

with back pay, and interest on such amount at eighteen percent per annum compounded annually, if applicable, if the result of the test is not a confirmed positive ~~drug or alcohol~~ test result for drugs or alcohol which indicates a violation of the employer's written policy.

Sec. 11. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 16, 2004

CHAPTER 1082

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP AND AGRICULTURAL REGULATION — MISCELLANEOUS CHANGES

S.F. 2208

AN ACT relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable.

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

DIVISION I GENERAL AUTHORITY OF THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Section 1. Section 7A.4, subsection 2, Code 2003, is amended by striking the subsection.

Sec. 2. Section 159.11, Code Supplement 2003, is repealed.

Sec. 3. Section 159.13, Code 2003, is repealed.

DIVISION II AGRICULTURAL ENERGY MANAGEMENT FUND

Sec. 4. Section 159.6, subsection 10, Code Supplement 2003, is amended to read as follows:
10. Soil and water conservation as set forth in chapters 161A, ~~161B~~, 161C, 161E, and 161F.

Sec. 5. Section 455E.11, subsection 2, paragraph e, subparagraph (7), Code Supplement 2003, is amended by striking the subparagraph.

Sec. 6. Chapter 161B, Code 2003,¹ is repealed.

DIVISION III SECRETARY'S DESIGNEE AS A MEMBER OF THE ECONOMIC DEVELOPMENT BOARD

Sec. 7. Section 15.103, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The Iowa economic development board is created, consisting of eleven voting members appointed by the governor and seven ex officio nonvoting members. The ex officio nonvoting

¹ "Code Supplement 2003" probably intended

members are four legislative members; one president, or the president's designee, of the University of Northern Iowa, the University of Iowa, or Iowa State University of science and technology designated by the state board of regents on a rotating basis; and one president, or the president's designee, of a private college or university appointed by the Iowa association of independent colleges and universities; and one superintendent, or the superintendent's designee, of a community college, appointed by the Iowa association of community college presidents. The legislative members are two state senators, one appointed by the president of the senate, after consultation with the majority leader of the senate, and one appointed by the minority leader of the senate, after consultation with the president of the senate, from their respective parties; and two state representatives, one appointed by the speaker and one appointed by the minority leader of the house of representatives from their respective parties. Not more than six of the voting members shall be from the same political party. The secretary of agriculture or the secretary's designee shall be one of the voting members. The governor shall appoint the remaining ten voting members of the board for a term of four years beginning and ending as provided by section 69.19, subject to confirmation by the senate, and the governor's appointments shall include persons knowledgeable of the various elements of the department's responsibilities.

DIVISION IV COMMERCIAL FEED

Sec. 8. Section 198.3, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 0A. "Advertise" means to present a commercial message in any medium, including but not limited to print, radio, television, sign, display, label, tag, or articulation.

Sec. 9. Section 198.3, subsection 3, Code 2003, is amended to read as follows:

3. "Commercial feed" means all materials or a combination of materials which are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted. ~~Unmixed~~ Except as otherwise provided in this chapter, unmixed whole seeds and physically altered entire unmixed seeds, when such whole or physically altered seeds are not chemically changed or are not adulterated within the meaning of section 198.7, subsection 1, are exempt. The secretary by rule may exempt from this definition, or from specific provisions of this chapter, commodities such as hay, straw, stover, silage, cobs, husks, hulls and individual chemical compounds or substances when such commodities, compounds or substances are not intermixed or mixed with other materials, and are not adulterated within the meaning of section 198.7, subsection 1.

Sec. 10. Section 198.10, subsection 1, Code 2003, is amended to read as follows:

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.

1A. The secretary may adopt rules to do all of the following:

a. Regulate the movement of cottonseed into this state or within this state, even if the cottonseed would otherwise be exempt as whole seed under section 198.3. The secretary may adopt rules prescribing standards for cottonseed consistent with regulations prescribing the quality and uses of cottonseed as promulgated by the United States food and drug administration.

b. Regulating the advertisement of commercial feed, including but not limited to labeling commercial feed as specifically provided in this chapter.

1B. In the interest of uniformity the secretary shall adopt 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 the rule

would be inconsistent with this chapter or not appropriate to conditions which exist in this state.

DIVISION V
ACCOUNTABLE GOVERNMENT ACT

Sec. 11. Section 8E.103, subsection 1, Code 2003, is amended to read as follows:

1. "Agency" means a principal central department enumerated in section 7E.5. ~~For However-~~ er, for purposes of this chapter, each all of the following apply:

a. The department of agriculture and land stewardship is not considered an agency.

b. Each division within the department of commerce ~~shall be~~ is considered an agency, and each bureau within a division of the department of commerce ~~shall be~~ is considered a division, as otherwise provided in chapter 7E.

DIVISION VI
MILK REGULATION

Sec. 12. Section 192.101A, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

As used in this chapter, all terms shall have the same meaning as defined in the "Grade 'A' Pasteurized Milk Ordinance, 2001 Revision" Ordinance" as provided in section 192.102. However, notwithstanding the ordinance, the following definitions shall apply:

Sec. 13. Section 192.102, Code Supplement 2003, is amended to read as follows:

192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

The department shall adopt, by rule, the "Grade 'A' Pasteurized Milk Ordinance, 2001 2003 Revision", including a subsequent revision of the ordinance. If the ordinance specifies that compliance with a provision of the ordinance's appendices is mandatory, the department shall also adopt that provision. The department shall not amend the ordinance, unless the department explains each amendment and reasons for the amendment in the Iowa administrative bulletin when the rules are required to be published pursuant to chapter 17A. The department shall administer this chapter consistent with the provisions of the ordinance.

Sec. 14. Section 192.110, subsection 1, Code Supplement 2003, is amended to read as follows:

1. The person has a pasteurized milk and milk products sanitation compliance rating of ninety percent or more as calculated according to the rating system as contained in the federal public health service publications, "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers ~~2001~~ 2003" and "Method of Making Sanitation Ratings of Milk Supplies, ~~2001~~ 2003 Revision". The applicable provisions of these publications are incorporated into this section by this reference. A copy of each publication shall be on file with the department or in the office of the person subject to an inspection contract as provided in section 192.108.

Approved April 16, 2004