

SENATE FILE 2240  
BY COMMITTEE ON AGRICULTURE  
(Approved p.395)  
(SUCCESSOR TO LSB 7499SD)

FILED FEB 7 1990

Passed Senate, Date 2/19/90 (p. 577) Passed House, Date 3/16/90 (p. 1521)  
Vote: Ayes 49 Nays 0 Vote: Ayes 86 Nays 5

Approved April 6, 1990  
*Repassed Senate for S-5583 as amended by 5618 3/22/90 (p. 1260)* *Repassed House as further amended by 5618 3/28/90 (p. 1521)*  
44-0 A BILL FOR 98-10

1 An Act relating to the transfer of racing dogs.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SE 2240

H-5357

1 Section 1. Section 99D.27, Code Supplement 1989, is  
2 amended by adding the following new subsection and renumbering  
3 subsequent subsections:

4 NEW SUBSECTION. 1. A person other than the owner shall  
5 not permanently transfer custody of a dog eligible to race  
6 under this chapter unless the person is an adoption manager.  
7 An adoption manager shall not transfer a dog to a person for  
8 purposes related to racing, breeding, hunting, laboratory  
9 research, or scientific experimentation. For purposes of this  
10 section, "adoption manager" means a contracted organization  
11 selected by the department under this chapter, or a nonprofit  
12 organization or governmental agency which customarily arranges  
13 the custodial transfer of dogs and which is not under contract  
14 with the department.

15 Sec. 2. Section 99D.27, subsection 2, unnumbered paragraph  
16 1, Code Supplement 1989, is amended to read as follows:

17 A contracted organization selected under subsection 2  
18 shall, to the extent funding and space are available, identify  
19 dogs that are potential candidates for adoption. The  
20 contracting organization shall evaluate dogs referred to it  
21 under the program to ensure that all of the following  
22 conditions are met:

23 Sec. 3. Section 99D.27, subsections 3 through 7, Code  
24 Supplement 1989, are amended to read as follows:

25 3. After determining that a dog is eligible to be placed  
26 for adoption under this program, the contracted organization  
27 shall attempt to place the dog in a home suitable for the dog.  
28 ~~If a suitable home is located, the organization shall arrange~~  
29 ~~for ownership of the dog to be transferred from the owner of~~  
30 ~~the dog to the person who is adopting the dog. A dog shall~~  
31 ~~not be transferred to a person for purposes related to racing,~~  
32 ~~breeding, hunting, laboratory research, or scientific~~  
33 ~~experimentation.~~ Ownership of the dog shall be immediately  
34 transferred to the contracted organization upon acceptance of  
35 the dog into the program. The organization shall transfer

1 information relating to the dog to the new owner. A-dog  
2 eligible-to-race-under-this-chapter-shall-not-be-given-away,  
3 except-through-a-contracted-organization.

4 4. The ~~contracting~~ contracted organization may destroy a  
5 dog if the dog becomes seriously diseased or disabled or the  
6 dog has not been transferred to a new owner within a period of  
7 time established by the department. The ~~contracting~~  
8 contracted organization shall destroy a dog only by use of  
9 euthanasia as defined in section 162.2. The department shall  
10 maintain a list of all dogs that have been destroyed by a  
11 contracted organization.

12 5. Before transferring ownership of a dog to a new owner,  
13 the ~~contracting~~ contracted organization shall do both of the  
14 following:

15 a. Ensure that the dog is sterilized according to accepted  
16 veterinary procedures.

17 b. Keep the dog in a sound and healthy condition,  
18 including providing the dog with necessary vaccinations.

19 6. The ~~contracting~~ contracted organization may charge the  
20 adopting person the necessary expenses actually incurred in  
21 having the dog sterilized, vaccinated, or treated.

22 7. The department shall periodically inspect the  
23 operations and records of each ~~contracting~~ contracted  
24 organization, to ensure compliance with this section and to  
25 ensure a facility operated by or for the contracting  
26 organization under this program is complying with applicable  
27 provisions of chapter 162 and rules adopted pursuant to that  
28 chapter. The department may suspend or revoke the ~~contracting~~  
29 contracted organization's participation in the program if the  
30 department finds the organization is not complying with the  
31 requirements of this section or rules adopted by the  
32 department.

