

House File 2626 - Introduced

HOUSE FILE 2626

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2591)

(SUCCESSOR TO HSB 684)

A BILL FOR

1 An Act relating to the powers and duties of the department of
2 agriculture and land stewardship, including by providing for
3 administration, programs, and regulations, providing fees,
4 providing penalties, and making penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

DEPARTMENTAL ORGANIZATION

Section 1. Section 159.5, subsection 7, Code 2020, is amended to read as follows:

~~7. Establish and maintain a marketing news service bureau in the department which shall, in cooperation with the federal market news and grading division~~ Cooperate with the agricultural marketing service of the United States department of agriculture, to collect and disseminate data and information relative to the market prices and conditions of agricultural products raised, produced, and handled in the state.

DIVISION II

ANIMALS

PART A

COMMERCIAL ESTABLISHMENTS

Sec. 2. Section 162.2A, subsection 3, paragraph d, Code 2020, is amended by striking the paragraph.

Sec. 3. Section 162.2A, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. A commercial establishment shall not be issued or renewed a state license by the department, unless a person applying for the state license presents the department with a valid, government-issued photo identification, or other form of similar identification approved by the department, as proof of identity that the person may legally act on behalf of the commercial establishment in making the application. The application must be signed by the person under penalty of perjury subject to the penalty provisions of section 162.13, subsection 1. Upon completion of the initial inspection, the issued or renewed state license shall include a unique identification number that is a public record under chapter 22.

PART B

ANIMAL HEALTH

Sec. 4. NEW SECTION. 163.2A Part — definitions.

As used in this part, unless the context otherwise requires:

1 1. "Animal" means any livestock or agricultural animal as
2 defined in section 717A.1.

3 2. "Interested person" means the owner of an animal; a
4 person caring for the animal, if different from the owner of
5 the animal; or a person holding a perfected agricultural lien
6 or security interest in the animal under chapter 554.

7 Sec. 5. Section 163.3, Code 2020, is amended to read as
8 follows:

9 **163.3 Veterinary and special assistants.**

10 The secretary or the secretary's designee may appoint one
11 or more veterinarians licensed pursuant to [chapter 169](#) in each
12 county as assistant veterinarians. The secretary may also
13 appoint ~~such~~ one or more special assistants as may be necessary
14 in cases of emergency, including as provided in [section 163.3A](#).

15 Sec. 6. Section 163.3A, subsection 1, Code 2020, is amended
16 to read as follows:

17 1. The department may provide veterinary emergency
18 preparedness and response services necessary to prevent or
19 control a serious threat to the public health, public safety,
20 or the state's economy caused by the transmission of disease
21 among ~~livestock as defined in [section 717.1](#) or agricultural~~
22 ~~animals as defined in [section 717A.1](#)~~. The services may include
23 measures necessary to ensure that all such animals carrying
24 disease are properly identified, segregated, treated, or
25 destroyed as provided in this Code.

26 Sec. 7. Section 163.3C, subsection 1, Code 2020, is amended
27 by striking the subsection.

28 Sec. 8. Section 163.3C, subsection 2, unnumbered paragraph
29 1, Code 2020, is amended to read as follows:

30 The department shall develop and establish a foreign animal
31 disease preparedness and response strategy for use by the
32 department in order to prevent, control, or eradicate the
33 transmission of foreign animal diseases among populations
34 of ~~livestock~~ animals. The strategy may be part of the
35 department's veterinary emergency preparedness and response

1 services as provided in [section 163.3A](#). The strategy shall
2 provide additional expertise and resources to increase
3 biosecurity efforts that assist in the prevention of a foreign
4 animal disease outbreak in this state. In developing and
5 establishing the strategy, the department shall consult with
6 interested persons including but not limited to the following:

7 Sec. 9. Section 163.3C, subsection 3, Code 2020, is amended
8 to read as follows:

9 3. The department shall implement the foreign animal
10 disease preparedness and response strategy if necessary to
11 prevent, control, or eradicate the transmission and incidence
12 of foreign animal diseases that may threaten or actually
13 threaten ~~livestock~~ animals in this state. In implementing
14 the strategy, the department may utilize emergency response
15 measures as otherwise required under [section 163.3A](#). The
16 department may but is not required to consult with interested
17 persons when implementing the strategy.

18 Sec. 10. NEW SECTION. 163.3D **Emergency measures —**
19 **abandoned animals — authorization and seizure.**

20 1. *a.* The department may seize one or more abandoned
21 animals pursuant to an authorization providing emergency
22 measures to prevent or control the transmission of an
23 infectious or contagious disease among any population or
24 species of animals.

25 *b.* The authorization must be any of the following:

26 (1) A declaration or proclamation issued by the governor
27 pursuant to chapter 29C, including as provided in section
28 163.3A.

29 (2) An order issued by the secretary or the secretary's
30 designee pursuant to a provision in this subtitle.

31 (3) Any other provision of law in this subtitle that
32 requires the department to control the transmission of an
33 infectious or contagious disease among a population or species
34 of animals in this state.

35 *c.* If there is a conflict between a measure authorized to

1 be taken under paragraph "a", that is less restrictive than the
2 standards or procedures provided in this section, the measures
3 authorized to be taken under paragraph "a" shall prevail.

4 2. The department may appoint veterinary assistants or
5 special assistants as provided in section 163.3 as required to
6 administer this section.

7 3. It is presumed that an abandoned animal belonging to a
8 species subject to emergency measures as provided in subsection
9 1 has been exposed to an infectious or contagious disease as
10 provided in the authorization.

11 4. As part of the seizure of an abandoned animal, the
12 department may take, impound, and retain custody of the animal,
13 including by maintaining the animal in a manner and at a
14 location determined by the department to be reasonable under
15 the emergency circumstances. The department may take action as
16 provided in this subtitle to ensure that all animals exposed to
17 an infectious or contagious disease are properly identified,
18 tested, segregated, treated, or destroyed as provided in this
19 subtitle.

20 5. a. The department may seize an animal if the department
21 has a reasonable suspicion the animal has been abandoned,
22 including by entering onto public or private property or into a
23 private motor vehicle, trailer, or semitrailer parked on public
24 or private property, as provided in this subsection.

25 b. The department may enter onto private property or into
26 a private motor vehicle, trailer, or semitrailer to seize an
27 abandoned animal if the department obtains a search warrant
28 issued by a court, or enters onto the premises in a manner
29 consistent with the laws of this state and the United States,
30 including Article I, section 8, of the Constitution of the
31 State of Iowa, or the fourth amendment to the Constitution of
32 the United States.

33 c. An abandoned animal shall only be seized by the
34 department pursuant to the following conditions:

35 (1) The department provides written notice of its

1 abandonment determination to all reasonably identifiable
2 interested persons. The department shall make a good-faith
3 effort to provide the notice to interested persons by regular
4 mail, hand delivery, telephone, electronic mail, or other
5 reasonable means. The notice shall include all of the
6 following:

7 (a) The name and address of the department.

8 (b) A description of the animal subject to seizure.

9 (c) The delivery date of the notice.

10 (d) A statement informing the interested person that the
11 animal may be seized pursuant to this chapter within one day
12 following the delivery date of the notice. The statement
13 must specify a date, time, and location for delivery of the
14 interested person's response designated by the department, as
15 provided in this subsection.

16 (e) A statement informing the interested person that in
17 order to avoid seizure of the animal, the person must respond
18 to the notice in writing, stating that the animal has not been
19 abandoned and identifying what measures are being taken to care
20 for and manage the animal.

21 (2) Notwithstanding subparagraph (1), if the department
22 determines that it is not feasible to provide direct notice
23 of its abandonment determination to an interested person,
24 the department shall deliver a constructive notice of the
25 determination to that person by any reasonable manner, which
26 may include posting the notice at or near the place where
27 the animal is located. The department shall also post the
28 constructive notice on the department's internet site.

29 *d.* The department may seize the animal if the department
30 fails to receive a written response by the interested person by
31 the end of normal office hours of the next day the department
32 is available to receive the response after written notice of
33 the department's abandonment determination is delivered.

34 *e.* Upon a determination by the department that exigent
35 circumstances exist, the department may enter onto private

1 property without a warrant and may seize an abandoned animal,
2 in a manner consistent with the laws of this state and
3 the United States, including Article I, section 8, of the
4 Constitution of the State of Iowa, or the fourth amendment to
5 the Constitution of the United States.

6 6. If an animal is seized pursuant to this section, the
7 department shall post a notice in a conspicuous place at the
8 location where the animal was seized. The notice shall state
9 the animal has been seized by the department pursuant to this
10 section and at least briefly describe where and when the animal
11 was seized, the species and number of animals seized, and that
12 a dispositional proceeding is to be conducted pursuant to
13 section 163.3E.

14 Sec. 11. NEW SECTION. 163.3E **Emergency measures —**
15 **abandoned animals — dispositional proceeding.**

16 1. *a.* The department shall file a petition with the
17 district court for the disposition of an animal seized pursuant
18 to section 163.3D as soon as practicable.

19 *b.* The court shall notify the department and all interested
20 persons of the dispositional proceeding in a manner determined
21 reasonable by the court. The court shall hear the matter
22 within twenty-four hours from the time the department's
23 petition is filed. The court may grant a continuance by a
24 motion of the department or upon petition by an interested
25 person. However, the interested person shall post a bond or
26 other security with the department in an amount determined by
27 the court, which shall not be more than the amount sufficient
28 to provide for the maintenance of the animal for the duration
29 of the continuance.

