

House File 617 - Introduced

HOUSE FILE 617

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 550)

(SUCCESSOR TO HSB 120)

A BILL FOR

1 An Act providing for the department of agriculture and land
2 stewardship's administration of certain functions, relating
3 to forest and fruit tree reservation requirements, the name
4 of the state soil conservation committee, financing of soil
5 conservation and water quality practices, the health of
6 agricultural animals, issuance of two-year licenses and the
7 collection of related fees imposed upon persons engaged in
8 the marketing of agricultural animals and mining operations,
9 license fees imposed upon pesticide dealers, tickets for
10 delivering commodities in bulk, labeling of motor fuel
11 pumps dispensing certain ethanol blended gasoline, the
12 use of scales, providing for penalties, making penalties
13 applicable, and including effective date provisions.

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

1 Section 1. Section 159.5, subsection 12, Code 2017, is
2 amended to read as follows:

3 12. Create and maintain a division of soil conservation
4 and water quality as provided in [chapter 161A](#). The division's
5 director shall be appointed by the secretary from a list of
6 names of persons recommended by the soil conservation and water
7 quality committee, pursuant to [section 161A.4](#), and shall serve
8 at the pleasure of the secretary. The director shall be the
9 administrator responsible for carrying out the provisions of
10 chapters 207 and 208.

11 Sec. 2. Section 159.6, subsection 1, Code 2017, is amended
12 by striking the subsection.

13 Sec. 3. Section 161A.3, subsection 4, Code 2017, is amended
14 to read as follows:

15 4. "~~Committee~~" or "~~state soil conservation committee~~"
16 means the state soil conservation and water quality committee
17 established by in [section 161A.4](#).

18 Sec. 4. Section 161A.4, subsection 1, Code 2017, is amended
19 to read as follows:

20 1. The division of soil conservation and water quality
21 created within the department pursuant to [section 159.5](#) shall
22 perform the functions conferred upon it in [this chapter](#) and
23 chapters 161C, [161E](#), [161F](#), 207, and 208. The division shall
24 be administered in accordance with the policies of the ~~state~~
25 ~~soil conservation~~ committee, which shall advise the division
26 and which shall approve administrative rules proposed by
27 the division for the administration of [this chapter](#) and
28 chapters 161C, [161E](#), [161F](#), 207, and 208 before the rules are
29 adopted pursuant to [section 17A.5](#). If a difference exists
30 between the committee and secretary regarding the content of
31 a proposed rule, the secretary shall notify the chairperson
32 of the committee of the difference within thirty days from
33 the committee's action on the rule. The secretary and the
34 committee shall meet to resolve the difference within thirty
35 days after the secretary provides the committee with notice of

1 the difference.

2 Sec. 5. Section 161A.4, subsection 4, unnumbered paragraph
3 1, Code 2017, is amended to read as follows:

4 A state soil conservation and water quality committee is
5 established within the department.

6 Sec. 6. Section 161A.4, subsection 6, paragraph c, Code
7 2017, is amended to read as follows:

8 c. The committee shall recommend three persons to the
9 secretary of agriculture who shall appoint from the persons
10 recommended a director to head the division and serve at
11 the pleasure of the secretary. After reviewing the names
12 submitted, the secretary may request that the ~~soil conservation~~
13 committee submit additional names for consideration.

14 Sec. 7. Section 161A.5, subsections 1 and 2, Code 2017, are
15 amended to read as follows:

16 1. The one hundred soil and water conservation districts
17 established in the manner which was prescribed by law prior to
18 July 1, 1975 shall continue in existence with the boundaries
19 and the names in effect on July 1, 1975. If the existence of
20 a district so established is discontinued pursuant to section
21 161A.10, a petition for reestablishment of the district or for
22 annexation of the former district's territory to any other
23 abutting district may be submitted to, and shall be acted upon
24 by, the ~~state soil conservation~~ committee in substantially the
25 manner provided by [section 467A.5](#), Code 1975.

26 2. The governing body of each district shall consist of
27 five commissioners elected on a nonpartisan basis for staggered
28 four-year terms commencing on the first day of January that is
29 not a Sunday or holiday following their election. Any eligible
30 elector residing in the district is eligible to the office of
31 commissioner, except that no more than one commissioner shall
32 at any one time be a resident of any one township. A vacancy
33 is created in the office of any commissioner who changes
34 residence into a township where another commissioner then
35 resides. If a commissioner is absent for sixty or more percent

1 of monthly meetings during any twelve-month period, the other
2 commissioners by their unanimous vote may declare the member's
3 office vacant. A vacancy in the office of commissioner
4 shall be filled by appointment of the ~~state soil conservation~~
5 committee until the next succeeding general election, at which
6 time the balance of the unexpired term shall be filled as
7 provided by [section 69.12](#).

8 Sec. 8. Section 161A.7, subsection 1, paragraph k, Code
9 2017, is amended to read as follows:

10 *k.* Subject to the approval of the ~~state soil conservation~~
11 committee, to change the name of the soil and water
12 conservation district.

13 Sec. 9. Section 161A.7, subsection 3, Code 2017, is amended
14 to read as follows:

15 3. The commissioners, as a condition for the receipt of
16 any state cost-sharing funds for permanent soil conservation
17 practices, shall require the owner of the land on which the
18 practices are to be established to covenant and file, in the
19 office of the ~~soil and water conservation~~ district of the
20 county in which the land is located, an agreement identifying
21 the particular lands upon which the practices for which state
22 cost-sharing funds are to be received will be established,
23 and providing that the project will not be removed, altered,
24 or modified so as to lessen its effectiveness without the
25 consent of the commissioners, obtained in advance and based on
26 guidelines drawn up by the ~~state soil conservation~~ committee,
27 for a period not to exceed twenty years after the date of
28 receiving payment. The commissioners shall assist the division
29 in the enforcement of [this subsection](#). The agreement does not
30 create a lien on the land, but is a charge personally against
31 the owner of the land at the time of removal, alteration, or
32 modification if an administrative order is made under section
33 161A.61, subsection 3.

34 Sec. 10. Section 161A.22, Code 2017, is amended to read as
35 follows:

1 **161A.22 General powers applicable — warrants or bonds.**

2 1. A subdistrict organized under **this chapter** has all of the
3 powers of a ~~soil and water conservation~~ district in addition to
4 other powers granted to the subdistrict in other sections of
5 this chapter.

6 2. The governing body of the subdistrict, upon
7 determination that benefits from works of improvement as set
8 forth in the watershed work plan to be installed will exceed
9 costs thereof, and that funds needed for purposes of the
10 subdistrict require levy of a special benefit assessment as
11 provided in **section 161A.23**, in lieu of the special annual
12 tax as provided in **section 161A.20**, shall record its decision
13 to use its taxing authority and, upon majority vote of
14 the governing body and with the approval of the ~~state soil~~
15 ~~conservation~~ committee, may issue warrants or bonds payable
16 in not more than forty semiannual installments in connection
17 with the special benefit assessment, and pledge and assign the
18 proceeds of the special benefit assessment and other revenues
19 of the subdistrict as security for the warrants or bonds. The
20 warrants and bonds of indebtedness are general obligations
21 of the subdistrict, exempt from all taxes, state and local,
22 and are not indebtedness of the ~~soil and water conservation~~
23 district or the state of Iowa.

24 Sec. 11. Section 161A.44, unnumbered paragraph 1, Code
25 2017, is amended to read as follows:

26 The commissioners of each ~~soil and water conservation~~
27 district shall, with approval of and within time limits set by
28 administrative order of the ~~state soil conservation~~ committee,
29 adopt reasonable regulations as are deemed necessary to
30 establish a soil loss limit or limits for the district and
31 provide for the implementation of the limit or limits, ~~and.~~ A
32 district may subsequently amend or repeal ~~their~~ its regulations
33 as ~~they deem~~ it deems necessary. The committee shall review
34 the soil loss limit regulations adopted by the ~~soil and water~~
35 ~~conservation~~ districts at least once every five years, and

1 shall recommend changes in the regulations of a ~~soil and water~~
2 ~~conservation~~ district which the committee deems necessary to
3 assure that the district's soil loss limits are reasonable and
4 attainable. The commissioners may:

5 Sec. 12. Section 161A.44, subsection 2, Code 2017, is
6 amended to read as follows:

7 2. Establish different soil loss limits for different
8 classes of land in the district if in their judgment and that
9 of the ~~state soil conservation~~ committee a lower soil loss
10 limit should be applied to some land than can reasonably be
11 applied to other land in the district, it being the intent of
12 the general assembly that no land in the state be assigned a
13 soil loss limit that cannot reasonably be applied to such land.

14 Sec. 13. Section 161A.44, subsection 3, paragraph c,
15 subparagraph (3), Code 2017, is amended to read as follows:

16 (3) That any owner or operator of agricultural land refrain
17 from fall plowing of land on which the owner or operator
18 intends to raise a crop during the next succeeding growing
19 season, however on those lands which are prone to excessive
20 wind erosion the commissioners may require that reasonable
21 temporary measures be taken to minimize the likelihood of wind
22 erosion so long as such measures do not unduly increase the
23 cost of operation of the farm on which the land is located.
24 ~~However, fall plowing of soil which is commonly known as gumbo~~
25 ~~shall always be permitted.~~

26 Sec. 14. Section 161A.71, subsection 4, Code 2017, is
27 amended to read as follows:

28 4. **This section** does not negate the provisions of
29 section 161A.48 that an owner or occupant of land in this
30 state shall not be required to establish any new soil and
31 water conservation practice unless public cost-sharing
32 funds have been approved and are available for the land
33 affected. However, the owner of land with respect to which an
34 administrative order to establish soil and water conservation
35 practices has been issued under **section 161A.47** but not

1 complied with for lack of public cost-sharing funds, may waive
2 the right to await availability of such funds and instead apply
3 for a loan under this section to establish any permanent soil
4 and water conservation practices necessary to comply with the
5 order. If a landowner does so, that loan application shall
6 be given reasonable preference by the ~~state soil conservation~~
7 committee if there are applications for more loans under
8 this section than can be made from the money available in
9 the conservation practices revolving loan fund. If it is
10 found necessary to deny an application for a soil and water
11 conservation practices loan to a landowner who has waived the
12 right to availability of public cost-sharing funds before
13 complying with an administrative order issued under section
14 161A.47, the landowner's waiver is void.

15 Sec. 15. Section 161A.73, subsection 1, paragraphs a and b,
16 Code 2017, are amended to read as follows:

17 a. The allocation of cost-share moneys as financial
18 incentives provided for the purpose of establishing permanent
19 soil and water conservation practices, including but
20 not limited to terraces, diversions, grade stabilization
21 structures, grassed waterways, and critical area planting. ~~The~~
22 Except for edge-of-field practices, financial incentives shall
23 not exceed fifty percent of the estimated cost of establishing
24 the practices, or fifty percent of the actual cost, whichever
25 is less.

26 b. The allocation of moneys as financial incentives provided
27 for the purpose of establishing management practices to control
28 soil erosion on land that is row cropped, including but not
29 limited to cover crops, no-till planting, ridge-till planting,
30 contouring, and contour strip-cropping. The division shall by
31 rule establish limits on the amount of incentives which shall
32 be authorized for payment to landowners upon establishment of
33 the practice.

34 Sec. 16. Section 161C.1, subsection 1, Code 2017, is amended
35 to read as follows:

1 1. "~~Committee~~" or "~~state soil conservation committee~~"
2 means the state soil conservation and water quality committee
3 established ~~by~~ in section 161A.4.

4 Sec. 17. Section 161C.4, subsection 1, Code 2017, is amended
5 to read as follows:

6 1. A water protection fund is created within the division.
7 The fund is composed of money appropriated by the general
8 assembly for that purpose, and moneys available to and obtained
9 or accepted by the ~~state soil conservation~~ committee from the
10 United States or private sources for placement in the fund.
11 The fund shall be a revolving fund from which moneys may be
12 used for loans, grants, administrative costs, and cost-sharing.

13 Sec. 18. Section 163.30, subsection 3, paragraphs a and c,
14 Code 2017, are amended to read as follows:

15 a. The fee for a dealer's license is ~~five~~ ten dollars each
16 year. A dealer's license expires on the first day of the
17 second July following the date of issue. A An initial license
18 shall be numbered and ~~the dealer~~ any subsequent or renewed
19 license issued to that dealer shall retain the same license
20 number ~~from year to year.~~

21 c. Each employee or agent doing business by buying for
22 resale, selling, or exchanging feeder swine in the name of
23 a licensed dealer ~~shall be required to secure~~ must obtain a
24 permit issued by the department showing the person is employed
25 by or represents a licensed dealer. ~~All such permits~~ A permit
26 shall be issued upon the department's approval of a completed
27 application. ~~An application forms~~ form shall be furnished by
28 the department ~~at a cost of three.~~ The fee for a permit is six
29 dollars per annum, and. A permit shall expire on the first day
30 of the second July following the date of issue.

31 Sec. 19. Section 163.30, subsection 5, paragraph b, Code
32 2017, is amended to read as follows:

33 b. Registered swine for exhibition or breeding purposes
34 which can be individually identified by ~~an ear notch or tattoo~~
35 ~~or other~~ a method approved by the department are excepted from

1 the identification requirement.

2 Sec. 20. Section 163.41, Code 2017, is amended to read as
3 follows:

4 **163.41 License required.**

5 1. A person shall not engage in the business of leasing a
6 breeding bull without having obtained a license ~~from~~ issued
7 by the department and registering each breeding bull with the
8 department as provided in ~~this subchapter~~ section 163.42. An
9 ~~annual~~ The license may be obtained ~~from the department~~ upon
10 completing an application and payment of a ten-dollar for
11 approval by the department. The license fee is twenty dollars.
12 ~~Each~~ The license shall expire on the first day of the second
13 July following the date of issue.

14 2. An application for a license shall be made on a form
15 provided by the department and shall contain the name of the
16 person engaged in the business of leasing breeding bulls as
17 lessor, the address of such business, the registration number
18 of each breeding bull, and a description as to breed, color and
19 other distinguishing marks, leased as lessor, and such other
20 information as the secretary of agriculture may specify by rule
21 ~~promulgated~~ adopted pursuant to chapter 17A.

22 3. For the purposes of this section, a person is engaged
23 in the business of leasing a breeding bull within this state
24 as lessor if the person leases any breeding bull to an Iowa
25 resident more than once in any calendar year for a fee.

26 Sec. 21. Section 164.1, Code 2017, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 5A. "*Department*" means the department of
29 agriculture and land stewardship.

30 Sec. 22. Section 164.3, Code 2017, is amended to read as
31 follows:

32 **164.3 Female ~~designated~~ animals vaccinated.**

33 Native female bovine animals of any breed between the
34 ages of four months and ~~ten~~ twelve months may be officially
35 vaccinated for brucellosis according to procedures approved by

1 the United States department of agriculture. Native female
2 designated animals other than bovine animals may be vaccinated
3 as provided by rules adopted by the department. The expense of
4 the vaccination shall be borne in the same manner as provided
5 in [section 164.6](#).

6 Sec. 23. Section 166.1, Code 2017, is amended by adding the
7 following new subsections:

8 NEW SUBSECTION. 2A. "*Department*" means the department of
9 agriculture and land stewardship.

10 NEW SUBSECTION. 5. "*Secretary*" means the secretary of
11 agriculture.

12 Sec. 24. Section 166.42, subsection 2, Code 2017, is amended
13 to read as follows:

14 2. The secretary is authorized to sell or otherwise dispose
15 of classical-swine-fever vaccine ~~and or serum at such time as~~
16 ~~the state is declared a classical-swine-fever-free state by~~
17 ~~the United States department of agriculture, or if the potency~~
18 of such vaccine ~~and or serum is in doubt.~~ Money received
19 under provisions of [this section](#) shall be paid into the state
20 treasury.

21 Sec. 25. Section 166A.1, Code 2017, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 6A. "*Department*" means the department of
24 agriculture and land stewardship.

25 Sec. 26. Section 166A.2, Code 2017, is amended to read as
26 follows:

27 **166A.2 Sheep dealer's license.**

28 1. ~~Any person engaged~~ A person shall not act as a dealer
29 ~~shall be required to obtain~~ unless the person obtains a license
30 ~~from~~ issued by the department. ~~The fee for such license shall~~
31 ~~be five~~ fee is ten dollars per year ~~and all licenses shall~~
32 ~~expire.~~ A license expires on the first day of the second July
33 following date of issue. ~~Licenses~~ An initial license shall
34 be numbered and ~~the dealer~~ any subsequent or renewed license
35 issued to the dealer shall retain the same number ~~from year to~~

1 ~~year.~~ An application for a license must be prepared on a form
2 furnished by the department.

3 ~~Applications for licenses shall be made upon blanks~~
4 ~~furnished by the department.~~

5 2. For good and sufficient grounds the department may refuse
6 to grant a license to any applicant, and it may also revoke a
7 license ~~to any applicant~~ obtained by a dealer for a violation
8 of any provision of this chapter, or for the refusal or failure
9 of ~~any licensee~~ a dealer to obey the lawful directions of the
10 department.

11 3. Any person who is licensed as a sheep dealer under
12 chapter 172A shall be exempt from this section.

13 Sec. 27. Section 168.3, Code 2017, is amended to read as
14 follows:

15 **168.3 ~~Term and~~ License fee and expiration.**

16 The fee for obtaining a license fee issued under section
17 168.2 shall be ~~ten~~ twenty dollars ~~per annum~~, and each such
18 license shall expire on the second July 1 after the date of
19 issue.

20 Sec. 28. Section 172A.1, Code 2017, is amended by adding the
21 following new subsections:

22 NEW SUBSECTION. 3A. "*Department*" means the department of
23 agriculture and land stewardship.

24 NEW SUBSECTION. 5. "*Secretary*" means the secretary of
25 agriculture.

26 Sec. 29. Section 172A.2, Code 2017, is amended to read as
27 follows:

28 **172A.2 License required.**

29 1. ~~No~~ A person shall not act as a dealer or broker
30 without ~~first being licensed~~ obtaining a license issued by
31 the secretary. ~~No~~ A person shall not act for any dealer or
32 broker as an agent unless such dealer or broker is licensed,
33 has designated such agent to act in the dealer's or broker's
34 behalf, and has notified the secretary of the designation in
35 the dealer's or broker's application for license or has given

1 official notice in writing of the appointment of the agent
2 and the secretary has issued to the agent an agent's license.
3 A dealer or broker shall be accountable and responsible
4 for contracts made by an agent in the course of the agent's
5 employment. The license of an agent whose employment by the
6 dealer or broker is terminated shall be void on the date
7 written notice of termination is received by the secretary.

8 2. The license of a dealer, broker, or agent, unless
9 revoked, shall expire on the last day of the second June
10 following the date of issue. The ~~annual~~ fee for the obtaining
11 a license of ~~as~~ a dealer or broker is fifty one hundred
12 dollars. The ~~annual~~ fee for ~~an agent's~~ obtaining a license as
13 an agent is ~~ten~~ twenty dollars.

14 3. ~~No~~ A person ~~may~~ shall not be issued a license if that
15 person previously has had a license revoked, or previously was
16 issued a license and the secretary suspended that license,
17 unless the order of suspension or revocation is thereafter
18 terminated by the secretary.

19 Sec. 30. Section 189A.18, Code 2017, is amended to read as
20 follows:

21 **189A.18 Humane slaughter practices.**

22 Every establishment subject to the provisions of this
23 chapter engaged in the slaughter of bovine, porcine, caprine,
24 or ovine animals or farm deer shall slaughter all such animals
25 in an approved humane slaughtering method. For purposes of
26 this section, an approved humane slaughtering method shall
27 include and be limited to slaughter by shooting, electrical
28 shock, captive bolt, or use of carbon dioxide gas prior to the
29 animal being shackle hoisted, thrown, cast, or cut; however,
30 the slaughtering, handling, or other preparation of livestock
31 in accordance with the ritual requirements of the Jewish or
32 any other faith that prescribes and requires a method whereby
33 slaughter becomes effected by severance of the carotid arteries
34 with a sharp instrument is hereby designated and approved as a
35 humane method of slaughter under the law.

1 Sec. 31. Section 196.3, Code 2017, is amended to read as
2 follows:

3 **196.3 Egg handler's license and — fee and expiration.**

4 1. Every egg handler shall obtain ~~an annual~~ a license from
5 issued by the department. The license fee for the license
6 shall be determined on the basis of the total number of eggs
7 purchased or handled during the preceding month of April ~~in~~
8 ~~each calendar year~~ as follows:

- 9 a. Less than one hundred twenty-five
10 cases ~~\$20.20~~
11 \$40.40
- 12 b. One hundred twenty-five cases or
13 more but less than two hundred fifty
14 cases ~~\$47.25~~
15 \$94.50
- 16 c. Two hundred fifty cases or more but
17 less than one thousand cases ~~\$67.50~~
18 \$135.00
- 19 d. One thousand cases or more but less
20 than five thousand cases ~~\$135.00~~
21 \$270.00
- 22 e. Five thousand cases or more but less
23 than ten thousand cases ~~\$236.25~~
24 \$472.50
- 25 f. Ten thousand cases or more ~~\$337.50~~
26 \$675.00

27 2. The license shall expire ~~one year~~ two years after ~~its~~ the
28 license's date of issue.

29 3. For the purpose of determining ~~fees~~ the license fee, a
30 case shall be thirty dozen eggs.

31 4. All license fees collected under this section shall be
32 remitted to the treasurer of state for deposit in the general
33 fund of the state.

34 ~~3-~~ 5. If an egg handler is not operating during the month
35 of April preceding the date that the license is to be issued,

1 the department shall estimate the volume of eggs purchased or
2 handled, or both, and may revise the license fee based on three
3 months of operation.

4 Sec. 32. Section 197.1, Code 2017, is amended to read as
5 follows:

6 **197.1 License.**

7 ~~1. Every person, partnership, or corporation~~ engaged in
8 the business of buying poultry or domestic ~~fowls~~ fowl for the
9 market from ~~the a producer,~~ shall obtain a poultry dealer's
10 license from the department for each establishment at which
11 business is conducted.

12 ~~2. The word "producer" as used in this chapter shall include~~
13 ~~anyone not a licensed dealer who has acquired such poultry or~~
14 ~~domestic fowls other than through a licensed dealer.~~

15 Sec. 33. NEW SECTION. 197.1A **Definitions.**

16 1. "*Department*" means the department of agriculture and land
17 stewardship.

18 2. "*Producer*" means a person, not a licensed dealer under
19 section 197.1, who acquires poultry or domestic fowl other than
20 through a licensed dealer.

21 Sec. 34. Section 197.2, Code 2017, is amended to read as
22 follows:

23 **197.2 Fee License — fee and expiration.**

24 The license fee shall be ~~three~~ six dollars ~~per annum, and~~
25 ~~each.~~ A license shall expire on the first day of the second
26 March ~~1 after~~ following the date of issue.

27 Sec. 35. Section 198.2, Code 2017, is amended to read as
28 follows:

29 **198.2 Enforcing official.**

30 This chapter shall be administered by the secretary ~~of~~
31 agriculture.

32 Sec. 36. Section 198.3, Code 2017, is amended by adding the
33 following new subsections:

34 NEW SUBSECTION. 6A. "*Department*" means the department of
35 agriculture and land stewardship.

1 NEW SUBSECTION. 19A. "*Secretary*" means the secretary of
2 agriculture.

3 Sec. 37. Section 198.4, subsections 2 and 4, Code 2017, are
4 amended to read as follows:

5 2. A person shall obtain a license issued by the secretary,
6 for each facility which distributes in or into the state,
7 authorizing the person to manufacture or distribute commercial
8 feed before the person engages in such activity. Any person
9 who makes only retail sales of commercial feed which bears
10 labeling or other approved indication that the commercial feed
11 is from a licensed manufacturer, guarantor, or distributor who
12 has assumed full responsibility for the tonnage inspection fee
13 due under section 198.9 is not required to obtain a license.

14 4. A person obtaining a license under this section shall
15 pay to the secretary a license fee of ~~ten~~ twenty dollars. Fees
16 ~~relating to the issuance of licenses~~ The fee shall be paid by
17 July 1 of each year and the license shall expire two years
18 after that date.

19 Sec. 38. Section 199.1, subsection 16, paragraph a, Code
20 2017, is amended by adding the following new subparagraph:

21 NEW SUBPARAGRAPH. (9) Palmer amaranth — *Amaranthus*
22 *palmeri*.

23 Sec. 39. Section 200.3, Code 2017, is amended by adding the
24 following new subsections:

25 NEW SUBSECTION. 6A. "*Department*" means the department of
26 agriculture and land stewardship.

27 NEW SUBSECTION. 23A. "*Secretary*" means the secretary of
28 agriculture.

29 Sec. 40. Section 200.4, Code 2017, is amended to read as
30 follows:

31 **200.4 Licenses License — fee and expiration.**

32 1. Any person who manufactures, mixes, blends, mixes to
33 customer's order, offers for sale, sells, or distributes any
34 fertilizer or soil conditioner in ~~Iowa~~ this state must first
35 obtain a license ~~from~~ issued by the secretary of agriculture

1 and ~~shall~~ pay a ~~ten-dollar~~ twenty dollar license fee for each
2 place of manufacture or distribution from which fertilizer or
3 soil conditioner products are sold or distributed in ~~Iowa~~ this
4 state. ~~Such~~ The license fee shall ~~be paid annually~~ expire on
5 the first day of the second July 1 of each year following the
6 date of issue.

7 2. ~~Said~~ The licensee shall at all times produce an intimate
8 and uniform mixture of fertilizers or soil conditioners. When
9 two or more fertilizer materials are delivered in the same
10 load, they shall be thoroughly and uniformly mixed unless they
11 are in separate compartments.

12 Sec. 41. Section 200.5, Code 2017, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 8A. The secretary shall establish minimum
15 requirements for the registration of fertilizers and soil
16 conditioners by efficacy testing or the substantiation of data
17 relevant to Iowa crops and soils.

18 Sec. 42. Section 200A.13, Code 2017, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 3. The department may assess a civil
21 penalty for a violation of this chapter which shall not exceed
22 five hundred dollars. Each day that a violation continues
23 shall constitute a separate violation. Moneys collected in
24 civil penalties shall be deposited in the general fund of the
25 state.

26 Sec. 43. Section 206.2, Code 2017, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 26A. "*Secretary*" means the secretary of
29 agriculture.

30 Sec. 44. Section 206.8, subsection 2, Code 2017, is amended
31 to read as follows:

32 2. The annual license fee for a pesticide dealer is due
33 and payable by June 30 of each year to the department. The
34 annual license fee is based on the gross retail sales of all
35 pesticides sold for use in this state by the dealer in the

1 previous year. The license fee shall be set as follows:

2 a. (1) A pesticide dealer with less than one hundred
3 thousand dollars in gross retail pesticide sales shall ~~have the~~
4 ~~option to pay a license fee based on one-tenth of one percent~~
5 ~~of the gross retail pesticide sales in the previous year or to~~
6 pay a license fee according to the following schedule:

7 (a) Ten dollars, if the annual gross retail pesticide sales
8 are less than ten thousand dollars.

9 (b) Twenty-five dollars, if the annual gross retail
10 pesticide sales are ten thousand dollars or more but less than
11 twenty-five thousand dollars.

12 ~~(b)~~ (c) Fifty dollars, if the annual gross retail pesticide
13 sales are twenty-five thousand dollars or more but less than
14 fifty thousand dollars.

15 ~~(c)~~ (d) Seventy-five dollars, if the annual gross retail
16 pesticide sales are fifty thousand dollars or more but less
17 than seventy-five thousand dollars.

18 ~~(d)~~ (e) One hundred dollars, if the annual gross retail
19 pesticide sales are seventy-five thousand dollars or more but
20 less than one hundred thousand dollars.

21 (2) The secretary shall provide for a three-month grace
22 period for licensure and shall impose a late fee of ~~ten dollars~~
23 ~~upon the licensure of a dealer applying for licensure during~~
24 ~~the month of October, a late fee of fifteen dollars upon~~
25 ~~the licensure of a dealer applying for licensure during the~~
26 ~~month of November, a late fee of twenty-five dollars upon the~~
27 ~~licensure of a dealer applying for licensure during the month~~
28 ~~of December, and a late fee of twenty-five dollars upon the~~
29 ~~licensure of a dealer applying for licensure for each month~~
30 ~~after the month of December.~~

31 b. (1) A pesticide dealer with one hundred thousand dollars
32 or more in gross retail pesticide sales shall pay a license fee
33 based on one-tenth of one percent of the gross retail pesticide
34 sales in the previous year.

35 (2) The secretary shall provide for a three-month grace

1 period for licensure and shall impose a late fee of ~~two percent~~
2 ~~of the license fee upon the licensure of a dealer applying~~
3 ~~for licensure during the month of October, a late fee of four~~
4 ~~percent of the license fee upon the licensure of a dealer~~
5 ~~applying for licensure during the month of November, a late~~
6 ~~fee of five percent of the license fee upon the licensure of~~
7 ~~a dealer applying for licensure during the month of December,~~
8 ~~and a late fee of five percent upon the licensure of a dealer~~
9 ~~applying for licensure for each month after the month of~~
10 ~~December of the license fee calculated in subparagraph (1).~~

11 Sec. 45. Section 207.2, subsection 2, Code 2017, is amended
12 to read as follows:

13 2. "Committee" means the state soil conservation and water
14 quality committee established in section 161A.4.

15 Sec. 46. Section 208.2, subsection 3, Code 2017, is amended
16 to read as follows:

17 3. "Committee" means the state soil conservation and water
18 quality committee established in section 161A.4.

19 Sec. 47. Section 208.7, Code 2017, is amended to read as
20 follows:

21 **208.7 Mining license — fees and expirations.**

22 An operator shall not engage in mining as defined by section
23 208.2 without first obtaining a license from the division.
24 ~~Licenses~~ A license shall be issued and renewed upon approval
25 by the division following the submission of a completed
26 application by the operator. Applications An application shall
27 be submitted on a form provided by the division and shall be
28 accompanied by a license fee of fifty dollars. Each applicant
29 shall be required to furnish on the form information necessary
30 to identify the applicant. Licenses The initial license shall
31 expire on December 31 of each the year and of issue. An initial
32 license shall be renewed by the division as required by the
33 division. The renewed license shall expire the last day of
34 the second December following the date of issue. The division
35 shall renew a license upon approving an application submitted

1 within thirty days prior to the expiration date ~~and~~. The
2 application for a renewed license must be accompanied by a fee
3 of ~~ten~~ twenty dollars. However, a political subdivision shall
4 not be required to pay a license ~~application or renewal~~ fee.

5 Sec. 48. NEW SECTION. 212.1A Definitions.

6 As used in this chapter, unless the context otherwise
7 requires, "*department*" means the department of agriculture and
8 land stewardship.

9 Sec. 49. Section 212.2, Code 2017, is amended to read as
10 follows:

11 **212.2 Delivery tickets required.**

12 ~~No~~ A person shall not deliver any bulk commodities, other
13 than liquids, by vehicle unless otherwise provided for, without
14 each ~~such~~ delivery being accompanied by two duplicate delivery
15 tickets, ~~on each of which~~. Each delivery ticket shall be
16 written in ink or other indelible substance and include all of
17 the following:

18 1. The actual weight distinctly expressed in pounds or
19 kilograms of the gross weight of the load, ~~the~~.

20 2. The tare of the delivery vehicle, and the net amount
21 in weight of the commodity or, if the commodity is weighed by
22 hopper scale or belt conveyor, the net weight of the commodity
23 expressed in pounds or kilograms without expression of the tare
24 of the delivery vehicle or the gross weight of the load.

25 3. The ~~delivery ticket shall display the~~ names of the
26 purchaser and the dealer from whom the commodity was purchased.

27 4. The date delivered and the type of commodity being
28 delivered.

29 Sec. 50. Section 212.3, Code 2017, is amended to read as
30 follows:

31 **212.3 Disposition of delivery tickets.**

32 ~~One of said~~ duplicate tickets delivery ticket described in
33 section 212.3 shall be delivered to the vendee and the other
34 ~~one~~ duplicative delivery ticket shall be returned to the vendor
35 or retained electronically by the vendor if approval from the

1 department has previously been granted. Upon demand of the
2 department the person in charge of the load shall surrender one
3 of ~~said~~ the duplicate delivery tickets to the person making
4 such demand. If ~~said~~ the duplicative delivery ticket is
5 retained, an official weight slip shall be delivered by ~~said~~
6 the department to the vendee or the vendee's agent.

7 Sec. 51. Section 214A.16, subsection 1, paragraph c, Code
8 2017, is amended to read as follows:

9 c. If the motor fuel pump dispenses ethanol blended gasoline
10 classified as higher than standard ethanol blended gasoline
11 pursuant to [section 214A.2](#), the decal shall contain ~~the~~
12 ~~following notice:~~ language that the ethanol blended gasoline is
13 for use in flexible fuel vehicles.
14 ~~FOR FLEXIBLE FUEL VEHICLES ONLY.~~

15 Sec. 52. Section 215.19, Code 2017, is amended to read as
16 follows:

17 **215.19 Automatic recorders on scales.**

18 Except for scales used by packers slaughtering fewer than
19 one hundred twenty head of livestock per day, all scales
20 with a capacity over five hundred pounds, which are used for
21 commercial purposes in ~~the~~ this state ~~of Iowa~~, and installed
22 after January 1, 1981, shall be equipped with ~~either~~ a
23 type-registering weigh beam, a dial with a mechanical ticket
24 printer, an automatic weight recorder, or some similar device
25 which shall be used for printing or stamping the weight values
26 on scale tickets. A scale equipped with a malfunctioning
27 automatic weight recorder may be used for not more than seven
28 days if the device is unable to print or stamp the ticket
29 so long as a repair to the automatic recorder is immediately
30 initiated and the user dates, signs, and accurately handwrites
31 the required information on the ticket until the device is
32 operational.

33 Sec. 53. Section 266.39, subsection 3, paragraph a,
34 subparagraph (7), Code 2017, is amended to read as follows:

35 (7) One man and one woman, actively engaged in agricultural

1 production, appointed by the state soil conservation and water
2 quality committee established in section 161A.4.

3 Sec. 54. Section 308.1, Code 2017, is amended to read as
4 follows:

5 **308.1 Planning commission.**

6 The Mississippi parkway planning commission shall be
7 composed of ten members appointed by the governor, five members
8 to be appointed for two-year terms beginning July 1, 1959, and
9 five members to be appointed for four-year terms beginning
10 July 1, 1959. In addition to the above members there shall be
11 seven advisory ex officio members who shall be as follows: One
12 member from the state transportation commission, one member
13 from the natural resource commission, one member from the state
14 soil conservation and water quality committee, one member from
15 the state historical society of Iowa, one member from the
16 faculty of the landscape architectural division of the Iowa
17 state university of science and technology, one member from
18 the economic development authority, and one member from the
19 environmental protection commission. Members and ex officio
20 members shall serve without pay, but the actual and necessary
21 expenses of members and ex officio members may be paid if the
22 commission so orders and if the commission has funds available
23 for that purpose.

24 Sec. 55. Section 460.303, subsection 1, Code 2017, is
25 amended to read as follows:

26 1. An agricultural drainage well water quality assistance
27 fund is created in the state treasury under the control of
28 the division. The fund is composed of moneys appropriated by
29 the general assembly, and moneys available to and obtained or
30 accepted by the division or the state soil conservation and
31 water quality committee established ~~pursuant to~~ in section
32 161A.4, from the United States or private sources for placement
33 in the fund.

34 Sec. 56. EFFECTIVE DATE. The sections of this Act amending
35 sections 163.30, 163.41, 166A.2, 168.3, and 198.4 take effect

1 June 1, 2017.

2 Sec. 57. EFFECTIVE DATE. The section of this Act amending
3 section 200.4 takes effect June 1, 2018.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 GENERAL. This bill amends a number of Code provisions
8 administered and enforced by the department of agriculture
9 and land stewardship (department), relating to forest and
10 fruit tree reservations; soil conservation and water quality;
11 agricultural animal health; licenses and associated fees; the
12 manufacture of fertilizers and soil conditioners; the control
13 of noxious weed seeds; the delivery of commodities in bulk; and
14 decals affixed to motor fuel pumps notifying the public of high
15 percentage ethanol blends in gasoline.

16 FOREST AND FRUIT TREE RESERVATIONS. The bill eliminates a
17 provision requiring the department to enforce laws regarding
18 forest and fruit tree reservations (Code section 159.6). A
19 person who currently holds title to a qualifying reservation
20 may be exempt from property taxes upon completing an
21 application according to criteria established by the natural
22 resource commission which must be filed with the county auditor
23 where the reservation is located (Code chapter 427C).

24 STATE SOIL CONSERVATION AND WATER QUALITY COMMITTEE —
25 NAME CHANGE. The bill changes the name of the state soil
26 conservation committee to the state soil conservation and water
27 quality committee (committee) wherever it appears in the Code.
28 The committee cooperates with the department's division of soil
29 conservation and water quality (division) and with local soil
30 and water conservation districts (districts) to assist persons
31 in establishing and maintaining a number of soil conservation
32 and erosion control practices on agricultural land which are
33 often financed on a cost-share basis (Code chapter 161A).

34 MANAGEMENT PRACTICES — SPECIFIC MEASURES. The bill
35 authorizes the division to finance edge-of-field practices at

1 a cost-share rate established by the division (Code section
2 161A.73). The bill authorizes the division to finance the
3 establishment of cover crops as an eligible management practice
4 qualifying for state financing (Code section 161A.73). The
5 bill eliminates a provision allowing fall plowing of so-called
6 gumbo soil as part of its regulations establishing soil loss
7 limits (Code section 161A.44).

8 AGRICULTURAL ANIMALS — HEALTH. The bill eliminates a
9 provision that allows an ear notch or tattoo to be used to
10 individually identify registered swine required to be moved
11 for exhibition or breeding under a certificate of veterinary
12 inspection. The swine would still have to be identified in
13 a manner required by the department (Code section 163.30).
14 The bill provides that 12 rather than 10 months old is the
15 highest age limit that a native female bovine animal may be
16 vaccinated for brucellosis (Code section 164.3). The bill also
17 eliminates a requirement that in order for the department to
18 dispose of classical-swine-fever vaccine or serum, the United
19 States department of agriculture must declare the state as free
20 of the disease (Code section 166.42). A person violating a
21 requirement in Code chapter 164 governing the control of bovine
22 brucellosis is guilty of a simple misdemeanor (Code section
23 164.31).

24 AGRICULTURAL ANIMALS — SLAUGHTER PRACTICES. The bill
25 provides that a state meat processing establishment must use
26 humane practices when slaughtering caprine species. Currently,
27 such practices must be used when slaughtering bovine, porcine,
28 or ovine species or animals classified as farm deer (Code
29 section 189A.18). Generally, a person who violates a provision
30 in Code chapter 189A regulating slaughtering practices is
31 guilty of a simple misdemeanor (Code section 189A.17).

32 LICENSES AND ASSOCIATED FEES — LICENSE CYCLE AND RATES.
33 The bill provides that a number of licenses issued by the
34 department would expire on a two-year rather than one-year
35 cycle and the corresponding combined first and second year

1 fees would be payable to the department for deposit in the
2 state treasury. Currently, all licenses are due annually on
3 a fixed date set by statute (expiration-anniversary date) so
4 that a person obtaining an initial license on any day (issue
5 date) must reobtain a new license or renew an existing license
6 12 or fewer months later (ensuring that all such licenses are
7 reissued or renewed on a single date). The amount of the fee
8 is either a fixed rate (flat fee) or a graduated rate which is
9 connected to specific circumstances such as the size of the
10 licensee's market (sliding scale fee).

11 The bill provides that licenses with an
12 expiration-anniversary date which would fall on July 1 of the
13 second year, and who would pay a combined flat fee, includes
14 a swine dealer or the dealer's agent (Code section 163.30);
15 a lessor of breeding bulls (Code section 163.41); a sheep
16 dealer (Code section 166A.2); a custom hatchery or chick
17 dealer (Code section 168.3); and a manufacturer or distributor
18 of commercial animal feed (Code section 198.4). A licensee
19 manufacturing or distributing fertilizer or a soil conditioner
20 with an expiration-anniversary date which would fall on July 1
21 of the second year would pay a fee based on the number of the
22 licensee's business locations (Code section 200.4). A licensee
23 whose expiration-anniversary date would fall on December 31
24 of the second year would include a mining operator whose flat
25 fee for an initial license would remain the same but who would
26 be required to pay a combined flat fee for a two-year renewal
27 (Code section 208.7). The expiration-anniversary date of a
28 poultry dealer's licensee would be March 1 of the second year
29 (Code section 197.2). Generally, the amount of the combined
30 fees for each of these described licenses would equal \$20 or
31 less. A dealer or broker purchasing livestock for slaughter
32 and whose expiration-anniversary date would fall on June 30 of
33 the second year would pay a combined flat fee of \$100 and the
34 agent of a dealer or broker would pay a combined flat fee of
35 \$20 (Code section 172A.2). In the case of an egg handler, the

1 license's two-year expiration-anniversary date is calculated
2 from the issue date. The sliding scale fee remains based on
3 the purchase or handling of cases of 30 dozen eggs and the
4 combined fee would range from \$40.40 to \$675 (Code section
5 196.3).

6 LICENSES AND ASSOCIATED FEES — PESTICIDE DEALERS. The bill
7 does not change the December 31 expiration-anniversary date
8 for a pesticide dealer's license or the June 30 date when a
9 license fee is due (Code section 206.8). The bill eliminates
10 an option that allowed a dealer having less than \$100,000 in
11 gross retail pesticide sales (sales) in the previous year to
12 pay an amount equal to one-tenth of 1 percent of the dealer's
13 sales in the previous year. The dealer would be required to
14 calculate the fee according to the existing statutory schedule
15 which assigns a specific fee amount to a corresponding tier
16 of sales. The bill creates a new scheduled fee of \$10 for
17 persons having annual gross retail pesticide sales of less
18 than \$10,000. Currently, the lowest scheduled fee is \$25 for
19 persons having annual gross retail pesticide sales of less than
20 \$25,000. The highest scheduled fee is \$100 for persons having
21 annual gross retail pesticide sales of less than \$100,000. A
22 dealer having \$100,000 or more in gross sales must continue to
23 use the one-tenth of 1 percent formula to calculate the amount
24 of the license fee.

25 The bill retains a three-month grace period granted to both
26 types of licensees so long as they pay a late fee. For a dealer
27 having less than \$100,000 in sales, the bill requires a flat
28 fee of \$25 instead of the current sliding scale fee equaling
29 \$10 in October, \$15 in November, and \$25 after November. For a
30 dealer having \$100,000 or more in sales, the bill requires a
31 flat fee of 5 percent of the license fee instead of the current
32 sliding scale fee equaling 2 percent in October, four percent
33 in November, and 5 percent after November.

34 APPLICATION OF FERTILIZERS, FERTILIZER MATERIALS, OR
35 SOIL CONDITIONERS. The bill amends the "Iowa Fertilizer

1 Law" (Code chapter 200) which provides for the regulation of
2 products referred to as fertilizer, fertilizer material, or
3 soil conditioner used to promote plant growth, alter plant
4 composition, produce increased crop yields, or correct soil
5 acidity (Code section 200.3). A person seeking to sell a
6 fertilizer or soil conditioner on a commercial basis must
7 register the product with the department and may be required
8 to submit satisfactory evidence of its favorable effects and
9 safety. The bill requires that minimum requirements are to be
10 established by efficacy testing or the substantiation of data
11 relevant to Iowa crops and soils (Code section 200.5). The
12 bill also amends the "Bulk Dry Animal Nutrient Products Law"
13 (Code chapter 200A) regulating the sale of nutrients such as
14 manure which are not labeled by authorizing the department
15 to assess a \$500 civil penalty for a violation of that Code
16 chapter (Code section 200A.13). Generally, a person who
17 violates a provision in either Code chapter is guilty of a
18 simple misdemeanor (Code sections 200.18 and 200A.13).

19 NOXIOUS WEED SEEDS. The bill adds the plant seed palmer
20 amaranth to the list of primary noxious weed seeds that are
21 prohibited from being sold or transported in this state (Code
22 sections 199.1 and 199.8). A person violating a provision
23 in the Code chapter regulating seed is guilty of a simple
24 misdemeanor (Code section 199.13).

25 DELIVERY OF COMMODITIES IN BULK — USE DELIVERY TICKETS. The
26 bill amends two provisions that require the use of duplicative
27 delivery tickets (tickets) by persons delivering bulk
28 commodities such as grain but excluding liquids such as motor
29 fuel. Currently, one ticket must be delivered to the vendee
30 and the other must be returned to the vendor (Code sections
31 212.2 and 212.3). The bill requires the ticket include the
32 delivery date and type of commodity being delivered and allows
33 for the vendor's ticket to be retained electronically.

34 MOTOR FUEL PUMPS — HIGH ETHANOL BLENDED GASOLINE — LABEL
35 REQUIREMENT. The bill amends a provision requiring that a

1 motor fuel pump dispensing ethanol blended gasoline with an
2 ethanol content higher than 15 percent be affixed with a decal
3 stating that the motor fuel is only to be used in flexible
4 fuel vehicles. The bill provides that the decal must contain
5 language specifying that the high ethanol blended gasoline is
6 for use in such vehicles (Code section 214A.16). A person
7 who violates a provision of the Code chapter regulating motor
8 fuel is guilty of a serious misdemeanor or alternatively may
9 be subject to a civil penalty of up to \$1,000 (Code section
10 214A.11).

11 The bill provides that a scale equipped with a weight
12 recorder used to print or stamp the weight values on scale
13 tickets (Code section 215.9) may remain operational for seven
14 days after the recorder has malfunctioned as long as a repair
15 has been immediately initiated and during that period the user
16 dates, signs, and accurately handwrites information on the
17 ticket.

18 CRIMINAL PENALTIES. A simple misdemeanor is punishable by
19 confinement for no more than 30 days or a fine of at least \$65
20 but not more than \$625 or by both. A serious misdemeanor is
21 punishable by confinement for no more than one year and a fine
22 of at least \$315 but not more than \$1,875.

23 EFFECTIVE DATES. Several provisions of the bill take effect
24 June 1, 2017, including provisions regulating the licensing
25 of swine dealers (Code sections 163.30 and 163.41), sheep
26 dealers (Code section 166A.2), custom hatcheries and chick
27 dealers (Code section 168.3) and manufacturers and distributors
28 of commercial feed (Code section 198.4). A provision which
29 regulates the licensing of persons involved in the manufacture
30 of fertilizers and soil conditioners takes effect June 1, 2018
31 (Code section 200.4).