33 EXPLANATION

34 This bill amends section 99D.27 which establishes a racing  
35 dog adoption program. Under the section, only an organization

1 selected by the department may transfer custody of a dog  
2 eligible to race under chapter 99D. The organization selected  
3 is referred to as the "contracted organization." The bill  
4 provides that an owner may make the transfer. And in addition  
5 to the contracted organization, a custodial transfer may be  
6 performed under similar restrictions by certain nonprofit  
7 organizations and governmental agencies. The bill provides  
8 for immediate transfer of the dog to the contracted  
9 organization.

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## SENATE FILE 2240

H-5557

Amend Senate File 2240, as passed by the Senate, as follows:

1. By striking everything after the enacting clause, and inserting the following:

"Section 1. Section 99D.27, Code Supplement 1989, is amended by striking the section and inserting in lieu thereof the following:

99D.27 RACING DOG ADOPTION PROGRAM.

A track licensed to race dogs under this chapter shall maintain a racing dog adoption program. The track shall advertise the availability of adoptable dogs in the media, including but not limited to racing programs. The track shall compile a list of persons applying to adopt a dog. A dog's owner or dog's trainer acting with the consent of the owner may participate in the program by placing the dog for adoption. The ownership of the dog shall be transferred from the owner of the dog to the person who is adopting the dog. A dog shall not be transferred to a person for purposes related to racing, breeding, hunting, laboratory research, or scientific experimentation. A dog shall not be transferred unless the dog has been examined by a veterinarian and found to be free of disease requiring extensive medical treatment. A dog shall not be transferred, until a veterinarian has certified that the dog has been sterilized. The track may transfer a dog to a governmental agency or nonprofit organization without examination or certification. However, other requirements relating to the transfer of a dog to a person by a track under this section apply to the transfer of a dog to a person by the agency or organization. A person violating this section is guilty of a simple misdemeanor."

2. Title page, line 1, by inserting after the word "dogs" the following: ", and providing penalties".

By COMMITTEE ON AGRICULTURE  
OSTERBERG of Linn, Chairperson

H-5557 FILED MARCH 7, 1990

*Adopted in committee by 5/29 3/16 (p 115)*

## SENATE FILE 2240

H-5729

Amend the amendment, H-5557, to Senate File 2240, as passed by the Senate, as follows:

1. Page 1, line 10, by inserting after the word "program." the following: "The track shall contract with a person approved by the department of agriculture and land stewardship to place racing dogs eligible for adoption under this section."

By OSTERBERG of Linn

H-5729 FILED MARCH 15, 1990

*Adopted 3/16 (p 115)*

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2240

H-5839

1 Amend the House amendment, S-5583, to Senate File  
2 2240, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 10 through 14 and  
4 inserting the following: "shall maintain a racing dog  
5 adoption program. The track shall advertise the  
6 availability".

RECEIVED FROM THE SENATE

H-5839 FILED MARCH 23, 1990

*House concurred 3/28 (p 152)*

1 Amend the House amendment, S-5583, to Senate File  
2 2240, as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 37, the  
4 following:

5 "Sec. \_\_\_\_ . Section 162.18, Code 1989, is amended  
6 to read as follows:

7 162.18 FEES.

8 1. All fees collected by the secretary from  
9 licenses and certificates issued under this chapter  
10 shall be paid to the treasurer of state.

11 2. A fee of ten dollars shall be assessed and  
12 collected by the department of health for each dog or  
13 cat owned by a pet shop. The fee shall be paid to the  
14 treasurer of state for the animal population control  
15 fund established in section 169A.5.

16 Sec. \_\_\_\_ . NEW SECTION. 169A.1 PURPOSE.

17 The purpose of this chapter is to reduce the  
18 population of unwanted and stray dogs and cats which  
19 present potential threats to the public health and  
20 safety by encouraging owners to have the animals  
21 permanently sexually sterilized through provision of  
22 low-cost animal sterilization services.

23 Sec. \_\_\_\_ . NEW SECTION. 169A.2 DEFINITIONS.

24 1. "Claim" means a request for reimbursement  
25 submitted to the department by a participating  
26 veterinarian for performing services designated under  
27 the program, according to rules adopted by the  
28 department and on standard forms promulgated by the  
29 department. The form shall contain all information  
30 required by the department and must contain  
31 information relating to the name and address of the  
32 owner, the services performed, a statement explaining  
33 that the owner authorizes the services to be  
34 performed, the signature of the owner and  
35 participating veterinarian, and a service fee paid by  
36 the owner.

37 2. "Department" means the Iowa department of  
38 agriculture and land stewardship.

39 3. "Fund" means the animal population control fund  
40 established pursuant to section 169A.5.

41 4. "Owner" means a person in whom is vested the  
42 ownership, dominion over, or title to a dog or cat,  
43 including a person obligated by law to care for a dog  
44 or cat, if the person is eligible to participate in  
45 any federal or state program designated by the  
46 department which provides assistance to low-income  
47 individuals, including but not limited to the  
48 following:

49 a. The food stamp program authorized by Title VIII  
50 of the Food and Agriculture Act of 1977, 7 U.S.C. §

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1 2011 et seq.

2 b. The supplemental security income program  
3 established pursuant to Title XVI of the Social  
4 Security Act, 42 U.S.C. § 1381 et seq.

5 c. The rental assistance program authorized  
6 pursuant to section 8 of the United States Housing Act  
7 of 1937 as amended by the Housing and Community  
8 Development Act of 1974, 42 U.S.C. § 1437(f).

9 d. The program to provide housing assistance for  
10 very low income and lower income families under  
11 section 220.15.

12 e. The program to provide aid to dependent  
13 children under chapter 239.

14 5. "Participating veterinarian" means a  
15 veterinarian licensed under chapter 169, if the  
16 department accepts the application submitted by the  
17 veterinarian to participate in the program.

18 6. "Program" means the animal population control  
19 program for low-income owners.

20 7. "Service fee" means a ten-dollar fee which the  
21 owner shall deliver to the veterinarian as part of the  
22 claim form before services under the program may be  
23 performed by the participating veterinarian. The  
24 service fee shall be forwarded by the participating  
25 veterinarian to the department as part of the claim.

26 8. "Sterilization" means a surgical operation to  
27 permanently sexually sterilize by spaying or neutering  
28 a dog or cat, as performed by a veterinarian licensed  
29 under chapter 169.

30 Sec. \_\_\_\_ . NEW SECTION. 169A.3 ANIMAL CONTROL  
31 PROGRAM -- DUTIES AND POWERS OF THE DEPARTMENT.

32 The department has all duties and powers to  
33 administer the program, including administering the  
34 fund and establishing procedures for approving  
35 expenditures from the fund, collecting fees required  
36 under this chapter, inspecting records of pet shops,  
37 and adopting rules necessary to administer and enforce  
38 this chapter, including the approval of program  
39 applications, and procedures to accept, verify, and  
40 pay claims.

41 Sec. \_\_\_\_ . NEW SECTION. 169A.4 PARTICIPATING  
42 VETERINARIANS -- REIMBURSEMENTS.

43 1. An owner of a dog or cat may have the animal  
44 sterilized under the program by a participating  
45 veterinarian upon completion of the owner's part of  
46 the claim, and delivery of the animal to the  
47 veterinarian for sterilization upon terms and  
48 conditions specified by the veterinarian.

49 2. A veterinarian licensed under chapter 169 may  
50 participate in the program by filing with the

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1 department according to rules adopted by the  
2 department an application which shall state all  
3 information prescribed by the department, including a  
4 fee schedule listing the fees charged for  
5 sterilization in the normal course of business. The  
6 fees may vary according to the weight, sex, and  
7 species. The department shall disapprove an  
8 application if the fees listed are unreasonably high.

9 3. The department shall reimburse a participating  
10 veterinarian submitting a claim for sterilization of  
11 an owner's dog or cat. The reimbursement rate shall  
12 equal eighty percent of the fee charged according to  
13 the participating veterinarian's fee schedule.

