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Agriculture

HOUSE FILE 2439  
BY WHITAKER, FREVERT,  
and KUHN

(COMPANION TO LSB 5773SS  
BY BOLKCOM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to organic food by providing for the  
2 establishment of a center, a council, and a fund.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2439

1 Section 1. NEW SECTION. 175B.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "Agricultural product" means any agricultural commodity  
5 or product, whether raw or processed, including any commodity  
6 or finished product derived from a plant or animal having  
7 commercial value, including but not limited to the following:

8 a. For plants, stalks, trunks and branches, cuttings,  
9 grafts, scions, leaves, buds, fruit, vegetables, roots, bulbs,  
10 or seeds.

11 b. For animals, muscle tissue, organs, fat, blood, manure,  
12 bones, milk, wool, hide, pelt, feathers, eggs, semen, embryos,  
13 or honey.

14 2. "Center" means the Iowa organics center created  
15 pursuant to section 175B.3.

16 3. "Coordinator" means the administrative head of the Iowa  
17 organics center as provided in section 175B.3.

18 4. "Council" means the Iowa organics council established  
19 pursuant to section 175B.4.

20 5. "Department" means the department of agriculture and  
21 land stewardship.

22 6. "Fund" means the Iowa organics fund established  
23 pursuant to section 175B.5.

24 7. "Identity-preserved agricultural product" means an  
25 agricultural product that may be traced from production  
26 through handling, processing, and marketing channels to the  
27 retailer in order to ensure that a specific process or  
28 characteristic, including but not limited to a genetic trait,  
29 associated with the agricultural product has been followed or  
30 is delivered to the final consumer.

31 8. "Iowa foods" means identity-preserved agricultural  
32 products or organic agricultural products that are produced in  
33 this state and intended for or marketed as foods or which are  
34 produced in this state and processed into products that are  
35 intended for or marketed as foods.

1 9. "Organic agricultural product" means an agricultural  
2 product that is certified or otherwise qualifies as organic in  
3 accordance with the provisions of chapter 190C.

4 10. "Secretary" means the secretary of agriculture.

5 Sec. 2. NEW SECTION. 175B.2 IOWA FOODS POLICY.

6 The state declares an Iowa foods policy, which is to  
7 promote the production, handling, processing, and marketing of  
8 Iowa foods in a manner that does all of the following:

9 1. Provides for sound soil conservation and sustainable  
10 agricultural practices, enhances the quality of the  
11 environment, promotes the development of local and statewide  
12 food systems, expands domestic and foreign markets,  
13 revitalizes rural communities, and furnishes consumers with  
14 widely available wholesome food.

15 2. Ensures that the majority of the wealth created by Iowa  
16 agricultural producers is retained in this state, and that  
17 employment for industries associated with the handling,  
18 processing, and marketing of Iowa's identity-preserved  
19 agricultural products and organic agricultural products in  
20 this state.

21 Sec. 3. NEW SECTION. 175B.3 IOWA ORGANICS CENTER --  
22 ESTABLISHMENT AND DUTIES.

23 An Iowa organics center is established in the department.  
24 The center is headed by a coordinator who shall be appointed  
25 by the secretary.

26 1. The center shall carry out the Iowa foods policy  
27 provided in section 175B.2 by developing and implementing a  
28 comprehensive strategy which shall include at least all of the  
29 following:

30 a. Monitoring the production, handling, processing, and  
31 marketing of identity-preserved agricultural products and  
32 organic agricultural products in this state, and periodically  
33 advising the secretary regarding the center's findings and  
34 recommendations or proposals regarding such matters.

35 b. Serving as an information clearinghouse to assist

1 agricultural producers interested in producing identity-  
2 preserved agricultural products and organic agricultural  
3 products. The center shall serve as a referral agency to  
4 assist agricultural producers in obtaining assistance from  
5 private persons and state and federal agencies, including the  
6 organic advisory council, the Iowa cooperative extension  
7 service in agriculture and home economics at Iowa state  
8 university, and the department of economic development. The  
9 center shall establish programs to ensure that interested  
10 agricultural producers may achieve a practicable transition to  
11 producing and marketing identity-preserved agricultural  
12 products and organic agricultural products.

13 c. Initiating or supporting programs or projects which  
14 establish, improve, or expand private and public efforts to  
15 develop markets for identity-preserved agricultural products  
16 and organic agricultural products. The center shall assist  
17 persons in developing infrastructure for the production,  
18 handling, processing, and marketing of identity-preserved  
19 agricultural products and organic agricultural products,  
20 including local distribution systems such as grocery stores,  
21 restaurants, and farmers markets, and direct producer-to-  
22 consumer sales by production contract and internet sales.

23 d. Providing for educational and promotional campaigns,  
24 including sponsoring events or publishing electronic or  
25 printed materials which increase the public's awareness of  
26 identity-preserved agricultural products and organic  
27 agricultural products and their connection to Iowa farm  
28 families. The center may design labels or placards which  
29 identify foods as identity-preserved agricultural products or  
30 organic agricultural products.

31 e. Assisting state and local governments when considering  
32 legislative or administrative measures which may have an  
33 impact upon the production, handling, processing, or marketing  
34 of identity-preserved agricultural products or organic  
35 agricultural products. The center shall cooperate with state

1 and local governments to ensure that when purchasing foods,  
2 consideration is provided to identity-preserved agricultural  
3 products and organic agricultural products whenever the price  
4 and quality are reasonably competitive.

5 2. The center and state and local agencies, including the  
6 department of administrative services, the department of  
7 corrections, the department of economic development, the state  
8 department of transportation, the department of natural  
9 resources, the state board of regents institutions, and the  
10 state board for community colleges, shall cooperate to carry  
11 out the mission of the center.

12 3. The center shall prepare a report as follows:

13 a. The report shall describe the status of the state's  
14 efforts under this chapter to accomplish the Iowa foods policy  
15 set forth in section 175B.2, and the center's performance  
16 goals and activities, including programs and projects designed  
17 to achieve those goals, as provided in its comprehensive  
18 strategy.

19 b. The report shall be incorporated into the department's  
20 annual performance plan and agency strategic plan as provided  
21 in chapter 8E, subchapter II. The report shall be delivered  
22 to the secretary and the legislative services agency not later  
23 than February 10 of each year.

24 Sec. 4. NEW SECTION. 175B.4 IOWA ORGANICS COUNCIL.

25 1. An Iowa organics council is established within the  
26 department. The council shall provide general oversight of  
27 the center and its administrative operations. However, the  
28 council shall not control policy decisions or direct the  
29 administration of this chapter. The council, in cooperation  
30 with the coordinator and the organic advisory council as  
31 provided in section 190C.2, shall do all of the following:

32 a. Develop and review the comprehensive strategy necessary  
33 to carry out the Iowa foods policy as provided in section  
34 175B.3.

35 b. Review the operations of the center, establish

1 performance goals for the center, and adopt recommendations  
2 relating to improving the functions of the center as is  
3 necessary to further the Iowa foods policy as provided in  
4 section 175B.2.

5 c. Encourage the full support of initiatives of the center  
6 performed pursuant to its comprehensive strategy as provided  
7 in section 175B.3.

8 2. The council shall be composed of all of the following:

9 a. Four members who shall include all of the following:

10 (1) The chairperson of the organic advisory council as  
11 provided in section 190C.2.

12 (2) The director of the Leopold center for sustainable  
13 agriculture as provided in section 266.39.

14 (3) A person appointed by the director of the department  
15 of economic development who shall be familiar with that  
16 department's agricultural marketing programs and the value-  
17 added agricultural products and processes financial assistance  
18 program as provided in section 15E.111.

19 (4) A person appointed by the president of Iowa state  
20 university who is a specialist in organic agricultural  
21 production and associated with the Iowa cooperative extension  
22 service in agriculture and home economics.

23 b. Nine public members who shall be appointed by the  
24 secretary. The public members must be presently actively  
25 engaged or have long been actively engaged in the production,  
26 handling, processing, or marketing of identity-preserved  
27 agricultural products and organic agricultural products. The  
28 membership must include at least one person who has been  
29 involved in producing identity-preserved agricultural  
30 products. The membership must include at least four persons  
31 who have been involved in producing organic agricultural  
32 products. At least one member must be a member of the Iowa  
33 food policy council and at least one member must be a member  
34 of the practical farmers of Iowa.

35 (1) The secretary shall appoint the public members based

1 on a list of nominations submitted by organizations  
2 representing areas of expertise in the production, handling,  
3 processing, and marketing of identity-preserved agricultural  
4 products and organic agricultural products, as certified by  
5 the department according to requirements of the department.

6 (2) Appointments of the public members are subject to the  
7 requirements of sections 69.16 and 69.16A. In addition, the  
8 appointments shall be geographically balanced. Unless the  
9 secretary determines that it is not feasible, at least one  
10 member must reside in each of the six geographic regions known  
11 as state fair board districts as provided in section 173.4A.  
12 The members shall be confirmed by the senate, pursuant to  
13 section 2.32.

