

3-15-93 Motion to R/c by Shovelz
4-1-93 Motion to R/c Withdrawn
4-1-93 Senate - Agricultural
4-8-93 Sec Pass

See kind copy

MAR 9 1993
Place On Calendar

HOUSE FILE 453
BY COMMITTEE ON AGRICULTURE
(SUCCESSOR TO HF 250)

Passed House, Date ^(P.641) 3-15-93 Passed Senate, Date _____
Vote: Ayes 106 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the inspection and regulation of lawn seed.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 453

H-3247

1 Amend House File 453 as follows:
2 1. Page 2, by inserting after line 2 the
3 following:
4 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
5 of immediate importance, takes effect upon enactment."
6 2. Title page, line 1, by inserting after the
7 word "seed" the following: ", and providing an
8 effective date".

By KLEMME of Plymouth

H-3247 FILED MARCH 11, 1993

3.15.93 ADOPTED

13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 199.11, subsection 1, paragraphs a and
2 b, Code 1993, are amended to read as follows:

3 a. Sample, inspect, analyze, and test agricultural seed
4 ~~other than lawn seed~~, if the agricultural seed is transported,
5 sold, offered, or exposed for sale within this state for
6 sowing. The department shall perform these duties at a time
7 and place and to an extent necessary to determine whether the
8 agricultural seed is in compliance with this chapter. The
9 department shall promptly notify the person who transported,
10 sold, offered, or exposed the seed for sale, of a violation.

11 b. Adopt rules governing methods of sampling, inspecting,
12 analyzing, testing, and examining agricultural seed ~~other than~~
13 ~~lawn seed~~. The rules shall include tolerances to be followed
14 in the administration of this chapter, which shall be in
15 general accord with officially prescribed practice in
16 interstate commerce under the federal seed Act and other rules
17 or regulations necessary for the efficient enforcement of this
18 chapter.

19 Sec. 2. Section 199.11, subsection 2, paragraphs a and b,
20 Code 1993, are amended to read as follows:

21 a. Enter upon public or private premises during regular
22 business hours in order to have access to commercial seed
23 ~~other than lawn seed~~, subject to this chapter and departmental
24 rules.

25 b. Issue and enforce a written or printed "stop sale"
26 order to the owner or custodian of any lot of agricultural
27 seed ~~other than lawn seed~~ which the department believes is in
28 violation of this chapter or departmental rules. The order
29 shall prohibit further sale of the seed until the department
30 has evidence of compliance. However, the owner or custodian
31 of the seed shall be permitted to remove the seed from a
32 salesroom open to the public. Judicial review of the order
33 may be sought in accordance with chapter 17A. However,
34 notwithstanding chapter 17A, petitions for judicial review may
35 be filed in the district court. This subsection does not

1 limit the right of the department to proceed as authorized by
2 other sections of this chapter.

3 EXPLANATION

4 In 1992, the general assembly removed authority from the
5 department of agriculture and land stewardship to inspect and
6 regulate the sale and use of lawn seed. This bill amends
7 chapter 199, by restoring that authority.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 453
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 250)

(As Amended and Passed by the House March 15, 1993)

Passed House, Date _____ Passed Senate, ^(P. 1187) Date 4/15/93
Vote: Ayes _____ Nays _____ Vote: Ayes 48 Nays 0
Approved April 26, 1993

A BILL FOR

1 An Act relating to the inspection and regulation of lawn seed,
2 and providing an effective date.

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

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

House Amendments _____

1 Section 1. Section 199.11, subsection 1, paragraphs a and
2 b, Code 1993, are amended to read as follows:

3 a. Sample, inspect, analyze, and test agricultural seed
4 ~~other-than-lawn-seed~~, if the agricultural seed is transported,
5 sold, offered, or exposed for sale within this state for
6 sowing. The department shall perform these duties at a time
7 and place and to an extent necessary to determine whether the
8 agricultural seed is in compliance with this chapter. The
9 department shall promptly notify the person who transported,
10 sold, offered, or exposed the seed for sale, of a violation.

11 b. Adopt rules governing methods of sampling, inspecting,
12 analyzing, testing, and examining agricultural seed ~~other-than~~
13 ~~lawn-seed~~. The rules shall include tolerances to be followed
14 in the administration of this chapter, which shall be in
15 general accord with officially prescribed practice in
16 interstate commerce under the federal seed Act and other rules
17 or regulations necessary for the efficient enforcement of this
18 chapter.

19 Sec. 2. Section 199.11, subsection 2, paragraphs a and b,
20 Code 1993, are amended to read as follows:

21 a. Enter upon public or private premises during regular
22 business hours in order to have access to commercial seed
23 ~~other-than-lawn-seed~~, subject to this chapter and departmental
24 rules.

25 b. Issue and enforce a written or printed "stop sale"
26 order to the owner or custodian of any lot of agricultural
27 seed ~~other-than-lawn-seed~~ which the department believes is in
28 violation of this chapter or departmental rules. The order
29 shall prohibit further sale of the seed until the department
30 has evidence of compliance. However, the owner or custodian
31 of the seed shall be permitted to remove the seed from a
32 salesroom open to the public. Judicial review of the order
33 may be sought in accordance with chapter 17A. However,
34 notwithstanding chapter 17A, petitions for judicial review may
35 be filed in the district court. This subsection does not

1 limit the right of the department to proceed as authorized by
2 other sections of this chapter.

3 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
4 immediate importance, takes effect upon enactment.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 453

AN ACT
RELATING TO THE INSPECTION AND REGULATION OF LAWN SEED,
AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 199.11, subsection 1, paragraphs a and b, Code 1993, are amended to read as follows:

a. Sample, inspect, analyze, and test agricultural seed ~~other-than-lawn-seed~~, if the agricultural seed is transported, sold, offered, or exposed for sale within this state for sowing. The department shall perform these duties at a time and place and to an extent necessary to determine whether the agricultural seed is in compliance with this chapter. The department shall promptly notify the person who transported, sold, offered, or exposed the seed for sale, of a violation.

b. Adopt rules governing methods of sampling, inspecting, analyzing, testing, and examining agricultural seed ~~other-than-lawn-seed~~. The rules shall include tolerances to be followed in the administration of this chapter, which shall be in general accord with officially prescribed practice in interstate commerce under the federal seed Act and other rules or regulations necessary for the efficient enforcement of this chapter.

Sec. 2. Section 199.11, subsection 2, paragraphs a and b, Code 1993, are amended to read as follows:

a. Enter upon public or private premises during regular business hours in order to have access to commercial seed ~~other-than-lawn-seed~~, subject to this chapter and departmental rules.

b. Issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of agricultural seed ~~other-than-lawn-seed~~ which the department believes is in violation of this chapter or departmental rules. The order shall prohibit further sale of the seed until the department

has evidence of compliance. However, the owner or custodian of the seed shall be permitted to remove the seed from a salesroom open to the public. Judicial review of the order may be sought in accordance with chapter 17A. However, notwithstanding chapter 17A, petitions for judicial review may be filed in the district court. This subsection does not limit the right of the department to proceed as authorized by other sections of this chapter.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 453, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *April 26*, 1993

TERRY E. BRANSTAD
Governor