

Senate Study Bill 1131 - Introduced

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

A BILL FOR

1 An Act providing for the transfer of duties relating
2 to the certification of milk from the department of
3 public health to the department of agriculture and land
4 stewardship, providing for the transition, and providing an
5 appropriation.

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

1 Section 1. Section 192.109, Code 2011, is amended to read
2 as follows:

3 **192.109 Certification of grade "A" label.**

4 The ~~Iowa~~ department of ~~public health~~ agriculture and
5 land stewardship shall annually survey and certify all
6 milk labeled grade "A" pasteurized and grade "A" raw milk
7 for pasteurization, and, in the event a survey shows the
8 requirements for production, processing, and distribution for
9 such grade are not being complied with, the fact thereof shall
10 be certified by the ~~Iowa~~ department of ~~public health~~ to the
11 secretary of agriculture who shall proceed with the provisions
12 of section 192.107 for suspending the permit of the violator or
13 who, if the secretary did not issue such permit, shall withdraw
14 the grade "A" declared on the label.

15 Sec. 2. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

16 1. Any rule, regulation, form, order, or directive
17 promulgated by the department of public health as required to
18 administer and enforce the provisions of section 192.109 shall
19 continue in full force and effect until amended, repealed,
20 or supplemented by affirmative action of the department of
21 agriculture and land stewardship.

22 2. An administrative hearing or court proceeding arising
23 out of an enforcement action under section 192.109 pending
24 on the effective date of this Act shall not be affected due
25 to this Act. Any cause of action or statute of limitation
26 relating to an action taken by the department of public health
27 shall not be affected as a result of this Act and such cause
28 or statute of limitation shall apply to the department of
29 agriculture and land stewardship.

30 3. Any personnel in the state merit system of employment
31 who are mandatorily transferred due to the effect of this Act
32 shall be so transferred without any loss in salary, benefits,
33 or accrued years of service.

34 4. Any replacement of signs, logos, stationery, insignia,
35 uniforms, and related items that is made necessary due to

1 the effect of this Act shall be done as part of the normal
2 replacement cycle for such items.

3 Sec. 3. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP —
4 CERTIFICATION OF MILK. There is appropriated from the general
5 fund of the state to the department of agriculture and land
6 stewardship for the fiscal year beginning July 1, 2011, and
7 ending June 30, 2012, the following amount, or so much thereof
8 as is necessary, to be used for the purposes designated:

9 For purposes of performing functions pursuant to section
10 192.109, including conducting a survey of grade "A" milk
11 and certifying the results to the secretary of agriculture,
12 including salaries, support, maintenance, miscellaneous
13 purposes, and for not more than the following full-time
14 equivalent positions:

15	\$	189,196
16	FTEs	2.00

17 EXPLANATION

18 This bill relates to the regulation of milk or milk
19 products, including labeling requirements (Code chapter 191)
20 or production, processing, or distribution requirements (Code
21 chapter 192), as administered and enforced by the department of
22 agriculture and land stewardship. A person who stores, brings,
23 sends, or receives milk or milk products into this state for
24 commercial purposes must be issued a permit by the department
25 (Code section 192.107).

26 The department of public health annually surveys and
27 certifies to the department of agriculture and land stewardship
28 whether milk or milk products comply with the requirements.
29 The secretary of agriculture then must suspend the permit
30 of a violator or withdraw the grade "A" label (Code section
31 192.109). The bill transfers the certification authority
32 from the department of public health to the department of
33 agriculture and land stewardship.

34 The bill provides transitional provisions to assist the
35 departments in accomplishing the transfer. The provisions

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1 relate to the validity of existing rules, regulations, forms,
2 orders, and directives promulgated by the department of public
3 health; pending enforcement actions; the transfer of personnel;
4 and the replacement of items with insignia.

5 The bill appropriates moneys from the general fund of the
6 state and allocates full-time equivalent positions to the
7 department of agriculture and land stewardship for purposes
8 of conducting the survey and certifying the results to the
9 secretary of agriculture.