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Senate File 272

February 17, 1947.
Passed on File.

By LYNES.

A BILL FOR

An Act to regulate and improve creamery operations and creamery products as to health and sanitation, and creating a board of examiners and prescribing their powers and duties, and providing for the licensing of butter-makers and fixing the penalty for violations of this Act.

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

1 Section 1. Definitions.

2 1. The word "creamery" means an establishment to
3 which milk or cream of divers producers is delivered
4 and where said products are manufactured into butter
5 either alone or in connection with other dairy products.

6 2. The word "buttermaker" as used in this act shall
7 mean a person employed or who may be employed in a
8 creamery who has charge of and supervision over the
9 actual process of manufacturing butter and shall not
10 include a person employed in a creamery for the purpose
11 of assisting in the manufacture of such product, neither
12 shall it include a person making up a product produced
13 on his own farm.

14 3. The word "licensee" used in this act shall mean a
15 person licensed under the provisions of this act.

16 4. The words "examining board" as used in this act
17 shall be construed to mean the board of examiners
18 created by this act.

1 Sec. 2. There is hereby created a board of examiners
2 who shall examine all applicants for license. Said examining
3 board shall consist of the President of the Iowa Creameries
4 Association or a representative appointed by him, the President
5 of the Iowa Creamery Butter Manufacturers Association or a
6 representative appointed by him, the President of the Iowa
7 Creamery Operators Association or a representative appointed
8 by him, the Iowa Secretary of Agriculture or a representative
9 appointed by him, the Head of the Dairy Industry Department,
10 Iowa State College or a representative appointed by him. The
11 Secretary of Agriculture shall issue license only upon
12 recommendations of this board. The members of said board shall
13 serve without compensation.

1 Sec. 3. The board of examiners shall organize on or
2 before August 1st immediately after the passage of this act
3 and annually thereafter and shall at that time select the
4 chairman from its own membership. The chief of the dairy and
5 food division of the Iowa Department of Agriculture shall act
6 as Secretary of the board. The examining board shall hold
7 quarterly sessions for the purpose of giving examinations at
8 such time and place as the board may provide.

1 Sec. 4. At any time within ninety (90) days from the
2 passage of this act, when an application is filed accompanied

3 by a fee of Three (3) dollars the Secretary of Agriculture
4 shall issue a license without examination to any applicant who
5 has been actively engaged as a buttermaker in creameries
6 operating in the State of Iowa. Licenses issued under this
7 act shall be in the form of a certificate issued by the
8 Secretary of Agriculture and shall show on its face the date
9 issued.

1 Sec. 5. All persons except those listed in Section
2 four (4) who wish to obtain a license as a buttermaker and
3 who wish to take the examination to be licensed as a
4 buttermaker shall file an application on such form as the
5 board shall prescribe accompanied by a fee of Three (3)
6 dollars. After examination, if the majority of the examining
7 board are satisfied, said applicant is competent and qualified,
8 they shall direct the Secretary of Agriculture to issue him a
9 license. In the event that any applicant fails to pass the
10 examination given by the said board he shall be entitled to a
11 re-examination at any quarterly examination within twelve (12)
12 months thereafter without the payment of any additional fee.

1 Sec. 6. From and after ninety (90) days, following the
2 effective date of this act, it shall be unlawful for any
3 creamery operating in the State of Iowa to engage in the
4 manufacture of butter, unless they have in their employment,
5 in charge of buttermaking, a licensed buttermaker under the
6 provisions of this act.

1 Sec. 7. Licenses issued under this act shall show on its

2 face the date of issue and the serial number of the licensee.
3 All licenses expire annually on June 30th of each year after
4 the date of issuance except that all licenses issued on or
5 after April 1st shall continue to be in effect until June 30th
6 of the following year. Each license may be renewed
7 without examination each year upon the filing of an application
8 accompanied by a license fee of One (1) dollar. Renewals after
9 the expiration of the license may be secured only upon the
10 recommendation of the board of examiners and the payment of a
11 fee of Two (2) dollars.

1 Sec. 8. Upon the receipt of an application which on its
2 face shows that the applicant is an experienced buttermaker
3 the Secretary of Agriculture shall be empowered to issue a
4 permit to such applicant to carry on the work of a buttermaker
5 until the next examination period but not to exceed ninety (90)
6 days. Such permit shall have the full force and effect of a
7 license to carry on the work of a buttermaker not to exceed
8 the period above mentioned. At the time such a permit is
9 issued the board of examiners shall furnish to the applicant
10 information as to how to secure a license, and also suggestions
11 relative to proper methods in manufacturing butter.

1 Sec. 9. Every buttermaker licensed to supervise the
2 manufacture of butter under this act shall be subject to this
3 act and to all state dairy laws.

1 Sec. 10. Any violation of this act shall be considered
2 a misdemeanor, and on conviction thereof shall be fined not

3 to exceed One hundred (100) dollars.

1 Sec. 11 A license to supervise the manufacture of butter
2 as provided in this act shall be revoked or suspended when the
3 licensee is found guilty of any of the following acts or offenses:

4 1. Fraud in procuring his license.

5 2. Incompetency in the supervision of the manufacture
6 of butter.

7 3. Falsification of weights, tests or records in the
8 operation of a creamery under his supervision.

9 4. Violation of any provision of this chapter or title
10 ten (10) of the 1946 Code of Iowa.

1 Sec. 12. Upon a complaint filed in writing by the
2 examining board charging a licensee with one or more violations
3 as set out herein as grounds for revocation the Secretary
4 of Agriculture shall hold a hearing thereon and shall serve
5 the person charged with notice of the time and place of said
6 hearing by giving him five (5) days notice by registered mail
7 addressed to him at his residence as shown by the records in
8 the office of the Secretary of Agriculture. Such hearing shall
9 be held in the office of the Secretary of Agriculture in
10 Des Moines, Iowa. After hearing the evidence the Secretary
11 may for good cause revoke or suspend the license of said
12 licensee which decision shall be appealable to the District
13 Court of the county of the residence of the licensee tryable
14 DeNovo in equity. The determination of the District Court
15 shall be final.

1 Sec. 13. All license fees collected hereunder shall be
2 accounted for monthly, by the Secretary of Agriculture, to
3 the State Treasurer and shall constitute a separate fund
4 from which shall be paid the expenses of the Department of
5 Agriculture in enforcing the provisions of this act. Any
6 balance in such fund at the end of any fiscal year shall be
7 credited to the State General Fund.

1 Sec. 14. If any of the provisions of this chapter shall
2 be held invalid or unconstitutional such invalidity or
3 unconstitutionality shall not affect other provisions of this
4 chapter and to these ends the provisions of this chapter as
5 amended are declared to be severable.