

FILED MAR 3 1971

SENATE FILE

326

*Environ. Preservation 3/3, Pass 3/9
See " " 4/22, Pass 4/27*

By LAVERTY
(Varley)

Passed Senate, Date 4-20-71 Passed House, Date 5-12-71
Vote: Ayes 36 Nays 8 Vote: Ayes 84 Nays 4
Approved 5-20-71

A BILL FOR

1 An Act relating to the authority of the chemical technology
2 review board.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 Section 1. Section two hundred six A point two (206A.2),
5 unnumbered paragraph one (1), Code 1971, is amended as follows:
6 The chemical technology review board shall collect, analyze,
7 and interpret information relating to agricultural chemicals
8 and their use. The board shall coordinate the regulation
9 and information responsibilities of state agencies on matters
10 relating to the sale and use of agricultural chemicals. It
11 shall adopt rules relating to the sale, use and disuse of
12 agricultural chemicals and may, by rule, restrict or prohibit
13 the sale, distribution, or use of any agricultural chemical.
14 In determining whether to restrict or prohibit the sale,
15 distribution, or use of any agricultural chemical, the board
16 shall consider any official reports, academic studies, expert
17 opinions or testimony, or other matter deemed to have probative
18 value. Any such evidence may be received in the discretion
19 of the board at a public hearing held for such purpose. The
20 board shall consider the toxicity, hazard, effectiveness and
21 public need for the agricultural chemicals, and the
22 availability of less toxic or less hazardous agricultural
23 chemicals and substances or other means of control. The rules
24 promulgated by the board shall be subject to the provisions
25 of chapter 17A.

EXPLANATION

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This bill allows the Chemical Technology Review Board to restrict or prohibit the sale, distribution or use of any agricultural chemical. Guidelines are provided for making a proper determination prior to such action. Recently the board adopted rules to forbid the sale and use of certain chemicals, but the rules were disapproved because doubt exists whether the power to regulate includes the power to prohibit. This bill clarifies the board's authority to restrict or prohibit the sale, use and distribution of agricultural chemicals.

1 Amend Senate File 326, as passed by the Senate,
2 page 1, line 18 by striking the word "shall" and
3 inserting in lieu thereof the word "may".

Filed - *lost 5/12*
May 10, 1971

By DOUGHERTY of Monroe, District 94
DRAKE of Muscatine, District 71

Senate 12
March 30, 1971

SENATE FILE 326

1 Amend Senate File 326 as follows:

2 1. Page 1, by striking in lines 18 and 19 the words "Any
3 such evidence may be received in the discretion of the board
4 at a public hearing held for such purpose." and insert in lieu
5 thereof the words "Any such evidence shall be received in accord-
6 ance with sections 2 and 3 of this Act.".

7 2. Page 1, by adding the following new sections after
8 line 25:

9 Sec. 2. Section seventeen A point five (17A.5), Code 1971,
10 is amended as follows:

11 17A.5 SUBMISSION OF PROPOSED RULES. Any agency empowered
12 by law to make rules shall not submit any permanent rule as
13 provided herein until the agency first holds a public hearing
14 concerning such rule as provided in section three (3) of this
15 Act. Any agency approving a rule following such hearing shall
16 submit four copies with authorized signatures of each proposed
17 rule, temporary or permanent, in the style and form prescribed
18 by the Code editor, to the attorney general, and submit a copy
19 of each proposed rule to each member of the departmental rules
20 review committee at least ten days prior to that scheduled
21 meeting of the committee at which consideration is desired
22 and one copy to the Code editor.

23 Any person appearing at the public hearing or any other
24 person having an interest in the proposed rule may submit to
25 the members of the committee a concise summary of his reasons

Page 2

1 for supporting or opposing the proposed rule.

2 Sec. 3. Chapter seventeen A (17A), Code 1971, is amended
3 by adding the following new section:

4 "Any agency holding a public hearing as provided in
5 section seventeen A point five (17A.5) of the Code shall give
6 twenty days' notice of said hearing as follows:

7 1. By mailing notice, by ordinary mail, to every person
8 filing a request for notice accompanied by an addressed
9 envelope with prepaid postage. Any person may file such a
10 request to be listed with any agency for notice for the time
11 and place for all hearings on proposed rules, which request
12 shall be accompanied by a remittance of five dollars. Such
13 fee shall be added to the operating fund of the department.
14 The listing shall expire semiannually on January 1 and July 1.

15 2. By mailing notice, by ordinary mail, to every person
16 licensed or regulated by the agency proposing the rule, where
17 the agency has reasonable access to the names and addresses
18 of such persons."

Filed - *ruled out of order 4/20*
March 29, 1971

By POTGETER and MOWRY

1 Amend Senate File 326, page 1, by adding the following
2 new section after line 25:
3 Sec. 2. This Act, being deemed of immediate
4 importance, shall take effect and be in force from and
5 after its publication in The Albia Union-Republican, a
6 newspaper published in Albia, Iowa, and in The Knoxville
7 Journal, a newspaper published in Knoxville, Iowa.

Filed - *Adopted 4/1*
March 4, 1971

By LAVERTY

1 Amend Senate File 326, page 1, by striking in lines 18 and
2 19 the words "Any such evidence may be received in the
3 of the board at a public hearing held for such purpose." ^{discretion}
4 insert in lieu thereof the words "Any such evidence shall be
5 received at a public hearing held for such purpose.".

Filed and Adopted
April 20, 1971

By FOTGETER