

FILED MAR 02 '08

SENATE FILE 2208
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3124)

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

A BILL FOR

1 An Act relating to the powers and duties of the department of
2 agriculture and land stewardship, and making penalties
3 applicable.

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

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SF 2208
AGRICULTURE

1 DIVISION I
2 GENERAL AUTHORITY OF THE DEPARTMENT OF AGRICULTURE AND LAND
3 STEWARDSHIP

4 Section 1. Section 7A.4, subsection 2, Code 2003, is
5 amended by striking the subsection.

6 Sec. 2. Section 159.5, subsection 12, Code Supplement
7 2003, is amended by striking the subsection.

8 Sec. 3. Section 159.11, Code Supplement 2003, is repealed.

9 Sec. 4. Section 159.13, Code 2003, is repealed.

10 Sec. 5. Section 165.18, subsection 1, paragraph d, Code
11 Supplement 2003, is amended by striking the subsection.

12 DIVISION II
13 AGRICULTURAL ENERGY MANAGEMENT FUND

14 Sec. 6. Section 159.6, subsection 10, Code Supplement
15 2003, is amended to read as follows:

16 10. Soil and water conservation as set forth in chapters
17 161A, ~~161B~~, 161C, 161E, and 161F.

18 Sec. 7. Section 455E.11, subsection 2, paragraph e,
19 subparagraph (7), Code Supplement 2003, is amended by striking
20 the subparagraph.

21 Sec. 8. Chapter 161B, Code 2003, is repealed.

22 DIVISION III
23 SECRETARY'S DESIGNEE AS A MEMBER
24 OF THE ECONOMIC DEVELOPMENT BOARD

25 Sec. 9. Section 15.103, unnumbered paragraph 1, Code 2003,
26 is amended to read as follows:

27 The Iowa economic development board is created, consisting
28 of eleven voting members appointed by the governor and seven
29 ex officio nonvoting members. The ex officio nonvoting
30 members are four legislative members; one president, or the
31 president's designee, of the University of Northern Iowa, the
32 University of Iowa, or Iowa State University of science and
33 technology designated by the state board of regents on a
34 rotating basis; and one president, or the president's
35 designee, of a private college or university appointed by the

1 Iowa association of independent colleges and universities; and
2 one superintendent, or the superintendent's designee, of a
3 community college, appointed by the Iowa association of
4 community college presidents. The legislative members are two
5 state senators, one appointed by the president of the senate,
6 after consultation with the majority leader of the senate, and
7 one appointed by the minority leader of the senate, after
8 consultation with the president of the senate, from their
9 respective parties; and two state representatives, one
10 appointed by the speaker and one appointed by the minority
11 leader of the house of representatives from their respective
12 parties. Not more than six of the voting members shall be
13 from the same political party. The secretary of agriculture
14 or the secretary's designee shall be one of the voting
15 members. The governor shall appoint the remaining ten voting
16 members of the board for a term of four years beginning and
17 ending as provided by section 69.19, subject to confirmation
18 by the senate, and the governor's appointments shall include
19 persons knowledgeable of the various elements of the
20 department's responsibilities.

21 DIVISION IV

22 COMMERCIAL FEED

23 Sec. 10. Section 198.3, Code 2003, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 0A. "Advertise" means to present a
26 commercial message in any medium, including but not limited to
27 print, radio, television, sign, display, label, tag, or
28 articulation.

29 Sec. 11. Section 198.3, subsection 3, Code 2003, is
30 amended to read as follows:

31 3. "Commercial feed" means all materials or a combination
32 of materials which are distributed or intended for
33 distribution for use as feed or for mixing in feed, unless
34 such materials are specifically exempted. Unmixed Except as
35 otherwise provided in this chapter, unmixed whole seeds and

1 physically altered entire unmixed seeds, when such whole or
2 physically altered seeds are not chemically changed or are not
3 adulterated within the meaning of section 198.7, subsection 1,
4 are exempt. The secretary by rule may exempt from this
5 definition, or from specific provisions of this chapter,
6 commodities such as hay, straw, stover, silage, cobs, husks,
7 hulls and individual chemical compounds or substances when
8 such commodities, compounds or substances are not intermixed
9 or mixed with other materials, and are not adulterated within
10 the meaning of section 198.7, subsection 1.

11 Sec. 12. Section 198.10, subsection 1, Code 2003, is
12 amended to read as follows:

13 1. The secretary may adopt rules for commercial feeds and
14 pet foods as specifically authorized in this chapter and other
15 reasonable rules necessary in order to carry out the purpose
16 and intent of this chapter or to secure the efficient
17 enforcement of this chapter.

18 1A. The secretary may adopt rules to do all of the
19 following:

20 a. Regulate the movement of cottonseed into this state or
21 within this state, even if the cottonseed would otherwise be
22 exempt as whole seed under section 198.3. The secretary may
23 adopt rules prescribing standards for cottonseed consistent
24 with regulations prescribing the quality and uses of
25 cottonseed as promulgated by the United States food and drug
26 administration.

27 b. Regulating the advertisement of commercial feed,
28 including but not limited to labeling commercial feed as
29 specifically provided in this chapter.

30 1B. In the interest of uniformity the secretary shall
31 adopt any rule based on regulations promulgated under the
32 authority of the federal Food, Drug, and Cosmetic Act, 21
33 U.S.C. § 301 et seq., provided the secretary has the authority
34 under this chapter to adopt the rule. However, the secretary
35 is not required to adopt such a rule, if the secretary

1 determines that the rule would be inconsistent with this
2 chapter or not appropriate to conditions which exist in this
3 state.

4 EXPLANATION

5 This bill makes a number of changes relating to the powers
6 and duties of the department of agriculture and land
7 stewardship.

8 DIVISION I -- GENERAL POWERS AND DUTIES. The bill
9 eliminates Code provisions relating to an annual report that
10 must be submitted by the state apiarist to the governor, the
11 regulation of swine tuberculosis by the department, a
12 requirement that the department collect agricultural
13 statistics, and a requirement that the department keep an
14 official seal.

15 DIVISION II -- AGRICULTURAL ENERGY MANAGEMENT FUND. The
16 bill abolishes the agricultural energy management fund which
17 was created to finance education and demonstration projects
18 regarding tillage practices and the management of fertilizer
19 and pesticide use.

20 DIVISION III -- SECRETARY'S DESIGNEE AS A MEMBER OF THE
21 ECONOMIC DEVELOPMENT BOARD. The bill amends Code section
22 15.103 which establishes the economic development board which
23 includes 11 voting members, including the secretary of
24 agriculture. The bill provides that the secretary may appoint
25 a designee to serve on the board.

26 DIVISION IV -- COMMERCIAL FEED. The bill amends Code
27 chapter 198, the "Iowa Commercial Feed Law". It provides that
28 the department may adopt rules regulating the movement of
29 cottonseed into this state or within this state, and may adopt
30 standards for cottonseed consistent with regulations
31 promulgated by the United States food and drug administration.
32 It also provides that the department may regulate the
33 advertisement of commercial feed as it is presented in any
34 medium. A person violating the provisions of this portion of
35 the bill commits a simple misdemeanor. A simple misdemeanor

S.F. 2208 H.F. _____

1 is punishable by confinement for no more than 30 days or a
2 fine of at least \$50 but not more than \$500 or by both.

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SENATE FILE 2208

H-8275

1 Amend Senate File 2208, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 3 the
4 following:

5 "DIVISION

6 MILK REGULATION

7 Sec. ____ . Section 192.101A, unnumbered paragraph
8 1, Code Supplement 2003, is amended to read as
9 follows:

10 As used in this chapter, all terms shall have the
11 same meaning as defined in the "Grade 'A' Pasteurized
12 Milk Ordinance, ~~2001 Revision~~ Ordinance" as provided
13 in section 192.102. However, notwithstanding the
14 ordinance, the following definitions shall apply:

15 Sec. ____ . Section 192.102, Code Supplement 2003,
16 is amended to read as follows:

17 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

18 The department shall adopt, by rule, the "Grade 'A'
19 Pasteurized Milk Ordinance, ~~2001~~ 2003 Revision",
20 including a subsequent revision of the ordinance. If
21 the ordinance specifies that compliance with a
22 provision of the ordinance's appendices is mandatory,
23 the department shall also adopt that provision. The
24 department shall not amend the ordinance, unless the
25 department explains each amendment and reasons for the
26 amendment in the Iowa administrative bulletin when the
27 rules are required to be published pursuant to chapter
28 17A. The department shall administer this chapter
29 consistent with the provisions of the ordinance.

30 Sec. ____ . Section 192.110, subsection 1, Code
31 Supplement 2003, is amended to read as follows:

32 1. The person has a pasteurized milk and milk
33 products sanitation compliance rating of ninety
34 percent or more as calculated according to the rating
35 system as contained in the federal public health
36 service publications, "Procedures Governing the
37 Cooperative State-Public Health Service/Food and Drug
38 Administration Program for Certification of Interstate
39 Milk Shippers ~~2001~~ 2003" and "Method of Making
40 Sanitation Ratings of Milk Supplies, ~~2001~~ 2003
41 Revision". The applicable provisions of these
42 publications are incorporated into this section by
43 this reference. A copy of each publication shall be
44 on file with the department or in the office of the
45 person subject to an inspection contract as provided
46 in section 192.108."

47 2. By renumbering as necessary.

By COMMITTEE ON AGRICULTURE

DRAKE of Pottawattamie, Chairperson

H-8275 FILED MARCH 18, 2004

SENATE FILE 2208**H-8308**

1 Amend Senate File 2208, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 3, the
4 following:

"DIVISION CC

AGRICULTURAL LANDHOLDING REPORTING

7 Sec. _____. Section 10.1, unnumbered paragraph 1,
8 Code Supplement 2003, is amended to read as follows:

9 As used in this chapter ~~and in chapter 10B~~, unless
10 the context otherwise requires:

11 Sec. _____. Section 10C.6, subsection 1, paragraph
12 b, Code 2003, is amended to read as follows:

13 b. The life science enterprise must file a report
14 with the secretary of state as provided in section
15 10B.4, Code 2003.

16 Sec. _____. Section 10C.6, subsection 2, paragraph
17 d, Code 2003, is amended to read as follows:

18 d. The person must file a report as a life science
19 enterprise with the secretary of state as provided in
20 section 10B.4, Code 2003.

21 Sec. _____. Section 10D.2, subsection 1, Code 2003,
22 is amended to read as follows:

23 1. The enterprise files a notice with the
24 secretary of state not later than June 30, 2002. The
25 notice shall be a simple statement providing the name
26 of the enterprise and the address of the enterprise's
27 registered office or registered agent. The notice
28 shall indicate that the enterprise intends to acquire
29 or hold an interest in agricultural land under this
30 chapter. The secretary of state shall receive and
31 file the notice ~~together with reports required for the~~
32 ~~enterprise as required in chapter 10B.~~

33 Sec. _____. Chapter 10B, Code 2003 and Code
34 Supplement 2003, is repealed.

DIVISION CCI

EFFECTIVE DATES

37 Sec. _____. EFFECTIVE DATE. Division CC of this Act
38 takes effect on July 1, 2005."

39 2. Title page, by striking line 1 and inserting
40 the following: "An Act relating to agriculture by
41 providing for reporting and to the powers and duties
42 of the department of".

43 3. Title page, line 2, by striking the words "and
44 making" and inserting the following: "making".

45 4. Title page, line 3, by inserting after the
46 word "applicable" the following: ", and providing an
47 effective date".

By HUSER of Polk

H-8308 FILED MARCH 23, 2004

SENATE FILE 2208**H-8313**

1 Amend Senate File 2208, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 3, the
4 following:

5 "DIVISION

6 ACCOUNTABLE GOVERNMENT ACT

7 Sec. ____ . Section 8E.103, subsection 1, Code 2003,
8 is amended to read as follows:

9 1. "Agency" means a principal central department
10 enumerated in section 7E.5. ~~For~~ However, for purposes
11 of this chapter, each all of the following apply:

12 a. The department of agriculture and land
13 stewardship is not considered an agency.

14 b. Each division within the department of commerce
15 ~~shall be~~ is considered an agency, and each bureau
16 within a division of the department of commerce ~~shall~~
17 be is considered a division, as otherwise provided in
18 chapter 7E."

19 2. By renumbering as necessary.

By HUSEMAN of Cherokee

H-8313 FILED MARCH 24, 2004

SENATE FILE 2208**H-8362**

1 Amend the amendment, H-8275, to Senate File 2208,
2 as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 2, the
4 following:

5 " ____ . Page 1, by striking lines 6 and 7.

6 ____ . Page 1, by striking lines 10 and 11."

7 2. By renumbering as necessary.

By HUSEMAN of Cherokee

H-8362 FILED APRIL 1, 2004

ADOPTED

**HOUSE AMENDMENT TO
SENATE FILE 2208**

S-5256

1 Amend Senate File 2208, as passed by the Senate, as
2 follows:

- 3 1. Page 1, by striking lines 6 and 7.
- 4 2. Page 1, by striking lines 10 and 11.
- 5 3. Page 4, by inserting after line 3, the
6 following:

"DIVISION

ACCOUNTABLE GOVERNMENT ACT

9 Sec. _____. Section 8E.103, subsection 1, Code 2003,
10 is amended to read as follows:

11 1. "Agency" means a principal central department
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13 of this chapter, each all of the following apply:

- 14 a. The department of agriculture and land
15 stewardship is not considered an agency.
- 16 b. Each division within the department of commerce
17 ~~shall be~~ is considered an agency, and each bureau
18 within a division of the department of commerce ~~shall~~
19 be is considered a division, as otherwise provided in
20 chapter 7E."

21 4. Page 4, by inserting after line 3 the
22 following:

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MILK REGULATION

25 Sec. _____. Section 192.101A, unnumbered paragraph
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27 follows:

28 As used in this chapter, all terms shall have the
29 same meaning as defined in the "Grade 'A' Pasteurized
30 ~~Milk Ordinance, 2001 Revision~~ Ordinance" as provided
31 in section 192.102. However, notwithstanding the
32 ordinance, the following definitions shall apply:

33 Sec. _____. Section 192.102, Code Supplement 2003,
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36 The department shall adopt, by rule, the "Grade 'A'
37 Pasteurized Milk Ordinance, ~~2001~~ 2003 Revision",
38 including a subsequent revision of the ordinance. If
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40 provision of the ordinance's appendices is mandatory,
41 the department shall also adopt that provision. The
42 department shall not amend the ordinance, unless the
43 department explains each amendment and reasons for the
44 amendment in the Iowa administrative bulletin when the
45 rules are required to be published pursuant to chapter
46 17A. The department shall administer this chapter
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S-5256

S-5256

Page 2

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2 percent or more as calculated according to the rating
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4 service publications, "Procedures Governing the
5 Cooperative State-Public Health Service/Food and Drug
6 Administration Program for Certification of Interstate
7 Milk Shippers ~~2001~~" 2003" and "Method of Making
8 Sanitation Ratings of Milk Supplies, ~~2001~~ 2003
9 Revision". The applicable provisions of these
10 publications are incorporated into this section by
11 this reference. A copy of each publication shall be
12 on file with the department or in the office of the
13 person subject to an inspection contract as provided
14 in section 192.108."

15 5. By renumbering, relettering, or redesignating
16 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5256 FILED APRIL 5, 2004

Johnson
Hauser
Fraise

Succeeded By SSB# 3124
(SF) HF 2208 Agriculture

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON JOHNSON)

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

A BILL FOR

1 An Act relating to the powers and duties of the department of
2 agriculture and land stewardship, and making penalties
3 applicable.

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

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1 DIVISION I
2 GENERAL AUTHORITY OF THE DEPARTMENT OF AGRICULTURE AND LAND
3 STEWARDSHIP

4 Section 1. Section 7A.4, subsection 2, Code 2003, is
5 amended by striking the subsection.

6 Sec. 2. Section 159.5, subsection 12, Code Supplement
7 2003, is amended by striking the subsection.

8 Sec. 3. Section 159.11, Code Supplement 2003, is repealed.

9 Sec. 4. Section 159.13, Code 2003, is repealed.

10 Sec. 5. Section 165.18, subsection 1, paragraph d, Code
11 Supplement 2003, is amended by striking the subsection.

12 DIVISION II
13 AGRICULTURAL ENERGY MANAGEMENT FUND

14 Sec. 6. Section 159.6, subsection 10, Code Supplement
15 2003, is amended to read as follows:

16 10. Soil and water conservation as set forth in chapters
17 161A, ~~161B~~, 161C, 161E, and 161F.

18 Sec. 7. Section 455E.11, subsection 2, paragraph e,
19 subparagraph (7), Code Supplement 2003, is amended by striking
20 the subparagraph.

21 Sec. 8. Chapter 161B, Code 2003, is repealed.

22 DIVISION III
23 SECRETARY'S DESIGNEE AS A MEMBER
24 OF THE ECONOMIC DEVELOPMENT BOARD

25 Sec. 9. Section 15.103, unnumbered paragraph 1, Code 2003,
26 is amended to read as follows:

27 The Iowa economic development board is created, consisting
28 of eleven voting members appointed by the governor and seven
29 ex officio nonvoting members. The ex officio nonvoting
30 members are four legislative members; one president, or the
31 president's designee, of the University of Northern Iowa, the
32 University of Iowa, or Iowa State University of science and
33 technology designated by the state board of regents on a
34 rotating basis; and one president, or the president's
35 designee, of a private college or university appointed by the

1 Iowa association of independent colleges and universities; and
 2 one superintendent, or the superintendent's designee, of a
 3 community college, appointed by the Iowa association of
 4 community college presidents. The legislative members are two
 5 state senators, one appointed by the president of the senate,
 6 after consultation with the majority leader of the senate, and
 7 one appointed by the minority leader of the senate, after
 8 consultation with the president of the senate, from their
 9 respective parties; and two state representatives, one
 10 appointed by the speaker and one appointed by the minority
 11 leader of the house of representatives from their respective
 12 parties. Not more than six of the voting members shall be
 13 from the same political party. The secretary of agriculture
 14 or the secretary's designee shall be one of the voting
 15 members. The governor shall appoint the remaining ten voting
 16 members of the board for a term of four years beginning and
 17 ending as provided by section 69.19, subject to confirmation
 18 by the senate, and the governor's appointments shall include
 19 persons knowledgeable of the various elements of the
 20 department's responsibilities.

21 DIVISION IV
 22 COMMERCIAL FEED

23 Sec. 10. Section 198.3, Code 2003, is amended by adding
 24 the following new subsection:

25 NEW SUBSECTION. 0A. "Advertise" means to present a
 26 commercial message in any medium, including but not limited to
 27 print, radio, television, sign, display, label, tag, or
 28 articulation.

29 Sec. 11. Section 198.3, subsection 3, Code 2003, is
 30 amended to read as follows:

31 3. "Commercial feed" means all materials or a combination
 32 of materials which are distributed or intended for
 33 distribution for use as feed or for mixing in feed, unless
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 35 otherwise provided in this chapter, unmixed whole seeds and

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5 definition, or from specific provisions of this chapter,
6 commodities such as hay, straw, stover, silage, cobs, husks,
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16 and intent of this chapter or to secure the efficient
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19 following:

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22 exempt as whole seed under section 198.3. The secretary may
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24 with regulations prescribing the quality and uses of
25 cottonseed as promulgated by the United States food and drug
26 administration.

27 b. Regulating the advertisement of commercial feed,
28 including but not limited to labeling commercial feed as
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31 adopt any rule based on regulations promulgated under the
32 authority of the federal Food, Drug, and Cosmetic Act, 21
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35 is not required to adopt such a rule, if the secretary

1 determines that the rule would be inconsistent with this
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4 EXPLANATION

5 This bill makes a number of changes relating to the powers
6 and duties of the department of agriculture and land
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8 DIVISION I -- GENERAL POWERS AND DUTIES. The bill
9 eliminates Code provisions relating to an annual report that
10 must be submitted by the state apiarist to the governor, the
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21 ECONOMIC DEVELOPMENT BOARD. The bill amends Code section
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S.F. _____ H.F. _____

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SENATE FILE 2208

AN ACT

RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF
AGRICULTURE AND LAND STEWARDSHIP, AND MAKING PENALTIES
APPLICABLE.

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

DIVISION I

GENERAL AUTHORITY OF THE DEPARTMENT OF AGRICULTURE AND LAND
STEWARDSHIP

Section 1. Section 7A.4, subsection 2, Code 2003, is
amended by striking the subsection.

Sec. 2. Section 159.11, Code Supplement 2003, is repealed.

Sec. 3. Section 159.13, Code 2003, is repealed.

DIVISION II

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University of Iowa, or Iowa State University of science and
technology designated by the state board of regents on a
rotating basis; and one president, or the president's
designee, of a private college or university appointed by the
Iowa association of independent colleges and universities; and
one superintendent, or the superintendent's designee, of a
community college, appointed by the Iowa association of
community college presidents. The legislative members are two
state senators, one appointed by the president of the senate,
after consultation with the majority leader of the senate, and
one appointed by the minority leader of the senate, after
consultation with the president of the senate, from their
respective parties; and two state representatives, one
appointed by the speaker and one appointed by the minority
leader of the house of representatives from their respective
parties. Not more than six of the voting members shall be
from the same political party. The secretary of agriculture
or the secretary's designee shall be one of the voting
members. The governor shall appoint the remaining ten voting
members of the board for a term of four years beginning and
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by the senate, and the governor's appointments shall include
persons knowledgeable of the various elements of the
department's responsibilities.

DIVISION IV

COMMERCIAL FEED

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NEW SUBSECTION. 0A. "Advertise" means to present a commercial message in any medium, including but not limited to print, radio, television, sign, display, label, tag, or articulation.

Sec. 9. Section 198.3, subsection 3, Code 2003, is amended to read as follows:

3. "Commercial feed" means all materials or a combination of materials which are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted. Unmixed Except as otherwise provided in this chapter, unmixed whole seeds and physically altered entire unmixed seeds, when such whole or physically altered seeds are not chemically changed or are not adulterated within the meaning of section 198.7, subsection 1, are exempt. The secretary by rule may exempt from this definition, or from specific provisions of this chapter, commodities such as hay, straw, stover, silage, cobs, husks, hulls and individual chemical compounds or substances when such commodities, compounds or substances are not intermixed or mixed with other materials, and are not adulterated within the meaning of section 198.7, subsection 1.

Sec. 10. Section 198.10, subsection 1, Code 2003, is amended to read as follows:

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.

1A. The secretary may adopt rules to do all of the following:

a. Regulate the movement of cottonseed into this state or within this state, even if the cottonseed would otherwise be exempt as whole seed under section 198.3. The secretary may adopt rules prescribing standards for cottonseed consistent with regulations prescribing the quality and uses of cottonseed as promulgated by the United States food and drug administration.

b. Regulating the advertisement of commercial feed, including but not limited to labeling commercial feed as specifically provided in this chapter.

1B. In the interest of uniformity the secretary shall adopt 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 the rule would be inconsistent with this chapter or not appropriate to conditions which exist in this state.

DIVISION V
ACCOUNTABLE GOVERNMENT ACT

Sec. 11. Section 8E.103, subsection 1, Code 2003, is amended to read as follows:

1. "Agency" means a principal central department enumerated in section 7E.5. For However, for purposes of this chapter, each all of the following apply:

a. The department of agriculture and land stewardship is not considered an agency.

b. Each division within the department of commerce shall be is considered an agency, and each bureau within a division of the department of commerce shall-be is considered a division, as otherwise provided in chapter 7E.

DIVISION VI
MILK REGULATION

Sec. 12. Section 192.101A, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

As used in this chapter, all terms shall have the same meaning as defined in the "Grade 'A' Pasteurized Milk Ordinance, ~~2001~~ Revision" Ordinance" as provided in section 192.102. However, notwithstanding the ordinance, the following definitions shall apply:

Sec. 13. Section 192.102, Code Supplement 2003, is amended to read as follows:

192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

The department shall adopt, by rule, the "Grade 'A' Pasteurized Milk Ordinance, ~~2001~~ 2003 Revision", including a subsequent revision of the ordinance. If the ordinance specifies that compliance with a provision of the ordinance's appendices is mandatory, the department shall also adopt that provision. The department shall not amend the ordinance, unless the department explains each amendment and reasons for the amendment in the Iowa administrative bulletin when the rules are required to be published pursuant to chapter 17A. The department shall administer this chapter consistent with the provisions of the ordinance.

Sec. 14. Section 192.110, subsection 1, Code Supplement 2003, is amended to read as follows:

1. The person has a pasteurized milk and milk products sanitation compliance rating of ninety percent or more as calculated according to the rating system as contained in the federal public health service publications, "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers ~~2001~~ 2003" and "Method of Making Sanitation Ratings of Milk Supplies, ~~2001~~ 2003 Revision". The applicable provisions of these publications are incorporated into this section by this reference. A copy of each publication shall

be on file with the department or in the office of the person subject to an inspection contract as provided in section 192.108.

JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2208, Eightieth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2004

THOMAS J. VILSACK
Governor