

3/15/95 Do Pass

Substituted by  
SF 255  
4-6-95  
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Agriculture

HOUSE FILE 245  
BY KLEMME

WITHDRAWN  
4-12-95

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the administration of the department of  
2 agriculture and land stewardship, providing for moneys  
3 previously appropriated to the department, and providing an  
4 effective date.

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

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WITHDRAWN

HF  
245

1 Section 1. Section 198.9, subsection 3, unnumbered  
2 paragraph 3, Code 1995, is amended to read as follows:

3 The secretary shall publish a report not later than  
4 ~~September~~ January 1 of each year. The report shall provide a  
5 detailed accounting of all sources of revenue deposited under  
6 and all dispositions of funds expended under this section.  
7 The report shall detail full-time equivalent positions used in  
8 fulfilling the requirements of this chapter. The report shall  
9 also indicate to what extent any full-time equivalent  
10 positions are shared with other programs. Copies of the  
11 report issued by the secretary pursuant to this subsection  
12 shall be delivered each year to the members of the house of  
13 representatives and senate standing committees on agriculture.

14 Sec. 2. Section 198.10, Code 1995, is amended to read as  
15 follows:

16 198.10 RULES.

17 1. The secretary may adopt rules for commercial feeds and  
18 pet foods as specifically authorized in this chapter and other  
19 reasonable rules necessary in order to carry out the purpose  
20 and intent of this chapter or to secure the efficient  
21 enforcement of this chapter. In the interest of uniformity  
22 the secretary shall ~~by-rule adopt, unless~~ any rule based on  
23 regulations promulgated under the authority of the federal  
24 Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq.,  
25 provided the secretary has the authority under this chapter to  
26 adopt the rule. However, the secretary is not required to  
27 adopt such a rule, if the secretary determines that they are  
28 the rule would be inconsistent with this chapter or are not  
29 appropriate to conditions which exist in this state, the  
30 following:

31 ~~a.---The official definitions of feed ingredients and~~  
32 ~~official feed terms adopted by the Association of American~~  
33 ~~Feed Control Officials and published in the official~~  
34 ~~publication of that organization, and~~

35 ~~b.---Any rule adopted pursuant to the authority of the~~

1 ~~federal-Food, Drug, and Cosmetic Act, 21-U.S.C. -- § 301-et~~  
2 ~~seq., provided the secretary has the authority under this~~  
3 ~~chapter to adopt such rules.~~

4 2. Before the issuance, amendment, or repeal of a rule  
5 authorized by this chapter, the secretary shall publish the  
6 proposed rule, amendment, or notice to repeal an existing rule  
7 in a manner reasonably calculated to give interested parties,  
8 including all current licensees, adequate notice, and shall  
9 afford all interested persons an opportunity to be heard,  
10 orally or in writing, within a reasonable period of time.  
11 After consideration of all views presented by interested  
12 persons, the secretary shall take appropriate action to issue  
13 the proposed rule or to amend or repeal an existing rule.  
14 However, if the secretary, ~~pursuant to this chapter, adopts~~  
15 ~~the official definitions of feed ingredients or official feed~~  
16 ~~terms as adopted by the association of American feed control~~  
17 ~~officials, or~~ adopts rules based on regulations promulgated  
18 pursuant to under the authority of the federal Food, Drug, and  
19 Cosmetic Act, any amendment or modification adopted by that  
20 ~~association, or by~~ the United States secretary of health and  
21 human services ~~in the case of regulations promulgated pursuant~~  
22 ~~to the federal Food, Drug, and Cosmetic Act,~~ shall be adopted  
23 automatically under this chapter without regard to publication  
24 of the notice required by this subsection, unless the  
25 secretary by order specifically determines that an amendment  
26 or modification shall not be adopted.

27 Sec. 3. 1994 Iowa Acts, chapter 1198, section 1,  
28 subsection 3, paragraph a, unnumbered paragraph 3, is amended  
29 to read as follows:

30 Of the amount appropriated under this paragraph "a" or  
31 paragraph "c" of this subsection, the department shall  
32 allocate \$160,000 shall be allocated from the either  
33 appropriation to Iowa state university for purposes of  
34 training commercial pesticide applicators.

35 Sec. 4. This Act, being deemed of immediate importance,

1 takes effect upon enactment.

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EXPLANATION

3 This bill amends several provisions relating to the  
4 administration of the department of agriculture and land  
5 stewardship.

6 The bill also amends chapter 198 known as the "Iowa  
7 Commercial Feed Law". Section 198.9 currently requires the  
8 department of agriculture and land stewardship to submit a  
9 report to the general assembly accounting for all sources of  
10 revenue deposited under and all dispositions of funds expended  
11 for the inspection of commercial feed and pet food. The  
12 section provides that the report must be submitted by  
13 September 1 of each year. This bill provides that the report  
14 must be submitted on January 1 of each year.

15 The bill also amends section 198.10 which currently  
16 provides that the department must adopt rules for commercial  
17 feeds and pet foods, including definitions of feed ingredients  
18 and official feed terms adopted by the association of American  
19 feed control officials. The bill eliminates requirements  
20 relating to this association.

21 In 1994, the general assembly enacted Senate File 2314  
22 which in part appropriated moneys to the department of  
23 agriculture and land stewardship, including the laboratory  
24 division. Senate File 2314 provided that \$160,000 would be  
25 allocated from the appropriation to Iowa state university for  
26 purposes of training commercial pesticide applicators. This  
27 bill provides that the allocation may come from moneys  
28 appropriated to the pesticide program administered by the  
29 division.

30 The bill takes effect upon enactment.

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