

January 29, 1963.

Passed on File.

From Agriculture 2-1, Passed as amended 2-5

Passed Senate, Date...1-21-63..

Vote: Ayes...48... Nays...0.....

Approved.....4-1-63

Senate File 94

By AGRICULTURE COMMITTEE.

Passed House, Date...2-11-63..

Vote: Ayes...106... Nays...0.....

*Reconsidered Vote of House
2-14-63*

Vote: - 3/13 ayes 104

*Senate
Vote: -
amended by House -
conceded by Senate -
amended by Senate: -*

*Vote: ayes 49 3/20
Nays 0*

*Vote - amended by S+H
ayes 99 - Nays 0
3/21*

A BILL FOR

An Act relating to the eradication of bovine brucellosis.

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

- 1 Chapter one hundred sixty-four (164), Code 1962, is hereby
- 2 repealed and the following enacted in lieu thereof:
- 1 Section 1. As used in this Act:
- 2 1. "Department" means the department of agriculture of the
- 3 state of Iowa.
- 4 2. "Condemned" or "reactor" applies to cattle reacting to
- 5 a test applied for brucellosis.
- 6 3. "Quarantine" means the entire herd must be confined to
- 7 the premise if any reactor is disclosed.
- 8 4. "Official test" for brucellosis includes all tests under
- 9 the supervision of, or the authorization from, the department.
- 10 5. "Owner" includes any person, persons, firm copartnership,
- 11 association or corporation owning or leasing livestock from
- 12 another owner.
- 13 6. "Registered purebred" shall include cattle with a
- 14 certificate from herdbooks where registered.
- 15 7. "Official calfhood vaccination" shall mean the vaccination
- 16 of any calf between the ages of four (4) months and eight (8)
- 17 months with brucella abortus vaccine strain number nineteen (19)
- 18 or such other vaccine as may hereafter be approved by U. S.
- 19 department of agriculture, which calf shall have been vaccinated

20 by a licensed accredited veterinarian according to the rules
21 and regulations established by the department. The officially
22 vaccinated animal shall be identified by a vaccination tattoo
23 mark, and ear tag or owners purebred identification. Such tattoo
24 mark, ear tag or owners purebred identification shall be de-
25 scribed in a certificate furnished by the attending veterinarian.

26 Within thirty (30) days following such vaccination, the
27 attending veterinarian shall supply the owner with a certificate
28 of vaccination. The veterinarian shall retain a copy of same
29 and forward a copy to the local office of the U. S. department
30 of agriculture or a copy to the Iowa department of agriculture.
31 The veterinarian's certificate covering the official vaccination
32 shall entitle the vaccinated animal to be consigned to sales
33 and exhibited at shows within the state at any time until said
34 animal is thirty (30) months of age.

35 8. "Modified certified brucellosis area" means an area of
36 less than one (1) percent brucellosis infection, as determined
37 by official test, in all breeding cattle over eight (8) months
38 of age, and official vaccinates over thirty (30) months of age,
39 and all infected cattle are restricted to not more than five (5)
40 percent of the herds in the area.

1 Sec. 2. The state of Iowa is hereby declared to be an
2 eradication area. It shall be compulsory that every owner of
3 dairy or breeding cattle within the area shall permit his cattle
4 to be tested when so ordered by the department or a representative
5 of the department. The owner shall confine and restrain his
6 cattle in a suitable place so that a test can be applied. If
7 he refuses to confine and restrain his cattle, the department
8 may employ sufficient help to properly confine and restrain them

9 and the expense of such help shall be paid by the owner.

1 Sec. 3. The department may adopt rules and regulations
2 respecting the official testing of cattle, the disposal by
3 segregation and quarantine or slaughter of condemned livestock,
4 the disinfection of the premises, the introduction into the herd
5 of other cattle, the control and eradication of brucellosis, the
6 prevention of the spread thereof to the cattle of this state,
7 and the proper enforcement of this Act.

1 Sec. 4. Whenever the owner of cattle shall request the
2 department to make an inspection of his cattle for brucellosis,
3 the department may designate a veterinarian to make an inspection
4 and, if authorized by the department, conduct a plate or tube
5 agglutination test by the method or methods adopted and approved
6 by the department.

1 Sec. 5. If the owner shall agree to comply with and carry
2 out the rules and regulations made by the department under
3 section three (3) of this Act, the expense of such inspection
4 and test shall be borne by the United States department of
5 agriculture, or by the department, or county brucellosis
6 eradication fund or any combination thereof.

1 Sec. 6. Whenever an official test of any cattle is made by
2 an accredited veterinarian authorized by the department, and
3 such cattle are found to be free from brucellosis, a certificate,
4 setting forth this fact, shall be issued by said veterinarian
5 or the department, providing all rules and regulations under
6 the plan adopted by the department for the control and eradica-
7 tion of brucellosis in cattle have been complied with. Official
8 vaccinates shall not be considered reactors unless reacting in
9 dilutions of one hundred (100) to two hundred (200) or more.

1 Sec. 7. Cattle purchased at an auction market regardless
2 of breed or classification may be tested for brucellosis on
3 the auction market premises, in the new owner's name at owner's
4 request. If such test discloses reactors, the herd of origin
5 shall be placed under quarantine.

1 Sec. 8. The department may order a retest of any breeding
2 cattle at any time, when in their opinion, it is necessary. In
3 case of reactors, one retest shall be granted the owner of the
4 cattle by the department upon the request of the owner or
5 owner's veterinarian, such retest of reactors shall be at the
6 owner's expense.

1 Sec. 9. A report of such tests shall be made in writing to
2 the chief of the division of animal industry within seven (7)
3 days immediately following the completion of the tests, upon
4 blanks furnished by the department and signed by the director
5 of the laboratory or the person making the test.

1 Sec. 10. All cattle subjected to an official test under the
2 department shall be plainly and permanently marked for identifi-
3 cation in a manner authorized by the department. All native
4 grade cattle carrying the calfhood vaccination and all calves
5 vaccinated after importation from other states shall be tattooed
6 in the ear. All purebred registered cattle must be tattooed in
7 the ear and the same shall be evidenced on the official certifi-
8 cate of vaccination.

1 Sec. 11. All cattle condemned as a result of a test for
2 brucellosis shall be plainly and permanently marked for identi-
3 fication by any qualified veterinarian making test in a manner
4 authorized by the department.

1 Sec. 12. It shall be unlawful for any owner to sell or

2 transfer ownership of any bovine animal or allow comingling of
3 cattle belonging to two or more owners, or the comingling of
4 dairy or breeding cattle with cattle under feeder quarantine
5 as feeding or grazing animals, unless they are accompanied by
6 a negative brucellosis test report issued by an accredited
7 veterinarian, conducted within thirty (30) days. The provisions
8 of this section do not apply to the following:

- 9 1. Calves under eight (8) months of age, spayed heifers,
10 and steers.
- 11 2. Official vaccinates under thirty (30) months of age if
12 accompanied by official calfhooD vaccination certificates.
- 13 3. Animals consigned directly to slaughter.
- 14 4. Animals moved for exhibition purposes
 - 15 a. when under thirty (30) months of age and accompanied by
16 an official vaccination certificate,
 - 17 b. animals of any age when accompanied by a report of a
18 negative brucellosis test conducted within seventy-five (75)
19 days.
- 20 5. Animals from a herd certified to be free of brucellosis
21 or animals from a herd not under quarantine located in a
22 modified certified brucellosis area.
- 23 6. Native female cattle of recognized beef type under
24 eighteen (18) months of age, not under quarantine. Such cattle
25 may be sold or transferred between owners for feeding purposes
26 only, but they shall be subject to the same provisions as for
27 imported feeder cattle. It shall be the responsibility of the
28 seller or owner to furnish evidence of the sale or transfer to
29 the Iowa division of animal industry within seventy-two (72)
30 hours.

1 Sec. 13. The following requirements apply to cattle imported
2 into the state for feeding or grazing purposes:

3 1. Female cattle of recognized beef type under eighteen (18)
4 months of age may enter the state for feeding or grazing purposes
5 under quarantine for a period not to exceed twelve (12) months.

6 An owner may upon written request receive an extension of
7 quarantine not to exceed one hundred twenty (120) days.

8 2. Female calves under eight (8) months of age imported for
9 feeding purposes may be released from feeder quarantine for
10 brucellosis if vaccinated in accordance with the provisions of
11 this Act. Vaccination shall be indicated by metal ear tag
12 numbers and tattoo.

13 3. All female cattle over eighteen (18) months of age,
14 entering the state for feeding and grazing purposes, must meet
15 all dairy and breeding cattle requirements unless they are con-
16 signed to a state or federal approved market.

1 Sec. 14. No cattle shall be brought in contact with any
2 condemned cattle held in quarantine. If any untested cattle
3 are added to the quarantined lot, said cattle shall become a
4 part of the lot and held subject to the same rules and regula-
5 tions.

1 Sec. 15. No condemned cattle shall be slaughtered, have their
2 location changed, or be moved from quarantine except by official
3 written permit by the department or by a licensed veterinarian
4 authorized by the department.

1 Sec. 16. When a written order has been issued by the depart-
2 ment or its authorized representative for the removal of con-
3 demned cattle to slaughter, such cattle within thirty (30)
4 days shall be moved and slaughtered under the direct supervision

5 of a duly authorized agent or representative of the United States
6 department of agriculture at a time and place designed by the
7 department. Any animal condemned because of brucellosis shall
8 be disposed of by its owner within a period not to exceed forty-
9 five (45) days from the date on which blood samples were drawn
10 disclosing it as a reactor.

1 Sec. 17. No person shall sell, offer for sale, or purchase
2 any cattle condemned as a result of an official test, except
3 under regulations issued by the department.

1 Sec. 18. The department may issue any quarantine orders
2 deemed necessary for the control and eradication of brucellosis
3 and the proper enforcement of this Act. Any lot or group
4 of cattle in which reactors have been disclosed whether located
5 in an auction market, private premise, dealer's lot or consign-
6 ment sale shall be under quarantine along with any cattle from
7 which the lot or group originated or comingled. Such cattle
8 may be sold for slaughter under permit, or returned to their
9 place of origin, or may be sold under quarantine subject to a
10 brucellosis test in not less than thirty (30) or more than sixty
11 (60) days. Public announcement shall be made prior to sale,
12 stating health status of the herd, group or animal, and all
13 quarantine restrictions shall be announced prior to sale. In
14 hardship cases the department may upon investigation of the case
15 alter any quarantine orders deemed necessary to alleviate the
16 hardship and protect the industry and prospective purchasers.

1 Sec. 19. Before being slaughtered, condemned cattle shall
2 be appraised at their cash value for dairy and breeding purposes
3 by the owner and a representative of the state department of
4 agriculture, or a representative of the United States department

5 of agriculture, or by the owner and both of such representatives.
6 If these parties cannot agree as to the amount of the appraisal,
7 there shall be appointed three (3) competent and disinterested
8 persons, one (1) by the state department of agriculture, one (1)
9 by the owner, and one (1) by the first two (2) appointed, to
10 appraise such animals, which appraisal shall be final.

1 Sec. 20. The department shall certify the claim of the owner
2 for each animal slaughtered in accordance with this Act for
3 not more than one-third ($\frac{1}{3}$) of the difference between the
4 appraised value of such animal and the net salvage value thereof,
5 but in no case more than twelve (12) dollars and fifty (50)
6 cents for a grade animal or not more than twenty-five (25)
7 dollars for a registered purebred animal, but in no case shall
8 the department pay indemnity on cattle not receiving a like
9 amount from the United States department of agriculture.

10 No indemnity shall be paid:

11 1. Whenever the owner or agent in possession of said animal
12 has not complied with the rules and regulations of the department.

13 2. When the condemned animals are not destroyed within
14 forty-five (45) days after the blood samples are drawn.

15 3. On animals owned by the state of Iowa.

1 Sec. 21. All funds appropriated by the state for carrying
2 out the provisions of this chapter shall be administered by the
3 department for the payment of indemnity, salaries, and other
4 necessary expenses.

1 Sec. 22. In each county in the state, the board of super-
2 visors shall each year, when it makes the levy for taxes, levy
3 a tax sufficient to provide a fund to pay the indemnity, as
4 set out in section twenty (20) of this Act, and other expenses

5 provided in this Act, and such levy shall not exceed one-
6 half ($\frac{1}{2}$) mill in any year upon the taxable value of all the
7 property in the county.

1 Sec. 23. Such levy shall be placed upon the tax list by the
2 county auditor and collected by the county treasurer in the same
3 manner and at the same time as other taxes of the county. The
4 money derived from such levy shall be placed in a fund to be
5 known as the "County Brucellosis Eradication Fund", and shall
6 be used only for payment of claims as provided in this Act.

1 Sec. 24. The county auditor of each county shall, not
2 later than July 15 of each year, certify to the secretary of
3 agriculture a report showing the amount in the brucellosis
4 eradication fund on July 1 of each year.

1 Sec. 25. Should it appear to the secretary of agriculture
2 that the balance in such fund is sufficient, with the county's
3 allotment of state and federal funds available, to carry on the
4 work in such county for the ensuing year, he shall so certify
5 to the county auditor, and, when such certification has been
6 made, the board of supervisors shall make no levy for such
7 brucellosis eradication fund for such year.

1 Sec. 26. Whenever the balance of such fund becomes less than
2 twenty-five hundred (2500) dollars, the county auditor shall
3 notify the department in writing of such fact, and no expense
4 shall be incurred on such account in excess of the cash
5 available in such fund.

1 Sec. 27. All claims presented under authority of this
2 Act shall be certified by the department and filed with the
3 county auditor, who shall present them to the board of super-
4 visors, and such board shall allow and pay the same as other

5 claims against the county.

1 Sec. 28. The secretary of agriculture of the state of Iowa
 2 is hereby authorized and directed to enter into reciprocal agree-
 3 ments with other states to the end that cattle which are covered
 4 by certificates of vaccination in the state of Iowa and other
 5 states may be transported and sold in interstate commerce
 6 between the state of Iowa and such other states which enter
 7 into reciprocal agreements.

1 Sec. 29. Any person found guilty of violating the provisions
 2 of this Act or the rules and regulations promulgated by the
 3 department pertaining thereto shall be deemed guilty of a mis-
 4 demeanor and punished by a fine not to exceed one hundred (100)
 5 dollars on first offense, two hundred (200) dollars on second
 6 offense, and three hundred (300) dollars on the third and all
 7 subsequent offenses.

1 Amend Senate File 94 as follows:
 2 1. Section 29, by striking the following in lines 2 and 3: "or the
 3 rules and regulations promulgated by the department pertaining
 4 thereto".
 5 2. Further amend Senate File 94 by adding the following as a new
 6 section:
 7 "This Act being deemed of immediate importance shall be
 8 in full force and effect from and after its passage and publication in
 9 The Daily
 10 Freeman Journal, a newspaper published in Webster City, Iowa, and in
 11 The Maquoketa Community Press, a newspaper published in Maquoketa,
 Iowa."
 Filed and adopted By WALKER.
 January 31, 1963.

1 Amend Senate File 94 by striking from line 16, section 13,
 2 the words "state or federal" and inserting in lieu thereof the
 3 following: "state-federal".
 Filed and adopted By MAIN.
 January 31, 1963.

SENATE FILE 94

1 1. Amend the House amendment to Senate File 94 by inserting the
 2 following
 3 new division as division 8 and renumbering the remaining divisions:
 4 "8. Section 12, subsection 6, line 2, by striking the word and
 5 figure 'eighteen (18)' and inserting in lieu thereof the following:
 6 'twenty-one (21)'.
 2. Further amend the House amendment by striking all of the last
 division.

House
 concurred
 3/21
 Filed and adopted By COMMITTEE ON AGRICULTURE,
 March 20, 1963. JOHN A. WALKER, Chairman.

- Adopted 2/14*
- 1 Amend Senate File 94 as follows:
 - 2 1. Section one (1), line thirty-one (31), by striking
 - 3 the word "veteriarian's" and inserting in lieu thereof
 - 4 the word "veterinarian". *a*
 - 5 2. Section six (6), line nine (9), by striking the word
 - 6 and numbers "hundred (100)". *a*
 - 7 3. By striking all of section seven (7) and renumbering
 - 8 the remaining sections. *a*
 - 9 4. Section ten (10), line seven (7), by inserting after
 - 10 the word "ear" the following: "either with a vaccination
 - 11 tattoo or the purebred identification tattoo".
 - 12 5. Section twelve (12), line twenty-four (24), by striking
 - 13 the word and numbers "eighteen (18)" and inserting in lieu
 - 14 thereof the word and numbers "twenty-four (24)". *a*
 - 15 6. Section thirteen (13), line three (3), by striking
 - 16 the word and numbers "eighteen (18)" and inserting in lieu
 - 17 thereof the word and numbers "twenty-four (24)".
 - 18 7. Section thirteen (13), line thirteen (13), by striking
 - 19 the word and numbers "eighteen (18)" and inserting in lieu
 - 20 thereof the word and numbers "twenty-four (24)". *a-5*
 - 21 8. Section fourteen (14), line two (2), by striking the
 - 22 word "untested".

Filed February 5, 1963. *Adopted 1, 2, 4* COMMITTEE ON AGRICULTURE 1,
ELMER DEN HERDER, Chairman.

Lost 3, 5, 6, 7 *Adopted 2/14*

- 1 Amend Senate File 94, Section eighteen (18), by
- 2 striking from line four (4) all after the word
- 3 "disclosed", also all of line five (5), and that part
- 4 of line six (6) preceding the word "shall".

Filed February 5, 1963. *Adopted 2/4/63* BRILES of Adams.

SENATE FILE 94

- 1 Amend Senate File 94 as follows:
- 2 1. Amend Section 12 by adding to subsection six (6),
- 3 the following: Native cattle of recognized beef type between
- 4 eighteen (18) and twenty-one (21) months of age may move
- 5 under quarantine for feeding purposes for a period not to
- 6 exceed ninety (90) days at which time they must be sold for
- 7 slaughter purposes only.
- 8 2. Amend Section 13 by adding to subsection one (1) the
- 9 following: Female cattle of recognized beef type between
- 10 eighteen (18) and twenty-one (21) months of age may enter
- 11 the state for feeding purposes under quarantine for a period
- 12 not to exceed ninety (90) days at which time they must be
- 13 sold for slaughter purposes only.
- 14 3. Further amend Section 13 by striking the period at
- 15 the end of subsection three (3) and inserting the following:
- 16 " , except as provided in subsection one (1) of this section."

Filed February 13, 1963. VERMEER of Marion.

- 1 Amend Senate File 94, Section 7, line four (4),
- 2 by inserting after the word "request." the following:
- 3 This test must be made within twenty-four (24)
- 4 hours from the time of sale.

Filed and adopted February 14, 1963. ANDERSON of Ringgold.

SENATE FILE 94

- 1 Amend Senate File 94 as follows:
- 2 1. By striking all of Section seven (7) and by re-
- 3 numbering the remaining sections.
- 4 2. Amend Section thirteen (13), line three (3) by
- 5 striking the word and figures "eighteen (18)" and
- 6 inserting in lieu thereof the word and figures
- 7 "twelve (12)".
- 8 3. Section thirteen (13) by striking the word and
- 9 figures "eighteen (18)" and inserting in lieu thereof
- 10 the word and figures "twelve (12)".

Filed February 18, 1963. *Div 203 Note: - says 12* *Loz* *May 76* BALLOUN of Tama.

filed 2-18-63
By Balloun

5794

4 3/13
SENATE FILE 94

- 1 Amend Senate File 94 as follows:
- 2 Amend Section 13, line three (3) by striking the
- 3 word and figures "eighteen (18)" and inserting in
- 4 lieu thereof the word and figures "twenty-one (21)".
- 5 Further amend Section 13, line thirteen (13) by
- 6 striking the word and figures "eighteen (18)" and
- 7 inserting in lieu thereof the word and figures
- 8 "twenty-one (21)".

Filed
February 21, 1963.

adopted
3/13
FISHER of Greene.
EDGINGTON of Franklin.

- 1 Amend Senate File 94 as follows:
- 2 1. Amend section 2, line seven (7), by inserting
- 3 after the comma, the words "after reasonable time".

Filed
February 28, 1963.

adopted
3/13
LOSS of Kossuth.

SENATE FILE 94

- 1 Amend Senate File 94 as follows:
- 2 1. By inserting the following new section after Sec. 2:
- 3 Sec. 3. All female cattle born after July 1, 1963, sold
- 4 or otherwise disposed of, or moved to mingle with cattle of
- 5 another owner for dairy or breeding purposes, after reaching
- 6 the age of nine (9) months must have been officially vaccinated
- 7 for brucellosis according to the method approved by the United
- 8 States Department of Agriculture. In a hardship case the
- 9 department may issue a permit for the movement of such animals
- 10 providing it is warranted. This section does not apply to
- 11 animals sold for movement direct to slaughter.
- 12 The expense of such compulsory vaccination shall be borne
- 13 in the same manner as set forth in section five (5) of this
- 14 Act.
- 15 2. Further amend Senate File 94 by renumbering all subsequent
- 16 sections and correcting the cross references in sections 5 and
- 17 22.

Filed
March 11, 1963.

adopted
3/13
DEN HERDER of Sioux.
FISHER of Greene.

SENATE FILE 94

- 1 Amend Senate File 94 by striking all of Sec. 7 and
- 2 substituting therefor the following:
- 3 "Sec. 7. All cows over twenty-four (24) months old
- 4 bought for slaughter shall be tested for brucellosis within
- 5 twenty-four hours and if the test discloses a reactor, the
- 6 herd of origin shall be placed under quarantine."

Filed and lost
March 13, 1963.

BALLOUN of Tama.

SENATE FILE 94

- 1 Amend Senate File 94 by adding the following new section following
section 28:
- 2 "A four (4) member legislative advisory committee of the
- 3 sixtieth general assembly shall be established to be known
- 4 as the "Brucellosis Advisory Committee" whose duties shall be
- 5 to advise and confer with the chief of animal industry as re-
- 6 quested by him in matters relating to implementing this Act.
- 7 The powers of the committee shall be purely advisory. The
- 8 committee shall be composed of two (2) members of the senate
- 9 to be appointed by the president of the senate and two (2)
- 10 members of the house of representatives to be appointed by the
- 11 speaker of the house. It is preferable that such members shall
- 12 have had experience in the production of cattle. Members
- 13 shall serve until the next regular session of the general
- 14 assembly. Any vacancy in the membership of the committee
- 15 shall be filled by appointment by the authority originally
- 16 appointing the member whose position is vacant. Committee
- 17 members shall be reimbursed for actual and necessary expenses
- 18 incurred in the discharge of their duties.

Filed and adopted
March 13, 1963.

*Senate
referred in
House 3/20
the amended.*
SMITH of O'Brien.
LOSS of Kossuth.
FISHER of Greene.
ANDERSON of Ringgold.
DEN HERDER of Sioux.
JOHNSON of Audubon.