



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 20, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2401, an Act relating to the Comprehensive Petroleum Underground Storage Tank Fund and providing an effective date.

House File 2475, an Act relating to persons doing business as swine dealers and persons engaged in the business of buying or selling feeder pigs and providing an effective date.

The above House Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2475

AN ACT

RELATING TO PERSONS DOING BUSINESS AS SWINE DEALERS AND
PERSONS ENGAGED IN THE BUSINESS OF BUYING OR SELLING FEEDER
PIGS AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 163.61, subsections 2 and 3, Code 2003,
are amended to read as follows:

2. ~~a.~~ Except as provided in ~~paragraph-"b"~~ subsection 3, a
person violating a provision of this chapter, or a 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. In the case of a continuing violation, each
day of the continuing violation is a separate violation.
However, a person shall not be subject to a civil penalty
totaling more than twenty-five thousand dollars.

~~b.~~ 3. Notwithstanding the provisions of ~~paragraph-"a"~~
subsection 2, ~~a~~ all of the following apply:

a. A person who falsifies a health certificate,
veterinarian inspection certificate, or certificate of
inspection shall be subject to a civil penalty of not more
than five thousand dollars for each reference to an animal
falsified on the certificate. However, a person who falsifies
a certificate of inspection issued pursuant to chapter 166D
shall be subject to a civil penalty as provided in this
section or section 166D.16, but not both. 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 animals falsified on the certificate.

b. A person required to be licensed as a dealer pursuant

to section 163.30 and who is not issued a license by the department pursuant to that section, but does business as a dealer, shall be subject to a civil penalty of at least one thousand dollars but not more than five thousand dollars. Each day that the person does business as a dealer without being issued a license constitutes a separate offense. A person shall not be subject to a civil penalty totaling more than twenty-five thousand dollars during any one year.

~~3.~~ 4. Moneys collected from civil penalties shall be deposited into the general fund of the state.

Sec. 2. Section 202C.1, subsection 4, Code Supplement 2003, is amended to read as follows:

4. "Financial institution" means a bank or savings and loan association authorized by this state or by the laws of the United States, which is a member of the federal deposit insurance corporation, ~~or the federal savings and loan insurance corporation,~~ or the national bank for cooperatives established in the Agricultural Credit Act, Pub. L. No. 100-233.

Sec. 3. Section 202C.2, subsection 3, Code Supplement 2003, is amended to read as follows:


3. The amount of the evidence of financial responsibility shall be established by rules which shall be adopted by the department. Unless the department otherwise has good cause, the rules shall be based upon the volume of sales reported by the dealer to the United States department of agriculture grain inspection, packers and stockyards administration. However, the evidence of financial responsibility shall not be for less than ~~fifty~~ five thousand dollars or for more than ~~three-hundred~~ twenty-five thousand dollars. The department may increase the amount of the evidence of financial responsibility for a dealer upon a showing of good cause.

Sec. 4. Section 202C.3, Code Supplement 2003, is amended by adding the following new subsection:

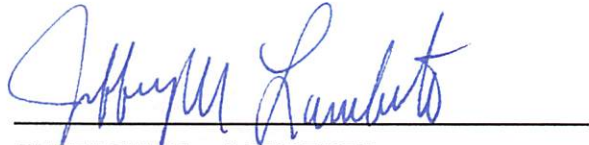
NEW SUBSECTION. 3. A legal action brought by a purchaser against the surety on the bond or the issuer of the irrevocable letter of credit shall be brought not later than one hundred eighty days after the date that the dealer delivers the feeder pigs to the purchaser pursuant to the sales agreement.

Sec. 5. IMPLEMENTATION. In implementing this Act, the department may adopt rules pursuant to section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b".

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.



CHRISTOPHER C. RANTS
Speaker of the House



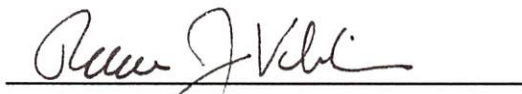
JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2475, Eightieth General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved April 20, 2004



THOMAS J. VILSACK
Governor