

McLaren
Gaskill
Kibbie

SSB 1048
Agriculture
Succeeded By
SENATE FILE SE HF 80
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON McLAREN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to contamination by certain genetically modified
2 grain crops, providing for liability, and making penalties
3 applicable.

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

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1 ~~Section~~ 1. Section 199.1, Code 2001, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 6A. "Genetically modified" means to alter
4 the genetic characteristics of a crop by modifying the
5 deoxyribonucleic acid of the crop's agricultural seed in a
6 manner other than by breeding or pollination.

7 NEW SUBSECTION. 6B. "Grain" means the same as defined in
8 section 203.1.

9 NEW SUBSECTION. 6C. "Grain crop" means a plant produced
10 from agricultural seed.

11 NEW SUBSECTION. 19A. "Seed labeler" means a person
12 required to label seed as provided in section 199.3 or 199.4.

13 Sec. 2. Section 199.3, subsection 1, Code 2001, is amended
14 by adding the following new paragraph:

15 NEW PARAGRAPH. f. If the seed is a genetically modified
16 agricultural seed, the label shall state the sound management
17 practices necessary to produce a genetically modified grain
18 crop in accordance with section 199.7A.

19 Sec. 3. NEW SECTION. 199.7A GENETICALLY MODIFIED
20 AGRICULTURAL SEED -- SOUND MANAGEMENT PRACTICES -- LIABILITY.

21 1. As used in this section:

22 a. "Contamination" means the unintended presence of a
23 plant or plant part transferred from an originating field to
24 an area without the presence of the plant or plant part that
25 alters the genetic characteristics of a plant.

26 b. "Designated crop" means a designated genetically
27 modified grain crop, as provided in this section.

28 c. "Field" means an originating field or a neighboring
29 field.

30 d. "Neighboring field" means the property adjoining an
31 originating field that is owned by a person other than the
32 person who owns the originating field.

33 e. "Originating field" means the property where
34 genetically modified agricultural seed has been planted.

35 2. A seed labeler shall develop sound management practices

1 for producing a designated genetically modified grain crop. A
2 designated genetically modified grain crop is a grain crop
3 that originates from genetically modified agricultural seed,
4 that the seed labeler sells or offers for sale, and that on
5 December 1 of the previous year meets any of the following
6 criteria:

7 a. Any grain produced from the genetically modified grain
8 crop or any food manufactured from that grain was prohibited
9 from sale or use for human consumption by the United States
10 food and drug administration.

11 b. All nations that imported a total of ten percent or
12 more of grain produced from a specific species of grain crop
13 prohibited the import of grain produced from that same species
14 of grain crop because it was genetically modified.

15 3. The sound management practices required for a
16 designated crop shall consist of requirements for planting
17 genetically modified agricultural seed on an originating field
18 a minimum distance from the boundary of a neighboring field
19 and methods to maintain the separated area in order to prevent
20 a significant risk of contamination occurring from any of the
21 following:

22 a. The transfer of gene characteristics to crops planted
23 on a neighboring field by pollination, including the
24 pollination of crops or the pollination of other related
25 plants inhabiting the neighboring field.

26 b. The transfer of genetically modified agricultural seed
27 to a neighboring field.

28 For property that includes a road right-of-way, railroad
29 right-of-way, or an access easement, the property's boundary
30 line shall not be the boundary line of the right-of-way or
31 easement.

32 4. a. A person who produces a designated crop shall not
33 be found to be liable for damages caused by the contamination
34 of another person's property, if the designated crop is
35 produced in accordance with sound management practices as

1 provided on the label for the agricultural seed's container
2 pursuant to section 199.3.

3 b. A seed labeler shall be strictly liable for damages
4 caused by the contamination of a person's property, if a
5 person who produces a designated crop on an originating field
6 complies with sound management practices developed by the seed
7 labeler as provided on the label for the agricultural seed's
8 container pursuant to section 199.3.

9 EXPLANATION

10 This bill provides for the contamination of genetic
11 material originating from genetically modified agricultural
12 seeds to other property. The bill applies to certain
13 designated grain crops which have been genetically modified.

14 In order to be classified as a designated genetically
15 modified grain crop, the crop must originate from genetically
16 modified agricultural seed and on December 1 of the previous
17 year the crop's grain cannot be used for human consumption
18 according to the United States food and drug administration,
19 and the grain must be barred by import by 90 percent of all
20 nations that import grain from the same species of grain crop
21 according to the United States department of agriculture.

