

Sec. 7. Section 904.312B, Code 1999, is amended to read as follows:

904.312B PURCHASE OF ~~BIODEGRADABLE~~ BIO-BASED HYDRAULIC FLUIDS, GREASES, AND OTHER INDUSTRIAL LUBRICANTS.

The department when purchasing hydraulic fluids, ~~greases, and other industrial lubricants~~ shall give preference to purchasing ~~biodegradable~~ bio-based hydraulic fluids, ~~greases, and other industrial lubricants~~ as provided in section 18.22.

Approved April 19, 2000

CHAPTER 1110

PSEUDORABIES CONTROL

S.F. 2312

AN ACT relating to pseudorabies control, making penalties applicable, for implementation, and providing an effective date.

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

Section 1. Section 166D.2, Code 1999, is amended by adding the following new subsections:

NEW SUBSECTION. 7A. "Cleanup plan" means a herd cleanup plan or feeder pig cooperator herd cleanup plan as provided in section 166D.8.

NEW SUBSECTION. 8A. "Cull swine" means mature swine fed for purposes of direct slaughter. However, "cull swine" does not include swine kept for purposes of breeding or reproduction.

NEW SUBSECTION. 19A. "Fixed concentration point" means a concentration point which is a permanent location where swine are assembled for purposes of sale and movement to a slaughtering establishment as provided in section 166D.12.

NEW SUBSECTION. 26A. "Isowean feeder pig" means a feeder pig that weighs twenty pounds or less.

NEW SUBSECTION. 44A. "Stage II county" means a county designated by the department as in stage II of the national pseudorabies eradication program.

Sec. 2. Section 166D.2, subsections 2, 11, 17, 19, 38, and 42, Code 1999, are amended to read as follows:

2. "Approved premises" means a dry lot facility located in an area with confirmed cases of pseudorabies infection, which is ~~authorized~~ certified by the department to receive, ~~hold, or~~ and feed and move or relocate infected swine, ~~exposed animals, or swine of unknown status as provided in section 166D.10B.~~ The premises and all swine on the premises shall be considered under quarantine. However, swine may be moved to slaughter under a transportation certificate or may be moved to another pseudorabies approved premises under a certificate of inspection.

11. "Differentiable vaccine" means a vaccine which has a licensed companion differentiable test, and includes a modified-live differentiable vaccine.

17. "Feeder pig" means an immature swine fed for purposes of direct slaughter which is weighs one hundred pounds or less than slaughter weight.

19. "Feeder swine" means a ~~porcine animal~~ swine fed for purposes of direct slaughter, including feeder pigs, ~~and cull sows, and bears~~ swine. However, "feeder swine" does not include ~~animals~~ swine kept for purposes of breeding or reproduction.

38. "Quarantined herd" means a herd in which pseudorabies infected or exposed swine are bred, reared, or fed under the supervision and control of the department, as provided in section 166D.9. Swine in a quarantined herd may be moved only to an approved premises for feeding or to a recognized slaughtering establishment for slaughter. Either movement may be completed through a concentration point in compliance with section 166D.12.

42. "Restricted movement" means swine which are ~~quarantined until directly moved to slaughter~~ moved or relocated as provided in section 166D.10A.

Sec. 3. Section 166D.2, subsections 4, 5, and 34, Code 1999, are amended by striking the subsections.

Sec. 4. Section 166D.2, subsection 32, paragraph c, Code 1999, is amended by striking the paragraph.

Sec. 5. Section 166D.3, unnumbered paragraph 1, Code 1999, is amended to read as follows:

A state pseudorabies advisory committee is established. The committee shall consist of not more than seven members who shall be appointed by the Iowa pork producers association. At least four members of the committee must be actively engaged in swine production. The members shall serve staggered terms of two years, except that the initial board members shall serve unequal terms. A person appointed to fill a vacancy for a member shall serve only for the unexpired portion of the term. A member is eligible for reappointment for three successive terms. A majority of the board constitutes a quorum and an affirmative vote of the majority of members is necessary for substantive action taken by the board. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the board. The advisory committee shall:

Sec. 6. Section 166D.3, subsection 1, Code 1999, is amended by striking the subsection.

Sec. 7. Section 166D.7, subsection 1, paragraph a, Code 1999, is amended to read as follows:

a. The herd shall be certified when all breeding swine have reacted negatively to a test. The herd must have been free from infection for thirty days prior to testing. At least ninety percent of swine in the herd must have been on the premises as a part of the herd for at least sixty days prior to testing, or swine in the herd must have been moved or relocated directly from another qualified negative herd. To remain certified, the herd must be retested and recertified as provided by the department. The herd shall be recertified when each month the greater of five head of swine or at least ten percent of the herd's breeding swine react negatively to a test.

Sec. 8. Section 166D.7, subsection 2, Code 1999, is amended by striking the subsection.

Sec. 9. Section 166D.7, subsection 3, paragraphs a and b, Code 1999, are amended to read as follows:

a. The herd shall be certified when a statistical sampling of the herd is determined to be noninfected.

b. ~~To~~ In order to remain certified the herd must be retested and recertified as provided by the department. The herd must be recertified annually. The herd shall be recertified when a statistical sampling of the herd is determined to be noninfected within twelve months from initial certification or the most recent recertification.

A herd shall not be certified or recertified, if the herd is located within a county which is designated by the department as in stage II of the national pseudorabies eradication program, unless the herd is vaccinated with a modified-live differentiable vaccine pursuant to section 166D.11 and as required by the department.

Sec. 10. Section 166D.7, subsection 4, paragraph a, Code 1999, is amended to read as follows:

a. The herd shall be certified when one hundred percent of breeding swine have reacted negatively to a test. The herd must have been free from infection for thirty days prior to testing. At least ninety percent of swine in the herd must have been on the premises as a part of the herd for at least sixty days prior to testing, or swine in the herd must have been directly moved directly or relocated from a qualified negative herd or qualified differentiable negative herd. A differentiable vaccine must be administered at intervals in accordance with the package insert for that vaccine. To remain certified, the herd must be retested and recertified as provided by the department. The herd shall be recertified when ~~either of the following occurs:~~

~~(1) Each eighty to one hundred five each thirty days at least twenty-five¹ percent of the herd's breeding swine react negatively to a test.~~

~~(2) Each month at least ten percent of the herd's breeding swine react negatively to a test.~~

Sec. 11. Section 166D.8, Code 1999, is amended to read as follows:

166D.8 INFECTED HERDS.

An infected herd ~~in a program area which is not quarantined under section 166D.9, shall either adopt a herd cleanup plan, or a feeder pig cooperator herd cleanup plan, or shall be quarantined.~~

1. a. A herd cleanup plan ~~may include any or a combination of the following:~~

~~(1) The segregation of progeny with restricted movement. The herd cleanup plan must include the location of the premises that will receive the progeny. The receiving premises shall be quarantined.~~

~~(2) The test shall apply to a herd, if feeder pigs are not moved from the herd. The plan shall provide for one of the following:~~

~~(1) The testing of all swine capable of being accurately diagnosed with pseudorabies and the removal of infected swine from the herd.~~

~~(3) (2) Depopulation.~~

b. ~~Notwithstanding paragraph "a", breeding swine in an infected herd shall be tested and the infected breeding swine shall be removed from the infected herd in accordance with procedures and by dates established by rules adopted by the department. A herd cleanup plan must be implemented as follows:~~

~~(1) If the plan provides for the testing and removal of swine, all breeding swine must be tested with a differentiable test and react negatively to the test within fifteen days after the herd is classified by the department as infected. All breeding swine reacting positively to the test must be removed as provided in this section. At least thirty days after removal of the breeding swine reacting positively, all remaining breeding swine must be tested and react negatively to the test. Subsequent testing and removal must be conducted as provided in this subparagraph until all breeding swine react negatively. When all breeding swine are tested and react negatively to the test, the department shall classify the herd as a noninfected herd.~~

~~(2) The herd cleanup plan may provide for the relocation of feeder pigs or cull swine. If the plan provides for the relocation of feeder pigs, the plan must provide for the segregation of feeder pigs and identify in writing the approved premises where feeder pigs or cull swine may be relocated upon approval by the department.~~

2. a. A feeder pig cooperator herd cleanup plan may be adopted if shall apply to a herd, if feeder pigs are moved from the herd. The plan shall include all the requirements for a herd cleanup plan. In order to be subject to a feeder pig cooperator herd cleanup plan all of the following conditions are must be satisfied:

a. (1) There must have been no clinical signs of pseudorabies during the past thirty days.

b. (2) The production operation must be capable of segregating offspring at weaning into facilities separate and apart from the remainder of the herd.

