

private corporate organization that has a valid contract to provide fire protection service for a benefited fire district, county, municipality, township or governmental agency.

d. c. "Member" means a person who is a member in good standing of a fire department or a person who is an ~~advanced or basic~~ emergency medical care provider employed by an ambulance, rescue, or first responder service.

Sec. 26. Section 724.6, subsection 2, Code 1995, is amended to read as follows:

2. Notwithstanding subsection 1, fire fighters, as defined in section 411.1, subsection 9, airport fire fighters included under section 97B.49, subsection 16, paragraph "b", subparagraph (2), ~~emergency medical technicians ambulance and~~ emergency rescue technicians, ~~as defined in section 147.1,~~ and advanced emergency medical care providers, as defined in section 147A.1, shall not, as a condition of employment, be required to obtain a permit under this section. However, the provisions of this subsection shall not apply to a person designated as an arson investigator by the chief fire officer of a political subdivision.

Sec. 27. Section 147.161, Code 1995, is repealed.

Sec. 28. COSTS PAID BY IOWA DEPARTMENT OF PUBLIC HEALTH. The Iowa department of public health shall pay any additional training and equipment costs, excluding vehicle costs, incurred by a political subdivision after the effective date of this Act and as a result of this Act.

Approved April 19, 1995

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## CHAPTER 42

### COMMERCIAL FEED LAW - FUNDING OF COMMERCIAL PESTICIDE APPLICATOR TRAINING

S.F. 255

**AN ACT** relating to the administration of the department of agriculture and land stewardship, providing for moneys previously appropriated to the department, and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 198.9, subsection 3, unnumbered paragraph 3, Code 1995, is amended to read as follows:

The secretary shall publish a report not later than ~~September~~ January 1 of each year. The report shall provide a detailed accounting of all sources of revenue deposited under and all dispositions of funds expended under this section. The report shall detail full-time equivalent positions used in fulfilling the requirements of this chapter. The report shall also indicate to what extent any full-time equivalent positions are shared with other programs. Copies of the report issued by the secretary pursuant to this subsection shall be delivered each year to the members of the house of representatives and senate standing committees on agriculture.

Sec. 2. Section 198.10, Code 1995, is amended to read as follows:  
198.10 RULES.

1. The secretary may adopt rules for commercial feeds and pet foods as specifically authorized in this chapter and other reasonable rules necessary in order to carry out the purpose and intent of this chapter or to secure the efficient enforcement of this chapter.

In the interest of uniformity the secretary shall ~~by rule adopt, unless any rule based on regulations promulgated under the authority of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq., provided the secretary has the authority under this chapter to adopt the rule. However, the secretary is not required to adopt such a rule, if the secretary determines that they are the rule would be inconsistent with this chapter or are not appropriate to conditions which exist in this state, the following:~~

a. ~~The official definitions of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization, and~~

b. ~~Any rule adopted pursuant to the authority of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq., provided the secretary has the authority under this chapter to adopt such rules.~~

2. Before the issuance, amendment, or repeal of a rule authorized by this chapter, the secretary shall publish the proposed rule, amendment, or notice to repeal an existing rule in a manner reasonably calculated to give interested parties, including all current licensees, adequate notice, and shall afford all interested persons an opportunity to be heard, orally or in writing, within a reasonable period of time. After consideration of all views presented by interested persons, the secretary shall take appropriate action to issue the proposed rule or to amend or repeal an existing rule. However, if the secretary, ~~pursuant to this chapter, adopts the official definitions of feed ingredients or official feed terms as adopted by the association of American feed control officials, or adopts rules based on regulations promulgated pursuant to~~ under the authority of the federal Food, Drug, and Cosmetic Act, any amendment or modification adopted by ~~that association, or by the United States~~ secretary of health and human services ~~in the case of regulations promulgated pursuant to the federal Food, Drug, and Cosmetic Act,~~ shall be adopted automatically under this chapter without regard to publication of the notice required by this subsection, unless the secretary by order specifically determines that an amendment or modification shall not be adopted.

Sec. 3. 1994 Iowa Acts, chapter 1198, section 1, subsection 3, paragraph a, unnumbered paragraph 3, is amended to read as follows:

Of the amount appropriated under this paragraph ~~"a" or paragraph "c" of this subsection, the department shall allocate \$160,000 shall be allocated from the either~~ appropriation to Iowa state university for purposes of training commercial pesticide applicators.

Sec. 4. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 19, 1995

## CHAPTER 43

### LIVESTOCK CLASSIFICATION OF OSTRICHES, RHEAS, AND EMUS S.F. 278

AN ACT providing that animals classified as ostriches, rheas, and emus are considered livestock.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 4.1, Code 1995, is amended by adding the following new subsection: