

House Study Bill 688

Bill Text

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1 1 Section 1. Section [192.111](#), subsection 1, Code 2001, is
1 2 amended to read as follows:
1 3 1. The department shall issue and renew permits under this
1 4 subsection as provided by rules adopted by the department. A
1 5 permit, unless earlier revoked, is valid until the second July
1 6 1 following the issuance or renewal. The department shall
1 7 establish and assess the fees for the issuance and renewal of
1 8 permits annually as provided in this subsection. A permit fee
1 9 for the renewal period shall be due on the date that the
1 10 permit expires. Except as otherwise provided in this section,
1 11 all of the following shall apply:
1 12 a. The following persons must receive a permit

~~or license~~

-

1 13 from and pay an accompanying permit fee to the department

~~and~~

-

1 14

~~pay the following fees~~

-:

1 15 (1) A milk plant

~~which is not~~

- other than a receiving

1 16 station which must obtain a milk plant permit and pay a permit
1 17 fee not greater than

~~one~~

- two thousand dollars

~~per year~~

-.

1 18 (2) A transfer station which must obtain a transfer
1 19 station permit and pay a permit fee not greater than

~~two~~

- four
1 20 hundred dollars

~~per year~~

-.

1 21 (3) A receiving station

~~which is not~~

- other than a milk

1 22 plant which must obtain a receiving station permit and pay a
1 23 permit fee of not greater than

~~two~~

- four hundred dollars

~~per~~

-

1 24

~~year~~

1 25 (4) A milk hauler which must obtain a

~~license~~

~~mil~~ hauler

1 26 permit and pay a

~~license~~

~~permit~~ fee not greater than

~~ten~~

1 27 twenty dollars

~~per year~~

1 28 (5) A milk grader which must obtain a

~~license~~

~~a~~ mil

1 29 grader permit and pay a license fee

~~of~~

~~not~~ greater than

~~ten~~

1 30 twenty dollars

~~per year~~

1 31 b.

~~Each~~

~~A~~ bulk milk tanker

~~shall be licensed by~~

~~must~~

1 32 operate pursuant to a bulk milk tanker permit obtained from

1 33 the department.

~~and~~

~~The person obtaining the permit must~~ pay a

1 34

~~license~~

~~permit~~ fee not greater than

~~twenty five~~

~~fifty~~ dollars

1 35

~~per year~~

~~However, a license fee shall not be required for a~~

2 1

~~vehicle used for the collection of milk for manufacturing~~

2 2

~~dairy products which has paid a license fee for the same~~

2 3

~~period pursuant to section 194.19.~~

2 4

~~The secretary shall establish the fees provided in this~~

2 5

~~subsection annually. The fees shall be paid on July 1 of each~~

2 6

~~year.~~

2 7 Sec. 2. Section [192.111](#), subsection 3, paragraph a, Code
2 8 2001, is amended to read as follows:

2 9 a. Fees collected under this section

~~and sections 192.123,~~

2 10

~~194.14, 194.19,~~

~~and section 194.20 shall be deposited in the~~
2 11 general fund of the state. All moneys deposited under this
2 12 section are appropriated to the department for the costs of
2 13 inspection, sampling, analysis, and other expenses necessary
2 14 for the administration of this chapter and chapter 194, and
2 15 shall be subject to the requirements of section 8.60.

2 16 Sec. 3. Section [192.112](#), unnumbered paragraph 1, Code
2 17 2001, is amended to read as follows:

2 18 The department shall adopt rules pursuant to chapter 17A
2 19 which provide

~~for licensing milk haulers, milk graders, and~~

2 20

~~bulk milk tankers as provided in section 192.111. The~~

2 21

~~department shall establish~~

~~standards~~

~~of operation~~

~~for milk~~

2 22 haulers, milk graders, and bulk milk tankers. The standards
2 23 shall include, but need not be limited to, all of the
2 24 following:

2 25 Sec. 4. Section [192.113](#), subsection 1, Code 2001, is
2 26 amended to read as follows:

2 27 1. a. A person shall not act as a milk hauler unless the
2 28 person

~~is licensed as a milk hauler~~

~~holds a milk hauler permit~~

2 29 required pursuant to section 192.111. A person shall not
2 30 solicit another person to act as a milk hauler or procure

~~or~~

2 31

~~obtain~~

- the services of a person to act as a milk hauler unless
2 32 the person solicited or from whom the services are procured

~~or~~

-
2 33

~~obtained is licensed as a milk hauler pursuant to section~~

-
2 34

~~192.111~~

- holds a milk hauler permit.

2 35 b. A person shall not act as a milk grader unless the
3 1 person

~~is licensed as a milk grader~~

- holds a milk grader permit

3 2 required pursuant to section 192.111. A person shall not
3 3 solicit another person to act as a milk grader or procure

~~or~~

-
3 4

~~obtain~~

- the services of a person to act as a milk grader,
3 5 unless the person solicited or from whom the services are
3 6 procured

~~or obtained is licensed as a milk grader pursuant to~~

-
3 7

~~section 192.111~~

- holds a milk grader permit.

3 8 c. A person shall not operate a bulk milk tanker unless
3 9 the bulk milk tanker

~~is licensed~~

- operates pursuant to a bulk

3 10 milk tanker permit required pursuant to section 192.111. A
3 11 person shall not solicit another person to operate a bulk milk
3 12 tanker or procure

~~or obtain~~

- the services of a person to
3 13 operate a bulk milk tanker, unless the bulk milk tanker

~~is~~

-
3 14

~~licensed pursuant to section 192.111~~

- operates pursuant to a

3 15 bulk milk tanker permit.

3 16 Sec. 5. Section 194.3, Code 2001, is amended to read as
3 17 follows:

3 18 194.3 DEFINITIONS.

3 19 For the purpose of this chapter:

3 20 1. "Bulk milk tanker" means the same as defined in section
3 21 192.101.

3 22 2. "Milk grader" means the same as defined in section
3 23 192.101.

3 24 3. "Milk hauler" means the same as defined in section
3 25 192.101.

~~1.~~
- 4. "Milk processing plant" means an establishment

~~to~~

~~which~~
- receiving milk

~~of~~
- from diverse producers

~~is delivered~~

~~where said products are manufactured~~
~~, if the milk is~~
3 29 manufactured into butter, cheese, dry milk or other dairy
3 30 products for commercial purposes.
3 31

~~2.~~
- 5. "Milk used for manufacturing purposes" means milk or
3 32 milk products manufactured into butter, cheese, ungraded dry
3 33 milk, or other dairy products except milk and milk products as
3 34 defined in the Grade "A" Pasteurized Milk Ordinance provided
3 35 in section 192.102.
4 1

~~3.~~
- 6. "Organoleptic examination or grading of milk" means
4 2 examination by the senses of sight, smell, and taste.
4 3

~~4. "Person" includes individuals, partnerships,~~

~~corporations, and associations.~~

4 5 Sec. 6. NEW SECTION. 194.3A PERMIT REQUIREMENTS.
4 6 1. The department shall issue and renew permits under this
4 7 chapter as provided by rules adopted by the department. The
4 8 following persons must receive a permit from and pay a permit
4 9 fee to the department:
4 10 a. A milk hauler which must obtain a milk hauler permit.
4 11 b. A milk grader which must obtain a milk grader permit.
4 12 c. A bulk milk tanker which must operate pursuant to a
4 13 bulk milk tanker permit.
4 14 2. The department shall provide for the issuance and
4 15 renewal of permits under this section as provided by rules
4 16 adopted by the department, in the same manner as provided in
4 17 section 192.111. The amount of the permit fee shall be the
4 18 same as provided in section 192.111. A person shall not be
4 19 required to obtain a milk hauler permit, milk grader permit,
4 20 or bulk milk tanker permit under this section, if the person
4 21 has obtained the same permit under section 192.111.
4 22 3. The department may suspend or revoke a permit issued or
4 23 renewed under this section in the same manner that the
4 24 department may suspend or revoke a permit issued or renewed
4 25 under section 192.111.
4 26 4. A person who does any of the following is in violation
4 27 of this section:

4 28 a. (1) Acts as a milk hauler or milk grader, unless the
4 29 person holds a milk hauler permit or milk grader permit as
4 30 required in this section.

4 31 (2) Solicits another person to act as a milk hauler or
4 32 milk grader or procures the services of a person to act as a
4 33 milk hauler or milk grader, unless the person solicited or
4 34 from whom the services are procured holds a milk hauler permit
4 35 or milk grader permit as required in this section.

5 1 b. (1) Operates a bulk milk tanker, unless the bulk milk
5 2 tanker operates pursuant to a bulk milk tanker permit as
5 3 required in this section.

5 4 (2) Solicits another person to operate a bulk milk tanker
5 5 or procures the services of a person to operate a bulk milk
5 6 tanker, unless the bulk milk tanker operates pursuant to a
5 7 bulk milk tanker permit as required in this section.

5 8 Sec. 7. Section [194.18](#), Code 2001, is amended to read as
5 9 follows:

5 10 194.18 COLORING UNLAWFUL MILK.

5 11 A person who holds a milk hauler permit or a milk grader
5 12

~~licensed~~

- permit pursuant to section

~~192.112~~

- 192.111 may mix a

5 13 harmless coloring matter in unlawful milk as provided in
5 14 section 194.9 to prevent the unlawful milk from being
5 15 processed and used in any form for human consumption.

5 16 Sec. 8. Section [194.25](#), Code 2001, is amended to read as
5 17 follows:

5 18 194.25

~~PENALTY~~

- VIOLATIONS AND PENALTIES.

5 19 1.

~~Any~~

- Except as provided in subsection 2, a person who,

5 20 in person or by an agent or employee, willfully violates any
5 21 requirement of this chapter shall be guilty of a simple
5 22 misdemeanor.

5 23 2. A person in violation of section 194.3A is subject to
5 24 the same civil penalty as applied to that person as provided
5 25 in section 192.113.

5 26 Sec. 9. Section [321E.29A](#), Code 2001, is amended to read as
5 27 follows:

5 28 321E.29A RAW MILK TRANSPORTERS.

5 29 The department or a local authority may issue annual
5 30 permits authorizing a raw milk transporter to transport by
5 31 motor truck raw milk to or from a milk plant, receiving
5 32 station, or transfer station as provided in chapter 192. The
5 33 combined gross weight or gross weight on any axle or groups of
5 34 axles of the motor truck shall not exceed the limits
5 35 established under section 321.463. The issuing authority may
6 1 specify weight limits or routes for each raw milk transporter
6 2 or establish weight limits or routes under section 321E.8.

6 3 Sec. 10. Sections 192.131 through 192.137, section
6 4 192.142, sections 194.12 through 194.16, and section [194.19](#),
6 5 Code 2001, are repealed.

6 6 Sec. 11. STAGGERED FEE SYSTEM IMPLEMENTATION.

6 7 1. Except as provided in subsection 2, the department of
6 8 agriculture and land stewardship shall treat licenses that
6 9 would otherwise require renewal under section 192.111 or
6 10 sections 194.12 through 194.14, Code 2001, as permits
6 11 requiring renewal as provided in section 192.111, as amended
6 12 by this Act, and section 194.3A, as enacted in this Act.

6 13 2. Notwithstanding section 192.111, as amended by this
6 14 Act, and section 194.3A, as enacted in this Act, the
6 15 department shall provide that fifty percent of the permits
6 16 issued or renewed in 2003 under these sections shall expire on
6 17 July 1, 2003, and the remainder shall expire on July 1, 2004.
6 18 Persons obtaining permits that expire on July 1, 2003, shall
6 19 pay a permit fee of one-half of the amount otherwise required
6 20 under those sections.

6 21 Sec. 12. EFFECTIVE DATE APPLICABILITY. This Act, being
6 22 deemed of immediate importance, takes effect upon enactment.
6 23 The provisions of this Act become applicable on and after July
6 24 1, 2002. However, the department may adopt rules in
6 25 preparation for the Act's applicability on and after the Act's
6 26 effective date.

6 27 EXPLANATION

6 28 This bill amends a number of provisions relating to the
6 29 regulation of milk and milk products, including providing for
6 30 fees. These provisions are provided in Code chapter 192
6 31 referred to as the "Iowa grade 'A' milk inspection law" and
6 32 Code chapter 194 regulating grades of milk other than grade
6 33 "A" milk.

6 34 The bill amends Code section 192.111 and related sections
6 35 referring to annual licenses issued by the department to milk
7 1 plants, transfer stations, receiving stations, milk haulers,
7 2 milk graders, and bulk milk tankers. The Code section also
7 3 authorizes the department to collect license fees. The bill
7 4 changes the name "license" to "permit", provides that the
7 5 permits are valid for two years, and doubles the current fees.

7 6 The bill creates a new Code section which requires the
7 7 department to issue and renew permits under that chapter for
7 8 milk haulers, milk graders, and operators of bulk milk
7 9 tankers. The bill's section requires the issuance and renewal
7 10 of the permits in the same manner as those issued under Code
7 11 section 192.111. It provides that a person is not required to
7 12 obtain a permit under Code chapter 194 if the person has
7 13 obtained the same permit under Code chapter 192.

7 14 The bill repeals a number of sections in both Code chapters
7 15 192 and 194. These include provisions in Code sections
7 16 192.131 through 192.137 which provide regulations testing for
7 17 milk fat, including examination requirements, licensing and
7 18 fees, milk and cream testing procedures, tests conducted by
7 19 unlicensed persons, and the use of evidence in legal actions.

7 20 Sections repealed in Code chapter 194 include Code sections
7 21 194.12 through 194.16 providing for a milk hauler's license
7 22 and a milk grader's license, the duty of graders, and the
7 23 revocation or suspension of licenses. The bill also repeals
7 24 Code section 194.19 providing for the licensure of vehicles
7 25 used for the collection of milk.

7 26 Code section 192.113 provides that a person who violates
7 27 the chapter's permitting provisions is subject to a civil
7 28 penalty of at least \$100 but not more than \$1,000 for each
7 29 violation. The bill amends Code section 194.25 and provides
7 30 that a person who acts as a milk hauler or milk grader or
7 31 operates a bulk milk tanker without holding a valid permit in
7 32 violation of new Code section 194.3A is subject to the same
7 33 civil penalties.

7 34 The bill takes effect upon enactment, although its
7 35 provisions become applicable on and after July 1, 2002. The
8 1 department is authorized to adopt rules in preparation of the
8 2 bill's applicability on and after its effective date.

8 3 LSB 6755HC 79

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