device.

3. “*Filing document*” means any of the following:

a. An application for a license, permit, or certification, required to be submitted to the department as provided in this title.

b. A registration required to be submitted to the department as provided in this title.

4. “*Filing document fee*” means a fee or other charge established by statute or rule which is required to accompany a filing document submitted to the department as provided in this title.

2003 Acts, ch 48, §2

### **159.33 Assistance services — authority to contract with depository.**

Whenever practical, the department may execute a contract with a person qualified to provide assistance services under [this subchapter](#), if the contract for the assistance services is cost-effective and the quality of the services ensures compliance with state and any applicable federal law. A person executing a contract with the department for the purpose of providing the assistance services shall be deemed to be a depository of the state and an agent of the department only for purposes expressly provided in [this subchapter](#). The department shall periodically review assistance services performed by a person under the contract to ensure that quality, cost-effective service is being provided.

2003 Acts, ch 48, §3

Referred to in [§159.32](#)

### **159.34 Assistance services — filing documents.**

1. A contract executed under [this subchapter](#) may require that a depository provide for the receipt, acceptance, and storage of filing documents that are sent in an electronic format to the depository by persons who would otherwise be required to submit filing documents to the department under other provisions of this title. The contract shall be governed under the same provisions as provided in [section 8A.106](#).

2. *a.* A depository must send filing documents that it receives to the department for processing, including for the approval or disapproval of an application or the acknowledgment of a registration. The receipt of the filing document by the depository shall be deemed receipt of the filing document but not an approval of an application or acknowledgment of a registration by the department.

*b.* A depository may send a person notice of the department's approval or disapproval of an application or acknowledgment of a registration. The department and not a depository shall be considered the lawful custodian of the department's filing documents which shall be public records as provided in [chapter 22](#).

3. A filing document that is transmitted electronically to a depository or from a depository to another person is an electronic record for purposes of [chapter 554D](#). An application or registration required to be signed must be authenticated by an electronic signature as provided by the department in conformance with [chapter 554D](#).

2003 Acts, ch 48, §4; 2004 Acts, ch 1101, §25

### **159.35 Assistance services — collection of moneys.**

1. A contract executed under [this subchapter](#) may require that a depository provide for the receipt, acceptance, and transmission of moneys owed to the department by a person in order to satisfy a liability arising from the operation of law which is limited to filing document fees and civil penalties. These moneys are public funds or public deposits as provided in [chapter 12](#). The depository shall transfer the moneys to the department for deposit into the general fund of the state unless the disposition of the moneys is specifically provided for under other law.

2. A depository may commit its assets to lines of credit pursuant to credit arrangements, including but not limited to agreements with credit and debit cardholders and with other credit or debit card issuers. The depository may accept forms of payment including credit cards, debit cards, or electronic funds transfer.

3. The moneys owed to the department shall not exceed the amount required to satisfy the liability arising from the operation of law. However, the contract executed under [this subchapter](#) may provide for assistance service charges, including service delivery fees, credit card fees, debit card fees, and electronic funds transfer charges payable to the depository or another party and not to the state. An assistance service charge shall not exceed that permitted by statute. The contract may also provide for the retention of interest earned on moneys under the control of the depository. These moneys are not considered public funds or public deposits as provided in [chapter 12](#).

4. The depository, as required by the department for purposes of determining compliance, shall send information to the department including payment information for an identified filing document fee or the payment of a specific civil penalty.

5. Each calendar year, the auditor of state shall conduct an annual audit of the activities of the depository.

2003 Acts, ch 48, §5

Referred to in §12C.1

**159.36 Filing documents and payment of moneys to department.**

Nothing in [this subchapter](#) shall prevent a person from submitting a filing document or making a payment to the department as otherwise provided in this title.

2003 Acts, ch 48, §6

SUBCHAPTER IV  
SPECIAL QUALITY GRAINS

**159.37** Repealed by 2001 Acts, ch 129, § 7.