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SENATE FILE 53  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO LSB 1020SC)

Passed Senate, Date 1/20/91 (6.150) Passed House, Date 4/15/91 (6.1245)  
Vote: Ayes 48 Nays 0 Vote: Ayes 99 Nays 0  
Approved April 22, 1991 (8.14.21)

A BILL FOR

1 An Act relating to certificates required for moving swine, and  
2 creating penalties.

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

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SF-53

1 Section 1. Section 163.1, Code 1991, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 10. Impose civil penalties as provided in  
4 this chapter. The department may refer cases for prosecution  
5 to the attorney general.

6 Sec. 2. Section 163.30, subsection 5, Code 1991, is  
7 amended by adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. The department may combine an  
9 official health certificate or a veterinarian inspection  
10 certificate with a certificate of inspection required under  
11 chapter 166D.

12 Sec. 3. NEW SECTION. 163.31 FALSIFICATION OF  
13 CERTIFICATES -- PENALTY.

14 A person who falsifies an official health certificate or  
15 veterinarian inspection certificate issued pursuant to section  
16 163.30 shall be subject to a civil penalty of not more than  
17 five thousand dollars for each reference to a swine falsified  
18 on the certificate. However, a person who falsifies a  
19 certificate of inspection issued pursuant to chapter 166D  
20 shall be subject to a civil penalty as provided in section  
21 166D.16. A person shall not be subject to both penalties. A  
22 person shall also not be subject to a civil penalty totaling  
23 more than twenty-five thousand dollars for falsifying a  
24 certificate, regardless of the number of swine falsified on  
25 the certificate.

26 Sec. 4. Section 166D.16, unnumbered paragraph 1, Code  
27 1991, is amended to read as follows:

28 The provisions of this chapter including departmental rules  
29 adopted pursuant to this chapter shall be administered and  
30 enforced by the department. A person violating a provision of  
31 this chapter or any rule adopted pursuant to this chapter  
32 shall be subject to a civil penalty of at least one hundred  
33 dollars but not more than one thousand dollars. However, a  
34 person who falsifies a certificate of inspection issued  
35 pursuant to this chapter shall be subject to a civil penalty

1 of not more than five thousand dollars for each swine  
2 falsified on the certificate. A person shall not be subject  
3 to a civil penalty totaling more than twenty-five thousand  
4 dollars for falsifying a certificate, regardless of the number  
5 of swine falsified on the certificate.

6 The department may combine an official health certificate  
7 or a veterinarian inspection certificate as required under  
8 chapter 163 with a certificate of inspection.

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EXPLANATION

10 This bill provides that a person who falsifies an official  
11 health certificate or veterinarian inspection certificate  
12 required under chapter 163 to move swine in this state is  
13 subject to a civil penalty not to exceed \$5,000 for each  
14 reference of swine falsified on the certificate. The bill  
15 imposes the same civil penalty on a person who falsifies a  
16 certificate of inspection required to move swine under chapter  
17 166D relating to the control of pseudorabies. However,  
18 certificates may be combined on a single form. Two civil  
19 penalties cannot be imposed for falsifying certificates issued  
20 pursuant to each chapter and a civil penalty cannot exceed  
21 \$25,000.

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Sec. 2. Section 163.30, subsection 5, Code 1991, is amended by adding the following new unnumbered paragraph:  
NEW UNNUMBERED PARAGRAPH. The department may combine an official health certificate or a veterinarian inspection certificate with a certificate of inspection required under chapter 166D.

Sec. 3. NEW SECTION. 163.31 PALSIFICATION OF CERTIFICATES -- PENALTY.

A person who falsifies an official health certificate or veterinarian inspection certificate issued pursuant to section 163.30 shall be subject to a civil penalty of not more than five thousand dollars for each reference to a swine 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 section 166D.16. A person shall not be subject to both penalties. A person shall also not be subject to a civil penalty totaling more than twenty-five thousand dollars for falsifying a certificate, regardless of the number of swine falsified on the certificate.

Sec. 4. Section 166D.16, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The provisions of this chapter including departmental rules adopted pursuant to this chapter shall be administered and enforced by the department. A person violating a provision of this chapter or any 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. However, a person who falsifies a certificate of inspection issued pursuant to this chapter shall be subject to a civil penalty of not more than five thousand dollars for each swine falsified on the certificate. 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 swine falsified on the certificate.

SENATE FILE 53

AN ACT

RELATING TO CERTIFICATES REQUIRED FOR MOVING SWINE, AND  
CREATING PENALTIES.

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

Section 1. Section 163.1, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Impose civil penalties as provided in this chapter. The department may refer cases for prosecution to the attorney general.

The department may combine an official health certificate or a veterinarian inspection certificate as required under chapter 163 with a certificate of inspection.

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JOE J. WELSH  
President of the Senate

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ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 53, Seventy-fourth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved April 22, 1991

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TERRY E. BRANSTAD  
Governor