¹ See chapter 1232, §24 herein

~~e. d. An approved feeder pig cooperator herd plan must be implemented. The feeder pig cooperator herd cleanup plan must include the location of~~ may provide for the movement or relocation of feeder pigs or cull swine. If the feeder pig cooperator herd cleanup plan provides for the movement or relocation of feeder pigs or cull swine, the plan must identify in writing the approved premises that will receive the progeny where the feeder pigs or cull swine may be moved or relocated as provided in section 166D.10B. The receiving premises shall be quarantined.

~~3. Infected herds in a program area which have not adopted an official herd cleanup plan or feeder pig cooperator herd plan shall be quarantined.~~

~~4. 3. Costs of program testing and vaccination shall~~ may be paid as provided in section 166D-5 166D.11.

~~4. An infected herd outside a program area shall either adopt a herd cleanup plan or a feeder pig cooperator herd plan with restricted movement. An infected herd not subject to such a cleanup plan shall be quarantined within thirty fifteen days of becoming a known infected herd shall be quarantined. An infected herd which is not subject to a herd cleanup plan or a feeder pig cooperator herd plan is a quarantined herd.~~

5. Swine which is part of a herd subject to a cleanup plan shall only be moved or relocated as required pursuant to section 166D.10. If the location where the herd is kept is an approved premises as provided in section 166D.10B, the cleanup plan shall include terms and conditions for being certified as an approved premises.

Sec. 12. Section 166D.9, subsections 1 and 2, Code 1999, are amended by striking the subsections and inserting in lieu thereof the following:

1. Swine which is part of a quarantined herd shall only be moved by restricted movement in accordance with section 166D.10A.

Sec. 13. Section 166D.9, subsection 4, paragraphs c and d, Code 1999, are amended to read as follows:

c. The epidemiologist must either conduct two successive statistical samplings at least ninety days apart, or conduct statistical samplings according to rules adopted by the department which are consistent with the national pseudorabies eradication program, which reveal no infection within the new breeding swine.

d. The epidemiologist must either conduct two successive statistical samplings ninety days apart of, or conduct statistical samplings according to rules adopted by the department which are consistent with the national pseudorabies eradication program, which reveal no infection in the herd's progeny at least four months of age which reveal no infection.

Sec. 14. Section 166D.9, subsection 5, Code 1999, is amended by striking the subsection.

Sec. 15. Section 166D.10, subsection 1, paragraph b, Code 1999, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) The swine have a current negative pseudorabies status.

Sec. 16. Section 166D.10, subsections 3 through 6, Code 1999, are amended by striking the subsections and inserting in lieu thereof the following:

3. Swine from a herd located within this state must be moved or relocated in compliance with this section. If the swine is moved or relocated from a herd located within a county which is designated by the department as in stage II of the national pseudorabies eradication program, the swine shall not be moved or relocated unless in compliance with section 166D.11. Regardless of whether the swine is from a herd located in a stage II county, the following shall govern the movement or relocation of swine within this state:

a. For swine from a noninfected herd, a person shall not move swine for breeding purposes, unless one of the following applies:

(1) The swine is moved from a qualified negative herd or qualified differentiable negative herd.

(2) The swine reacts negatively to a differentiable test, within thirty days prior to moving the swine.

b. For swine which is exposed or swine from a herd of unknown status, a person shall not move or relocate the swine, unless one of the following applies:

(1) The swine reacts negatively to a differentiable test within thirty days prior to moving or relocating the swine.

(2) The swine moves by restricted movement to either a fixed concentration point or slaughtering establishment.

c. For swine which is from an infected herd, a person shall not move or relocate the swine, unless one of the following applies:

(1) If the swine is part of a cleanup plan, the following shall apply:

(a) For swine, other than feeder pigs or cull swine, which is part of a herd subject to a cleanup plan, a person shall only move swine by restricted movement to either a fixed concentration point or slaughtering establishment. A person shall not relocate the swine.

(b) For a feeder pig or cull swine which is part of a herd subject to a herd cleanup plan, a person shall only move the feeder pig or cull swine by restricted movement to either a fixed concentration point or slaughtering establishment or relocate the feeder pig or cull swine by restricted movement to an approved premises. For a feeder pig or cull swine which is part of a feeder pig cooperator herd cleanup plan, a person shall only move the feeder pig or cull swine by restricted movement to either a fixed concentration point or slaughtering establishment or move or relocate the feeder pig or cull swine by restricted movement to an approved premises. However, a person shall not move or relocate a feeder pig or cull swine to an approved premises, unless the approved premises is identified in a cleanup plan as provided in section 166D.8, or the department approves the move or relocation to another approved premises. A person shall not move or relocate a cull swine to an approved premises, unless the cull swine reacts negatively to a test and is vaccinated with a differentiable vaccine. The test and vaccine must be administered within thirty days prior to the movement or relocation to the approved premises. A noninfected feeder pig is not required to be tested or vaccinated prior to movement or relocation to an approved premises, if the feeder pig is vaccinated upon arrival at the approved premises.

(c) For swine from a herd kept on an approved premises, a person shall only move or relocate the swine by restricted movement as provided in the cleanup plan governing the herd and terms and conditions of the certification required for the approved premises as provided in section 166D.10B.

(2) If the swine is not part of a herd that is subject to a cleanup plan, because the herd is quarantined, a person shall only move the swine by restricted movement to either a fixed concentration point or slaughtering establishment.

4. Swine from a herd located outside this state must be moved into and maintained in this state in compliance with this section. A person shall not move swine into this state, except as follows:

a. For swine from a herd, other than a noninfected herd, the swine must be moved either to a fixed concentration point or slaughtering establishment.

b. For swine from a noninfected herd, the swine may be moved to a concentration point or slaughtering establishment. If the swine is not moved to a concentration point or slaughtering establishment, the following shall apply:

(1) Unless the person moves the swine into a county designated by the department as in stage II of the national pseudorabies eradication program, the following shall apply:

(a) A person shall not move swine into this state for breeding purposes, unless one of the following applies:

(i) The swine is moved from a qualified negative herd or qualified differentiable negative herd.

(ii) The swine reacts negatively to a differentiable test, within thirty days prior to moving the swine.

(b) A person shall not move feeder swine which is moved into this state, unless the feeder swine reacts negatively to a differentiable test within thirty days prior to movement from a herd in this state.

(2) If a person moves the swine into a county which is designated by the department as in stage II of the national pseudorabies eradication program, the following shall apply:

(a) Except as provided in this subparagraph, the owner of swine shall vaccinate the swine with a modified-live differentiable vaccine, prior to moving swine into the stage II county. A statistical sampling of the swine moved into a herd as provided in this subparagraph shall be tested using a differentiable test within thirty days after the swine is moved to a herd in this state. If a swine reacts positively to the test, the herd is an infected herd. A person is not required to vaccinate swine prior to moving swine into the stage II county or test the swine after the swine has been moved to a herd in the stage II county, if one of the following applies:

(i) The swine is part of a herd that cannot be vaccinated under the law of the state or country in which the herd is kept immediately prior to being moved into the stage II county.

(ii) The swine is an isowean feeder pig.

(iii) The swine is moved either to a fixed concentration point or slaughtering establishment.

(b) For swine, which is not vaccinated before being moved into a stage II county as provided in this paragraph, the following shall apply:

(i) For swine other than swine moved into a herd within a stage II county as an isowean feeder pig, a statistical sampling of the swine moved into the herd shall be tested using a differentiable test within forty-eight hours after the swine moves to a herd in this state. If a swine reacts positively to the test, the herd is an infected herd. If, according to the statistical sampling, the swine moved into the herd reacts negatively to the test, all moved swine must be immediately vaccinated with a differentiable vaccine, as provided in section 166D.11. The swine shall be considered as part of a herd of unknown status, until tested negative and vaccinated.

(ii) For swine moved into a herd within a stage II county as an isowean feeder pig, a statistical sampling of the swine moved into the herd shall be tested using a differentiable test when a majority of swine moved together into the herd as isowean feeder pigs reach a weight of more than twenty pounds. If a swine reacts positively to the test, the herd is an infected herd. If, according to the statistical sampling, the swine moved into the herd reacts negatively to the test, all swine moved into the herd must be immediately vaccinated with a differentiable vaccine, as provided in section 166D.11. The department may require that the swine be revaccinated with a differentiable vaccine at a later date. The swine shall be considered as part of a herd of unknown status, until tested negative and vaccinated.

5. A person shall not move swine within this state, other than to a fixed concentration point or slaughtering establishment, if the swine is vaccinated with a vaccine other than a differentiable vaccine approved by the department pursuant to section 166D.14.

6. Known infected swine moved through a fixed concentration point, other than a buying station of a slaughtering establishment, shall only be moved by restricted movement to a slaughtering establishment.

7. Swine moved under this section to a slaughtering establishment shall be for the exclusive purpose of slaughtering the swine. Swine moved under this section to a fixed concentration point shall be for the exclusive purpose of immediately moving the swine to a slaughtering establishment. Swine moved or relocated under this section to an approved premises shall be for the exclusive purpose of feeding the swine prior to movement or relocation to another approved premises, or movement to either a fixed concentration point or a slaughtering establishment.

Sec. 17. NEW SECTION. 166D.10A RESTRICTED MOVEMENT — REQUIREMENTS.

1. If swine must be moved or relocated by restricted movement as provided in section 166D.10, the swine shall only be transported by direct movement.

2. a. If a person moves or relocates swine subject to restricted movement, the person shall only move the swine to either a fixed concentration point or slaughtering establishment or move or relocate the swine to an approved premises.

b. If a person receives swine subject to restricted movement, the person shall only receive the swine at either a fixed concentration point or slaughtering establishment or an approved premises.

3. Swine required to be moved or relocated by restricted movement must be accompanied by a restricted movement permit, as provided by rules which must be adopted by the department. The department shall issue a restricted movement permit to the person moving or relocating the swine. The permit shall include information required by the department, which shall at least include a description of the swine, the name and address of the owner, the name and address of the person receiving the swine, the date of movement or relocation, and the seal number as prescribed by the department, if a seal is required. The moved or relocated swine must also be accompanied by a transportation certificate and certificate of inspection, if required in section 166D.10.

4. a. Except as provided in this section, a vehicle moving swine under restricted movement shall contain a cargo area for the swine which shall be sealed to prevent access. The seal shall conform with requirements adopted by the department. Each seal shall be identified by number as required by the department. The vehicle shall be sealed by an accredited veterinarian at the premises where the swine are kept. The seal shall only be removed by a departmental official, an accredited veterinarian, an official of the United States department of agriculture, or the person authorized by the department to receive the swine upon arrival at the fixed concentration point, slaughtering establishment, or approved premises.

b. The department may adopt rules or issue an order to provide that a vehicle moving or relocating feeder swine from a herd which is subject to a cleanup plan is not required to be sealed as otherwise provided in this subsection, if the herd is kept and moved or relocated in compliance with the cleanup plan.

Sec. 18. NEW SECTION. 166D.10B APPROVED PREMISES.

1. A person shall not maintain swine other than feeder swine or cull swine at an approved premises.

a. A person shall not move or relocate swine to an approved premises, unless all of the following apply:

(1) The swine is a feeder pig or cull swine.

(2) The swine is not exposed or from a herd of unknown status.

b. A person shall not receive swine at an approved premises, unless the swine is one of the following:

(1) The swine is a feeder pig or cull swine.

(2) The swine is not exposed or from a herd of unknown status.

2. If swine is moved or relocated to an approved premises, the following shall apply:

a. A cull swine shall not be moved or relocated to an approved premises, unless the cull swine reacts negatively to a test and is vaccinated prior to the movement or relocation, as provided in section 166D.10.

b. A noninfected feeder pig must be vaccinated upon arrival at the approved premises.

3. Dead swine must be disposed of in accordance with chapter 167. The dead swine must be held so as to prevent animals, including wild animals and livestock, from reaching the dead swine.

