

Senate Amendment 3173

Amendment Text

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1 1 Amend [Senate File 209](#) as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 "Section 1. NEW SECTION. 165A.1 DEFINITIONS.
1 5 1. "Concentration point" means a location or
1 6 facility where cattle are assembled for purposes of
1 7 sale or resale for feeding, breeding, or slaughtering,
1 8 and where contact may occur between groups of cattle
1 9 from various sources. "Concentration point" includes
1 10 a public stockyard, auction market, street market,
1 11 state or federal market, untested consignment sales
1 12 location, buying station, or a livestock dealer's
1 13 yard, truck, or facility.
1 14 2. "Department" means the department of
1 15 agriculture and land stewardship.
1 16 3. "Paratuberculosis" means a disease caused by
1 17 the bacterium mycobacterium paratuberculosis, and
1 18 which is also referred to as Johne's disease.
1 19 4. "Separate and apart" means to hold cattle so
1 20 that neither the cattle nor organic material
1 21 originating from the cattle has physical contact with
1 22 other animals.
1 23 5. "Slaughtering establishment" means a
1 24 slaughtering establishment operated under the
1 25 provision of the federal Meat Inspection Act, 21
1 26 U.S.C. } 601 et seq., or a slaughtering establishment
1 27 that has been inspected by the state.
1 28 Sec. 2. NEW SECTION. 165A.2 ADMINISTRATION AND
1 29 ENFORCEMENT.
1 30 The provisions of this chapter, including
1 31 departmental rules adopted pursuant to this chapter,
1 32 shall be administered and enforced by the department.
1 33 The department may assess and collect civil penalties
1 34 against persons in violation of this chapter as
1 35 provided in section 165A.4. The attorney general may
1 36 assist the department in the enforcement of this
1 37 chapter.
1 38 Sec. 3. NEW SECTION. 165A.3 INFECTED CATTLE.
1 39 The owner of cattle infected with paratuberculosis
1 40 shall comply with this chapter and chapter 163 as that
1 41 chapter applies to cattle with a contagious disease.
1 42 Infected cattle shall be immediately kept separate and
1 43 apart and moved for slaughter to a concentration point
1 44 or slaughtering establishment. Infected cattle that
1 45 are kept at the concentration point shall also be kept
1 46 separate and apart. The owner of infected cattle
1 47 shall mark the cattle by punching the letter "J"
1 48 through the right ears of the cattle as required by
1 49 the department.
1 50 Sec. 4. NEW SECTION. 165A.4 ENFORCEMENT
2 1 PENALTY.
2 2 1. Except as provided in this subsection, a person
2 3 violating a provision of this chapter or any rule
2 4 adopted pursuant to this chapter shall be subject to a
2 5 civil penalty of at least one hundred dollars but not
2 6 more than one thousand dollars. The proceeding to
2 7 assess a civil penalty shall be conducted as a

2 8 contested case proceeding under chapter 17A.
2 9 2. In addition to any other remedies provided, the
2 10 department may file a petition in the district court
2 11 seeking an injunction restraining any person from
2 12 violating provisions of this chapter including a rule
2 13 adopted pursuant to this chapter.

2 14 Sec. 5. NEW SECTION. 172E.1 DEFINITIONS.

2 15 As used in this chapter, unless the context
2 16 otherwise requires:

2 17 1. "Livestock" means the same as defined in
2 18 section 717.1.

2 19 2. "Livestock market" means any place where
2 20 livestock are assembled from two or more sources for
2 21 public auction, private sale, or on a commission
2 22 basis, which is under state or federal supervision,
2 23 including a livestock sale barn or auction market, if
2 24 such livestock are kept in the place for ten days or
2 25 less.

2 26 3. "Packer" means a person who is engaged in the
2 27 business of slaughtering livestock or receiving,
2 28 purchasing, or soliciting livestock for slaughter. As
2 29 used in this chapter, "packer" includes an agent of
2 30 the packer engaged in buying or soliciting livestock
2 31 for slaughter on behalf of a packer.

2 32 Sec. 6. NEW SECTION. 172E.2 MARKETING PRACTICES
2 33 LIVESTOCK SOLD FOR SLAUGHTER.

2 34 1. If a livestock market accepts livestock upon
2 35 condition that the livestock are to be moved directly
2 36 to slaughter, the livestock shall be segregated with
2 37 other livestock to be moved directly to slaughter
2 38 until sold to a packer. A person other than a packer
2 39 shall not purchase the livestock.

2 40 2. This section shall not supersede requirements
2 41 relating to the movement or marketing of livestock
2 42 infected with an infectious or contagious disease,
2 43 including but not limited to those diseases enumerated
2 44 in section 163.2.

2 45 Sec. 7. NEW SECTION. 172E.3 PENALTIES.

2 46 A person who purchases livestock at a livestock
2 47 market in violation of this chapter is guilty of a
2 48 simple misdemeanor.

2 49 Sec. 8. PARATUBERCULOSIS TASK FORCE.

2 50 1. A paratuberculosis task force is established
3 1 for purposes of determining the prevalence of
3 2 paratuberculosis in this state and methods required to
3 3 control it, including the effectiveness and
3 4 practicability of requiring that cattle or only dairy
3 5 cattle be tested using a test currently or expected to
3 6 be licensed by the United States department of
3 7 agriculture to detect the presence of
3 8 paratuberculosis.

3 9 2. The task force shall be composed of the state
3 10 veterinarian who shall serve as chairperson, a member
3 11 of the faculty of Iowa state university appointed by
3 12 the dean of the college of agriculture, who is engaged
3 13 in the teaching of veterinary medicine and who is
3 14 knowledgeable regarding dairying, and the practicing
3 15 veterinarian who serves as a member of the livestock
3 16 health advisory council.

3 17 3. The task force shall submit a report to the
3 18 governor and general assembly by January 10, 2002.
3 19 The report shall contain its findings and any
3 20 recommendations."

3 21 #2. Title page, line 1, by inserting after the
3 22 word "for" the following: "livestock, including".

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3 25 _____
3 26 JOHN P. [KIBBIE](#)
3 27
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3 29 _____
3 30 JOHN W. [JENSEN](#)
3 31 [SF 209.5](#)01 79
3 32 da/pj