22 The bill provides that a person required to label the seed
23 (referred to as the "seed labeler") must develop sound
24 management practices for producing the designated crop. The
25 practices must consist of requirements for planting
26 genetically modified agricultural seed a minimum distance from
27 the boundary of a neighboring field and methods to maintain
28 the separated area in order to prevent a significant risk of
29 contamination either by pollination or seed dispersal.

30 The bill provides that a person who produces a designated
31 crop shall not be found to be liable for damages caused by the
32 contamination of another person's property, if the crop is
33 produced in accordance with the seed labeler's sound
34 management practices. It provides that a seed labeler shall
35 be strictly liable for damages caused by the contamination of

1 a person's property, if a person who produces a designated
2 crop on an originating field complies with the seed labeler's
3 sound management practices as provided on the label.

4 A person violating Code chapter 199 is guilty of a simple
5 misdemeanor.

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FILED JAN 25 197

SENATE FILE 80
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 1048)

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33 be found to be liable for damages caused by the contamination
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3 b. A seed labeler shall be strictly liable for damages
4 caused by the contamination of a person's property, if a
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7 labeler as provided on the label for the agricultural seed's
8 container pursuant to section 199.3.

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EXPLANATION

10 This bill relates to the contamination from genetic
11 material originating from genetically modified agricultural
12 seeds of other property. The bill applies to certain
13 designated grain crops which have been genetically modified.

14 In order to be classified as a designated genetically
15 modified grain crop, the crop must originate from genetically
16 modified agricultural seed and on December 1 of the previous
17 year the crop's grain was prohibited for use for human
18 consumption according to the United States food and drug
19 administration, or all nations that imported a total of 10
20 percent or more grain from a specific grain crop prohibited
21 the import of grain produced from that same species of grain
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24 (referred to as the "seed labeler") must develop sound
25 management practices for producing the designated crop. The
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32 crop shall not be found to be liable for damages caused by the
33 contamination of another person's property, if the crop is
34 produced in accordance with the seed labeler's sound
35 management practices. The bill provides that a seed labeler

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**SENATE FILE 80
FISCAL NOTE****REQUESTED BY:
SENATOR LUNDBY**

A fiscal note for **Senate File 80** is hereby submitted pursuant to Joint Rule 17 and as a correctional impact pursuant to 2.56, Code of Iowa. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature up Legislature upon request.

Senate File 80 requires a producer of genetically modified seed to label the seed and develop sound management practices to prevent contamination by pollination or seed dispersal. The Bill specifies a person is not liable for damages of crop contamination when the sound practices are used for production. The Bill specifies a person in violation is guilty of a simple misdemeanor. The Bill does not specify who is responsible for enforcement.

ASSUMPTIONS

1. Senate File 80 would require the following positions to be added to the Department of Agriculture and Land Stewardship:

1 Environmental Specialist	\$47,000
1 Plant Pathologist	\$44,000
3 Agriculture Inspectors	\$98,000
1 Laboratory Assistant	\$27,000
2 Clerk Specialist	\$57,000
1 Information Specialist	\$46,000
2. Network support under Senate File 80 is expected to cost approximately \$50,000 for FY 2002 and for subsequent years.
3. Telephone and supply costs are estimated at \$4,000 for FY 2002 and for subsequent years.
4. Estimated equipment cost for FY 2002 is \$78,000. This estimate includes four vehicles at a cost of \$64,000 and nine computers for a cost of \$14,000. Vehicle depreciation is estimated at \$20,000 for FY 2002 and for subsequent years.
5. The median cost for attorney time and paralegal time per case is \$200 for a simple misdemeanor. Court costs for a simple misdemeanor range from \$50 to \$500. A simple misdemeanor may serve up to 30 days in a residential Community-Based Correctional Program, however, it is unlikely.

CORRECTIONAL IMPACT

The number of convictions under Senate File 80 is unknown. Any correctional impact resulting from Senate File 80 is expected to be minimal.

FISCAL IMPACT

The estimated fiscal impact of Senate File 80 is an increase in General Fund expenditures of \$530,000 and an increase of 9.00 FTE positions for FY 2002. The fiscal impact for FY 2003 and subsequent years is \$402,000 and no change in FTE positions.

The criminal justice cost associated with violations of Senate File 80 cannot be determined. However, the estimated cost for each person convicted would range from \$250 to \$700.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Attorney General
Department of Agriculture and Land Stewardship

(LSB 1667SV, DFK)

FILED APRIL 2, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR