

Senate File 359 - Introduced

SENATE FILE 359
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 1121)

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 2021, 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

Sec. 2. Section 162.2A, subsection 3, paragraph d, Code 2021, is amended by striking the paragraph.

DIVISION III

COMMODITY PRODUCTION AND SALE

PART A

FARM-TO-SCHOOL ACT

Sec. 3. Section 190A.1, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

190A.1 Short title.

This chapter shall be known and may be cited as the "*Farm-to-School Act*".

Sec. 4. NEW SECTION. 190A.2 Definitions.

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

1. "*Department*" means the department of agriculture and land stewardship.
2. "*Food animal*" means an animal belonging to the bovine, caprine, ovine, or porcine species; turkeys, chickens, or other types of poultry; farm deer as defined in section 170.1; fish or other aquatic organisms confined in private waters for human consumption; or bees.
3. "*Food commodity*" means any of the following:

1 *a.* A food animal.

2 *b.* An item regularly generated by a food animal, including
3 milk, eggs, or honey, that has been collected, and that is to
4 be processed into a food product.

5 *c.* Sap or whole produce, including vegetables or fruit,
6 that has been harvested and that is to be processed into a food
7 product.

8 4. "*Food product*" means a perishable or nonperishable
9 product derived from processing a food commodity to be fit for
10 human consumption, including but not limited to pasteurized
11 milk or dairy products, washed shelled eggs, cut and washed
12 produce, honey, maple syrup, unshelled or shelled nuts, cuts of
13 meat or poultry, or cuts of fish or shelled aquatic items.

14 5. "*Fund*" means the farm-to-school fund created in section
15 190A.5.

16 6. "*Process*" means to prepare a food commodity in a manner
17 that allows it to be sold to consumers as a food product,
18 including by altering the form or identity of the commodity;
19 trimming, cutting, cleaning, drying, filtering, sorting, or
20 shelling the commodity; or packaging the commodity.

21 7. "*Program*" means the farm-to-school program created in
22 section 190A.6.

23 8. "*School*" means a public school or nonpublic school, as
24 those terms are defined in section 280.2, or that portion of a
25 public school or nonpublic school that provides facilities for
26 teaching any grade from kindergarten through grade twelve.

27 9. "*School district*" means a school district as described
28 in chapter 274.

29 Sec. 5. Section 190A.3, subsection 1, Code 2021, is amended
30 to read as follows:

31 1. The farm-to-school program shall seek to link elementary
32 and secondary public and nonpublic schools in this state
33 with Iowa farms to provide schools with ~~fresh and minimally~~
34 processed wholesome, locally produced food for inclusion in
35 school meals and snacks, encourage children to develop healthy

1 eating habits, and provide Iowa farmers access to consumer
2 markets.

3 Sec. 6. NEW SECTION. 190A.5 Farm-to-school fund.

4 1. A farm-to-school fund is created in the state treasury
5 under the management and control of the department.

6 2. The fund shall include moneys appropriated to the fund
7 by the general assembly. The fund may include other moneys
8 available to and obtained or accepted by the department,
9 including moneys from public or private sources.

10 3. Moneys in the fund are appropriated to support the
11 program in a manner determined by the department, including for
12 reasonable administrative costs incurred by the department.
13 Moneys expended from the fund shall not require further special
14 authorization by the general assembly.

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

17 *b.* Notwithstanding section 8.33, moneys credited to the
18 fund that remain unencumbered or unobligated at the end of a
19 fiscal year shall not revert but shall remain available for the
20 purposes designated.

21 Sec. 7. NEW SECTION. 190A.6 Farm-to-school program.

22 1. A farm-to-school program is created. The program shall
23 be controlled and administered by the department.

24 2. The purpose of the program is to assist schools and
25 school districts in purchasing food products derived from food
26 commodities produced on a farm.

27 3. The department shall reimburse a school or school
28 district for expenditures incurred by the school or school
29 district during the school year in which the school or school
30 district is participating in the program to purchase food
31 products derived from food commodities produced on a farm.

32 4. A school or school district must apply each year to the
33 department to participate in the program according to rules
34 adopted by the department pursuant to chapter 17A.

35 5. To be eligible to participate in the program, a school or

1 school district must purchase a food product directly from a
2 farm source as follows:

3 a. The farm source must be any of the following:

4 (1) A farm where a food commodity is produced, if the food
5 commodity is processed into a food product on the farm for sale
6 to a consumer.

7 (2) A business premises that is directly shipped a food
8 commodity from a farm, if the food commodity is processed into
9 a food product on the business premises for sale to a consumer.

10 (3) A business premises that is directly shipped a food
11 product from a farm, if the food product is purchased for
12 resale to a consumer or is distributed to a consumer on behalf
13 of a farmer.

14 b. The farm source must comply with all applicable laws
15 regulating the sale of food.

16 c. The farm source must be located within thirty miles of
17 the school or the school district's border.

18 6. The department shall require proof of purchase prior to
19 reimbursing the school or school district for the purchase of
20 food products.

21 7. The department may administer the program in cooperation
22 with the department of education and the participating school
23 or school district in which a participating school is located.

24 8. a. The department shall reimburse a participating
25 school or school district that submits a claim as required
26 by the department. The department shall pay the claim on a
27 matching basis with the department contributing one dollar
28 for every three dollars expended by the school or school
29 district. However, a school or school district shall not
30 receive more than one thousand dollars during any year in which
31 it participates in the program.

32 b. Notwithstanding paragraph "a", if the department
33 determines that there are sufficient moneys in the fund to
34 satisfy all claims that may be submitted by schools and school
35 districts, the department shall provide for the distribution

1 of the available moneys in a manner determined equitable by
2 the department, which may include a prorated distribution to
3 participating schools and school districts.

4 PART B

5 FERTILIZERS AND SOIL CONDITIONERS

6 Sec. 8. Section 200.3, subsection 24, Code 2021, is amended
7 by striking the subsection.

8 Sec. 9. Section 200.14, Code 2021, is amended to read as
9 follows:

10 **200.14 Rules.**

11 1. a. ~~The secretary is authorized, after public hearing,~~
12 ~~following due notice, to~~ department may adopt rules setting
13 forth pursuant to chapter 17A providing minimum general
14 safety standards for the design, construction, location,
15 installation, and operation of equipment for storage, handling,
16 transportation by tank truck or tank trailer, and utilization
17 of anhydrous ammonia fertilizers and soil conditioners.

18 ~~a.~~ b. The rules shall be such as are reasonably necessary
19 for the protection and safety of the public and persons using
20 anhydrous ammonia fertilizers or soil conditioners, and shall
21 be in substantial conformity with the generally accepted
22 standards of safety.

23 ~~b.~~ Rules that are in substantial conformity with the
24 published standards of the agricultural ammonia institute for
25 the design, installation and construction of containers and
26 pertinent equipment for the storage and handling of anhydrous
27 ammonia, shall be deemed to be in substantial conformity with
28 the generally accepted standards of safety.

29 ~~2.~~ c. Anhydrous ammonia Fertilizer and soil conditioner
30 equipment shall be installed and maintained in a safe operating
31 condition and in conformity with rules adopted by the secretary
32 department.

33 ~~3.~~ 2. The secretary shall enforce ~~this chapter~~ and, after
34 ~~due publicity and due public hearing,~~ department may adopt such
35 reasonable rules as may be necessary in order to carry into

1 effect the purpose, ~~and intent~~ and to secure the efficient
2 administration, of this chapter.

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

9 DIVISION IV

10 WEIGHTS AND MEASURES

11 PART A

12 GENERAL

13 Sec. 10. Section 214.1, Code 2021, is amended by adding the
14 following new subsection:

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

19 Sec. 11. Section 214.3, subsection 1, Code 2021, is amended
20 to read as follows:

21 1. ~~The A license issued by the department for the inspection~~
22 of a commercial weighing and measuring device shall expire on
23 December 31 of each year, and for a motor fuel pump on June 30
24 of each year. ~~The amount of the fee due for each license shall~~
25 ~~be as provided in subsection 3, except that the fee for a motor~~
26 ~~fuel pump shall be four dollars and fifty cents if paid within~~
27 ~~one month from the date the license is due.~~

28 Sec. 12. Section 214.3, subsection 3, paragraph e,
29 subparagraph (2), Code 2021, is amended to read as follows:

30 (2) Retail motor fuel pump, ~~nine~~ four dollars and fifty
31 cents.

32 Sec. 13. Section 214.4, subsection 1, unnumbered paragraph
33 1, Code 2021, is amended to read as follows:

34 If the department does not receive payment of the license
35 fee required pursuant to section 214.3 within one month from

1 the due date, the department shall ~~send~~ deliver a notice to
2 the owner or operator of the device. ~~The notice shall be~~
3 ~~delivered by certified mail.~~ The notice shall state all of the
4 following:

5 Sec. 14. Section 214.6, Code 2021, is amended to read as
6 follows:

7 **214.6 Oath Duties of weighmasters weighmaster.**

8 ~~All persons keeping a commercial weighing and measuring~~
9 ~~device, before entering upon their duties as weighmasters, A~~
10 weighmaster shall be ~~sworn before some person having authority~~
11 ~~to administer oaths, to keep their~~ ensure that a commercial
12 weighing and measuring device is correctly balanced, ~~to make~~
13 true weights, and ~~to~~ shall render a correct account to the
14 person having weighing done.

15 Sec. 15. Section 214.11, Code 2021, is amended to read as
16 follows:

17 **214.11 Inspections — recalibrations — penalty.**

18 1. The department shall provide for annual inspections
19 of all motor fuel pumps, including but not limited to motor
20 fuel blender pumps, licensed under [this chapter](#). Inspections
21 shall be for the purpose of determining the accuracy ~~of the~~
22 ~~pumps' measuring mechanisms, and for such~~ and correctness of
23 motor fuel pumps. For that purpose the department's inspectors
24 may enter upon the premises of any wholesale dealer or retail
25 dealer, ~~as they are defined in [section 214A.1](#), of motor fuel~~
26 ~~or fuel oil within this state.~~

27 2. Upon completion of an inspection, the inspector shall
28 affix the department's seal to the measuring mechanism of the
29 motor fuel pump. The seal shall be appropriately marked,
30 dated, and recorded by the inspector. If the owner of an
31 inspected and sealed motor fuel pump is registered with the
32 department as a servicer in accordance with [section 215.23](#),
33 or employs a person so registered as a servicer, the owner
34 or other servicer may open the motor fuel pump, break the
35 department's seal, recalibrate the measuring mechanism if

1 necessary, and reseal the motor fuel pump as long as the
2 department is notified of the recalibration within forty-eight
3 hours, ~~on a form~~ in a manner provided by the department.

4 ~~2.~~ 3. A person violating a provision of **this section** is,
5 upon conviction, guilty of a simple misdemeanor.

6 PART B

7 MOTOR FUEL

8 Sec. 16. Section 214A.2A, subsection 1, Code 2021, is
9 amended to read as follows:

10 1. Fuel which is sold or is kept, offered, or exposed for
11 sale as kerosene shall be labeled as kerosene. The label
12 shall include the word "kerosene" ~~and a~~ or the designation as
13 ~~either "K1" or "K2"~~ "K1 kerosene", and shall indicate that
14 the kerosene is in compliance with the standard specification
15 adopted by A.S.T.M. international specification D3699 (1982).

16 Sec. 17. REPEAL. Section 214A.15, Code 2021, is repealed.

17 PART C

18 INSPECTIONS

19 Sec. 18. Section 215.4, Code 2021, is amended to read as
20 follows:

21 **215.4 Tag for inaccurate or incorrect device — reinspection**
22 **— license fee.**

23 A commercial weighing and measuring device found to be
24 inaccurate or incorrect upon inspection by the department
25 shall be rejected or tagged "condemned until repaired" and
26 the ~~"licensed for commercial use"~~ inspection sticker shall be
27 removed. If notice is received by the department that the
28 device has been repaired and upon reinspection the device is
29 found to be accurate or correct, ~~the~~ a license fee ~~shall not~~
30 may be charged for the reinspection. However, a second license
31 fee shall be charged if upon reinspection the device is found
32 to be inaccurate. The device shall be tagged "condemned" and
33 removed from service if a third reinspection fails.

34 Sec. 19. Section 215.7, Code 2021, is amended to read as
35 follows:

1 **215.7 Transactions by false weights or measures.**

2 1. A person shall be deemed to have violated the provisions
3 of **this chapter** and shall be punished as provided in chapter
4 ~~189~~, if the person does any of the following apply:

5 ~~1. a.~~ Sells, trades, delivers, charges
6 for, or claims to have delivered to a purchaser an amount
7 of any commodity which is less in weight or measure than
8 that which is asked for, agreed upon, claimed to have been
9 delivered, or noted on the delivery ticket.

10 ~~2. b.~~ Makes a settlement for or enters
11 a credit, based upon any false weight or measurement, for any
12 commodity purchased.

13 ~~3. c.~~ Makes a settlement for or enters
14 a credit, based upon any false weight or measurement, for any
15 labor where the price of producing or mining is determined by
16 weight or measure.

17 ~~4. d.~~ Records a false weight or
18 measurement upon the weight ticket or book.

19 2. The department may adopt rules pursuant to chapter 17A
20 that allow for reasonable variations and exceptions for small
21 packages.

22 3. A person who violates this section is guilty of a simple
23 misdemeanor.

24 Sec. 20. Section 215.23, Code 2021, is amended to read as
25 follows:

26 **215.23 Servicer's license.**

27 1. ~~A servicer shall not install, service, or repair a~~
28 ~~commercial weighing and measuring device until the servicer~~
29 ~~has demonstrated that the servicer has available adequate~~
30 ~~testing equipment, and that the servicer possesses a working~~
31 ~~knowledge of all devices the servicer intends to install or~~
32 ~~repair and of all appropriate weights, measures, statutes, and~~
33 ~~rules, as evidenced by passing a qualifying examination to~~
34 ~~be conducted by the department and obtaining a license. The~~
35 ~~secretary of agriculture shall establish by rule pursuant to~~

1 ~~chapter 17A, requirements for and contents of the examination.~~
2 The department may adopt rules pursuant to chapter 17A setting
3 forth qualification requirements for persons applying for a
4 servicer's license, including an examination.

5 2. In determining ~~these~~ a servicer's qualifications, the
6 ~~secretary shall~~ department may consider the specifications
7 of the United States national institute of standards and
8 technology, handbook 44, "Specifications, Tolerances, and
9 Technical Requirements for Weighing and Measuring Devices",
10 or the current successor or equivalent specifications adopted
11 by the United States national institute of standards and
12 technology.

13 3. The ~~secretary shall~~ department may require ~~an annual the~~
14 payment of a license fee of not more than five dollars for an
15 amount established by rule for each license issued under this
16 section.

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

19 Sec. 21. REPEAL. Sections 215.3 and 215.8, Code 2021, are
20 repealed.

21 EXPLANATION

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

24 GENERAL. This bill amends, enacts, or repeals a number
25 of provisions administered or regulated by the department of
26 agriculture and land stewardship (DALs) as codified in Title V
27 of the Code, including in subtitle 1, which includes a number
28 of general provisions, subtitle 2, which includes provisions
29 regulating animal industry, and subtitle 4, which provides for
30 agricultural commodities and products in addition to related
31 activities.

32 SUBTITLE 1 — ADMINISTRATION. The bill eliminates a
33 requirement that DALs maintain a marketing news service
34 bureau, but retains a requirement that it cooperate with the
35 agricultural marketing service of the United States department

1 of agriculture (Code section 159.5).

2 SUBTITLE 2 — COMMERCIAL ESTABLISHMENTS. The bill
3 eliminates a requirement that an application form for the
4 issuance or renewal of an authorization to operate a commercial
5 establishment include the applicant's identification number,
6 which may be a tax identification number.

7 SUBTITLE 4 — FARM-TO-SCHOOL PROGRAM. The bill amends
8 provisions creating a farm-to-school program administered by
9 DALs under Code chapter 190A. The program assists schools
10 and school districts in purchasing food products derived from
11 food commodities produced on a farm and either processed on
12 the farm or processed at a business premises (referred to
13 as a farm source) located within 30 miles of the school or
14 school district's borders. A food product is a perishable or
15 nonperishable product derived from processing a food commodity
16 including pasteurized milk or dairy products, washed shelled
17 eggs, cut and washed produce, honey, maple syrup, unshelled
18 or shelled nuts, cuts of meat or poultry, or cuts of fish or
19 shelled aquatic items. DALs may reimburse a school or school
20 district for expenditures for such products to the extent
21 moneys are available to support the program. The available
22 moneys would be allocated during the school year on a matching
23 basis, subject to a \$1,000 cap. The bill also creates a
24 farm-to-school fund to support the program.

25 FERTILIZERS AND SOIL CONDITIONERS. The bill authorizes DALs
26 to adopt rules regulating the design, construction, location,
27 installation, and operation of equipment associated with
28 the use of fertilizers and soil conditioners (Code sections
29 200.3 and 200.14). Current law allows DALs to adopt such
30 rules regulating anhydrous ammonia equipment. The bill also
31 eliminates a requirement that such rules be in conformity with
32 the published standards of the agricultural ammonia institute.
33 A person violating such rules is guilty of a simple misdemeanor
34 (Code section 200.18).

35 WEIGHTS AND MEASURES (GENERAL). The bill amends a number

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

11 WEIGHTS AND MEASURES (MOTOR FUEL). The bill revises
12 requirements for the labeling of kerosene (Code section
13 214A.2A). The bill also repeals a provision prohibiting a
14 person from placing gasoline into a receptacle, unless the
15 receptacle states a warning (Code section 214A.15).

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

1 That qualification is incorporated in the amendments to the
2 provision regulating small package transactions (Code section
3 215.7).

4 CRIMINAL PENALTIES. A simple misdemeanor is punishable by
5 confinement for no more than 30 days or a fine of at least \$105
6 but not more than \$855 or by both.