

Senate Study Bill 3172 - Introduced

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

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.

PART B

ANIMAL HEALTH

Sec. 3. NEW SECTION. **163.2A Part — definitions.**

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

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

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

Sec. 4. Section 163.3, Code 2020, is amended to read as follows:

163.3 Veterinary and special assistants.

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

1 Sec. 5. Section 163.3A, subsection 1, Code 2020, is amended
2 to read as follows:

3 1. The department may provide veterinary emergency
4 preparedness and response services necessary to prevent or
5 control a serious threat to the public health, public safety,
6 or the state's economy caused by the transmission of disease
7 among ~~livestock as defined in [section 717.1](#) or agricultural~~
8 ~~animals as defined in [section 717A.1](#)~~. The services may include
9 measures necessary to ensure that all such animals carrying
10 disease are properly identified, segregated, treated, or
11 destroyed as provided in this Code.

12 Sec. 6. Section 163.3C, subsection 1, Code 2020, is amended
13 by striking the subsection.

14 Sec. 7. Section 163.3C, subsection 2, unnumbered paragraph
15 1, Code 2020, is amended to read as follows:

16 The department shall develop and establish a foreign animal
17 disease preparedness and response strategy for use by the
18 department in order to prevent, control, or eradicate the
19 transmission of foreign animal diseases among populations
20 of ~~livestock~~ animals. The strategy may be part of the
21 department's veterinary emergency preparedness and response
22 services as provided in [section 163.3A](#). The strategy shall
23 provide additional expertise and resources to increase
24 biosecurity efforts that assist in the prevention of a foreign
25 animal disease outbreak in this state. In developing and
26 establishing the strategy, the department shall consult with
27 interested persons including but not limited to the following:

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

30 3. The department shall implement the foreign animal
31 disease preparedness and response strategy if necessary to
32 prevent, control, or eradicate the transmission and incidence
33 of foreign animal diseases that may threaten or actually
34 threaten ~~livestock~~ animals in this state. In implementing
35 the strategy, the department may utilize emergency response

1 measures as otherwise required under [section 163.3A](#). The
2 department may but is not required to consult with interested
3 persons when implementing the strategy.

4 Sec. 9. NEW SECTION. 163.3D **Emergency measures — abandoned**
5 **animals — authorization and seizure.**

6 1. *a.* The department may seize one or more abandoned
7 animals pursuant to an authorization providing emergency
8 measures to prevent or control the transmission of an
9 infectious or contagious disease among any population or
10 species of animals.

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

12 (1) A declaration or proclamation issued by the governor
13 pursuant to chapter 29C, including as provided in section
14 163.3A.

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

17 (3) Any other provision of law in this subtitle that
18 requires the department to control the transmission of an
19 infectious or contagious disease among a population or species
20 of animals in this state.

21 *c.* If there is a conflict between a measure authorized to
22 be taken under paragraph "a", that is less restrictive than the
23 standards or procedures provided in this section, the measures
24 authorized to be taken under paragraph "a" shall prevail.

25 2. The department may appoint veterinary assistants or
26 special assistants as provided in section 163.3 as required to
27 administer this section.

28 3. It is presumed that an abandoned animal belonging to a
29 species subject to emergency measures as provided in subsection
30 1 has been exposed to an infectious or contagious disease as
31 provided in the authorization.

32 4. As part of the seizure of an abandoned animal, the
33 department may take, impound, and retain custody of the animal,
34 including by maintaining the animal in a manner and at a
35 location determined by the department to be reasonable under

1 the emergency circumstances. The department may take action as
2 provided in this subtitle to ensure that all animals exposed to
3 an infectious or contagious disease are properly identified,
4 tested, segregated, treated, or destroyed as provided in this
5 subtitle.

6 5. a. The department may seize an animal if the department
7 has a reasonable suspicion the animal has been abandoned,
8 including by entering onto public or private property or into a
9 private motor vehicle, trailer, or semitrailer parked on public
10 or private property, as provided in this subsection.

11 b. The department may enter onto private property or into
12 a private motor vehicle, trailer, or semitrailer to seize an
13 abandoned animal if the department obtains a search warrant
14 issued by a court, or enters onto the premises in a manner
15 consistent with the laws of this state and the United States,
16 including Article I, section 8, of the Constitution of the
17 State of Iowa, or the fourth amendment to the Constitution of
18 the United States.

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

21 (1) The department provides written notice of its
22 abandonment determination to all reasonably identifiable
23 interested persons. The department shall make a good-faith
24 effort to provide the notice to interested persons by regular
25 mail, hand delivery, telephone, electronic mail, or other
26 reasonable means. The notice shall include all of the
27 following:

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

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

30 (c) The delivery date of the notice.

31 (d) A statement informing the interested person that the
32 animal may be seized pursuant to this chapter within one day
33 following the delivery date of the notice. The statement
34 must specify a date, time, and location for delivery of the
35 interested person's response designated by the department, as

1 provided in this subsection.

2 (e) A statement informing the interested person that in
3 order to avoid seizure of the animal, the person must respond
4 to the notice in writing, stating that the animal has not been
5 abandoned and identifying what measures are being taken to care
6 for and manage the animal.

7 (2) Notwithstanding subparagraph (1), if the department
8 determines that it is not feasible to provide direct notice
9 of its abandonment determination to an interested person,
10 the department shall deliver a constructive notice of the
11 determination to that person by any reasonable manner, which
12 may include posting the notice at or near the place where
13 the animal is located. The department shall also post the
14 constructive notice on the department's internet site.

15 d. The department may seize the animal if the department
16 fails to receive a written response by the interested person by
17 the end of normal office hours of the next day the department
18 is available to receive the response after written notice of
19 the department's abandonment determination is delivered.

20 e. Upon a determination by the department that exigent
21 circumstances exist, the department may enter onto private
22 property without a warrant and may seize an abandoned animal,
23 in a manner consistent with the laws of this state and
24 the United States, including Article I, section 8, of the
25 Constitution of the State of Iowa, or the fourth amendment to
26 the Constitution of the United States.

27 6. If an animal is seized pursuant to this section, the
28 department shall post a notice in a conspicuous place at the
29 location where the animal was seized. The notice shall state
30 the animal has been seized by the department pursuant to this
31 section and at least briefly describe where and when the animal
32 was seized, the species and number of animals seized, and that
33 a dispositional proceeding is to be conducted pursuant to
34 section 163.3E.

35 Sec. 10. NEW SECTION. 163.3E **Emergency measures** —

1 **abandoned animals — dispositional proceeding.**

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

5 *b.* The court shall notify the department and all interested
6 persons of the dispositional proceeding in a manner determined
7 reasonable by the court. The court shall hear the matter
8 within twenty-four hours from the time the department's
9 petition is filed. The court may grant a continuance by a
10 motion of the department or upon petition by an interested
11 person. However, the interested person shall post a bond or
12 other security with the department in an amount determined by
13 the court, which shall not be more than the amount sufficient
14 to provide for the maintenance of the animal for the duration
15 of the continuance.

16 2. Upon a determination by the department that exigent
17 circumstances exist, the dispositional proceeding may be
18 conducted by an administrative law judge in the same manner
19 as an emergency adjudicative proceeding pursuant to section
20 17A.18A. The administrative law judge shall notify the
21 department and all interested persons of the dispositional
22 proceeding in a manner determined reasonable by the
23 administrative law judge given the circumstances in the case.
24 The procedures provided in this section may be supplemented
25 or modified by a declaration or proclamation issued by the
26 governor or an order issued by the secretary or the secretary's
27 designee pursuant to section 163.3D.

28 3. *a.* A court or administrative law judge shall issue an
29 order for the disposition of the animal after making any of the
30 following determinations:

31 (1) That no interested person holds a legal interest in
32 the seized animal. In that case, the animal shall be deemed
33 abandoned and the order shall extinguish all prior legal
34 interests in the animal. The order shall grant an undivided
35 ownership interest in the animal free from any security

1 interest or other agricultural lien or encumbrance to the
2 department.

3 (2) That an interested person holds a legal interest in
4 the seized animal, and the department has reasonable suspicion
5 to believe that the animal has been exposed to an infectious
6 or contagious disease. In that case, the order shall provide
7 for the disposition of the animal in the same manner as if the
8 department had identified the animal as having been exposed to
9 the infectious or contagious disease under the authorization
10 provided in section 163.3D.

11 (3) That a person holds a legal interest in the seized
12 animal, and there is no reasonable suspicion that the seized
13 animal has been exposed to an infectious or contagious disease.
14 In that case, the order shall direct the department to transfer
15 custody of the animal to the interested person. In the event
16 the animal is returned to the interested person, the department
17 shall not be subject to any claim for damages caused by the
18 seizure if the department's actions were taken pursuant to
19 the department's emergency efforts to establish and maintain
20 quarantine in response to a disease outbreak, as set forth in
21 section 669.14, subsection 3.

22 *b.* A reasonable suspicion asserted by the department may
23 be based on any credible evidence that shows the animal's
24 possible exposure to an infectious or contagious disease or the
25 animal was abandoned. This paragraph "b" does not require the
26 department to conduct a test of an animal to determine whether
27 an animal has been exposed.

28 *c.* If two or more interested parties may be transferred
29 custody of an animal by the department pursuant to paragraph
30 "a", subparagraph (3), the court or administrative law judge
31 shall order the department to transfer the animal to the owner
32 or otherwise to the interested person best able to care for the
33 animal without prejudicing the rights of any other interested
34 person. However, in any cause of action brought by an
35 interested person contesting the order to transfer under this

1 subsection, the department shall not be included as a party.

2 4. *a.* In a dispositional proceeding conducted by a court or
3 administrative law judge under this section, or in a separate
4 cause of action brought by the department against an interested
5 person, the court or administrative law judge may award the
6 department all of the following:

7 (1) An amount necessary to reimburse the department for
8 expenses incurred in seizing and maintaining an abandoned
9 animal as well as any costs for the disposition of the
10 abandoned animal.

11 (2) Expenses related to the investigation and adjudication
12 of the case.

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

17 *c.* An award ordered under this subsection shall be paid
18 by an interested party who is transferred a seized animal by
19 the court or administrative law judge, or the owner of the
20 seized animal as determined by the court or administrative law
21 judge. The amount awarded the department shall be subtracted
22 from the proceeds, if any, received by the department from the
23 disposition of the animal. Any amount awarded by a court shall
24 be taxed as part of the costs of the cause of action.

25 *d.* If more than one interested person holds a legal interest
26 in the animal, the court or administrative law judge shall
27 calculate the respective contributions of the interested
28 persons based upon the percentage of legal interest in the
29 seized animal held by each interested person. The amount paid
30 to the department shall be sufficient to allow the department
31 to repay the livestock remediation fund as provided in section
32 459.501 and fully reimburse the department for all costs, fees,
33 and expenses incurred by the department under this section.

34 Sec. 11. NEW SECTION. 163.3F **Interference with official**
35 **acts.**

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

6 a. A veterinary emergency preparedness and response service
7 pursuant to section 163.3A.

8 b. A foreign animal disease preparedness and response
9 strategy pursuant to section 163.3C.

10 c. An emergency measure pursuant to section 163.3D or
11 163.3E.

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

15 Sec. 12. Section 163.61, subsection 3, Code 2020, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. c. A person who interferes with an official
18 act as provided in section 163.3F shall be subject to a civil
19 penalty of at least one hundred dollars but not more than ten
20 thousand dollars. In the case of a continuing violation,
21 each day of the continuing violation is a separate violation.
22 However, a person shall not be subject to a civil penalty
23 totaling more than two hundred fifty thousand dollars arising
24 out of the same violation.

25 Sec. 13. Section 459.501, subsection 3, paragraph a, Code
26 2020, is amended by adding the following new subparagraph:

27 NEW SUBPARAGRAPH. (3) (a) To allocate moneys to the
28 department of agriculture and land stewardship for the payment
29 of expenses incurred by the department of agriculture and land
30 stewardship associated with all of the following:

31 (i) Providing for seizure of animals pursuant to sections
32 169.3D and 169.3E.

33 (ii) Court costs, reasonable attorney fees, and expenses
34 related to the investigation and prosecution of the case
35 arising from the seizure of animals.

1 (b) The department of natural resources shall allocate
2 any amount of unencumbered and unobligated moneys demanded in
3 writing by the department of agriculture and land stewardship
4 as provided in this subparagraph. The department of natural
5 resources shall complete the allocation upon receiving the
6 demand.

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

11 Sec. 14. REPEAL. Section 166D.3, Code 2020, is repealed.

12 Sec. 15. CODE EDITOR DIRECTIVE.

13 1. The Code editor is directed to make the following
14 transfer:

15 Section 163.3 to section 163.3G.

16 2. The Code editor shall correct internal references in the
17 Code and in any enacted legislation as necessary due to the
18 enactment of this section.

19 Sec. 16. CODE EDITOR DIRECTIVE. The Code editor shall
20 divide chapter 163, subchapter I, into parts, including
21 sections 163.1 and 163.2 as part A, sections 163.2A through
22 163.5, including sections amended or enacted as provided in
23 this Act, as part B, and sections 163.6 through 163.25 as part
24 C.

25 DIVISION III

26 COMMODITY PRODUCTION AND SALE

27 PART A

28 LOCAL FARM PRODUCE PROGRAM

29 Sec. 17. NEW SECTION. 190A.11 Definitions.

30 As used in this subchapter, unless the context otherwise
31 requires:

32 1. "Department" means the department of agriculture and land
33 stewardship.

34 2. "Farm source" means a farmer who produces and sells fresh
35 farm produce grown on the farmer's land or a distributor of

1 fresh farm produce who purchases fresh farm produce directly
2 from such farmer or sells fresh farm produce on behalf of such
3 farmer.

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

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

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

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

17 7. "*School district*" means a school district as described
18 in chapter 274.

19 Sec. 18. NEW SECTION. 190A.12 **Local farm produce fund.**

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

22 2. The fund shall include moneys appropriated to the fund
23 by the general assembly. The fund may include other moneys
24 available to and obtained or accepted by the department,
25 including moneys from public or private sources.

26 3. Moneys in the fund are appropriated to support the
27 program in a manner determined by the department, including for
28 reasonable administrative costs incurred by the department.
29 Moneys expended from the fund shall not require further special
30 authorization by the general assembly.

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

33 b. Notwithstanding section 8.33, moneys credited to the
34 fund that remain unencumbered or unobligated at the end of a
35 fiscal year shall not revert but shall remain available for the

1 purposes designated.

2 Sec. 19. NEW SECTION. 190A.13 Local farm produce program.

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

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

7 3. The department shall reimburse a school or school
8 district for expenditures incurred by the school or school
9 district during the school year in which the school or school
10 district is participating in the program for purchases of fresh
11 farm produce.

12 4. A school or school district must apply each year to the
13 department to participate in the program according to rules
14 adopted by the department pursuant to chapter 17A.

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

18 a. Except as provided in paragraph "b", the farm source must
19 be located in this state.

20 b. If the school district shares a border with another
21 state, or the school is part of a school district that shares
22 a border with another state, the farm source may be located
23 in the other state. However, the food source must be located
24 within thirty miles from the school district's border with that
25 state and the department must approve the purchase.

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

29 7. The department may administer the program in cooperation
30 with the department of education and the participating school
31 district or school district in which a participating school is
32 located.

33 8. a. The department shall reimburse a participating
34 school or school district that submits a claim as required
35 by the department. The department shall pay the claim on a

1 matching basis with the department contributing one dollar
2 for every three dollars expended by the school or school
3 district. However, a school or school district shall not
4 receive more than one thousand dollars during any year in which
5 it participates in the program.

6 *b.* Notwithstanding paragraph "a", if the department
7 determines that there are sufficient moneys in the fund to
8 satisfy all claims that may be submitted by schools and school
9 districts, the department shall provide for the distribution
10 of the available moneys in a manner determined equitable by
11 the department, which may include a prorated distribution to
12 participating schools and school districts.