14 4. The department shall also reimburse a  
15 participating veterinarian submitting a claim for  
16 presterilization immunization of dogs against  
17 distemper, hepatitis, leptospirosis, or parvovirus, or  
18 the presurgical immunization of cats against feline  
19 panleukopenia, calici, pneumonitis, or  
20 rhinotracheitis. However, the immunization shall be  
21 administered at least ten days prior to sterilization  
22 and the animal must not have been previously  
23 immunized. The rate of reimbursement shall be not  
24 more than ten dollars for each immunization.

25 5. A participating veterinarian shall dispose of  
26 an unretrieved animal by delivering the animal to a  
27 pound or animal shelter and providing a copy of the  
28 claim to the pound or shelter.

29 Sec.         . NEW SECTION. 169A.5 ANIMAL POPULATION  
30 CONTROL FUND.

31 1. The animal population control fund is created  
32 in the state treasury. The general fund of the state  
33 is not liable for claims presented against the fund  
34 under section 169A.4. The fund consists of the fees  
35 collected and designated for the fund under sections  
36 162.18 and 351.6, service fees charged to owners as  
37 provided in section 169A.2, sums collected in civil  
38 penalties by the department and by legal action on  
39 behalf of the fund, interest acquired through the  
40 investment of moneys in the fund notwithstanding  
41 section 453.7, and donations made from any public or  
42 private source. The moneys collected under this  
43 section and deposited in the fund shall be used  
44 exclusively to reimburse claimants and to pay for  
45 administering this section and are appropriated for  
46 these purposes. Section 8.33 is not applicable to the  
47 fund.

48 2. The department shall determine the validity of  
49 all claims presented against the fund and shall limit  
50 the time when claims are honored by the department.

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1 If at any time the fund does not contain sufficient  
2 assets to pay all valid claims, the department shall  
3 hold those claims for payment until the fund again  
4 contains sufficient assets. Claims against the fund  
5 shall be paid in the order in which they are found to  
6 be valid.

7 Sec. \_\_\_\_ . NEW SECTION. 169A.6 CIVIL PENALTIES.

8 1. The department shall assess a civil penalty of  
9 two hundred and fifty dollars for the first offense  
10 and five hundred dollars for each subsequent offense,  
11 upon the following:

12 a. A person who falsifies proof of eligibility as  
13 an owner or veterinarian under this chapter in order  
14 to participate in the program.

15 b. A person who knowingly furnishes to a  
16 participating veterinarian misleading information  
17 regarding ownership of an animal submitted for  
18 sterilization.

19 c. A person who knowingly furnishes to the  
20 department false information in the application to  
21 participate in the program, including the fee schedule  
22 and qualifications as a licensed veterinarian or in a  
23 claim.

24 d. A pet store or participating veterinarian that  
25 knowingly fails to forward to the department the fees  
26 imposed in section 162.18, or which falsifies records  
27 relating to the payment of the fees.

28 2. The money collected by the department under  
29 this section shall be transmitted to the treasurer of  
30 state who shall deposit the money in the fund.  
31 Judicial review of an action of the department may be  
32 sought in accordance with chapter 17A.

33 Sec. \_\_\_\_ . Section 351.6, Code 1989, is amended to  
34 read as follows:

35 351.6 FEE.

36 The annual license fee shall be set by the city  
37 council or the board of supervisors, as applicable.  
38 The fee shall accompany the application. In addition  
39 to the regular fee, the owner shall pay to the county  
40 or city a three-dollar fee which shall be forwarded to  
41 the treasurer of state for the animal population  
42 control fund established in section 169A.5, in the  
43 manner and at the time prescribed by the treasurer of  
44 state."

45 2. Page 1, lines 38 and 39, by striking the words  
46 "inserting after the word "dogs" the following: ",  
47 and providing" and inserting the following: "striking  
48 the words "transfer of racing dogs" and inserting the  
49 following: "care of dogs and cats, providing for  
50 fees, and providing".

By ELAINE SZYMONIAK  
JIM RIORDAN

S-5661 FILED MARCH 22, 1990  
WITHDRAWN (y. 1259)

HOUSE AMENDMENT TO  
SENATE FILE 2240

S-5583

1 Amend Senate File 2240, as passed by the Senate, as  
2 follows:

3 1. By striking everything after the enacting  
4 clause, and inserting the following:

5 "Section 1. Section 99D.27, Code Supplement 1989,  
6 is amended by striking the section and inserting in  
7 lieu thereof the following:

8 99D.27 RACING DOG ADOPTION PROGRAM.

\* 9 A track licensed to race dogs under this chapter  
10 shall maintain a racing dog adoption program. The  
11 track shall contract with a person approved by the  
12 department of agriculture and land stewardship to  
13 place racing dogs eligible for adoption under this  
14 section. The track shall advertise the availability  
15 of adoptable dogs in the media, including but not  
16 limited to racing programs. The track shall compile a  
17 list of persons applying to adopt a dog. A dog's  
18 owner or dog's trainer acting with the consent of the  
19 owner may participate in the program by placing the  
20 dog for adoption. The ownership of the dog shall be  
21 transferred from the owner of the dog to the person  
22 who is adopting the dog. A dog shall not be  
23 transferred to a person for purposes related to  
24 racing, breeding, hunting, laboratory research, or  
25 scientific experimentation. A dog shall not be  
26 transferred unless the dog has been examined by a  
27 veterinarian and found to be free of disease requiring  
28 extensive medical treatment. A dog shall not be  
29 transferred, until a veterinarian has certified that  
30 the dog has been sterilized. The track may transfer a  
31 dog to a governmental agency or nonprofit organization  
32 without examination or certification. However, other  
33 requirements relating to the transfer of a dog to a  
34 person by a track under this section apply to the  
35 transfer of a dog to a person by the agency or  
36 organization. A person violating this section is  
37 guilty of a simple misdemeanor."

38 2. Title page, line 1, by inserting after the  
39 word "dogs" the following: ", and providing  
40 penalties".

RECEIVED FROM THE HOUSE

S-5583 FILED MARCH 20, 1990

*Senate amended (5618) - Concurred 3/22 (p. 1259)*

SENATE FILE 2240

S-5618

1 Amend the House amendment, S-5583, to Senate File  
2 2240, as passed by the Senate, as follows:  
3 1. Page 1, by striking lines 10 through 14 and  
4 inserting the following: "shall maintain a racing dog  
5 adoption program. The track shall advertise the  
6 availability".

By MICHAEL E. GRONSTAL  
MIKE CONNOLLY

BERL E. PRIEBE  
JACK W. HESTER

S-5618 FILED MARCH 21, 1990

*Adopted 3/22 (p. 1254)*

SENATE FILE 2240

AN ACT  
RELATING TO THE TRANSFER OF RACING DOGS, AND PROVIDING  
PENALTIES.

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

Section 1. Section 99D.27, Code Supplement 1989, is amended by striking the section and inserting in lieu thereof the following:

99D.27 RACING DOG ADOPTION PROGRAM.

A track licensed to race dogs under this chapter shall maintain a racing dog adoption program. The track shall advertise the availability of adoptable dogs in the media, including but not limited to racing programs. The track shall compile a list of persons applying to adopt a dog. A dog's owner or dog's trainer acting with the consent of the owner may participate in the program by placing the dog for adoption. The ownership of the dog shall be transferred from the owner of the dog to the person who is adopting the dog. A dog shall not be transferred to a person for purposes related to racing, breeding, hunting, laboratory research, or scientific experimentation. A dog shall not be transferred unless the dog has been examined by a veterinarian and found to be free of disease requiring extensive medical treatment. A dog shall not be transferred, until a veterinarian has certified that the dog has been sterilized. The track may transfer a dog to a governmental agency or nonprofit organization without examination or certification. However, other requirements relating to the transfer of a dog to a person by a track under this section apply to the transfer of

a dog to a person by the agency or organization. A person violating this section is guilty of a simple misdemeanor.

\_\_\_\_\_  
JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2240, Seventy-third General Assembly.

\_\_\_\_\_  
JOHN F. DWYER  
Secretary of the Senate

Approved April 6, 1990

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor