

Substituted for
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4-6-95
(P. 1364)

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SENATE FILE 255
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO LSB 1955SC)

Passed Senate, Date (p.935) 3-29-95 Passed House, Date 4/12/95 (p.1485)
Vote: Ayes 49 Nays 0 Vote: Ayes 94 Nays 0
Approved April 19, 1995

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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S.F. 255

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.

2 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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SENATE FILE 255

AN ACT

RELATING TO THE ADMINISTRATION OF THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP, PROVIDING FOR MONEYS PREVIOUSLY APPROPRIATED TO THE DEPARTMENT, AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

198.10 RULES.

1. The secretary may adopt rules for commercial feeds and pet foods as specifically authorized in this chapter and other reasonable rules necessary in order to carry out the purpose and intent of this chapter or to secure the efficient enforcement of this chapter. In the interest of uniformity the secretary shall by rule adopt, unless any rule based on regulations promulgated under the authority of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq., provided the secretary has the authority under this chapter to

adopt the rule. However, the secretary is not required to adopt such a rule, if the secretary determines that they are the rule would be inconsistent with this chapter or are not appropriate to conditions which exist in this state, the following:

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

~~b. Any rule adopted pursuant to the authority of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq., provided the secretary has the authority under this chapter to adopt such rules.~~

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

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

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

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

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 255, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 19, 1995

TERRY E. BRANSTAD
Governor