

assess a civil penalty not to exceed one thousand dollars for each offense. Each violation involving a separate manufactured home, or a separate failure or refusal to allow an act to be performed or to perform an act as required by this chapter, or a rule adopted pursuant to this chapter constitutes a separate offense. However, the maximum amount of civil penalties which may be assessed for any series of violations occurring within one year from the date of the first violation shall not exceed one million dollars.<sup>1</sup>

Approved May 2, 2001

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## CHAPTER 101

### CONTROL OF INFECTIOUS OR CONTAGIOUS DISEASES IN CATTLE AND OTHER ANIMALS — PARATUBERCULOSIS

S.F. 209

**AN ACT** providing for livestock, including the control of paratuberculosis, and providing for penalties.

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

Section 1. NEW SECTION. 165A.1 DEFINITIONS.

1. "Concentration point" means a location or facility where cattle are assembled for purposes of sale or resale for feeding, breeding, or slaughtering, and where contact may occur between groups of cattle from various sources. "Concentration point" includes a public stockyard, auction market, street market, state or federal market, untested consignment sales location, buying station, or a livestock dealer's yard, truck, or facility.

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

3. "Infected" means infected with paratuberculosis as provided in section 165A.3.

4. "Paratuberculosis" means a disease caused by the bacterium *Mycobacterium paratuberculosis*, and which is also referred to as Johne's disease.

5. "Separate and apart" means to hold cattle so that neither the cattle nor organic material originating from the cattle has physical contact with other animals.

6. "Slaughtering establishment" means a slaughtering establishment operated under the provision of the federal Meat Inspection Act, 21 U.S.C. § 601 et seq., or a slaughtering establishment that has been inspected by the state.

Sec. 2. NEW SECTION. 165A.2 ADMINISTRATION AND ENFORCEMENT.

The provisions of this chapter, including departmental rules adopted pursuant to this chapter, shall be administered and enforced by the department. The department may assess and collect civil penalties against persons in violation of this chapter as provided in section 165A.5. The attorney general may assist the department in the enforcement of this chapter.

Sec. 3. NEW SECTION. 165A.3 DETERMINATION OF INFECTION.

The department shall adopt rules providing methods and procedures to determine whether cattle are infected, which may include detection and analysis of paratuberculosis using techniques approved by the United States department of agriculture.

Sec. 4. NEW SECTION. 165A.4 INFECTED CATTLE.

The owner of infected cattle shall mark the cattle by punching the letter "C" through the right ears of the cattle as required by the department. A person shall not sell infected cattle other than directly to a slaughtering establishment or to a concentration point for sale

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<sup>1</sup> See chapter 176, §61, 82 herein

directly to a slaughtering establishment, for immediate slaughter. Cattle marked with a letter "C" that are kept at a concentration point must be kept separate and apart.

Sec. 5. NEW SECTION. 165A.5 ENFORCEMENT — PENALTY.

1. Except as provided in this subsection, a<sup>1</sup> 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. The proceeding to assess a civil penalty shall be conducted as a contested case proceeding under chapter 17A.

2. In addition to any other remedies provided, the department may file a petition in the district court seeking an injunction restraining any person from violating provisions of this chapter including a rule adopted pursuant to this chapter.

3. This section does not prevent a person from commencing a civil cause of action based on any right that the person may assert under statute or common law.

Sec. 6. NEW SECTION. 172E.1 DEFINITIONS.

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

1. "Dairy cattle" means cattle belonging to a breed that is used to produce milk for human consumption, including but not limited to holstein and jersey breeds.

2. "Livestock" means the same as defined in section 717.1.

3. "Livestock market" means any place where livestock are assembled from two or more sources for public auction, private sale, or<sup>2</sup> on a commission basis, which is under state or federal supervision, including a livestock auction market, if such livestock are kept in the place for ten days or less.

4. "Packer" means a person who is engaged in the business of slaughtering livestock or receiving, purchasing, or soliciting livestock for slaughter. As used in this chapter, "packer" includes an agent of the packer engaged in buying or soliciting livestock for slaughter on behalf of a packer.

Sec. 7. NEW SECTION. 172E.2 MARKETING PRACTICES — DAIRY CATTLE SOLD FOR SLAUGHTER.

1. If a livestock market accepts dairy cattle upon express written condition that the dairy cattle are to be moved directly to slaughter, the dairy cattle shall be segregated with other livestock to be moved directly to slaughter until sold to a packer. A person shall not knowingly sell the dairy cattle to a purchaser other than to a packer at the livestock market. A person other than a packer shall not knowingly purchase the dairy cattle at the livestock market.

2. This section shall not supersede requirements relating to the movement or marketing of livestock infected with an infectious or contagious disease, including but not limited to those diseases enumerated in section 163.2.

Sec. 8. NEW SECTION. 172E.3 PENALTIES.

1. The department with assistance by the attorney general shall have the same authority to enforce this chapter as it does under chapter 165A. A person who violates section 172E.2 is subject to the same penalties as provided in section 165A.5.

2. This section does not prevent a person from commencing a civil cause of action based on any right that the person may assert under statute or common law.

Sec. 9. PARATUBERCULOSIS TASK FORCE.

1. A paratuberculosis task force is established for purposes of advising the department regarding the administration of chapter 165A as enacted in this Act, including the adoption of rules providing methods and procedures to determine whether cattle are infected. The task force shall study the prevalence of paratuberculosis in this state and methods required to control it, including the effectiveness and practicability of requiring that cattle or only dairy cattle be tested using a test currently or expected to be licensed by the United States department of agriculture to detect the presence of paratuberculosis.

<sup>1</sup> See chapter 176, §62 herein

<sup>2</sup> See chapter 176, §63 herein

2. The task force shall be composed of all of the following:

a. Persons who represent the department of agriculture and land stewardship. One person shall be the state veterinarian who shall serve as the chairperson of the committee. The secretary of agriculture may appoint up to two more persons if necessary who shall be knowledgeable regarding the control of diseases affecting cattle.

b. Persons representing the college of veterinary medicine at Iowa state university who shall be the dean of the college or the dean's designee, the head of serology for the veterinary diagnostic laboratory, the head of the department of veterinary diagnostic and production animal medicine, and the chair of the department of veterinary microbiology and preventive medicine.

c. A person who is a member or officer of the Iowa veterinary medical association who is appointed by the association.

d. Persons actively engaged in the cattle or dairy industry, including a person actively engaged in producing milk who is appointed by the Iowa dairy products association, a person who is actively engaged in producing dairy products who is appointed by the Iowa dairy products association, a person who is actively engaged in producing beef cattle who is appointed by the Iowa cattlemen's association, and a person actively engaged in marketing cattle who is appointed by the livestock marketing association.

3. The task force shall submit a report to the governor and general assembly by January 10, 2002. The report shall contain its findings and any recommendations.

Approved May 2, 2001

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## CHAPTER 102

### INVESTMENTS BY MUNICIPAL UTILITY RETIREMENT SYSTEMS

S.F. 323

**AN ACT** relating to the standard for investment of retirement funds by municipal utilities.

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

Section 1. Section 12B.10, subsection 6, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. Investments by municipal utility retirement systems governed under chapter 412.

Sec. 2. Section 12B.10B, subsection 3, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. Municipal utility retirement systems governed under chapter 412.

Sec. 3. Section 12B.10C, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Municipal utility retirement systems governed under chapter 412.

Sec. 4. Section 412.4, Code 2001, is amended to read as follows:

**412.4 PAYMENTS AND INVESTMENTS.**

The council, board of waterworks trustees, or other board or commission, whichever is authorized by law to manage and operate any such waterworks, or other municipally owned and operated public utility, shall have the right and power to contract with any legal reserve insurance company authorized to conduct its business in the state, or any bank located in