13 PART B

14 FERTILIZERS AND SOIL CONDITIONERS

15 Sec. 20. Section 200.3, subsection 24, Code 2020, is amended
16 by striking the subsection.

17 Sec. 21. Section 200.14, Code 2020, is amended to read as
18 follows:

19 **200.14 Rules.**

20 1. *a.* ~~The secretary is authorized, after public hearing,~~
21 ~~following due notice, to~~ department may adopt rules setting
22 forth pursuant to chapter 17A providing minimum general
23 safety standards for the design, construction, location,
24 installation, and operation of equipment for storage, handling,
25 transportation by tank truck or tank trailer, and utilization
26 of ~~anhydrous ammonia~~ fertilizers and soil conditioners.

27 *a. b.* The rules shall be such as are reasonably necessary
28 for the protection and safety of the public and persons using
29 ~~anhydrous ammonia~~ fertilizers or soil conditioners, and shall
30 be in substantial conformity with the generally accepted
31 standards of safety.

32 ~~*b.* Rules that are in substantial conformity with the~~
33 ~~published standards of the agricultural ammonia institute for~~
34 ~~the design, installation and construction of containers and~~
35 ~~pertinent equipment for the storage and handling of anhydrous~~

1 ~~ammonia, shall be deemed to be in substantial conformity with~~
2 ~~the generally accepted standards of safety.~~

3 2. ~~c.~~ Anhydrous ammonia Fertilizer and soil conditioner
4 equipment shall be installed and maintained in a safe operating
5 condition and in conformity with rules adopted by the ~~secretary~~
6 department.

7 3. ~~2.~~ The ~~secretary shall enforce this chapter and, after~~
8 ~~due publicity and due public hearing,~~ department may adopt such
9 reasonable rules as may be necessary in order to carry into
10 effect the purpose, ~~and intent~~ and to secure the efficient
11 administration, ~~of this chapter.~~

12 4. ~~3.~~ This chapter does not prohibit the use of storage
13 tanks smaller than transporting tanks nor the transfer of all
14 kinds of ~~fertilizer including anhydrous ammonia fertilizers~~
15 or soil conditioners directly from transporting tanks to
16 implements of husbandry, if proper safety precautions are
17 observed.

18 DIVISION IV
19 WEIGHTS AND MEASURES
20 PART A
21 GENERAL

22 Sec. 22. Section 214.1, Code 2020, is amended by adding the
23 following new subsection:

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

28 Sec. 23. Section 214.3, subsection 1, Code 2020, is amended
29 to read as follows:

30 1. ~~The A license issued by the department for the inspection~~
31 of a commercial weighing and measuring device shall expire on
32 December 31 of each year, and for a motor fuel pump on June 30
33 of each year. ~~The amount of the fee due for each license shall~~
34 ~~be as provided in subsection 3,~~ except that the fee for a motor
35 fuel pump shall be four dollars and fifty cents if paid within

1 ~~one month from the date the license is due.~~

2 Sec. 24. Section 214.3, subsection 3, paragraph e,
3 subparagraph (2), Code 2020, is amended to read as follows:

4 (2) Retail motor fuel pump, nine four dollars and fifty
5 cents.

6 Sec. 25. Section 214.4, subsection 1, unnumbered paragraph
7 1, Code 2020, is amended to read as follows:

8 If the department does not receive payment of the license
9 fee required pursuant to [section 214.3](#) within one month from
10 the due date, the department shall ~~send~~ deliver a notice to
11 the owner or operator of the device. ~~The notice shall be~~
12 ~~delivered by certified mail.~~ The notice shall state all of the
13 following:

14 Sec. 26. Section 214.6, Code 2020, is amended to read as
15 follows:

16 **214.6 Oath Duties of weighmasters weighmaster.**

17 ~~All persons keeping a commercial weighing and measuring~~
18 ~~device, before entering upon their duties as weighmasters, A~~
19 ~~weighmaster shall be sworn before some person having authority~~
20 ~~to administer oaths, to keep their ensure that a commercial~~
21 ~~weighing and measuring device is correctly balanced, to make~~
22 ~~true weights, and to shall render a correct account to the~~
23 ~~person having weighing done.~~

24 Sec. 27. Section 214.11, Code 2020, is amended to read as
25 follows:

26 **214.11 Inspections — recalibrations — penalty.**

27 1. The department shall provide for annual inspections
28 of all motor fuel pumps, including but not limited to motor
29 fuel blender pumps, licensed under [this chapter](#). Inspections
30 shall be for the purpose of determining the accuracy ~~of the~~
31 ~~pumps' measuring mechanisms, and for such and correctness of~~
32 ~~motor fuel pumps. For that purpose the department's inspectors~~
33 ~~may enter upon the premises of any wholesale dealer or retail~~
34 ~~dealer, as they are defined in [section 214A.1](#), of motor fuel~~
35 ~~or fuel oil within this state.~~

1 the "~~licensed for commercial use~~" inspection sticker shall be
2 removed. If notice is received by the department that the
3 device has been repaired and upon reinspection the device is
4 found to be accurate or correct, ~~the~~ a license fee ~~shall not~~
5 may be charged for the reinspection. However, a second license
6 fee shall be charged if upon reinspection the device is found
7 to be inaccurate. The device shall be tagged "condemned" and
8 removed from service if a third reinspection fails.

9 Sec. 31. Section 215.7, Code 2020, is amended to read as
10 follows:

11 **215.7 Transactions by false weights or measures.**

12 1. A person shall be deemed to have violated the provisions
13 of this chapter and ~~shall be punished as provided in chapter~~
14 ~~189~~, if the person does any of the following apply:

15 ~~1. a.~~ Sells, trades, delivers, charges
16 for, or claims to have delivered to a purchaser an amount
17 of any commodity which is less in weight or measure than
18 that which is asked for, agreed upon, claimed to have been
19 delivered, or noted on the delivery ticket.

20 ~~2. b.~~ Makes a settlement for or enters
21 a credit, based upon any false weight or measurement, for any
22 commodity purchased.

23 ~~3. c.~~ Makes a settlement for or enters
24 a credit, based upon any false weight or measurement, for any
25 labor where the price of producing or mining is determined by
26 weight or measure.

27 ~~4. d.~~ Records a false weight or
28 measurement upon the weight ticket or book.

29 2. The department may adopt rules pursuant to chapter 17A
30 that allow for reasonable variations and exceptions for small
31 packages.

32 3. A person who violates this section is guilty of a simple
33 misdemeanor.

34 Sec. 32. Section 215.23, Code 2020, is amended to read as
35 follows:

1 agriculture and land stewardship (DALs) as codified in Title V
2 of the Code, including in subtitle 1, which includes a number
3 of general provisions, subtitle 2, which includes provisions
4 regulating animal industry, and subtitle 4, which provides for
5 agricultural commodities and products in addition to related
6 activities.

7 SUBTITLE 1 — ADMINISTRATION. The bill eliminates a
8 requirement that DALs maintain a marketing news service
9 bureau, but retains a requirement that it cooperate with the
10 agricultural marketing service of the United States department
11 of agriculture (Code section 159.5).

12 SUBTITLE 2 — COMMERCIAL ESTABLISHMENTS. The bill
13 eliminates a requirement that an application form for the
14 issuance or renewal of an authorization to operate a commercial
15 establishment include the applicant's identification number,
16 which may be a tax identification number (Code section 162.2A).

17 CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES. The bill
18 provides that DALs may seize one or more abandoned animals
19 pursuant to an authorization providing emergency measures
20 to prevent or control the transmission of an infectious
21 or contagious disease (disease) among livestock or other
22 agricultural animals (animals) that have been abandoned.
23 The authorization may be made pursuant to a declaration or
24 proclamation issued by the governor, an order issued by the
25 secretary of agriculture, or another provision of law. As
26 part of a seizure, DALs may seize and maintain the animal upon
27 providing notice of the abandonment to identifiable interested
28 persons (an owner or secured creditor). The disposition
29 of the seized animal must be made by a court, unless DALs
30 determines that exigent circumstances exist. In that case, the
31 dispositional proceeding may be conducted by an administrative
32 law judge. The court or administrative law judge may award
33 DALs expenses and costs. DALs may use moneys available in the
34 livestock remediation fund (Code section 459.501) to pay for
35 expenses related to the seizure. Moneys in the fund may also

1 be used to pay for court costs, reasonable attorney fees, and
2 expenses related to the investigation and prosecution of the
3 case arising from the seizure.

4 The bill prohibits a person from interfering with an
5 official act of DALs taken in the performance of a duty to
6 prevent or control the transmission of a disease, if the action
7 is related to a veterinary emergency preparedness and response
8 service (Code section 163.3A), a foreign animal disease
9 preparedness and response strategy (Code section 163.3C), or an
10 emergency measure as provided in the bill (Code section 163.3D
11 or 163.3E). A person who violates the provision is subject to
12 a civil penalty of at least \$100 but not more than \$10,000,
13 with each day of the offense constituting a separate violation,
14 so long as the total amount does not exceed \$250,000 (Code
15 section 163.61).

16 STATE PSEUDORABIES ADVISORY COMMITTEE. The bill eliminates
17 the state pseudorabies advisory committee. The committee was
18 established in 1989 during the outbreak of the disease to
19 provide education to persons interested in pork production, to
20 advise the department, and to maintain communication with other
21 states and organizations (Code section 166D.3).

22 SUBTITLE 4 — LOCAL FARM PRODUCE PROGRAM. The bill creates
23 a local farm produce program to assist schools and school
24 districts purchasing fresh farm produce directly from farmers
25 or distributors of fresh farm produce (Code chapter 190A).
26 DALs may reimburse a school or school district for expenditures
27 on such products to the extent moneys are available to support
28 the program. The available moneys would be allocated during
29 the school year on a matching basis, subject to a \$1,000 cap.
30 The bill also creates a local farm produce fund to support the
31 program.

32 FERTILIZERS AND SOIL CONDITIONERS. The bill authorizes DALs
33 to adopt rules regulating the design, construction, location,
34 installation, and operation of equipment associated with
35 the use of fertilizers and soil conditioners (Code sections

1 200.3 and 200.14). Current law allows DALs to adopt such
2 rules regulating anhydrous ammonia equipment. The bill also
3 eliminates a requirement that such rules be in conformity with
4 the published standards of the agricultural ammonia institute.
5 A person violating such rules is guilty of a simple misdemeanor
6 (Code section 200.18).

7 WEIGHTS AND MEASURES (GENERAL). The bill amends a number
8 of provisions regulating weights and measures, including the
9 inspection of associated devices. The bill reduces the fee
10 for the inspection of motor fuel pumps from \$9 to \$4.50 (the
11 same amount due under current law if the inspection fee is paid
12 early) (Code section 214.3). The bill no longer requires that
13 DALs deliver a late payment notice to an owner or operator of
14 a device by certified mail (Code section 214.4). The bill
15 eliminates a requirement that a weighmaster (a person who keeps
16 and uses a device as part of a business) must take an oath (Code
17 sections 214.1 and 214.6).

18 WEIGHTS AND MEASURES (MOTOR FUEL). The bill revises
19 requirements for the labeling of kerosene (Code section
20 214A.2A). The bill repeals a provision providing for the
21 advertising of motor fuel (Code section 214A.3). The bill also
22 repeals a provision prohibiting a person from placing gasoline
23 into a receptacle, unless the receptacle states a warning (Code
24 section 214A.15).

25 WEIGHTS AND MEASURES (INSPECTIONS). The bill provides that
26 DALs may but is no longer required to charge a license fee for
27 a device that has been taken out of service due to a repair
28 and reinspected (Code section 215.4). The bill allows DALs
29 to make an exception in a case where a commercial transaction
30 involves a small package, and the person would otherwise be
31 guilty of a simple misdemeanor because the person stated
32 a false weight or measure (Code section 215.7). The bill
33 provides for the regulation of a servicer (a person employed
34 to install, service, or repair a device), by eliminating
35 an examination requirement and allowing DALs to require

1 qualification standards which may include an examination
2 (Code sections 215.1 and 215.23). The bill provides for a
3 two-year rather than annual servicer license and allows DALs to
4 establish the license fee. The annual license fee is currently
5 \$5. The bill eliminates a provision that allows DALs to charge
6 a complaining party an inspection fee, if the complaint was
7 unfounded (Code section 215.3). The bill repeals a provision
8 that authorizes DALs to establish reasonable variances in the
9 weighing and measuring of small packages (Code section 215.8).
10 That qualification is incorporated in the amendments to the
11 provision regulating small package transactions (Code section
12 215.7).

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