14 (3) The members shall serve five-year terms beginning and  
15 ending as provided in section 69.19. However, the secretary  
16 shall appoint initial members to serve for less than five  
17 years to ensure members serve staggered terms. A member is  
18 eligible for reappointment. A vacancy on the council shall be  
19 filled for the unexpired portion of the regular term in the  
20 same manner as regular appointments are made.

21 3. The council shall elect a chairperson from among its  
22 public members each year on a rotating basis as provided by  
23 the council. The council shall meet on a regular basis and at  
24 the call of the chairperson or upon the written request to the  
25 chairperson of five or more public members.

26 4. Members are not entitled to receive compensation but  
27 public members shall receive reimbursement of expenses from  
28 the department as provided in section 7E.6.

29 5. Seven members constitute a quorum and the affirmative  
30 vote of a majority of both the nonpublic members and public  
31 members present is necessary for any substantive action to be  
32 taken by the council. The majority shall not include any  
33 member who has a conflict of interest and a statement by a  
34 member that the member has a conflict of interest is  
35 conclusive for this purpose. A vacancy in the membership does

1 not impair the duties of the council.

2 6. The department shall assist the council in carrying out  
3 the Iowa foods policy as provided in section 175B.2 by doing  
4 all of the following:

5 a. Furnishing facilities, supplies, and clerical  
6 assistance. The coordinator shall staff the council.

7 b. Execute contracts with or award moneys for programs or  
8 projects as provided in section 175B.3.

9 c. Administer the Iowa organics fund as provided in  
10 section 175B.5.

11 Sec. 5. NEW SECTION. 175B.5 IOWA ORGANICS FUND.

12 1. An Iowa organics fund is created in the state treasury  
13 under the control of the department. The fund is composed of  
14 moneys appropriated by the general assembly and moneys  
15 available to and obtained or accepted by the department from  
16 the United States or private sources for placement in the  
17 fund.

18 2. Moneys in the fund are appropriated to the department  
19 exclusively to assist the center in carrying out its  
20 comprehensive strategy as provided in section 175B.3.

21 3. Section 8.33 shall not apply to moneys in the fund.  
22 Notwithstanding section 12C.7, moneys earned as income or  
23 interest from the fund shall remain in the fund until expended  
24 as provided in this section.

25 EXPLANATION

26 This bill provides for an Iowa foods policy, which is to  
27 promote the production, handling, processing, and marketing of  
28 Iowa's foods which are identity-preserved agricultural  
29 products or organic agricultural products that are produced in  
30 this state and intended for or marketed as foods or  
31 agricultural products processed in this state and intended for  
32 or marketed as foods.

33 The bill establishes an Iowa organics center in the  
34 department of agriculture and land stewardship. The center is  
35 headed by a coordinator. The center is responsible for

1 carrying out the state policy by implementing a comprehensive  
2 strategy which must include: (1) monitoring the current  
3 status of the production, handling, processing, and marketing  
4 of identity-preserved agricultural products and organic  
5 agricultural products; (2) serving as an information  
6 clearinghouse to assist agricultural producers interested in  
7 producing those products; (3) initiating or supporting  
8 programs or projects which establish, improve, or expand  
9 private and public efforts to develop markets for the  
10 products; (4) providing for educational and promotional  
11 campaigns designed to increase the public's awareness of the  
12 products; and (5) assisting state and local governments when  
13 considering legislative or administrative measures which may  
14 have an impact upon the production, handling, processing, or  
15 marketing of the products. The bill requires state and local  
16 agencies to cooperate with the center in performing its  
17 duties. The center is required to submit an annual report to  
18 the secretary and legislative services agency regarding its  
19 activities and goals.

20 The bill also establishes an Iowa organics council. The  
21 council is to provide general oversight of the center and  
22 assist the center in developing and carrying out its  
23 comprehensive strategy. The council is composed of state  
24 officials who have knowledge regarding identity-preserved  
25 agricultural products and organic agricultural products, and  
26 public members appointed by the secretary who are presently  
27 actively engaged or have long been actively engaged in the  
28 production, handling, processing, or marketing of identity-  
29 preserved agricultural products and organic agricultural  
30 products. The bill provides a number of procedures for the  
31 appointment, voting, conduct of meetings, and reimbursement of  
32 members, which is consistent with other statutes establishing  
33 citizen appointed members of official bodies. The bill  
34 requires the department to assist the council in performing  
35 its duties.

1 Finally, the bill establishes an Iowa organics fund under  
2 the control of the department. Moneys in the fund are  
3 appropriated to the department exclusively to assist the  
4 center in carrying out its duties associated with its  
5 comprehensive strategy.

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