SENATE FILE 578
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 359)
(SUCCESSOR TO SSB 1121)

(As Amended and Passed by the Senate March 22, 2021)

[ = New Language by the Senate
* = Language Stricken by the Senate

## A BILL FOR

An Act relating to the powers and duties of the department of agriculture and land stewardship, including by providing for administration, programs, and regulations, providing fees, providing penalties, and making penalties applicable.

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

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

PART A

COMMERCIAL ESTABLISHMENTS

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

PART B

FOREIGN ANIMAL DISEASE CONTROL

Sec. 3. Section 22.7, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 39A. Information related to the registration and identification of any premises where animals are kept as authorized pursuant to the foreign animal disease preparedness and response strategy as provided in section 163.3C.

Sec. 4. Section 163.3C, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. *a.* In developing and establishing a foreign animal disease preparedness and response strategy, the department may collect, maintain, and use information related to the registration and identification of any premises where animals are kept. The information may include but is not limited to all of the following:

(1) The name, address, and contact information of an

interested person.

(2) The location of the premises where the animals are kept.

(3) An identification number assigned to the premises where the animals are kept.

*b.* The information described in paragraph "*a*" is a confidential record as provided in section 22.7. Nothing in this subsection limits the department in acting as the lawful custodian of the confidential record from disclosing the record or any part of the record to another person if the department determines that such disclosure will assist in implementing, administering, or enforcing the foreign animal disease preparedness and response strategy.

DIVISION III

FERTILIZERS AND SOIL CONDITIONERS

Sec. 5. Section 200.3, subsection 24, Code 2021, is amended by striking the subsection.

Sec. 6. Section 200.14, Code 2021, is amended to read as follows:

**200.14 Rules.**

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

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

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

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

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

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

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

DIVISION IV

WEIGHTS AND MEASURES

PART A

GENERAL

Sec. 7. Section 214.1, Code 2021, is amended by adding the following new subsection:

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

Sec. 8. Section 214.3, subsection 1, Code 2021, is amended to read as follows:

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

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

Sec. 9. Section 214.3, subsection 3, paragraph e, subparagraph (2), Code 2021, is amended to read as follows:

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

Sec. 10. Section 214.4, subsection 1, unnumbered paragraph 1, Code 2021, is amended to read as follows:

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

Sec. 11. Section 214.6, Code 2021, is amended to read as follows:

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

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

Sec. 12. Section 214.11, Code 2021, is amended to read as follows:

**214.11 Inspections — recalibrations — penalty.**

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

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

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

PART B

MOTOR FUEL

Sec. 13. Section 214A.2A, subsection 1, Code 2021, is amended to read as follows:

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

Sec. 14. REPEAL. Section 214A.15, Code 2021, is repealed.

PART C

INSPECTIONS

Sec. 15. Section 215.4, Code 2021, is amended to read as follows:

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

A commercial weighing and measuring device found to be inaccurate or incorrect upon inspection by the department shall be rejected or tagged "condemned until repaired" and the ~~"licensed for commercial use"~~ inspection sticker shall be

removed. If notice is received by the department that the device has been repaired and upon reinspection the device is found to be accurate or correct, ~~the~~ a license fee ~~shall not~~ may be charged for the reinspection. However, a second license fee shall be charged if upon reinspection the device is found to be inaccurate. The device shall be tagged "condemned" and removed from service if a third reinspection fails.

Sec. 16. Section 215.7, Code 2021, is amended to read as follows:

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

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

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

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

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

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

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

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

Sec. 17. Section 215.23, Code 2021, is amended to read as follows:

**215.23 Servicer's license.**

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

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

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

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

Sec. 18. REPEAL. Sections 215.3 and 215.8, Code 2021, are repealed.

DIVISION V

FARM FOOD STUDY

Sec. 19. FARM-TO-TABLE TASK FORCE.

1. The Iowa cooperative extension service in agriculture and home economics of Iowa state university of science and technology, in cooperation with the department of agriculture

and land stewardship, shall establish a farm-to-table task force.

2. The purpose of the task force is to recommend how institutional purchasers, including schools, may be provided with long-term practical options to routinely acquire fresh food derived from locally or regionally produced and processed farm commodities, including meat, poultry, fish, and dairy products; eggs; vegetables; fruits; nuts; and honey.

3. The task force shall consider methods to do all of the following:

a. Improve direct farmer to consumer transactions.

b. Better integrate existing public and private procurement and nutritional programs, including but not limited to the farm-to-school program as provided in chapter 190A; the from farm to food donation tax credit as provided in chapter 190B, subchapter I; the Iowa emergency food purchase program as provided in chapter 190B, subchapter II; and the local food and farm program as provided in chapter 267A.

4. a. The task force shall be jointly chaired by the vice president for extension and outreach of Iowa state university of science and technology, or a designee; and the secretary of agriculture, or a designee. The chairpersons of the task force shall appoint remaining voting members to serve on the task force.

b. The Iowa cooperative extension service in agriculture and home economics shall provide meeting rooms, materials, and staffing services for the task force.

5. The task force shall prepare and submit a report to the governor and general assembly not later than December 10, 2021. The report shall include findings and recommendations, including any proposed legislation, and a suggested timeline for implementation of the task force's recommendations.

6. This section is repealed December 11, 2021.