

Sec. 4. Section 601K.123, Code 1987, is amended by adding the following new subsection:
NEW SUBSECTION. 12. Whenever the price is reasonably competitive and the quality intended, and in keeping with the schedule established in this subsection, purchase soybean-based inks and starch-based plastics, including but not limited to starch-based garbage can liners.

a. By July 1, 1989, a minimum of fifty percent of the purchases of inks which are used for newsprint paper for printing services performed internally or contracted for by the commission shall be soybean-based.

b. By July 1, 1989, a minimum of fifteen percent of the purchases of garbage can liners made by the commission shall be starch-based plastic garbage can liners. The percentage purchased shall increase by five percent annually until fifty percent of the purchases of garbage can liners are purchases of starch-based plastic garbage can liners.

c. The commission shall report to the general assembly on January 1 of each year, the plastic products which are regularly purchased by the commission for which starch-based product alternatives are available. The report shall also include the cost of the plastic products purchased and the cost of the starch-based product alternatives.

Approved May 7, 1988

CHAPTER 1186

ANIMAL CARE BY COMMERCIAL ESTABLISHMENTS

S.F. 394

AN ACT relating to care of animals in commercial establishments.

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

Section 1. Section 162.2, subsection 4, Code 1987, is amended to read as follows:

4. "Pet shop" means an establishment where any dog, cat, rabbit, rodent, nonhuman primate, fish other than live bait, bird, or other vertebrate animal is bought, sold, exchanged, or offered for sale ~~to the general public~~.

Sec. 2. Section 162.2, subsection 6, Code 1987, is amended to read as follows:

6. "Commercial kennel" means a kennel which performs grooming, boarding, or training services for dogs or cats, ~~or both, and may or may not render boarding services~~ in return for a consideration.

Sec. 3. Section 162.2, subsection 7, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

7. "Commercial breeder" means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or less breeding males or females is not a commercial breeder.

Sec. 4. Section 162.2, subsection 8, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

8. "Vertebrate animal" means those vertebrate animals other than members of the equine, bovine, ovine, and porcine species.

Sec. 5. Section 162.3, Code 1987, is amended to read as follows:

162.3 CERTIFICATE OF REGISTRATION FOR POUND.

No A pound shall not be operated unless a certificate of registration for the pound is granted by the secretary. Application for the certificate shall be made in the manner approved by the secretary. No A fee shall be is not required for the application or certificate. Certificates of registration shall expire annually on March 1 one year from date of issue unless revoked and may be renewed upon application in the manner provided by the secretary. A registered pound may engage in the sale of dogs or cats, or both, under its control, if it obtains a license for such activity, the privilege is allowed by the department but no fee shall be charged therefor unless the registered pound is privately owned. The registration fee for a privately owned pound that sells dogs or cats is ten dollars per year.

Sec. 6. Section 162.4, Code 1987, is amended to read as follows:

162.4 CERTIFICATE OF REGISTRATION FOR ANIMAL SHELTER.

No A person shall not operate an animal shelter unless a certificate of registration for the animal shelter is granted by the secretary. Application for the certificate shall be made in the manner provided by the secretary. No A fee shall be is not required for the application or certificate. Certificates of registration shall expire annually on March 1 one year from date of issue unless revoked and may be renewed in the manner provided by the secretary. A registered animal shelter may engage in the sale of dogs or cats, or both, under its control, if it obtains a license for such activity, but no fee shall be charged therefor if the privilege is allowed by the department.

Sec. 7. Section 162.5, Code 1987, is amended to read as follows:

162.5 PET SHOP LICENSE.

No A person shall not operate a pet shop unless the person has obtained a license to operate a pet shop issued by the secretary. Application for the license shall be made in the manner provided by the secretary. The license shall expire expires annually on March 1 of each year one year from date of issue unless revoked and may be renewed in the manner provided by the secretary. The license fee shall be is forty dollars per year or ten dollars for each quarter or portion of a quarter of a year. The license may be renewed if the licensee has conformed to all statutory and regulatory requirements.

Sec. 8. Section 162.6, Code 1987, is amended to read as follows:

162.6 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE.

No A person shall not operate a commercial kennel or public auction, as defined in section 162.2, unless the person has obtained a license to operate a commercial kennel or a public auction issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The license and the certificate shall expire annually on March 1 one year from date of issue unless revoked. The license fee shall be is twenty-five dollars per year or seven dollars for each quarter or portion of a quarter of a year and the certification fee shall be is five dollars annually. If the person has obtained a federal license, the person need only obtain a certificate. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary provided if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary.

Sec. 9. Section 162.7, Code 1987, is amended to read as follows:

162.7 DEALER LICENSE.

No A person shall not operate as a dealer unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The license and certificate shall expire ~~annually on March 1~~ one year from date of issue unless revoked. The license fee shall be ~~is~~ fifty dollars per year or fifteen dollars for each quarter or portion of a quarter of a year, and the certification fee shall be is five dollars per year. The license may be renewed upon application and payment of the ~~prescribed~~ prescribed fee in the manner provided by the secretary, provided if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the ~~prescribed~~ prescribed fee in the manner provided by the secretary.

Sec. 10. Section 162.8, Code 1987, is amended to read as follows:

162.8 COMMERCIAL BREEDER'S LICENSE.

No A person shall not operate as a commercial breeder unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The annual license or the certification period shall ~~commence March 1~~ of each year expires one year from date of issue. The license fee shall be ~~is~~ twenty-five dollars per year or seven dollars for each quarter or portion of a quarter of a year and the certificate fee shall be is five dollars per year. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary provided if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary.

Sec. 11. Section 162.9, Code 1987, is amended to read as follows:

162.9 BOARDING KENNEL OPERATOR'S LICENSE.

No A person shall not operate a boarding kennel unless the person has obtained a license to operate a boarding kennel issued by the secretary. Application for the license shall be made in the manner provided by the secretary and expires one year from date of issue. The ~~annual license period shall commence March 1~~ of each year. The license fee shall be ~~is~~ fifteen dollars per year or four dollars for each quarter or portion of a quarter of a year. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary provided if the licensee has conformed to all statutory and regulatory requirements.

Sec. 12. Section 162.10, Code 1987, is amended by striking the section and inserting the following:

162.10 RESEARCH FACILITY REGISTRATION.

A person shall not operate a research facility unless the person obtains a certificate issued by the secretary. The certificate expires one year from date of issue. Application for the certificate shall be made in the manner provided by the secretary. A fee is not required for the application or certificate.

Sec. 13. Section 162.11, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 4. This chapter does not apply to a place or establishment which operates under the immediate supervision of a duly licensed veterinarian as a hospital where animals are harbored, hospitalized, and cared for incidental to the treatment, prevention, or alleviation of disease processes during the routine practice of the profession of veterinary

medicine. However, if animals are accepted by such a place, establishment, or hospital for boarding or grooming for a consideration, the place, establishment, or hospital is subject to the licensing or registration requirements applicable to a boarding kennel or commercial kennel under this chapter and the rules adopted by the secretary.

NEW SUBSECTION. 5. This chapter does not apply to a noncommercial kennel at, in, or adjoining a private residence where dogs or cats are kept for the hobby of the householder, if the dogs or cats are used for hunting, for practice training, for exhibition at shows or field or obedience trials, or for guarding or protecting the householder's property. However, the dogs or cats must not be kept for breeding if a person receives consideration for providing the breeding.

Sec. 14. Section 162.12, Code 1987, is amended to read as follows:

162.12 DENIAL OR REVOCATION OF LICENSE OR REGISTRATION.

A certificate of registration may be denied to any pound or animal shelter and a license or certificate of registration may be denied to any public auction, boarding kennel, commercial kennel, ~~hobby kennel~~ research facility, pet shop, commercial breeder, or dealer, or, if ~~granted such an existing~~ granted certificate or license, may be revoked by the secretary if, after public hearing, it is determined that the housing facilities or primary enclosures are inadequate under the provisions of this chapter or if the feeding, watering, cleaning, and housing practices at the pound, animal shelter, public auction, pet shop, boarding kennel, commercial kennel, ~~hobby kennel~~ research facility, or those practices by the commercial breeder or dealer, are not in compliance with the provisions of this chapter or with the rules which shall be promulgated adopted pursuant to the authority of this chapter. The premises of each licensee or certificate holder shall be open for inspection during normal business hours.

Sec. 15. Section 162.13, Code 1987, is amended to read as follows:

162.13 PENALTIES.

Operation of a pound, animal shelter, pet shop, boarding kennel, commercial kennel, ~~hobby kennel~~ research facility, or public auction, as defined in section 162.2, or dealing in dogs or cats, or both, either as a dealer or a commercial breeder, without a currently valid license or a certificate of registration shall constitute is a simple misdemeanor and each day of such operation shall constitute is a separate offense.

Failure of a person licensed or registered any pound, research facility, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder, public auction, or dealer, to adequately house, feed, or water dogs, or cats, or both, vertebrate animals in the person's or facility's possession or custody or failure of an operator of a licensed pet shop to adequately house, feed, or water a vertebrate animal is a simple misdemeanor. The animals are subject to seizure and impoundment and may be sold or destroyed by euthanasia at the discretion of the secretary and the failure is also grounds for revocation or suspension of license or registration after public hearing. The commission of an act declared to be an unlawful practice under section 714.16 or chapter 717, by a person or facility licensed or registered under this chapter is grounds for revocation or suspension of the license or registration certificate. Dogs, cats, and other vertebrates upon which euthanasia is permitted by law may be destroyed by persons or facilities subject to this chapter or chapter 169, and only by euthanasia.

~~It shall be is~~ is unlawful for a dealer, as defined in section 162.2, subsection 10, to knowingly ship a diseased animal. A dealer violating the provisions of this paragraph shall be is subject to a fine not exceeding one hundred dollars. Each diseased animal shipped in violation of this paragraph shall constitute is a separate offense.

Sec. 16. Section 162.17, Code 1987, is repealed.

CHAPTER 1187**PUBLIC FUNDS INVESTMENT IN DRAINAGE DISTRICT CERTIFICATES***S.F. 69*

AN ACT relating to the investment of idle public funds by authorizing investment in drainage district warrants or improvement certificates.

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

Section 1. Section 452.10, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The treasurer of state and the treasurer of each political subdivision shall at all times keep all funds coming into their possession as public money, in a vault or safe, to be provided for that purpose, or in one or more depositories. However, the treasurer of state and the treasurer of each political subdivision shall invest, unless otherwise provided, any of the public funds not currently needed for operating expenses in notes, certificates, bonds, prime eligible bankers acceptances, commercial paper rated within the two highest classifications of prime as established by at least one of the standard rating services approved by the superintendent of banking pursuant to chapter 17A, perfected repurchase agreements, or other evidences of indebtedness which are obligations of or guaranteed by the United States of America or any of its agencies; or in time deposits in depositories as provided in chapter 453 and receive time certificates of deposit ~~therefor for the funds~~; or in savings accounts in depositories; or in warrants or improvement certificates of a drainage district. The total investment in commercial paper of any one corporation is limited to an amount not more than twenty percent of the total stockholders' equity of that corporation. The treasurer of state may invest any of the funds in the treasurer's custody in any of the investments authorized for the Iowa public employees' retirement system in section 97B.7, subsection 2, paragraph "b" except that investment in common stocks is not permitted. As used in this section, "depository" means a financial institution designated as a legal depository under chapter 453.

Approved May 7, 1988

CHAPTER 1188**AGRICULTURAL DRAINAGE WELLS***S.F. 38*

AN ACT relating to agricultural drainage wells.

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

Section 1. Section 159.29, subsection 1, Code Supplement 1987, is amended to read as follows:

1. An owner of an agricultural drainage well shall register the well with the department of natural resources by ~~January 1, 1988~~ September 30, 1988. The department of agriculture and land stewardship, in cooperation with the department of natural resources, shall adopt rules, pursuant to chapter 17A, which provide for an appeals process for violations of this subsection.

Sec. 2. Section 455E.11, subsection 2, paragraph b, Code Supplement 1987, is amended by adding the following new subparagraph after subparagraph (1) and renumbering the remaining subparagraphs:

NEW SUBPARAGRAPH. (2) Two hundred thousand dollars of the moneys deposited in the agriculture management account is appropriated to the department of agriculture and land