30 2. Upon a determination by the department that exigent
31 circumstances exist, the dispositional proceeding may be
32 conducted by an administrative law judge in the same manner
33 as an emergency adjudicative proceeding pursuant to section
34 17A.18A. The administrative law judge shall notify the
35 department and all interested persons of the dispositional

1 proceeding in a manner determined reasonable by the
2 administrative law judge given the circumstances in the case.
3 The procedures provided in this section may be supplemented
4 or modified by a declaration or proclamation issued by the
5 governor or an order issued by the secretary or the secretary's
6 designee pursuant to section 163.3D.

7 3. a. A court or administrative law judge shall issue an
8 order for the disposition of the animal after making any of the
9 following determinations:

10 (1) That no interested person holds a legal interest in
11 the seized animal. In that case, the animal shall be deemed
12 abandoned and the order shall extinguish all prior legal
13 interests in the animal. The order shall grant an undivided
14 ownership interest in the animal free from any security
15 interest or other agricultural lien or encumbrance to the
16 department.

17 (2) That an interested person holds a legal interest in
18 the seized animal, and the department has reasonable suspicion
19 to believe that the animal has been exposed to an infectious
20 or contagious disease. In that case, the order shall provide
21 for the disposition of the animal in the same manner as if the
22 department had identified the animal as having been exposed to
23 the infectious or contagious disease under the authorization
24 provided in section 163.3D.

25 (3) That a person holds a legal interest in the seized
26 animal, and there is no reasonable suspicion that the seized
27 animal has been exposed to an infectious or contagious disease.
28 In that case, the order shall direct the department to transfer
29 custody of the animal to the interested person. In the event
30 the animal is returned to the interested person, the department
31 shall not be subject to any claim for damages caused by the
32 seizure if the department's actions were taken pursuant to
33 the department's emergency efforts to establish and maintain
34 quarantine in response to a disease outbreak, as set forth in
35 section 669.14, subsection 3.

1 *b.* A reasonable suspicion asserted by the department may
2 be based on any credible evidence that shows the animal's
3 possible exposure to an infectious or contagious disease or the
4 animal was abandoned. This paragraph "b" does not require the
5 department to conduct a test of an animal to determine whether
6 an animal has been exposed.

7 *c.* If two or more interested parties may be transferred
8 custody of an animal by the department pursuant to paragraph
9 "a", subparagraph (3), the court or administrative law judge
10 shall order the department to transfer the animal to the owner
11 or otherwise to the interested person best able to care for the
12 animal without prejudicing the rights of any other interested
13 person. However, in any cause of action brought by an
14 interested person contesting the order to transfer under this
15 subsection, the department shall not be included as a party.

16 4. *a.* In a dispositional proceeding conducted by a court or
17 administrative law judge under this section, or in a separate
18 cause of action brought by the department against an interested
19 person, the court or administrative law judge may award the
20 department all of the following:

21 (1) An amount necessary to reimburse the department for
22 expenses incurred in seizing and maintaining an abandoned
23 animal as well as any costs for the disposition of the
24 abandoned animal.

25 (2) Expenses related to the investigation and adjudication
26 of the case.

27 *b.* In a dispositional proceeding conducted by a court under
28 this section, or in a separate cause of action brought by the
29 department against an interested person, the court may award
30 the department court costs and reasonable attorney fees.

31 *c.* An award ordered under this subsection shall be paid
32 by an interested party who is transferred a seized animal by
33 the court or administrative law judge, or the owner of the
34 seized animal as determined by the court or administrative law
35 judge. The amount awarded the department shall be subtracted

1 from the proceeds, if any, received by the department from the
2 disposition of the animal. Any amount awarded by a court shall
3 be taxed as part of the costs of the cause of action.

4 *d.* If more than one interested person holds a legal interest
5 in the animal, the court or administrative law judge shall
6 calculate the respective contributions of the interested
7 persons based upon the percentage of legal interest in the
8 seized animal held by each interested person. The amount paid
9 to the department shall be sufficient to allow the department
10 to repay the livestock remediation fund as provided in section
11 459.501 and fully reimburse the department for all costs, fees,
12 and expenses incurred by the department under this section.

13 **Sec. 12. NEW SECTION. 163.3F Interference with official**
14 **acts.**

15 1. A person shall not interfere with an official act of the
16 department taken in the performance of a duty to prevent or
17 control the transmission of an infectious or contagious disease
18 among a population or species of animals, if the official act
19 is authorized as part of any of the following:

20 *a.* A veterinary emergency preparedness and response service
21 pursuant to section 163.3A.

