

Johnson, Chair
Rayhons
Freyvert

HSB 653

Agriculture

Success by
SF/HF 2300

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON KLEMME)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act eliminating the regulation of certain dairy trade
2 practices.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter 192A, Code 1999, is repealed.

2 EXPLANATION

3 This bill repeals Code chapter 192A which regulates trade
4 practices in the dairy industry, as administered by the
5 department of agriculture and land stewardship. The bill
6 regulates the pricing of dairy products for purposes of
7 ensuring free competition in the marketplace and preventing
8 restraint of trade, including by regulating agreements with
9 retailers, discounts or rebates, advertising, the rental of
10 storage space from retailers, loans or gifts to retailers, and
11 equipment provided to retailers. The Code chapter provides
12 licensure and permit requirements, and imposes fees. It
13 requires that pricing information is filed with the
14 department. It provides authority to the department to
15 enforce the provisions of the Code chapter, including
16 investigating reported grievances, issuing subpoenas, and
17 requiring reports from persons investigated. It provides that
18 the department may issue cease and desist orders, and provides
19 procedures for administrative hearings and judicial review.
20 The chapter provides for the imposition of civil penalties of
21 up to \$25,000 for violations of the Code chapter. It also
22 provides for the suspension or revocation of licenses.

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Substituted for SF 2296

3-23-00
(P. 835)

FEB 17 2000

Place On Calendar

HOUSE FILE

2328

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 653)

Passed House, (P. 402) Date 2/23/00

Passed Senate, (P. 893) Date 3/28/00

Vote: Ayes 96 Nays 0

Vote: Ayes 50 Nays 0

Approved 4/13/00

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HOUSE FILE 2328
FISCAL NOTE

A fiscal note for House File 2328 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

BACKGROUND

House File 2328 eliminates Chapter 192A, Code of Iowa, Marketing of Dairy Products, which is administered by the Department of Agriculture and Land Stewardship. The Department utilizes 1.00 FTE position for the administration of Chapter 192A. The cost of administering Chapter 192A is covered by permit fees paid by the producers of dairy products. According to Section 8.60, Code of Iowa the permit fees receipts are deposited into the Dairy Trade Practices account within the General fund for the sole purpose of administering Chapter 192A.

ASSUMTION

Permit fees from dairy producers received in FY 2000 will equal the cost of administering Chapter 192A in FY 2000.

FISCAL IMPACT

Permit fees will no longer be collected or deposited in or expended from the Dairy Trade Practices account. There will be a FY 1999 ending balance of approximately \$250,000 in the Dairy Trade Practices account within the General Fund. House File 2328 does not address the disposition of the remaining account balance.

SOURCE

Department of Agriculture and Land Stewardship

(LSB 5760hv, SKW)

FILED FEBRUARY 23, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2328

AN ACT

ELIMINATING THE REGULATION OF CERTAIN DAIRY TRADE PRACTICES.

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

Section 1. Chapter 192A, Code 1999, is repealed.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2328, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved 4/13, 2000

THOMAS J. VILSACK
Governor