4. The following shall apply to the location of an approved premises:

a. An approved premises shall not be located within one and one-half miles from a non-infected herd, other than a qualified negative herd or qualified differentiable negative herd.

b. An approved premises shall not be located within three miles from a qualified negative herd or a qualified differentiable negative herd.

c. An approved premises shall not be located in any of the following:

(1) A county in stage III of the national pseudorabies eradication program, as designated by the department.

(2) A county which has a zero percent prevalence of infection among all herds in the county at any time on or after March 1, 2000, regardless of whether the county subsequently has a greater than zero percent prevalence of infection among all herds in the county.

5. A feeder pig or a cull swine may be kept at the approved premises only for purposes of feeding and restricted movement as provided in section 166D.10.

6. a. The department must certify a location as an approved premises pursuant to rules adopted by the department. The department may adopt rules providing for the renewal, suspension, or termination of a certification. The terms and conditions of the certification shall be part of the cleanup plan required for the herd kept at the location pursuant to section 166D.8. Except as provided in this subsection, a location is certified as an approved premises, as long as all of the following apply:

(1) The approved premises complies with the requirements of this section and rules adopted by the department.

(2) The owner of the approved premises or the person managing the approved premises provides to the department during normal business hours access to the approved premises and records required by this subparagraph. Records of swine transfers must be kept for at least one year. Records of vaccinations occurring on the approved premises must be maintained by the owner for at least one year after vaccination. The records shall include information about purchases and sales, the names of buyers and sellers, the dates of transactions, and the number of swine involved in each transaction.

b. The department shall terminate the certification of an approved premises, if the county in which the approved premises is located has a zero percent prevalence of infection among all herds in the county, not counting a herd kept at the approved premises. The department shall provide for the suspension or termination of the certification for a violation of a term or condition of the certification. When a certification is suspended, terminated, or not renewed, the location shall remain under a cleanup plan until released pursuant to the provisions of section 166D.8.

Sec. 19. Section 166D.11, Code 1999, is amended to read as follows:

166D.11 ~~DIFFERENTIABLE VACCINE REQUIRED~~ VACCINATION AND TESTING REQUIREMENTS.

~~Beginning on December 1, 1990, swine other than unvaccinated or differentiable vaccinated swine shall not be sold, marketed, or moved within this state, except to slaughter or to an approved premises by certificate of inspection.~~

~~1. The secretary shall disapprove for A person shall not use in this state on and after July 1, 1991, any vaccine that is not a differentiable vaccine.~~

2. a. Except as provided in this section, swine within a county which is designated by the department as in stage II of the national pseudorabies eradication program shall be vaccinated with a modified-live differentiable vaccine. The swine located in a stage II county shall be vaccinated as follows:

(1) Except as provided in subparagraph (2), the following applies:

(a) Breeding swine shall at a minimum receive quarterly vaccinations.

(b) Feeder swine shall at a minimum receive one vaccination. The feeder swine shall be vaccinated when the feeder swine reach eight to twelve weeks of age or one hundred pounds, whichever occurs earlier.

(2) If swine are required to be vaccinated prior to or after movement, as provided in section 166D.10, to a stage II county, the swine shall be vaccinated with a modified-live differentiable vaccine as otherwise required in that section.

b. The department shall adopt rules or issue an order that exempts swine from being vaccinated with a modified-live vaccine, as provided in this subsection, based on any of the following:

(1) The swine is part of a qualified negative herd or a qualified differentiable negative herd.

(2) The swine belong to a herd located within a county, if all of the following applies:

(a) The county has a history of zero percent prevalence of infection among all herds in the county, regardless of whether the county currently has a higher than zero percent prevalence of infection among all herds in the county.

(b) All contiguous counties have a zero percent prevalence of infection among herds in that county, as designated by the department.

3. a. The person who owns the swine when the swine is required to be vaccinated under this chapter, shall be solely liable for providing the vaccine and administering the vaccination. A noninfected feeder pig required to be vaccinated upon arrival at an approved premises as provided in section 166D.10B shall be vaccinated at the expense of the owner who moves the feeder pig. If the swine is transported into this state, the owner shall be deemed to be the person who owns the swine immediately prior to transportation.

b. This subsection does not prohibit the owner of swine from contracting with a person, including a person receiving ownership of swine moved into this state, to provide the vaccination, if the person receives fair compensation for providing the vaccination and the sale price for the swine is not increased because the owner must comply with this subsection.

4. The cost, or any segment of the cost, of purchasing a laboratory product used for testing and vaccination provided in this chapter may be paid for by federal or state funds or a combination of both. Federal or state funds shall not be paid to the owner of a vaccinated herd other than the owner of a herd vaccinated with a modified-live differentiable vaccine.

Sec. 20. Section 166D.12, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

166D.12 CONCENTRATION POINTS.

A person shall not move swine through a concentration point, except as provided in this section.

1. For swine from a noninfected herd, the swine may be moved through any concentration point. All of the following shall apply:

a. Breeding swine must be kept separate and apart from feeder pigs.

b. Breeding swine must be sold first.

2. a. For swine other than swine from a noninfected herd, the swine shall not be moved through a concentration point other than a fixed concentration point, as required by the department. A fixed concentration point shall be used exclusively for the following:

(1) The movement of livestock other than swine.

(2) The immediate movement of swine to a slaughtering establishment.

b. A fixed concentration point shall never be used for the movement of swine other than to a slaughtering establishment.

c. A person shall not move swine to or from a fixed concentration point subject to restricted movement or receive swine subject to restricted movement at a fixed concentration point, unless the swine is moved and received in compliance with section 166D.10A.

d. Livestock, other than swine, moved to the fixed concentration point must be kept separate and apart.

e. If infected swine, exposed swine, or swine from a herd of unknown status is moved through a fixed concentration point, the owner of the fixed concentration point shall post and maintain a sign on the premises of the fixed concentration point. The sign must be posted in a conspicuous place clearly visible to persons moving livestock through the fixed concentration point. The notice shall appear in black letters a minimum of one inch high and in the following form:

NOTICE
THIS FACILITY MAY SELL SWINE WHICH
HAS BEEN EXPOSED TO PSEUDORABIES.
HOWEVER, ALL SWINE ARE MOVED
IMMEDIATELY TO SLAUGHTER.

Sec. 21. Section 166D.16, unnumbered paragraph 1, Code 1999, is amended to read as follows:

1. The provisions of this chapter including departmental rules adopted pursuant to this chapter shall be administered and enforced by the department.

2. A Except as provided in this subsection, a person violating a provision of this chapter or any rule adopted pursuant to this chapter shall be subject to a civil penalty of at least one hundred dollars but not more than one thousand dollars.

a. However, a A person who falsifies a certificate of inspection issued pursuant to this chapter shall be subject to a civil penalty of not more than five thousand dollars for each swine falsified on the certificate. A person shall not be subject to a civil penalty totaling more than twenty-five thousand dollars for falsifying a certificate, regardless of the number of swine falsified on the certificate.

b. The person who owns swine when the swine is required to be vaccinated under this chapter shall be subject to a civil penalty of two dollars for each swine which is not vaccinated as required.

Sec. 22. Sections 166D.4 and 166D.5, Code 1999, are repealed.

Sec. 23. RULEMAKING. The department of agriculture and land stewardship shall adopt rules necessary to implement this Act. Such rules shall be effective immediately upon adoption and filing in the governor's office after publication under notice and after the administrative rules review committee has had an opportunity to review the noticed rules, as provided in chapter 17A.

Sec. 24. IMPLEMENTATION. The department shall provide for the implementation of this Act based on a schedule adopted by departmental rules. However, the department shall implement all provisions of this Act by August 1, 2000.

Sec. 25. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 19, 2000

CHAPTER 1111

LOESS HILLS DEVELOPMENT AND CONSERVATION AUTHORITY — HUNGRY CANYONS ALLIANCE — LOESS HILLS ALLIANCE

S.F. 2348

AN ACT relating to the loess hills development and conservation authority by creating a hungry canyons alliance, providing membership guidelines for board of directors of the conservation authority and loess hills alliance, and providing for the assistance of state agencies.

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

Section 1. Section 161D.1, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. A hungry canyons alliance is created. The hungry canyons alliance shall be governed by a board of directors appointed as provided in its bylaws and