22 *b.* A foreign animal disease preparedness and response
23 strategy pursuant to section 163.3C.

24 *c.* An emergency measure pursuant to section 163.3D or
25 163.3E.

26 2. Under this section, an official act of the department
27 may be performed by a departmental employee, or a veterinary or
28 special assistant appointed pursuant to section 163.3.

29 **Sec. 13. Section 163.61, subsection 3, Code 2020, is amended**
30 **by adding the following new paragraph:**

31 **NEW PARAGRAPH. *c.* A person who interferes with an official**
32 **act as provided in section 163.3F shall be subject to a civil**
33 **penalty of at least one hundred dollars but not more than ten**
34 **thousand dollars. In the case of a continuing violation,**
35 **each day of the continuing violation is a separate violation.**

1 However, a person shall not be subject to a civil penalty
2 totaling more than two hundred fifty thousand dollars arising
3 out of the same violation.

4 Sec. 14. Section 459.501, subsection 3, paragraph a, Code
5 2020, is amended by adding the following new subparagraph:

6 NEW SUBPARAGRAPH. (3) (a) To allocate moneys to the
7 department of agriculture and land stewardship for the payment
8 of expenses incurred by the department of agriculture and land
9 stewardship associated with all of the following:

10 (i) Providing for seizure of animals pursuant to sections
11 169.3D and 169.3E.

12 (ii) Court costs, reasonable attorney fees, and expenses
13 related to the investigation and prosecution of the case
14 arising from the seizure of animals.

15 (b) The department of natural resources shall allocate
16 any amount of unencumbered and unobligated moneys demanded in
17 writing by the department of agriculture and land stewardship
18 as provided in this subparagraph. The department of natural
19 resources shall complete the allocation upon receiving the
20 demand.

21 (c) The department of agriculture and land stewardship
22 shall repay the fund any amount received from an interested
23 person pursuant to an order by a court in a dispositional
24 proceeding conducted pursuant to section 163.3E.

25 Sec. 15. REPEAL. Section 166D.3, Code 2020, is repealed.

26 Sec. 16. CODE EDITOR DIRECTIVE.

27 1. The Code editor is directed to make the following
28 transfer:

29 Section 163.3 to section 163.3G.

30 2. The Code editor shall correct internal references in the
31 Code and in any enacted legislation as necessary due to the
32 enactment of this section.

33 Sec. 17. CODE EDITOR DIRECTIVE. The Code editor shall
34 divide chapter 163, subchapter I, into parts, including
35 sections 163.1 and 163.2 as part A, sections 163.2A through

1 163.5, including sections amended or enacted as provided in
2 this Act, as part B, and sections 163.6 through 163.25 as part
3 C.

4 DIVISION III

5 COMMODITY PRODUCTION AND SALE

6 PART A

7 LOCAL FARM PRODUCE PROGRAM

8 Sec. 18. NEW SECTION. 190A.11 **Definitions.**

9 As used in this subchapter, unless the context otherwise
10 requires:

11 1. "*Department*" means the department of agriculture and land
12 stewardship.

13 2. "*Farm source*" means a farmer who produces and sells fresh
14 farm produce grown on the farmer's land or a distributor of
15 fresh farm produce who purchases fresh farm produce directly
16 from such farmer or sells fresh farm produce on behalf of such
17 farmer.

18 3. "*Fresh farm produce*" means vegetables, fruits, or nuts
19 intended for inclusion as part of a school diet, including
20 school meals and snacks as described in section 190A.3, if the
21 vegetables, fruits, or nuts are not processed except for being
22 trimmed, cleaned, dried, sorted, or packaged.

23 4. "*Fund*" means the local farm produce fund created in
24 section 190A.12.

25 5. "*Program*" means the local farm produce program created
26 in section 190A.13.

27 6. "*School*" means a public school or nonpublic school, as
28 those terms are defined in section 280.2, or that portion of a
29 public school or nonpublic school that provides facilities for
30 teaching any grade from kindergarten through grade twelve.

31 7. "*School district*" means a school district as described
32 in chapter 274.

33 Sec. 19. NEW SECTION. 190A.12 **Local farm produce fund.**

34 1. A local farm produce fund is created in the state
35 treasury under the management and control of the department.

1 2. The fund shall include moneys appropriated to the fund
2 by the general assembly. The fund may include other moneys
3 available to and obtained or accepted by the department,
4 including moneys from public or private sources.

5 3. Moneys in the fund are appropriated to support the
6 program in a manner determined by the department, including for
7 reasonable administrative costs incurred by the department.
8 Moneys expended from the fund shall not require further special
9 authorization by the general assembly.

10 4. *a.* Notwithstanding section 12C.7, interest or earnings
11 on moneys in the fund shall be credited to the fund.

12 *b.* Notwithstanding section 8.33, moneys credited to the
13 fund that remain unencumbered or unobligated at the end of a
14 fiscal year shall not revert but shall remain available for the
15 purposes designated.

16 Sec. 20. NEW SECTION. 190A.13 Local farm produce program.

17 1. A local farm produce program is created. The program
18 shall be controlled and administered by the department.

19 2. The purpose of the program is to assist schools and
20 school districts in purchasing fresh farm produce.

21 3. The department shall reimburse a school or school
22 district for expenditures incurred by the school or school
23 district during the school year in which the school or school
24 district is participating in the program for purchases of fresh
25 farm produce.

26 4. A school or school district must apply each year to the
27 department to participate in the program according to rules
28 adopted by the department pursuant to chapter 17A.

29 5. To be eligible to participate in the program, a school or
30 school district must purchase the fresh farm produce directly
31 from a farm source as follows:

32 *a.* Except as provided in paragraph "b", the farm source must
33 be located in this state.

34 *b.* If the school district shares a border with another
35 state, or the school is part of a school district that shares

1 a border with another state, the farm source may be located
2 in the other state. However, the food source must be located
3 within thirty miles from the school district's border with that
4 state and the department must approve the purchase.

5 6. The department shall require proof of purchase prior to
6 reimbursing the school or school district for the purchase of
7 fresh farm produce.

8 7. The department may administer the program in cooperation
9 with the department of education and the participating school
10 district or school district in which a participating school is
11 located.

12 8. a. The department shall reimburse a participating
13 school or school district that submits a claim as required
14 by the department. The department shall pay the claim on a
15 matching basis with the department contributing one dollar
16 for every three dollars expended by the school or school
17 district. However, a school or school district shall not
18 receive more than one thousand dollars during any year in which
19 it participates in the program.

20 b. Notwithstanding paragraph "a", if the department
21 determines that there are sufficient moneys in the fund to
22 satisfy all claims that may be submitted by schools and school
23 districts, the department shall provide for the distribution
24 of the available moneys in a manner determined equitable by
25 the department, which may include a prorated distribution to
26 participating schools and school districts.

27 PART B

28 FERTILIZERS AND SOIL CONDITIONERS

29 Sec. 21. Section 200.3, subsection 24, Code 2020, is amended
30 by striking the subsection.

31 Sec. 22. Section 200.14, Code 2020, is amended to read as
32 follows:

33 **200.14 Rules.**

34 1. a. ~~The secretary is authorized, after public hearing,~~
35 ~~following due notice, to~~ department may adopt rules setting

1 ~~forth~~ pursuant to chapter 17A providing minimum general
2 safety standards for the design, construction, location,
3 installation, and operation of equipment for storage, handling,
4 transportation by tank truck or tank trailer, and utilization
5 of ~~anhydrous ammonia~~ fertilizers and soil conditioners.

6 ~~a.~~ b. The rules shall be such as are reasonably necessary
7 for the protection and safety of the public and persons using
8 ~~anhydrous ammonia~~ fertilizers or soil conditioners, and shall
9 be in substantial conformity with the generally accepted
10 standards of safety.

11 ~~b.~~ ~~Rules that are in substantial conformity with the~~
12 ~~published standards of the agricultural ammonia institute for~~
13 ~~the design, installation and construction of containers and~~
14 ~~pertinent equipment for the storage and handling of anhydrous~~
15 ~~ammonia, shall be deemed to be in substantial conformity with~~
16 ~~the generally accepted standards of safety.~~

17 ~~2.~~ c. Anhydrous ammonia Fertilizer and soil conditioner
18 equipment shall be installed and maintained in a safe operating
19 condition and in conformity with rules adopted by the ~~secretary~~
20 department.

21 ~~3.~~ 2. The ~~secretary shall enforce this chapter~~ and, after
22 ~~due publicity and due public hearing,~~ department may adopt such
23 reasonable rules as may be necessary in order to carry into
24 effect the purpose, ~~and intent~~ and to secure the efficient
25 administration, of ~~this chapter.~~

26 ~~4.~~ 3. ~~This chapter~~ does not prohibit the use of storage
27 tanks smaller than transporting tanks nor the transfer of all
28 kinds of ~~fertilizer including anhydrous ammonia~~ fertilizers
29 or soil conditioners directly from transporting tanks to
30 implements of husbandry, if proper safety precautions are
31 observed.

32 DIVISION IV
33 WEIGHTS AND MEASURES
34 PART A
35 GENERAL

1 Sec. 23. Section 214.1, Code 2020, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 7. "Weighmaster" means a person who keeps
4 and regularly uses a commercial weighing and measuring device
5 to accurately weigh objects for others as part of the person's
6 business operated on a profit, cooperative, or nonprofit basis.

7 Sec. 24. Section 214.3, subsection 1, Code 2020, is amended
8 to read as follows:

9 1. The A license issued by the department for the inspection
10 of a commercial weighing and measuring device shall expire on
11 December 31 of each year, and for a motor fuel pump on June 30
12 of each year. ~~The amount of the fee due for each license shall~~
13 ~~be as provided in subsection 3, except that the fee for a motor~~
14 ~~fuel pump shall be four dollars and fifty cents if paid within~~
15 ~~one month from the date the license is due.~~

16 Sec. 25. Section 214.3, subsection 3, paragraph e,
17 subparagraph (2), Code 2020, is amended to read as follows:

18 (2) Retail motor fuel pump, nine four dollars and fifty
19 cents.

20 Sec. 26. Section 214.4, subsection 1, unnumbered paragraph
21 1, Code 2020, is amended to read as follows:

22 If the department does not receive payment of the license
23 fee required pursuant to section 214.3 within one month from
24 the due date, the department shall ~~send~~ deliver a notice to
25 the owner or operator of the device. ~~The notice shall be~~
26 ~~delivered by certified mail.~~ The notice shall state all of the
27 following:

28 Sec. 27. Section 214.6, Code 2020, is amended to read as
29 follows:

30 214.6 Oath Duties of weighmasters weighmaster.

31 ~~All persons keeping a commercial weighing and measuring~~
32 ~~device, before entering upon their duties as weighmasters, A~~
33 weighmaster shall be ~~sworn before some person having authority~~
34 ~~to administer oaths, to keep their~~ ensure that a commercial
35 weighing and measuring device is correctly balanced, to make

1 true weights, and ~~to~~ shall render a correct account to the
2 person having weighing done.

3 Sec. 28. Section 214.11, Code 2020, is amended to read as
4 follows:

5 **214.11 Inspections — recalibrations — penalty.**

6 1. The department shall provide for annual inspections
7 of all motor fuel pumps, including but not limited to motor
8 fuel blender pumps, licensed under [this chapter](#). Inspections
9 shall be for the purpose of determining the accuracy ~~of the~~
10 ~~pumps' measuring mechanisms, and for such~~ and correctness of
11 motor fuel pumps. For that purpose the department's inspectors
12 may enter upon the premises of any wholesale dealer or retail
13 dealer, ~~as they are defined in [section 214A.1](#), of motor fuel~~
14 ~~or fuel oil within this state.~~

15 2. Upon completion of an inspection, the inspector shall
16 affix the department's seal to the measuring mechanism of the
17 motor fuel pump. The seal shall be appropriately marked,
18 dated, and recorded by the inspector. If the owner of an
19 inspected and sealed motor fuel pump is registered with the
20 department as a servicer in accordance with [section 215.23](#),
21 or employs a person so registered as a servicer, the owner
22 or other servicer may open the motor fuel pump, break the
23 department's seal, recalibrate the measuring mechanism if
24 necessary, and reseal the motor fuel pump as long as the
25 department is notified of the recalibration within forty-eight
26 hours, ~~on a form~~ in a manner provided by the department.

27 ~~2.~~ 3. A person violating a provision of [this section](#) is,
28 upon conviction, guilty of a simple misdemeanor.

29 PART B

30 MOTOR FUEL

31 Sec. 29. Section 214A.2A, subsection 1, Code 2020, is
32 amended to read as follows:

33 1. Fuel which is sold or is kept, offered, or exposed for
34 sale as kerosene shall be labeled as kerosene. The label
35 shall include the word "kerosene" ~~and a~~ or the designation as

1 either "~~K1~~" or "~~K2~~" "K1 kerosene", and shall indicate that
2 the kerosene is in compliance with the standard specification
3 adopted by A.S.T.M. international specification D3699 (1982).

4 Sec. 30. REPEAL. Sections 214A.3 and 214A.15, Code 2020,
5 are repealed.

6 PART C

7 INSPECTIONS

8 Sec. 31. Section 215.4, Code 2020, is amended to read as
9 follows:

10 **215.4 Tag for inaccurate or incorrect device — reinspection**
11 **— license fee.**

12 A commercial weighing and measuring device found to be
13 inaccurate or incorrect upon inspection by the department
14 shall be rejected or tagged "condemned until repaired" and
15 the "~~licensed for commercial use~~" inspection sticker shall be
16 removed. If notice is received by the department that the
17 device has been repaired and upon reinspection the device is
18 found to be accurate or correct, the a license fee ~~shall not~~
19 may be charged for the reinspection. However, a second license
20 fee shall be charged if upon reinspection the device is found
21 to be inaccurate. The device shall be tagged "condemned" and
22 removed from service if a third reinspection fails.

23 Sec. 32. Section 215.7, Code 2020, is amended to read as
24 follows:

25 **215.7 Transactions by false weights or measures.**

26 1. A person shall be deemed to have violated the provisions
27 of this chapter and ~~shall be punished as provided in chapter~~
28 ~~189~~, if the person does any of the following apply:

29 ~~1.~~ a. ~~The person sells~~ Sells, trades, delivers, charges
30 for, or claims to have delivered to a purchaser an amount
31 of any commodity which is less in weight or measure than
32 that which is asked for, agreed upon, claimed to have been
33 delivered, or noted on the delivery ticket.

34 ~~2.~~ b. ~~The person makes~~ Makes a settlement for or enters
35 a credit, based upon any false weight or measurement, for any

1 commodity purchased.

2 ~~3. c. The person makes~~ Makes a settlement for or enters
3 a credit, based upon any false weight or measurement, for any
4 labor where the price of producing or mining is determined by
5 weight or measure.

6 ~~4. d. The person records~~ Records a false weight or
7 measurement upon the weight ticket or book.

8 2. The department may adopt rules pursuant to chapter 17A
9 that allow for reasonable variations and exceptions for small
10 packages.

11 3. A person who violates this section is guilty of a simple
12 misdemeanor.

13 Sec. 33. Section 215.23, Code 2020, is amended to read as
14 follows:

15 **215.23 Servicer's license.**

16 ~~1. A servicer shall not install, service, or repair a~~
17 ~~commercial weighing and measuring device until the servicer~~
18 ~~has demonstrated that the servicer has available adequate~~
19 ~~testing equipment, and that the servicer possesses a working~~
20 ~~knowledge of all devices the servicer intends to install or~~
21 ~~repair and of all appropriate weights, measures, statutes, and~~
22 ~~rules, as evidenced by passing a qualifying examination to~~
23 ~~be conducted by the department and obtaining a license. The~~
24 ~~secretary of agriculture shall establish by rule pursuant to~~
25 ~~chapter 17A, requirements for and contents of the examination.~~
26 The department may adopt rules pursuant to chapter 17A setting
27 forth qualification requirements for persons applying for a
28 servicer's license, including an examination.

29 2. In determining these a servicer's qualifications, the
30 ~~secretary shall~~ department may consider the specifications
31 of the United States national institute of standards and
32 technology, handbook 44, "Specifications, Tolerances, and
33 Technical Requirements for Weighing and Measuring Devices",
34 or the current successor or equivalent specifications adopted
35 by the United States national institute of standards and

1 technology.

2 3. The ~~secretary shall~~ department may require an annual the
3 payment of license fee of not more than five dollars for an
4 amount established by rule for each license issued under this
5 section.

6 4. Each A license shall expire ~~one year~~ two years from its
7 date of issuance.

8 Sec. 34. REPEAL. Sections 215.3 and 215.8, Code 2020, are
9 repealed.

10 EXPLANATION

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

13 GENERAL. This bill amends, enacts, or repeals a number
14 of provisions administered or regulated by the department of
15 agriculture and land stewardship (DALs) as codified in Title V
16 of the Code, including in subtitle 1, which includes a number
17 of general provisions, subtitle 2, which includes provisions
18 regulating animal industry, and subtitle 4, which provides for
19 agricultural commodities and products in addition to related
20 activities.

21 SUBTITLE 1 — ADMINISTRATION. The bill eliminates a
22 requirement that DALs maintain a marketing news service
23 bureau, but retains a requirement that it cooperate with the
24 agricultural marketing service of the United States department
25 of agriculture (Code section 159.5).

26 SUBTITLE 2 — COMMERCIAL ESTABLISHMENTS. The bill
27 eliminates a requirement that an application form for the
28 issuance or renewal of an authorization to operate a commercial
29 establishment include the applicant's identification number,
30 which may be a tax identification number. It also requires a
31 person applying for a state license to present DALs with a form
32 of identification (Code section 162.2A).

33 CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES. The bill
34 provides that DALs may seize one or more abandoned animals
35 pursuant to an authorization providing emergency measures

1 to prevent or control the transmission of an infectious
2 or contagious disease (disease) among livestock or other
3 agricultural animals (animals) that have been abandoned.
4 The authorization may be made pursuant to a declaration or
5 proclamation issued by the governor, an order issued by the
6 secretary of agriculture, or another provision of law. As
7 part of a seizure, DALs may seize and maintain the animal upon
8 providing notice of the abandonment to identifiable interested
9 persons (an owner or secured creditor). The disposition
10 of the seized animal must be made by a court, unless DALs
11 determines that exigent circumstances exist. In that case, the
12 dispositional proceeding may be conducted by an administrative
13 law judge. The court or administrative law judge may award
14 DALs expenses and costs. DALs may use moneys available in the
15 livestock remediation fund (Code section 459.501) to pay for
16 expenses related to the seizure. Moneys in the fund may also
17 be used to pay for court costs, reasonable attorney fees, and
18 expenses related to the investigation and prosecution of the
19 case arising from the seizure.

20 The bill prohibits a person from interfering with an
21 official act of DALs taken in the performance of a duty to
22 prevent or control the transmission of a disease, if the action
23 is related to a veterinary emergency preparedness and response
24 service (Code section 163.3A), a foreign animal disease
25 preparedness and response strategy (Code section 163.3C), or an
26 emergency measure as provided in the bill (Code section 163.3D
27 or 163.3E). A person who violates the provision is subject to
28 a civil penalty of at least \$100 but not more than \$10,000,
29 with each day of the offense constituting a separate violation,
30 so long as the total amount does not exceed \$250,000 (Code
31 section 163.61).

32 STATE PSEUDORABIES ADVISORY COMMITTEE. The bill eliminates
33 the state pseudorabies advisory committee. The committee was
34 established in 1989 during the outbreak of the disease to
35 provide education to persons interested in pork production, to

1 advise the department, and to maintain communication with other
2 states and organizations (Code section 166D.3).

3 SUBTITLE 4 — LOCAL FARM PRODUCE PROGRAM. The bill creates
4 a local farm produce program to assist schools and school
5 districts purchasing fresh farm produce directly from farmers
6 or distributors of fresh farm produce (Code chapter 190A).
7 DALs may reimburse a school or school district for expenditures
8 on such products to the extent moneys are available to support
9 the program. The available moneys would be allocated during
10 the school year on a matching basis, subject to a \$1,000 cap.
11 The bill also creates a local farm produce fund to support the
12 program.

13 FERTILIZERS AND SOIL CONDITIONERS. The bill authorizes DALs
14 to adopt rules regulating the design, construction, location,
15 installation, and operation of equipment associated with
16 the use of fertilizers and soil conditioners (Code sections
17 200.3 and 200.14). Current law allows DALs to adopt such
18 rules regulating anhydrous ammonia equipment. The bill also
19 eliminates a requirement that such rules be in conformity with
20 the published standards of the agricultural ammonia institute.
21 A person violating such rules is guilty of a simple misdemeanor
22 (Code section 200.18).

23 WEIGHTS AND MEASURES (GENERAL). The bill amends a number
24 of provisions regulating weights and measures, including the
25 inspection of associated devices. The bill reduces the fee
26 for the inspection of motor fuel pumps from \$9 to \$4.50 (the
27 same amount due under current law if the inspection fee is paid
28 early) (Code section 214.3). The bill no longer requires that
29 DALs deliver a late payment notice to an owner or operator of
30 a device by certified mail (Code section 214.4). The bill
31 eliminates a requirement that a weighmaster (a person who keeps
32 and uses a device as part of a business) must take an oath (Code
33 sections 214.1 and 214.6).

34 WEIGHTS AND MEASURES (MOTOR FUEL). The bill revises
35 requirements for the labeling of kerosene (Code section

1 214A.2A). The bill repeals a provision providing for the
2 advertising of motor fuel (Code section 214A.3). The bill also
3 repeals a provision prohibiting a person from placing gasoline
4 into a receptacle, unless the receptacle states a warning (Code
5 section 214A.15).

6 WEIGHTS AND MEASURES (INSPECTIONS). The bill provides that
7 DALS may but is no longer required to charge a license fee for
8 a device that has been taken out of service due to a repair
9 and reinspected (Code section 215.4). The bill allows DALS
10 to make an exception in a case where a commercial transaction
11 involves a small package, and the person would otherwise be
12 guilty of a simple misdemeanor because the person stated
13 a false weight or measure (Code section 215.7). The bill
14 provides for the regulation of a servicer (a person employed
15 to install, service, or repair a device), by eliminating
16 an examination requirement and allowing DALS to require
17 qualification standards which may include an examination
18 (Code sections 215.1 and 215.23). The bill provides for a
19 two-year rather than annual servicer license and allows DALS to
20 establish the license fee. The annual license fee is currently
21 \$5. The bill eliminates a provision that allows DALS to charge
22 a complaining party an inspection fee, if the complaint was
23 unfounded (Code section 215.3). The bill repeals a provision
24 that authorizes DALS to establish reasonable variances in the
25 weighing and measuring of small packages (Code section 215.8).
26 That qualification is incorporated in the amendments to the
27 provision regulating small package transactions (Code section
28 215.7).

29 CRIMINAL PENALTIES. A simple misdemeanor is punishable by
30 confinement for no more than 30 days or a fine of at least \$65
31 but not more than \$625 or by both.