

Senate Amendment 5138

PAG LIN

1 1 Amend House File 2476, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by inserting after line 19 the
1 4 following:
1 5 <____. "Law enforcement officer" means an Iowa
1 6 state patrol officer or a regularly employed member of
1 7 a police force of a city or county, including but not
1 8 limited to a sheriff's office, who is responsible for
1 9 the prevention and detection of a crime and the
1 10 enforcement of the criminal laws of this state.>
1 11 #2. Page 3, line 14, by striking the words 1 12 establishment> and inserting the
following: 1 13 concentration point>.
1 14 #3. Page 3, line 15, by striking the word
1 15 and inserting the following:
1 16 .
1 17 #4. Page 3, line 18, by striking the words 1 18 establishment> and inserting the
following: 1 19 concentration point>.
1 20 #5. Page 4, line 14, by inserting before the word
1 21 the following:
1 22 #6. Page 5, by inserting after line 2 the
1 23 following:
1 24 <____. This subsection applies to poultry
1 25 maintained at a restricted concentration point, or
1 26 poultry transported to or from a restricted
1 27 concentration point.
1 28 a. The department or a law enforcement officer may
1 29 confiscate poultry before a contested case proceeding
1 30 or judicial hearing is conducted to determine whether
1 31 this section has been violated. If the department or
1 32 a court determines that a violation of this section
1 33 has occurred, the poultry are conclusively deemed to
1 34 be infected with a pathogenic virus. The poultry
1 35 shall be kept separate and apart until destroyed by
1 36 euthanasia as defined in section 162.2.
1 37 b. The department shall provide that real or
1 38 personal property that is exposed to the poultry shall
1 39 be sanitized as required to eliminate the source of
1 40 the pathogenic virus. As part of the sanitation, the
1 41 department shall provide for the disposal of poultry
1 42 carcasses, eggs, or manure. Upon inspection, the
1 43 department shall certify that the sanitization has
1 44 been performed as required by this paragraph.
1 45 c. The department may utilize the procedures
1 46 provided in section 17A.18A in order to enforce the
1 47 provisions of this section. The attorney general or
1 48 county attorney may petition the district court for an
1 49 expedited hearing.
1 50 d. The department shall be reimbursed by the owner
2 1 of the poultry or property for costs required to carry
2 2 out this subsection. However, if the enforcement
2 3 action is brought due to the activity of a law
2 4 enforcement officer of a political subdivision, the
2 5 political subdivision shall be reimbursed by the owner
2 6 of the poultry or property for those costs. The
2 7 department or political subdivision shall certify the
2 8 amount to the county auditor of any county in which
2 9 the owner is a titleholder of real property. The
2 10 amount shall be placed upon the tax books which shall
2 11 be a lien upon the real property, and collected with
2 12 interest and penalties after due, in the same manner
2 13 as other unpaid property taxes.>
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2 15
2 16 _____
2 17 COMMITTEE ON AGRICULTURE
2 18 DAVID JOHNSON, Chairperson
2 19 HF 2476.202 80
2 20 da/sh