

Reported Recommending.....  
Ind. Postponed.....  
Passed House.....  
Failed to Pass House.....  
Passed Senate.....  
Failed to Pass Senate.....

House File 185

January 29, 1943. By JOHNSON of Monona, GETSCHER and AVERY.  
Agriculture 2.

## A BILL FOR

An Act to amend title ten (X) of the Code, 1939, by adding thereto a new chapter relating to the licensing and regulation of community sale barns; prescribing the powers and duties of the department of agriculture in connection therewith; and prescribing penalty for violation of the provisions of this act.

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

1 Title ten (X) of the Code, 1939, is hereby amended by  
2 adding thereto as chapter one hundred sixty-one and two-  
3 tenths (161.2), the following:

1 Section 1. The word "department" as used in this act  
2 shall mean the department of agriculture.

3 (b) The words "animals" or "livestock" as used in this  
4 act shall mean horses, mules, cattle, calves, swine, sheep,  
5 goats, and poultry.

6 (c) "Community sale barns" as used in this act shall  
7 mean all places where two or more assemble their livestock,  
8 such as stockyards or sale pavilions or other assembling  
9 places where livestock is bought and sold for purposes other  
10 than immediate slaughter, whether by private sale or public  
11 auction or on a commission basis, wholly or in part, but does

12 not include public stockyards under federal supervision.

13 (d) The word "operator" as used in this act shall mean  
14 the owner, manager, or person in control of any community  
15 sale barn.

16 (e) "Consignor" means and includes any person who ships  
17 or delivers to any operator as herein defined, livestock or  
18 other property for handling, sale, or resale at a community  
19 sale barn.

20 (f) The term "producer" means any person engaged in the  
21 business of breeding, grazing, or feeding livestock.

1 Sec. 2. It shall be unlawful for any person or persons,  
2 firm or corporation, to operate or conduct a community sale  
3 barn within the meaning of this act without first filing a  
4 good and sufficient surety bond of two thousand dollars  
5 approved by the department, and obtaining a license  
6 from the department to conduct such sales, and complying with  
7 the rules and regulations promulgated by said department.

8 (a) Said bond shall be conditioned upon the compliance  
9 with the provisions of this act and upon the prompt, faith-  
10 ful, and honest handing of livestock and of the proceeds  
11 from the sale, purchase, or exchange thereof in accordance  
12 with the terms and provisions of this act. Said bond shall  
13 be to the state and in favor of each producer and consignor  
14 or livestock who has any dealings with the applicant as a  
15 dealer. Any producer or consignor of livestock claiming to  
16 be injured by the breach of any dealer of any of the terms

17 and provisions of said bond may bring action thereon against  
18 both principal and surety in any court of competent jurisdic-  
19 tion within their respective county, to receive the damages  
20 caused by such breach.

21 (b) The operator of a community sale barn on or before  
22 date of commencement of operations shall pay to the department  
23 the sum of twenty-five dollars, the fee for such  
24 license, which shall be paid annually, and such license shall  
25 be renewed each year prior to August first thereof, by the  
26 payment of a renewal fee of twenty-five dollars, and  
27 renewal of the bond herein above provided for. The license  
28 and renewal thereof so issued by the department shall be  
29 displayed on the premises in a plainly visible and conspicu-  
30 ous place.

1 Sec. 3. The operator of any community sale barn licensed  
2 under this act shall provide sufficient and adequate facilities  
3 and maintain the same in such sanitary conditions as required  
4 by the department, for the care, feeding, handling, loading,  
5 and shipment of livestock, and no license shall be issued by  
6 the department until said facilities are deemed to be  
7 sufficient and adequate.

1 Sec. 4. Each community sale barn shall require all  
2 truckers, drivers, and consignors to community sale barns  
3 to furnish waybills which shall be kept on record, such  
4 waybills to show point of loading, time of loading and  
5 delivery, truck license number, driver, owner of livestock

6 or other property and description of the property so it can  
7 be properly identified, and to have signature of owner on  
8 such waybill. Such waybill shall also show if the ownership  
9 has changed within ten days, and if so, from whom such live-  
10 stock was purchased, and the operators shall sell no live-  
11 stock for any consignor who cannot show proof of continuous  
12 ownership for at least ten days prior to the date of the sale.

1 Sec. 5. The department may refuse to grant or may  
2 revoke a license when it is satisfied of the existence of the  
3 following conditions:

4 (a) Where the applicant or licensee has violated the  
5 laws of the state or official regulations governing the  
6 interstate or intrastate movement, shipment, or transporta-  
7 tion of animals.

8 (b) Where there have been false or misleading state-  
9 ments as to the health or physical condition of the animal  
10 or animals with regard to official tests, vaccination, or  
11 number of animals, or the practice of fraud or misrepresen-  
12 tation in connection therewith or in the buying or receiving  
13 of animals or receiving, selling, exchanging, soliciting, or  
14 negotiating the sale, resale, exchange, weighing or shipment  
15 of animals.

16 (c) Where there has been a continual course of dealings  
17 of such nature as to satisfy the department of the inability  
18 or unwillingness of the licensee to properly conduct the  
19 business.

20 (d) Where the licensee engages in buying or receiving  
21 animals, or receiving, selling, exchanging, soliciting, or  
22 negotiating the sale, resale, exchange of animals that are  
23 known to be diseased or are known to have been exposed to  
24 communicable diseases that are likely to be transmitted to  
25 other animals or human beings.

26 (e) Where the licensee fails to practice measures of  
27 testing and vaccination, or sanitation, disinfection, and inspec-  
28 tion, as included in this act or prescribed by the depart-  
29 ment, of premises or vehicles used for the stabling, yarding,  
30 housing, holding or transporting of animals.

31 (f) Where the licensee fails to comply with the orders  
32 and quarantine of the official veterinarian on the sale of  
33 any animals that in the veterinarian's opinion are diseased  
34 or would be detrimental to the livestock industry, or where  
35 the operator fails to collect the required veterinary fees  
36 and turn such fees over to the official veterinarian.

37 (g) Where there has been a continual or persistent  
38 failure to keep records required by the department or where  
39 there is a refusal on the part of the licensee to produce  
40 records of transactions in the carrying on of the business  
41 for which such license is granted.

1 Sec. 6. The department shall make all rules and  
2 regulations for the control and suppression of livestock  
3 diseases for livestock handled through these community sale  
4 barns, and shall appoint a licensed veterinarian to serve

5 as veterinary inspector in charge who shall make all neces-  
6 sary inspections of the livestock and represent the depart-  
7 ment in the enforcement of all rules and regulations. The  
8 operators shall not sell any hogs where adequate inspection  
9 has not been made, including the running of the temperature  
10 of each hog. All fees for the inspection of livestock,  
11 vaccination of hogs, testing of cattle for tuberculosis or  
12 contagious abortion, sold at such sales, shall be set by the  
13 department and shall be collected by the management of the  
14 sale barn at the time of the settlement for livestock and  
15 such fees shall be paid in full to the veterinarian.

1 Sec. 7. Any person who shall violate any provision of  
2 this chapter or any rule adopted hereunder by the department  
3 shall be punished as provided in section twenty-six sixty-  
4 three (2663), Code, 1939.