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Place On Calendar

HOUSE FILE 694
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 461)

Passed House, Date 3-25-97 (p. 782) Passed Senate, Date 4-16-97 (p. 1222)
Vote: Ayes 96 Nays 0 Vote: Ayes 49 Nays 0
Approved May 6, 1997

A BILL FOR

1 An Act extending the provisions relating to the eradication of
2 brucellosis to apply to animals other than bovine animals,
3 making penalties applicable, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 694

H-1301

1 Amend House File 694 as follows:
2 1. Page 6, by striking lines 23 through 26 and
3 inserting the following: "At Officially vaccinated
4 purebred registered cattle must be-tattooed-in-the-ear
5 either-with receive a vaccination tattoo and either an
6 official vaccination tag or the a purebred
7 identification tattoo and-the-same. The vaccination
8 tattoo and the vaccination tag number or the purebred
9 identification tattoo shall be evidenced on the
10 official certificate of vaccination."

By GREIG of Emmet

H-1301 FILED MARCH 24, 1997

Adopted 3-25-97 (p. 782)

HF 694

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1 Section 1. Section 164.1, Code 1997, is amended to read as
2 follows:

3 164.1 DEFINITIONS.

4 As used in this chapter:

5 1. "Animal" means a nonhuman vertebrate.

6 2. "Bovine animal" means bison or cattle.

7 ~~3.~~ 3. "Class free state" means there has been no known
8 brucellosis in cattle bovine animals for a period of twelve
9 months. States-are A state is classified as class free, class
10 A, class B, and class C, according to guidelines set forth in
11 9 C.F.R. § 78.1.

12 ~~2.~~ 4. "Condemned" or "reactor" applies to cattle a
13 designated animal reacting to a an official test applied-for
14 conducted to determine if a designated animal is infected with
15 brucellosis.

16 5. "Designated animal" means a bovine animal or any other
17 species of animal that the department by rule determines is
18 capable of carrying and spreading brucellosis, including elk
19 or goats.

20 ~~3.~~ 6. "Official calfhoo vaccination" means the
21 vaccination of a female calf of any breed species of bovine
22 animal between the ages of four months and ten months with
23 brucella vaccine approved for that species of bovine animal by
24 the United States department of agriculture, which if the
25 vaccination has been administered by a licensed-accredited
26 veterinarian according to the rules established by the
27 department. The-officially-vaccinated-animal-shall-be
28 identified-by-an-official-vaccination-tattoo-mark,-and-an
29 official-ear-tag-or-owner's-purebred-identification.--The
30 tattoo-mark,-ear-tag-or-owner's-purebred-identification-shall
31 be-described-in-a-certificate-furnished-by-the-attending
32 veterinarian.

33 ~~Within-thirty-days-following-the-vaccination,-the-attending~~
34 ~~veterinarian-shall-supply-the-owner-with-a-certificate-of~~
35 ~~vaccination.--The-veterinarian-shall-retain-a-copy-of-the~~

1 certificate-and-forward-a-copy-to-the-office-of-the-state
 2 veterinarian-within-the-Iowa-department-of-agriculture-and
 3 land-stewardship.

4 4- 7. "Official test" means a test for brucellosis
 5 includes-all-tests approved for a species of designated animal
 6 by the department and to the extent applicable by the United
 7 States department of agriculture which is conducted under the
 8 supervision of, or the authorization from, the department.

9 5- 8. "Owner" includes any person, persons, firm
 10 copartnership, association or corporation owning or leasing
 11 livestock from another owner a designated animal.

12 6- 9. "Quarantine" means the entire herd of designated
 13 animals must be confined to the premise a premises designated
 14 by the department, if any reactor is disclosed.

15 7- 10. "Registered purebred" shall include includes cattle
 16 with a certificate from herdbooks where registered.

17 8- 11. "State-approved premises" means an area, including
 18 a feedlot or grazing areas area established at the discretion
 19 of the department for the feeding, fattening or growing care
 20 and feeding of untested designated animals as provided by the
 21 department. However, for cattle, "state-approved premises"
 22 means an area where untested heifers over four six months of
 23 age but under eighteen months of age are subject to care and
 24 feeding. Rules governing the operation of the premises shall
 25 be made at the discretion of the department and subject to
 26 chapter 17A.

27 12. "Veterinarian" means a licensed accredited
 28 veterinarian authorized by the department.

29 Sec. 2. Section 164.2, Code 1997, is amended to read as
 30 follows:

31 164.2 ERADICATION AREA.

32 The This state of Iowa is hereby declared to be an a
 33 brucellosis eradication area. It shall be compulsory that
 34 every An owner of dairy or breeding cattle within the area
 35 shall permit allow the owner's cattle designated animals to be

1 tested when so ordered by the department or a representative
2 of the department. The owner shall confine and restrain the
3 cattle designated animal in a suitable place so that a test
4 can be applied conducted. If the owner refuses to confine and
5 restrain the cattle designated animal, after a reasonable time
6 the department may employ sufficient help assistance to
7 properly confine and restrain them-and the designated animal.
8 The expense of-such-help for obtaining assistance shall be
9 paid by the owner.

10 Sec. 3. Section 164.3, Code 1997, is amended to read as
11 follows:

12 164.3 FEMALE CALVES DESIGNATED ANIMALS VACCINATED.

13 ~~All-native~~ Native female cattle bovine animals of any breed
14 between the ages of four months and ten months may be
15 officially vaccinated for brucellosis according to ~~the-method~~
16 procedures approved by the United States department of
17 agriculture. Native female designated animals other than
18 bovine animals may be vaccinated as provided by rules adopted
19 by the department. The expense of the vaccination shall be
20 borne in the same manner as provided in section 164.6.

21 Sec. 4. Section 164.4, Code 1997, is amended to read as
22 follows:

23 164.4 RULES.

24 1. The department may adopt rules respecting as provided
25 in chapter 17A relating to the official testing of cattle
26 designated animals, the disposal by segregation and quarantine
27 or slaughter of condemned livestock designated animals, the
28 operation of state-approved premises, the disinfection of the
29 premises where designated animals are kept, the introduction
30 of designated animals into the a herd of other cattle
31 designated animals, the control and eradication of
32 brucellosis, the prevention of the spread thereof of
33 brucellosis to the-cattle-of designated animals in this state,
34 and the proper enforcement of this chapter.

35 2. The department shall not adopt rules relating to cattle

1 that are no less restrictive than the uniform methods and
2 rules for brucellosis eradication promulgated by the United
3 States department of agriculture, APHIS 91-1, as effective
4 January 1, 1996, but may adopt rules that are more
5 restrictive, ~~subject to chapter 17A.~~

6 3. The department ~~shall have the discretion to~~ may
7 implement any ~~of the procedures enumerated~~ procedure provided
8 in the uniform methods and rules if approved jointly by state
9 and federal animal health officials, including but not limited
10 to the use of quarantined pastures, quarantined feedlots, or
11 other options permitted under the uniform methods and rules.

12 Sec. 5. Section 164.5, Code 1997, is amended to read as
13 follows:

14 164.5 REQUEST FOR TEST.

15 Whenever Upon request by the owner ~~of cattle shall request~~
16 ~~the department to make an~~ for a departmental inspection of the
17 owner's ~~cattle~~ designated animals for brucellosis, the
18 department may designate a veterinarian to make an inspection
19 ~~and, if of the designated animals.~~ If authorized by the
20 department, the veterinarian may conduct ~~a plate or tube~~
21 ~~agglutination an official~~ test by the method or methods
22 ~~adopted and approved by the department~~ on the designated
23 animals.

24 Sec. 6. Section 164.6, Code 1997, is amended to read as
25 follows:

26 164.6 EXPENSE OF TEST.

27 The expense for an inspection and official test of a
28 designated animal other than for bovine animals shall be borne
29 by the owner. If the designated animal is a bovine animal,
30 and the owner agrees to comply with and carry out the
31 provisions of this chapter and the rules made adopted by the
32 department under section 164.4, the expense of the inspection
33 and test shall be borne by the United States department of
34 agriculture, or by the department, or by the brucellosis and
35 tuberculosis eradication fund or any combination of these

1 sources.

2 Sec. 7. Section 164.7, Code 1997, is amended to read as
3 follows:

4 164.7 ~~CERTIFICATE-ISSUED~~ COPY OF A REPORT PROVIDED TO THE
5 OWNER.

6 Whenever A veterinarian or the department shall provide a
7 report to the owner of a designated animal showing the results
8 of an official test of-any-cattle-is-made conducted by an
9 accredited a veterinarian authorized-by-the-department,-and
10 such-cattle-are-found-to-be-free-from-brucellosis,-a
11 certificate,-setting-forth-this-fact,-shall-be-issued-by-said
12 veterinarian-or-the-department,-providing-all-rules-under-the
13 plan-adopted-by-the-department-for-the-control-and-eradication
14 of-brucellosis-in-cattle-have-been-complied-with. The report
15 may be a copy of a test chart.

16 Sec. 8. Section 164.8, Code 1997, is amended to read as
17 follows:

18 164.8 TEST AT AUCTION PREMISES.

19 Cattle A designated animal purchased at an auction market
20 ~~regardless-of-breed-or-classification~~ may be officially tested
21 ~~for-brucellosis~~ on the auction market premises, in the new
22 owner's name at the owner's request and expense. This
23 official test must be made within twenty-four hours from the
24 time of sale. If such the test discloses reactors, the herd
25 of origin shall be placed under quarantine.

26 Sec. 9. Section 164.9, Code 1997, is amended to read as
27 follows:

28 164.9 RETEST BY ORDER OR REQUEST, EXPENSE.

29 The department may order a retest of ~~any-breeding-cattle~~
30 designated animals at any time, ~~when-in-the-department's~~
31 opinion,-it if the department determines that a retest is
32 necessary. In case of reactors, one retest shall be granted
33 the owner of the ~~cattle~~ designated animals by the department
34 upon the request of the owner or owner's veterinarian before
35 the ~~cattle-are~~ designated animals are permanently marked as

1 reactors, ~~and the~~. The expense of the retest of reactors
2 shall be borne in the same manner as provided in section
3 164.6.

4 Sec. 10. Section 164.10, Code 1997, is amended to read as
5 follows:

6 164.10 REPORT OF LABORATORY TESTS.

7 A report of such tests conducted by a laboratory under this
8 chapter shall be made in writing to the chief-of-the-division
9 of-animal-industry department within seven days immediately
10 following the completion of the tests, ~~upon blanks furnished~~
11 ~~by the~~. The department and shall supply forms for the report.
12 The report shall be signed by the director of the laboratory
13 or the person making conducting the test.

14 Sec. 11. Section 164.11, Code 1997, is amended to read as
15 follows:

16 164.11 IDENTIFICATION MARK.

17 ~~All-cattle~~ A domesticated animal subjected to an official
18 test ~~under the department~~ shall be plainly and permanently
19 marked for identification in a manner authorized by the
20 department. ~~All-native~~ Native grade ~~cattle~~ bovine carrying
21 the calfhood vaccination and ~~all~~ calves vaccinated after
22 importation from other states shall be tattooed in the ear.
23 ~~All-purebred~~ Purebred registered cattle must be tattooed in
24 the ear either with a vaccination tattoo or the purebred
25 identification tattoo ~~and the same~~. The tattoo shall be
26 evidenced on the official certificate of vaccination.

27 Sec. 12. Section 164.12, Code 1997, is amended to read as
28 follows:

29 164.12 CONDEMNED QUARANTINED MARKING.

30 ~~All-cattle-condemned~~ A designated animal which is
31 quarantined as a result of a test for brucellosis shall be
32 plainly and permanently marked for identification by any
33 qualified a veterinarian making the test in a manner
34 authorized by the department and to the extent applicable by
35 the United States department of agriculture.

1 Sec. 13. Section 164.13, Code 1997, is amended to read as
2 follows:

3 164.13 UNLAWFUL ACTS.

4 ~~It shall be unlawful for any~~ An owner to shall not sell or
5 transfer ownership of ~~any-bovine~~ a designated animal, ~~or~~ allow
6 the commingling of ~~cattle~~ designated animals belonging to two
7 or more owners, or allow the commingling of ~~dairy-or-breeding~~
8 ~~cattle-with-cattle~~ designated animals with other designated
9 animals under feeder quarantine on a ~~state-approved~~ state-
10 approved premises, unless ~~they~~ the commingled designated
11 animals are accompanied by a negative brucellosis test report
12 issued by ~~an-accredited~~ a veterinarian, conducted within
13 thirty days. The provisions of this section do not apply to
14 the following:

15 1. ~~Calves~~ Bovine animals under ~~four~~ six months of age,
16 spayed heifers, ~~and or~~ steers.

17 2. Official vaccinates of ~~beef-breeds~~ bovine animals other
18 than dairy cattle under twenty-four months of age ~~and-of or~~
19 dairy breeds cattle under twenty months of age, if not ~~visibly~~
20 parturient-or postparturient.

21 3. ~~Animals~~ Designated animals which are consigned directly
22 to slaughter.

23 4. ~~Animals-moved~~ Designated animals which are imported for
24 exhibition purposes, if any of the following apply:

25 a. When under the test-eligible ages ~~specified-in~~
26 ~~subsection-2-and~~ as provided by the department for designated
27 animals other than bovine. For bovine the test-eligible ages
28 are as provided in this section. The designated animal must
29 be accompanied by an official vaccination certificate as
30 provided by the department. A bovine animal which is six
31 months or older must be accompanied with a vaccination
32 certificate.

33 b. ~~Animals~~ Designated animals of any age when accompanied
34 by a report of a negative brucellosis test conducted within
35 thirty days.

1 c. Designated animals originating from a herd in a class
2 free state or designated animals from a brucellosis-free herd.

3 5. Animals Designated animals originating from a herd in a
4 class free state or designated animals from a certified
5 brucellosis-free herd.

6 6. Cattle Designated animals moved to a state-approved
7 premises, ~~as defined in section 164.17, subsection 8, as~~
8 ~~provided by the department.~~

9 Sec. 14. Section 164.14, Code 1997, is amended to read as
10 follows:

11 164.14 IMPORTED CATTLE DESIGNATED ANIMALS.

12 1. Female cattle designated animals other than female
13 bovine animals, which are under an age established by the
14 department, and female bovine animals over four six months of
15 age, and under eighteen months not-visibly-parturient or
16 postparturient of age, may enter the state for feeding
17 purposes to be consigned to a state-approved premises under
18 quarantine, if the female designated animals are not
19 postparturient. Such-cattle-as-well-as The designated native
20 female animals that have been consigned to the ~~let~~ state-
21 approved premises may be released from the state-approved
22 premises if they have been any of the following:

- 23 a. Consigned to slaughter.
- 24 b. Consigned to a federally approved market.
- 25 c. Consigned to another quarantined premises.
- 26 d. Tested negative ~~to~~ for brucellosis at the owner's
27 expense. The test shall be made not less than sixty days
28 after the last consignment to the premises and shall include
29 all animals on the premises.

30 2. Female cattle designated animals, other than female
31 bovine, over an age established by the department and female
32 bovine over eighteen months of age may enter the state if they
33 the designated animals are any of the following:

- 34 a. Consigned to a federally approved market.
- 35 b. Consigned to a slaughter plant for immediate slaughter.

1 c. Accompanied by an official health certificate showing a
2 record of a negative brucellosis test, when required,
3 accomplished within thirty days of importation.

4 Sec. 15. Section 164.15, Code 1997, is amended to read as
5 follows:

6 164.15 QUARANTINED CATTLE DESIGNATED ANIMALS.

7 ~~No-cattle~~ A designated animal shall not be brought in into
8 contact with any a condemned cattle domesticated animal held
9 in quarantine. If any-cattle-are a designated animal is added
10 to the quarantined lot, said-cattle the designated animal
11 shall become a part of the lot and held subject to the same
12 rules requirements as applies to the quarantined designated
13 animals.

14 Sec. 16. Section 164.16, Code 1997, is amended to read as
15 follows:

16 164.16 MOVEMENT OR SLAUGHTER PERMIT.

17 ~~No-condemned-cattle~~ A designated animal shall not be
18 slaughtered, have their its location changed, or be moved from
19 quarantine except by as authorized by an official written
20 permit issued by the department or by a licensed veterinarian
21 authorized-by-the-department.

22 Sec. 17. Section 164.17, Code 1997, is amended to read as
23 follows:

24 164.17 CONDEMNED QUARANTINED FOR SLAUGHTER PERMIT.

25 When a written order has been issued by the department or
26 its authorized representative for the removal of condemned
27 cattle a quarantined designated animal to slaughter, all the
28 cattle designated animal shall be tagged and handled within
29 fifteen days after the date of testing; -such-cattle-within.
30 Within thirty days the designated animal shall be moved and
31 slaughtered under the direct supervision of a duly authorized
32 agent or representative of the United States department of
33 agriculture at a time and place designated by the department.
34 Any A designated animal condemned quarantined because of
35 brucellosis shall be disposed of by its owner within a period

1 not to exceed forty-five days from the date on which blood
2 samples were drawn disclosing it as a reactor.

3 Sec. 18. Section 164.18, Code 1997, is amended to read as
4 follows:

5 164.18 UNLAWFUL SALE.

6 No A person shall not sell, offer for sale, or purchase any
7 ~~cattle-condemned~~ a designated animal which is quarantined as a
8 result of an official test, except ~~under-regulations-issued~~ as
9 provided by rules adopted by the department.

10 Sec. 19. Section 164.19, Code 1997, is amended to read as
11 follows:

12 164.19 QUARANTINE.

13 The department may issue any quarantine ~~orders~~ order deemed
14 necessary for the control and eradication of brucellosis and
15 the proper enforcement of this chapter. Any A lot or group of
16 ~~cattle~~ designated animals in which reactors have been
17 disclosed shall be under quarantine along with any ~~cattle~~
18 domesticated animal from which the lot or group originated or
19 commingled. ~~Such-cattle~~ The designated animals may be sold
20 for slaughter under permit, or returned to their place of
21 origin. In ~~hardship-cases~~ case of hardship the department may
22 upon investigation of the case alter any a quarantine ~~orders~~
23 ~~deemed order~~ to the extent that the department determines that
24 it is necessary to alleviate the hardship and protect the
25 industry and prospective purchasers. The department shall
26 ~~promulgate~~ adopt rules ~~subject-to-provisions-of~~ pursuant to
27 chapter 17A necessary in order to administer this section.

28 Sec. 20. Section 164.20, Code 1997, is amended to read as
29 follows:

30 164.20 APPRAISAL OF VALUE FOR BOVINE ANIMALS.

31 Before being slaughtered, ~~condemned-cattle~~ quarantined
32 bovine animals shall be appraised at their cash value for
33 dairy and breeding purposes by the owner and a representative
34 of the ~~state~~ department ~~of-agriculture-and-land-stewardship,~~
35 ~~or~~ a representative of the United States department of

1 agriculture, or by the owner and both of such the
2 representatives. If these parties cannot agree as to the
3 amount of the appraisal, ~~there shall be appointed~~ three
4 competent and disinterested persons, ~~one shall be appointed to~~
5 render a final appraisal. One person shall be appointed by
6 ~~the state department of agriculture and land stewardship,~~ one
7 by the owner, and one by the first two appointed, ~~to appraise~~
8 ~~such animals, which appraisal shall be final~~ persons.

9 Sec. 21. Section 164.21, Code 1997, is amended to read as
10 follows:

11 164.21 AMOUNT OF INDEMNITY.

12 The owner of a bovine animal shall be indemnified for the
13 bovine animal as provided in this section. The department
14 shall certify the claim of the owner for each the bovine
15 animal slaughtered in accordance with this chapter. An
16 infected bovine animal herd may be completely depopulated and
17 indemnity paid when, in the opinion of the department and the
18 veterinary service of the United States department of
19 agriculture, the disease cannot be adequately controlled by
20 routine testing.

21 ~~Indemnity~~ The owner shall only be paid if indemnified to
22 the extent that money is available in the brucellosis and
23 tuberculosis eradication fund as created in section 165.18 and
24 ~~if indemnity payment~~ indemnification is also made by the
25 United States department of agriculture. However, if the
26 United States department of agriculture is unable to pay
27 ~~indemnity~~ indemnify the owner, the state department may ~~still~~
28 ~~pay indemnity for condemned animals~~ indemnify the owner, if
29 money is available.

30 In the case of individual payment, all ~~animals~~ cattle shall
31 be individually appraised and the amount of indemnity shall be
32 equal to the difference between the slaughter value and the
33 appraisal price, less the amount of indemnity paid by the
34 United States department of agriculture. Bison shall be
35 appraised as if the bison are beef cattle. The total amount

1 of indemnity paid by the brucellosis and tuberculosis
2 eradication fund for a grade animal or a purebred animal shall
3 not exceed two hundred dollars. However, if a purebred animal
4 is cattle are purchased and owned for at least one year before
5 testing and the owner can verify the actual cost, the
6 ~~secretary-of-agriculture department~~ may award-the-payment-of
7 an-additional-indemnification further indemnify the owner.
8 The amount of the indemnification shall not to exceed five
9 hundred fifty dollars or the actual cost of the animal when
10 purchased, whichever is less.

11 Sec. 22. Section 164.22, Code 1997, is amended to read as
12 follows:

13 164.22 FUNDS MONEYS ADMINISTERED.

14 All ~~funds~~ moneys appropriated by the state for carrying out
15 the provisions of this chapter shall be administered by the
16 department for the payment of the indemnity, salaries, and
17 other necessary expenses.

18 Sec. 23. Section 164.29, Code 1997, is amended to read as
19 follows:

20 164.29 RECIPROCAL AGREEMENTS.

21 ~~The secretary-of-agriculture-of-the-state-of-Iowa-is-hereby~~
22 authorized-and-directed-to department to every extent
23 practical shall enter into reciprocal agreements with other
24 states to ~~the-end~~ provide that ~~cattle~~ domesticated animals
25 which are covered by certificates of vaccination in ~~the~~ this
26 state ~~of-Iowa~~ and other states may be transported and sold in
27 interstate commerce between ~~the~~ this state ~~of-Iowa~~ and ~~such~~
28 the other states ~~which-enter-into-reciprocal-agreements.~~

29 Sec. 24. Section 164.30, Code 1997, is amended to read as
30 follows:

31 164.30 ~~BACK-TAGGING-CATTLE~~ TAGGING DESIGNATED ANIMALS
32 RECEIVED FOR SALE OR SLAUGHTER.

33 1. All-bovine The department shall provide requirements
34 for tagging designated animals which are received for sale or
35 shipment to a slaughtering establishment.

1 a. Bovine animals two years of age and older received for
2 sale or shipment to a slaughtering establishment shall be
3 identified with a back tag issued by the department. The back
4 tag shall be affixed to the animal as directed by the
5 department. ~~It shall be the duty of every~~

6 b. A livestock trucker when delivering a designated animal
7 to an out-of-state markets market, and every livestock dealer,
8 livestock market operator, ~~stockyards~~ stockyard operator, and
9 or slaughtering establishment to shall identify ~~all such~~
10 ~~bovine animals~~ a designated animal which is not bearing a back
11 tag tagged as provided in this section, at the time of taking
12 possession or control of such animals the designated animal.

13 A livestock trucker may be exempted from this requirement if
14 ~~the animals are~~ designated animal's farm of origin is
15 ~~identified as to the farm of origin~~ when delivered to a
16 livestock market, ~~stockyards~~ stockyard, or slaughtering
17 establishment which agrees to accept responsibility for ~~back-~~
18 ~~tag identification~~ tagging the designated animal.

19 2. Every A person required to identify ~~animals a~~
20 designated animal in accordance with this section shall file
21 ~~reports a report~~ of such the identification on forms and as
22 specified by the department, including ~~thereon~~ the following
23 for bovine animals:

24 a. The back-tag number and date of application, ~~the.~~

25 b. The name, address, and county of residence of the
26 person who owned or controlled the herd from which ~~such~~
27 ~~animals~~ the bovine animal originated, ~~and whether.~~

28 c. The type of bovine animal. If the bovine animal is
29 cattle, the person shall identify whether the animal was of
30 the a beef or dairy type.

31 Each ~~such~~ report ~~should~~ shall cover all bovine animals
32 identified during the preceding week.

33 3. ~~The removal of back tags~~ A person shall be restricted
34 to personnel specifically not remove a tag affixed to a
35 designated animal, unless the person is authorized by the

1 department, and removes the tag according to, instructions and
2 policies issued established by the department. The removal of
3 back-tags a tag by a person who is unauthorized personnel by
4 the department shall be considered a violation of this section
5 and subject to the penalties as provided in section 164.31.

6 Sec. 25. Section 164.31, Code 1997, is amended to read as
7 follows:

8 164.31 PENALTIES.

9 Any A person found guilty of violating the-provisions a
10 provision of this chapter shall-be-deemed is guilty of a
11 simple misdemeanor.

12 EXPLANATION

13 This bill amends Code chapter 164 which provides for the
14 control and eradication of brucellosis among cattle herds in
15 this state by the department of agriculture and land
16 stewardship. Specifically, the chapter provides that the
17 state is a brucellosis eradication area; provides a number of
18 requirements relating to the testing of cattle for brucellosis
19 when ordered by the department or requested by an owner; the
20 vaccination of cattle; the adoption of rules by the department
21 to administer the chapter; the inspection of herds; the
22 issuance of certificates; the identification of cattle that
23 have been tested or condemned; the transfer of cattle under
24 quarantine; the importation of cattle; the sale of condemned
25 cattle; the appraisal of condemned cattle; the indemnification
26 of owners by the state and federal governments, including
27 payment from a state fund; the execution of reciprocal
28 agreements with other states; and penalties for violating the
29 chapter.

30 This bill extends the applicability of those provisions to
31 animals other than cattle. Specifically, the bill provides
32 that the regulations apply to bison and to any other species
33 of animal that the department by rule determines is capable of
34 carrying and spreading brucellosis, including elk and goats.
35 However, the bill does not provide for indemnifying owners of

1 these other animals condemned under the chapter. The bill
2 makes other changes in the provisions in order to enhance its
3 readability. The bill makes other changes to conform with
4 departmental practice. A person who violates the bill's
5 provisions is guilty of a simple misdemeanor.

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S-3 197 Agric
S-4-1-97 Amend/Do Pass
w/ 3303

S-4/10/97 Unfinished Business Calendar

HOUSE FILE **694**
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 461)

(As Amended and Passed by the House, March 25, 1997)

Passed House, Date 4/22/97 (p.1411) Passed Senate, Date 4-16-97 (p.1222)
Vote: Ayes 96 Nays 0 Vote: Ayes 49 Nays 0
Approved May 6, 1997

A BILL FOR

1 An Act extending the provisions relating to the eradication of
2 brucellosis to apply to animals other than bovine animals,
3 making penalties applicable, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 694

S-3303

- 1 Amend House File 694, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, line 17, by striking the word
- 4 "domesticated" and inserting the following:
- 5 "designated".
- 6 2. Page 9, line 11, by striking the word
- 7 "domesticated" and inserting the following:
- 8 "designated".
- 9 3. Page 10, line 21, by striking the word
- 10 "domesticated" and inserting the following:
- 11 "designated".
- 12 4. Page 12, line 27, by striking the word
- 13 "domesticated" and inserting the following:
- 14 "designated".

By COMMITTEE ON AGRICULTURE
WILMER RENSINK, Chairperson

S-3303 FILED APRIL 1, 1997

Adopted 4-16-97 (p.1222)

1 Section 1. Section 164.1, Code 1997, is amended to read as
2 follows:

3 164.1 DEFINITIONS.

4 As used in this chapter:

5 1. "Animal" means a nonhuman vertebrate.

6 2. "Bovine animal" means bison or cattle.

7 ~~1- 3.~~ "Class free state" means there has been no known
8 brucellosis in ~~cattle~~ bovine animals for a period of twelve
9 months. ~~States-are~~ A state is classified as class free, class
10 A, class B, and class C, according to guidelines set forth in
11 9 C.F.R. § 78.1.

12 ~~2- 4.~~ "Condemned" or "reactor" applies to ~~cattle~~ a
13 designated animal reacting to a an official test applied-for
14 conducted to determine if a designated animal is infected with
15 brucellosis.

16 5. "Designated animal" means a bovine animal or any other
17 species of animal that the department by rule determines is
18 capable of carrying and spreading brucellosis, including elk
19 or goats.

20 ~~3- 6.~~ "Official calfhood vaccination" means the
21 vaccination of a female calf of any breed species of bovine
22 animal between the ages of four months and ten months with
23 brucella vaccine approved for that species of bovine animal by
24 the United States department of agriculture, which if the
25 vaccination has been administered by a ~~licensed-accredited~~
26 veterinarian according to the rules established by the
27 department. ~~The-officially-vaccinated-animal-shall-be~~
28 ~~identified-by-an-official-vaccination-tattoo-mark,-and-an~~
29 ~~official-ear-tag-or-owner's-purebred-identification.--The~~
30 ~~tattoo-mark,-ear-tag-or-owner's-purebred-identification-shall~~
31 ~~be-described-in-a-certificate-furnished-by-the-attending~~
32 ~~veterinarian.~~

33 ~~Within-thirty-days-following-the-vaccination,-the-attending~~
34 ~~veterinarian-shall-supply-the-owner-with-a-certificate-of~~
35 ~~vaccination.--The-veterinarian-shall-retain-a-copy-of-the~~

1 ~~certificate-and-forward-a-copy-to-the-office-of-the-state~~
2 ~~veterinarian-within-the-Iowa-department-of-agriculture-and~~
3 ~~land-stewardship.~~

4 4. 7. "Official test" means a test for brucellosis
5 ~~includes-all-tests~~ approved for a species of designated animal
6 by the department and to the extent applicable by the United
7 States department of agriculture which is conducted under the
8 supervision of, or the authorization from, the department.

9 5. 8. "Owner" includes any person, ~~persons,~~ firm
10 copartnership, association or corporation owning or leasing
11 ~~livestock-from-another-owner~~ a designated animal.

12 6. 9. "Quarantine" means the entire herd of designated
13 animals must be confined to the premise a premises designated
14 by the department, if any reactor is disclosed.

15 7. 10. "Registered purebred" ~~shall include~~ includes cattle
16 with a certificate from herdbooks where registered.

17 8. 11. "State-approved premises" means an area, including
18 a feedlot or grazing areas area established at the discretion
19 of the department for the feeding, fattening or growing care
20 and feeding of untested designated animals as provided by the
21 department. However, for cattle, "state-approved premises"
22 means an area where untested heifers over four six months of
23 age but under eighteen months of age are subject to care and
24 feeding. Rules governing the operation of the premises shall
25 be made at the discretion of the department and subject to
26 chapter 17A.

27 12. "Veterinarian" means a licensed accredited
28 veterinarian authorized by the department.

29 Sec. 2. Section 164.2, Code 1997, is amended to read as
30 follows:

31 164.2 ERADICATION AREA.

32 The This state ~~of Iowa~~ is hereby declared to be an a
33 brucellosis eradication area. ~~It shall be compulsory that~~
34 every An owner of ~~dairy or breeding~~ cattle within the area
35 shall permit allow the owner's cattle designated animals to be

1 tested when so ordered by the department or a representative
2 of the department. The owner shall confine and restrain the
3 cattle designated animal in a suitable place so that a test
4 can be ~~applied~~ conducted. If the owner refuses to confine and
5 restrain the cattle designated animal, after a reasonable time
6 the department may employ sufficient help assistance to
7 properly confine and restrain ~~them-and~~ the designated animal.
8 The expense of-such-help for obtaining assistance shall be
9 paid by the owner.

10 Sec. 3. Section 164.3, Code 1997, is amended to read as
11 follows:

12 164.3 FEMALE CALVES DESIGNATED ANIMALS VACCINATED.

13 All-native Native female cattle bovine animals of any breed
14 between the ages of four months and ten months may be
15 officially vaccinated for brucellosis according to ~~the-method~~
16 procedures approved by the United States department of
17 agriculture. Native female designated animals other than
18 bovine animals may be vaccinated as provided by rules adopted
19 by the department. The expense of the vaccination shall be
20 borne in the same manner as provided in section 164.6.

21 Sec. 4. Section 164.4, Code 1997, is amended to read as
22 follows:

23 164.4 RULES.

24 1. The department may adopt rules respecting as provided
25 in chapter 17A relating to the official testing of cattle
26 designated animals, the disposal by segregation and quarantine
27 or slaughter of condemned livestock designated animals, the
28 operation of state-approved premises, the disinfection of the
29 premises where designated animals are kept, the introduction
30 of designated animals into the a herd of other cattle
31 designated animals, the control and eradication of
32 brucellosis, the prevention of the spread thereof of
33 brucellosis to the-cattle-of designated animals in this state,
34 and the proper enforcement of this chapter.

35 2. The department shall not adopt rules relating to cattle

1 that are no less restrictive than the uniform methods and
2 rules for brucellosis eradication promulgated by the United
3 States department of agriculture, APHIS 91-1, as effective
4 January 1, 1996, but may adopt rules that are more
5 restrictive ~~7-subject-to-chapter-17A.~~

6 3. The department ~~shall-have-the-discretion-to~~ may
7 implement any ~~of-the-procedures-enumerated~~ procedure provided
8 in the uniform methods and rules if approved jointly by state
9 and federal animal health officials, including but not limited
10 to the use of quarantined pastures, quarantined feedlots, or
11 other options permitted under the uniform methods and rules.

12 Sec. 5. Section 164.5, Code 1997, is amended to read as
13 follows:

14 164.5 REQUEST FOR TEST.

15 ~~Whenever~~ Upon request by the owner ~~of-cattle-shall-request~~
16 ~~the-department-to-make-an~~ for a departmental inspection of the
17 owner's ~~cattle~~ designated animals for brucellosis, the
18 department may designate a veterinarian to make an inspection
19 ~~and-if~~ of the designated animals. If authorized by the
20 department, the veterinarian may conduct ~~a-plate-or-tube~~
21 ~~agglutination an official~~ test by-the-method-or-methods
22 ~~adopted-and-approved-by-the-department~~ on the designated
23 animals.

24 Sec. 6. Section 164.6, Code 1997, is amended to read as
25 follows:

26 164.6 EXPENSE OF TEST.

27 The expense for an inspection and official test of a
28 designated animal other than for bovine animals shall be borne
29 by the owner. If the designated animal is a bovine animal,
30 and the owner agrees to comply with and carry out the
31 provisions of this chapter and the rules made adopted by the
32 department under section 164.4, the expense of the inspection
33 and test shall be borne by the United States department of
34 agriculture, or by the department, or by the brucellosis and
35 tuberculosis eradication fund or any combination of these

1 sources.

2 Sec. 7. Section 164.7, Code 1997, is amended to read as
3 follows:

4 164.7 CERTIFICATE-ISSUED COPY OF A REPORT PROVIDED TO THE
5 OWNER.

6 Whenever A veterinarian or the department shall provide a
7 report to the owner of a designated animal showing the results
8 of an official test of-any-cattle-is-made conducted by an
9 accredited a veterinarian authorized-by-the-department,-and
10 such-cattle-are-found-to-be-free-from-brucellosis,-a
11 certificate,-setting-forth-this-fact,-shall-be-issued-by-said
12 veterinarian-or-the-department,-providing-all-rules-under-the
13 plan-adopted-by-the-department-for-the-control-and-eradication
14 of-brucellosis-in-cattle-have-been-complied-with. The report
15 may be a copy of a test chart.

16 Sec. 8. Section 164.8, Code 1997, is amended to read as
17 follows:

18 164.8 TEST AT AUCTION PREMISES.

19 Cattle A designated animal purchased at an auction market
20 regardless-of-breed-or-classification may be officially tested
21 for-brucellosis on the auction market premises, in the new
22 owner's name at the owner's request and expense. This
23 official test must be made within twenty-four hours from the
24 time of sale. If such the test discloses reactors, the herd
25 of origin shall be placed under quarantine.

26 Sec. 9. Section 164.9, Code 1997, is amended to read as
27 follows:

28 164.9 RETEST BY ORDER OR REQUEST, EXPENSE.

29 The department may order a retest of any-breeding-cattle
30 designated animals at any time, when-in-the-department's
31 opinion,-it if the department determines that a retest is
32 necessary. In case of reactors, one retest shall be granted
33 the owner of the cattle designated animals by the department
34 upon the request of the owner or owner's veterinarian before
35 the cattle-are designated animals are permanently marked as

1 reactors, ~~and the~~. The expense of the retest of reactors
2 shall be borne in the same manner as provided in section
3 164.6.

4 Sec. 10. Section 164.10, Code 1997, is amended to read as
5 follows:

6 164.10 REPORT OF LABORATORY TESTS.

7 A report of ~~such~~ tests conducted by a laboratory under this
8 chapter shall be made in writing to the ~~chief-of-the-division~~
9 ~~of-animal-industry~~ department within seven days immediately
10 following the completion of the tests, ~~upon-blanks-furnished~~
11 ~~by-the~~. The department ~~and~~ shall supply forms for the report.
12 The report shall be signed by the director of the laboratory
13 or the person making conducting the test.

14 Sec. 11. Section 164.11, Code 1997, is amended to read as
15 follows:

16 164.11 IDENTIFICATION MARK.

17 ~~All-cattle~~ A domesticated animal subjected to an official
18 test ~~under-the-department~~ shall be plainly and permanently
19 marked for identification in a manner authorized by the
20 department. ~~All-native~~ Native grade ~~cattle~~ bovine carrying
21 the calfhood vaccination and ~~all~~ calves vaccinated after
22 importation from other states shall be tattooed in the ear.
23 ~~All~~ Officially vaccinated purebred registered cattle must be
24 tattooed-in-the-ear-either-with receive a vaccination tattoo
25 and either an official vaccination tag or the a purebred
26 identification tattoo and-the-same. The vaccination tattoo
27 and the vaccination tag number or the purebred identification
28 tattoo shall be evidenced on the official certificate of
29 vaccination.

30 Sec. 12. Section 164.12, Code 1997, is amended to read as
31 follows:

32 164.12 CONDEMNED QUARANTINED MARKING.

33 ~~All-cattle-condemned~~ A designated animal which is
34 quarantined as a result of a test for brucellosis shall be
35 plainly and permanently marked for identification by any

1 qualified a veterinarian making the test in a manner
2 authorized by the department and to the extent applicable by
3 the United States department of agriculture.

4 Sec. 13. Section 164.13, Code 1997, is amended to read as
5 follows:

6 164.13 UNLAWFUL ACTS.

7 ~~It shall be unlawful for any~~ An owner to shall not sell or
8 transfer ownership of ~~any-bovine~~ a designated animal, or allow
9 the commingling of cattle designated animals belonging to two
10 or more owners, or allow the commingling of dairy-or-breeding
11 ~~cattle-with-cattle~~ designated animals with other designated
12 animals under feeder quarantine on a state-approved state-
13 approved premises, unless they the commingled designated
14 animals are accompanied by a negative brucellosis test report
15 issued by an-accredited a veterinarian, conducted within
16 thirty days. The provisions of this section do not apply to
17 the following:

18 1. Calves Bovine animals under four six months of age,
19 spayed heifers, and or steers.

20 2. Official vaccinates of beef-breeds bovine animals other
21 than dairy cattle under twenty-four months of age and-of or
22 dairy breeds cattle under twenty months of age, if not visibly
23 parturient-or postparturient.

24 3. Animals Designated animals which are consigned directly
25 to slaughter.

26 4. Animals-moved Designated animals which are imported for
27 exhibition purposes, if any of the following apply:

28 a. When under the test-eligible ages specified-in
29 subsection-2-and as provided by the department for designated
30 animals other than bovine. For bovine the test-eligible ages
31 are as provided in this section. The designated animal must
32 be accompanied by an official vaccination certificate as
33 provided by the department. A bovine animal which is six
34 months or older must be accompanied with a vaccination
35 certificate.

1 b. Animals Designated animals of any age when accompanied
2 by a report of a negative brucellosis test conducted within
3 thirty days.

4 c. Designated animals originating from a herd in a class
5 free state or designated animals from a brucellosis-free herd.

6 5. Animals Designated animals originating from a herd in a
7 class free state or designated animals from a certified
8 brucellosis-free herd.

9 6. Cattle Designated animals moved to a state-approved
10 premises, ~~as defined in section 164.17, subsection 8, as~~
11 ~~provided by the department.~~

12 Sec. 14. Section 164.14, Code 1997, is amended to read as
13 follows:

14 164.14 IMPORTED CATTLE DESIGNATED ANIMALS.

15 1. Female cattle designated animals other than female
16 bovine animals, which are under an age established by the
17 department, and female bovine animals over four six months of
18 age, and under eighteen months not-visibly-parturient-or
19 postparturient of age, may enter the state for feeding
20 purposes to be consigned to a state-approved premises under
21 quarantine, if the female designated animals are not
22 postparturient. Such-cattle-as-well-as The designated native
23 female animals that have been consigned to the ~~let~~ state-
24 approved premises may be released from the state-approved
25 premises if they have been any of the following:

26 a. Consigned to slaughter.

27 b. Consigned to a federally approved market.

28 c. Consigned to another quarantined premises.

29 d. Tested negative ~~to~~ for brucellosis at the owner's
30 expense. The test shall be made not less than sixty days
31 after the last consignment to the premises and shall include
32 all animals on the premises.

33 2. Female cattle designated animals, other than female
34 bovine, over an age established by the department and female
35 bovine over eighteen months of age may enter the state if they

1 the designated animals are any of the following:

- 2 a. Consigned to a federally approved market.
- 3 b. Consigned to a slaughter plant for immediate slaughter.
- 4 c. Accompanied by an official health certificate showing a
- 5 record of a negative brucellosis test, when required,
- 6 accomplished within thirty days of importation.

7 Sec. 15. Section 164.15, Code 1997, is amended to read as

8 follows:

9 164.15 QUARANTINED CATTLE DESIGNATED ANIMALS.

10 ~~No-cattle~~ A designated animal shall not be brought in into

11 contact with any a condemned cattle domesticated animal held

12 in quarantine. If any-cattle-are a designated animal is added

13 to the quarantined lot, said-cattle the designated animal

14 shall become a part of the lot and held subject to the same

15 rules requirements as applies to the quarantined designated

16 animals.

17 Sec. 16. Section 164.16, Code 1997, is amended to read as

18 follows:

19 164.16 MOVEMENT OR SLAUGHTER PERMIT.

20 ~~No-condemned-cattle~~ A designated animal shall not be

21 slaughtered, have their its location changed, or be moved from

22 quarantine except by as authorized by an official written

23 permit issued by the department or by a licensed veterinarian

24 authorized-by-the-department.

25 Sec. 17. Section 164.17, Code 1997, is amended to read as

26 follows:

27 164.17 CONDEMNED QUARANTINED FOR SLAUGHTER PERMIT.

28 When a written order has been issued by the department or

29 its authorized representative for the removal of condemned

30 cattle a quarantined designated animal to slaughter, all the

31 cattle designated animal shall be tagged and handled within

32 fifteen days after the date of testing, -such-cattle-within.

33 Within thirty days the designated animal shall be moved and

34 slaughtered under the direct supervision of a duly authorized

35 agent or representative of the United States department of

1 agriculture at a time and place designated by the department.
2 Any A designated animal condemned quarantined because of
3 brucellosis shall be disposed of by its owner within a period
4 not to exceed forty-five days from the date on which blood
5 samples were drawn disclosing it as a reactor.

6 Sec. 18. Section 164.18, Code 1997, is amended to read as
7 follows:

8 164.18 UNLAWFUL SALE.

9 No A person shall not sell, offer for sale, or purchase any
10 cattle-condemned a designated animal which is quarantined as a
11 result of an official test, except under-regulations-issued as
12 provided by rules adopted by the department.

13 Sec. 19. Section 164.19, Code 1997, is amended to read as
14 follows:

15 164.19 QUARANTINE.

16 The department may issue any quarantine orders order deemed
17 necessary for the control and eradication of brucellosis and
18 the proper enforcement of this chapter. Any A lot or group of
19 cattle designated animals in which reactors have been
20 disclosed shall be under quarantine along with any cattle
21 domesticated animal from which the lot or group originated or
22 commingled. ~~Such-cattle~~ The designated animals may be sold
23 for slaughter under permit, or returned to their place of
24 origin. In ~~hardship-cases~~ case of hardship the department may
25 upon investigation of the case alter any a quarantine orders
26 deemed order to the extent that the department determines that
27 it is necessary to alleviate the hardship and protect the
28 industry and prospective purchasers. The department shall
29 ~~promulgate~~ adopt rules subject-to-provisions-of pursuant to
30 chapter 17A necessary in order to administer this section.

31 Sec. 20. Section 164.20, Code 1997, is amended to read as
32 follows:

33 164.20 APPRAISAL OF VALUE FOR BOVINE ANIMALS.

34 Before being slaughtered, condemned-cattle quarantined
35 bovine animals shall be appraised at their cash value for

1 dairy and breeding purposes by the owner and a representative
2 of the ~~state department of agriculture and land stewardship,~~
3 ~~or~~ a representative of the United States department of
4 agriculture, or by the owner and both of such the
5 representatives. If these parties cannot agree as to the
6 amount of the appraisal, ~~there shall be appointed~~ three
7 competent and disinterested persons, ~~one shall be appointed to~~
8 render a final appraisal. One person shall be appointed by
9 the ~~state department of agriculture and land stewardship,~~ one
10 by the owner, and one by the first two appointed, ~~to appraise~~
11 ~~such animals, which appraisal shall be final~~ persons.

12 Sec. 21. Section 164.21, Code 1997, is amended to read as
13 follows:

14 164.21 AMOUNT OF INDEMNITY.

15 The owner of a bovine animal shall be indemnified for the
16 bovine animal as provided in this section. The department
17 shall certify the claim of the owner for each the bovine
18 animal slaughtered in accordance with this chapter. An
19 infected bovine animal herd may be completely depopulated and
20 indemnity paid when, in the opinion of the department and the
21 veterinary service of the United States department of
22 agriculture, the disease cannot be adequately controlled by
23 routine testing.

24 Indemnity The owner shall only be paid if indemnified to
25 the extent that money is available in the brucellosis and
26 tuberculosis eradication fund as created in section 165.18 and
27 ~~if indemnity payment~~ indemnification is also made by the
28 United States department of agriculture. However, if the
29 United States department of agriculture is unable to pay
30 indemnity indemnify the owner, the state department may ~~still~~
31 ~~pay indemnity for condemned animals~~ indemnify the owner, if
32 money is available.

33 In the case of individual payment, all animals cattle shall
34 be individually appraised and the amount of indemnity shall be
35 equal to the difference between the slaughter value and the

1 appraisal price, less the amount of indemnity paid by the
2 United States department of agriculture. Bison shall be
3 appraised as if the bison are beef cattle. The total amount
4 of indemnity paid by the brucellosis and tuberculosis
5 eradication fund for a grade animal or a purebred animal shall
6 not exceed two hundred dollars. However, if a purebred animal
7 ~~is~~ cattle are purchased and owned for at least one year before
8 testing and the owner can verify the actual cost, the
9 ~~secretary-of-agriculture department may award-the-payment-of~~
10 ~~an-additional-indemnification~~ further indemnify the owner.
11 The amount of the indemnification shall not to exceed five
12 hundred fifty dollars or the actual cost of the animal when
13 purchased, whichever is less.

14 Sec. 22. Section 164.22, Code 1997, is amended to read as
15 follows:

16 164.22 FUNDS MONEYS ADMINISTERED.

17 All ~~funds~~ moneys appropriated by the state for carrying out
18 the provisions of this chapter shall be administered by the
19 department for the payment of the indemnity, salaries, and
20 other necessary expenses.

21 Sec. 23. Section 164.29, Code 1997, is amended to read as
22 follows:

23 164.29 RECIPROCAL AGREEMENTS.

24 The ~~secretary-of-agriculture-of-the-state-of-iowa-is-hereby~~
25 ~~authorized-and-directed-to~~ department to every extent
26 practical shall enter into reciprocal agreements with other
27 states ~~to the-end~~ provide that cattle domesticated animals
28 which are covered by certificates of vaccination in the this
29 state ~~of-iowa~~ and other states may be transported and sold in
30 interstate commerce between the this state ~~of-iowa~~ and such
31 the other states ~~which-enter-into-reciprocal-agreements.~~

32 Sec. 24. Section 164.30, Code 1997, is amended to read as
33 follows:

34 164.30 ~~BACK-TAGGING-CATTLE~~ TAGGING DESIGNATED ANIMALS

35 RECEIVED FOR SALE OR SLAUGHTER.

1 1. All-bovine The department shall provide requirements
2 for tagging designated animals which are received for sale or
3 shipment to a slaughtering establishment.

4 a. Bovine animals two years of age and older received for
5 sale or shipment to a slaughtering establishment shall be
6 identified with a back tag issued by the department. The back
7 tag shall be affixed to the animal as directed by the
8 department. ~~It shall be the duty of every~~

9 b. A livestock trucker when delivering a designated animal
10 to an out-of-state markets market, and ~~every~~ livestock dealer,
11 livestock market operator, stockyards stockyard operator, and
12 or slaughtering establishment to shall identify ~~all-such~~
13 bovine-animals a designated animal which is not bearing-a-back
14 tag tagged as provided in this section, at the time of taking
15 possession or control of ~~such-animals~~ the designated animal.

16 A livestock trucker may be exempted from this requirement if
17 the ~~animals-are~~ designated animal's farm of origin is
18 identified ~~as-to-the-farm-of-origin~~ when delivered to a
19 livestock market, stockyards stockyard, or slaughtering
20 establishment which agrees to accept responsibility for ~~back-~~
21 tag-identification tagging the designated animal.

22 2. Every A person required to identify ~~animals a~~
23 designated animal in accordance with this section shall file
24 ~~reports a report~~ of ~~such the~~ identification on forms and as
25 specified by the department, including ~~thereon~~ the following
26 for bovine animals:

27 a. The back-tag number and date of application,--the.

28 b. The name, address, and county of residence of the
29 person who owned or controlled the herd from which ~~such~~
30 animals the bovine animal originated,--and-whether.

31 c. The type of bovine animal. If the bovine animal is
32 cattle, the person shall identify whether the animal was of
33 the a beef or dairy type.

34 Each ~~such report should~~ shall cover all bovine animals
35 identified during the preceding week.

1 ~~3. The-removal-of-back-tags~~ A person shall ~~be-restricted~~
2 ~~to-personnel-specifically not~~ remove a tag affixed to a
3 designated animal, unless the person is authorized by the
4 department, and removes the tag according to instructions and
5 policies ~~issued~~ established by the department. The removal of
6 ~~back-tags~~ a tag by a person who is unauthorized ~~personnel~~ by
7 the department shall be ~~considered~~ a violation of this section
8 and subject to the penalties ~~as~~ provided in section 164.31.

9 Sec. 25. Section 164.31, Code 1997, is amended to read as
10 follows:

11 164.31 PENALTIES.

12 Any A person found guilty of violating ~~the-provisions a~~
13 provision of this chapter ~~shall-be-deemed~~ is guilty of a
14 simple misdemeanor.

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HOUSE FILE 694

S-3522

1 Amend House File 694, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 14, by inserting after line 14 the
4 following:

5 "Sec. _____. Section 165.18, Code 1997, is amended
6 to read as follows:

7 165.18 BRUCELLOSIS AND TUBERCULOSIS ERADICATION
8 FUND.

9 1. A brucellosis and tuberculosis eradication fund
10 is created as a separate fund in the ~~office-of-the~~
11 ~~secretary-of-agriculture~~ state treasury under the
12 control of the department, to be used together with
13 ~~state-and-federal-funds-available~~ to pay for all of
14 the following:

15 a. The indemnity and other expenses provided in
16 this chapter.

17 b. The indemnity as set out in section 164.21 and
18 other expenses provided in chapter 164.

19 c. The expenses of the inspection and testing
20 program provided in chapter 163A, but only to the
21 extent that the moneys in the fund are not required
22 for expenses incurred under chapter 164 or 165.

23 d. Indemnities as provided in section 159.5,
24 subsection 13, but only to the extent that the moneys
25 in the fund are not required to pay expenses under
26 chapter 163A, 164, or 165.

27 2. The treasurer of state shall act as custodian
28 of the fund and disburse amounts contained in the fund
29 as directed by the department. The treasurer of state
30 is authorized to invest the moneys deposited in the
31 fund. The income from such investment shall be
32 credited to and deposited in the fund.

33 Notwithstanding section 8.33, moneys in the fund are
34 not subject to reversion to the general fund of the
35 state. The fund shall be administered by the
36 department which shall make expenditures from the fund
37 consistent with the purposes set out in subsection 1.
38 The moneys in the fund shall be disbursed upon
39 warrants drawn by the director of revenue and finance
40 pursuant to the order of the department. The auditor
41 of state shall regularly perform audits of the fund.

42 3. The fund consists of moneys appropriated by the
43 general assembly and any other moneys available to and
44 obtained or accepted by the department from the
45 federal government or private sources for placement in
46 the fund.

47 ~~2. 4.~~ If it appears to before October 1, the
48 secretary of agriculture determines that the balance
49 in the fund on January 20 is insufficient to carry on
50 the work in the state for the following fiscal year,

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1 the secretary shall ~~notify the board of supervisors of~~
2 ~~each county to levy an~~ include the amount sufficient
3 to pay the expenses estimated to be incurred under
4 subsection 1 for the following fiscal year, ~~subject to~~
5 ~~a maximum levy of thirty-three and three-fourths cents~~
6 ~~per thousand dollars of assessed value of all taxable~~
7 ~~property in the county as part of the department's~~
8 ~~estimate of expenditure requirements as provided in~~
9 ~~section 8.23.~~

10 ~~3. Not later than December 15 or June 15 of a year~~
11 ~~in which the tax is collected, the county treasurer~~
12 ~~shall transmit the amount of the tax levied and~~
13 ~~collected to the treasurer of state, who shall credit~~
14 ~~it to the brucellosis and tuberculosis eradication~~
15 ~~fund.~~

16 Sec. ____ . Section 331.512, subsection 1, paragraph
17 f, Code 1997, is amended by striking the paragraph.

18 Sec. ____ . Section 331.559, subsection 2, Code
19 1997, is amended by striking the subsection.

20 Sec. ____ . MONEYS DEPOSITED INTO THE BRUCELLOSIS
21 AND TUBERCULOSIS ERADICATION FUND. Any moneys
22 deposited into the brucellosis and tuberculosis
23 eradication fund as created in section 165.18 prior to
24 the effective date of this Act shall remain in the
25 fund for expenditure as provided in that section."

26 2. Title page, line 1, by inserting after the
27 word "Act" the following: "relating to animal
28 disease, by".

29 3. Title page, line 2, by inserting after the
30 word "animals," the following: "providing for
31 funding,".

32 4. By renumbering as necessary.

By STEVEN D. HANSEN

S-3522 FILED APRIL 15, 1997

Ruled % 4-16-97 (p.1222)

SENATE AMENDMENT TO HOUSE FILE 694

H-1772

- 1 Amend House File 694, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, line 17, by striking the word
4 "domesticated" and inserting the following:
5 "designated".
6 2. Page 9, line 11, by striking the word
7 "domesticated" and inserting the following:
8 "designated".
9 3. Page 10, line 21, by striking the word
10 "domesticated" and inserting the following:
11 "designated".
12 4. Page 12, line 27, by striking the word
13 "domesticated" and inserting the following:
14 "designated".

RECEIVED FROM THE SENATE

H-1772 FILED APRIL 17, 1997

House Concurred 4/22/97 (p 1411)

HOUSE FILE 694

AN ACT

EXTENDING THE PROVISIONS RELATING TO THE ERADICATION OF
BRUCELLOSIS TO APPLY TO ANIMALS OTHER THAN BOVINE ANIMALS,
MAKING PENALTIES APPLICABLE, AND PROVIDING AN EFFECTIVE
DATE.

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

Section 1. Section 164.1, Code 1997, is amended to read as follows:

164.1 DEFINITIONS.

As used in this chapter:

1. "Animal" means a nonhuman vertebrate.
2. "Bovine animal" means bison or cattle.
3. "Class free state" means there has been no known brucellosis in cattle bovine animals for a period of twelve months. States are A state is classified as class free, class A, class B, and class C, according to guidelines set forth in 9 C.F.R. § 78.1.

~~2- 4. "Condemned" or "reactor" applies to cattle a designated animal reacting to a an official test applied-for conducted to determine if a designated animal is infected with brucellosis.~~

~~5. "Designated animal" means a bovine animal or any other species of animal that the department by rule determines is capable of carrying and spreading brucellosis, including elk or goats.~~

~~3- 6. "Official calfhood vaccination" means the vaccination of a female calf of any breed species of bovine animal between the ages of four months and ten months with brucella vaccine approved for that species of bovine animal by the United States department of agriculture, which if the vaccination has been administered by a licensed-accredited veterinarian according to the rules established by the department. The-officially-vaccinated-animal-shall-be identified-by-an-official-vaccination-tattoo-mark,-and-an official-ear-tag-or-owner's-purebred-identification;--The tattoo-mark,-ear-tag-or-owner's-purebred-identification-shall be-described-in-a-certificate-furnished-by-the-attending veterinarian;~~

~~Within-thirty-days-following-the-vaccination,-the-attending veterinarian-shall-supply-the-owner-with-a-certificate-of vaccination;--The-veterinarian-shall-retain-a-copy-of-the certificate-and-forward-a-copy-to-the-office-of-the-state veterinarian-within-the-iowa-department-of-agriculture-and land-stewardship;~~

~~4- 7. "Official test" means a test for brucellosis includes-all-tests approved for a species of designated animal by the department and to the extent applicable by the United States department of agriculture which is conducted under the supervision of, or the authorization from, the department.~~

~~5- 8. "Owner" includes any person,-persons,-firm copartnership,-association-or-corporation owning or leasing livestock-from-another-owner a designated animal.~~

6- 9. "Quarantine" means the entire herd of designated animals must be confined to the premise a premises designated by the department, if any reactor is disclosed.

7- 10. "Registered purebred" ~~shall include~~ includes cattle with a certificate from herdbooks where registered.

8- 11. "State-approved premises" means an area, including a feedlot or grazing areas area established at the discretion of the department for the ~~feeding, fattening or growing care~~ and feeding of untested designated animals as provided by the department. However, for cattle, "state-approved premises" means an area where untested heifers over four six months of age but under eighteen months of age are subject to care and feeding. Rules governing the operation of the premises shall be made at the discretion of the department and subject to chapter-17A.

12. "Veterinarian" means a licensed accredited veterinarian authorized by the department.

Sec. 2. Section 164.2, Code 1997, is amended to read as follows:

164.2 ERADICATION AREA.

The This state of Iowa is hereby declared to be an brucellosis eradication area. ~~It shall be compulsory that every An owner of dairy or breeding cattle within the area shall permit allow~~ the owner's cattle designated animals to be tested when so ordered by the department or a representative of the department. The owner shall confine and restrain the cattle designated animal in a suitable place so that a test can be applied conducted. If the owner refuses to confine and restrain the cattle designated animal, after a reasonable time the department may employ sufficient help assistance to properly confine and restrain ~~them and the designated animal.~~ The expense of such help for obtaining assistance shall be paid by the owner.

Sec. 3. Section 164.3, Code 1997, is amended to read as follows:

164.3 FEMALE CALVES DESIGNATED ANIMALS VACCINATED.

All-native Native female cattle bovine animals of any breed between the ages of four months and ten months may be officially vaccinated for brucellosis according to ~~the method~~ procedures approved by the United States department of agriculture. Native female designated animals other than bovine animals may be vaccinated as provided by rules adopted by the department. The expense of the vaccination shall be borne in the same manner as provided in section 164.6.

Sec. 4. Section 164.4, Code 1997, is amended to read as follows:

164.4 RULES.

1. The department may adopt rules respecting as provided in chapter 17A relating to the official testing of cattle designated animals, the disposal by segregation and quarantine or slaughter of condemned livestock designated animals, the operation of state-approved premises, the disinfection of the premises where designated animals are kept, the introduction of designated animals into the a herd of other cattle designated animals, the control and eradication of brucellosis, the prevention of the spread thereof of brucellosis to the cattle of designated animals in this state, and the proper enforcement of this chapter.

2. The department shall not adopt rules relating to cattle that are no less restrictive than the uniform methods and rules for brucellosis eradication promulgated by the United States department of agriculture, APHIS 91-1, as effective January 1, 1996, but may adopt rules that are more restrictive, ~~subject to chapter-17A.~~

3. The department shall have the discretion to may implement any ~~of the procedures enumerated~~ procedure provided in the uniform methods and rules if approved jointly by state and federal animal health officials, including but not limited to the use of quarantined pastures, quarantined feedlots, or other options permitted under the uniform methods and rules.

Sec. 5. Section 164.5, Code 1997, is amended to read as follows:

164.5 REQUEST FOR TEST.

Whenever ~~Upon request by~~ the owner of ~~cattle shall request~~ the department to make an for a departmental inspection of the owner's cattle designated animals for brucellosis, the department may designate a veterinarian to make an inspection and, ~~if of the designated animals.~~ If authorized by the department, the veterinarian may conduct a plate or tube agglutination an official test by the method or methods adopted and approved by the department on the designated animals.

Sec. 6. Section 164.6, Code 1997, is amended to read as follows:

164.6 EXPENSE OF TEST.

The expense for an inspection and official test of a designated animal other than for bovine animals shall be borne by the owner. If the designated animal is a bovine animal, and the owner agrees to comply with and carry out the provisions of this chapter and the rules made adopted by the department under section 164.4, the expense of the inspection and test shall be borne by the United States department of agriculture, or by the department, or by the brucellosis and tuberculosis eradication fund or any combination of these sources.

Sec. 7. Section 164.7, Code 1997, is amended to read as follows:

164.7 CERTIFICATE-ISSUED COPY OF A REPORT PROVIDED TO THE OWNER.

Whenever A veterinarian or the department shall provide a report to the owner of a designated animal showing the results of an official test of any cattle is made conducted by an accredited a veterinarian authorized by the department, and such cattle are found to be free from brucellosis, a certificate, setting forth this fact, shall be issued by said

~~veterinarian or the department, providing all rules under the plan adopted by the department for the control and eradication of brucellosis in cattle have been complied with. The report may be a copy of a test chart.~~

Sec. 8. Section 164.8, Code 1997, is amended to read as follows:

164.8 TEST AT AUCTION PREMISES.

Cattle A designated animal purchased at an auction market regardless of breed or classification may be officially tested for brucellosis on the auction market premises, in the new owner's name at the owner's request and expense. This official test must be made within twenty-four hours from the time of sale. If such the test discloses reactors, the herd of origin shall be placed under quarantine.

Sec. 9. Section 164.9, Code 1997, is amended to read as follows:

164.9 RETEST BY ORDER OR REQUEST, EXPENSE.

The department may order a retest of any breeding cattle designated animals at any time, ~~when in the department's opinion, it if~~ the department determines that a retest is necessary. In case of reactors, one retest shall be granted the owner of the cattle designated animals by the department upon the request of the owner or owner's veterinarian before the cattle are designated animals are permanently marked as reactors, ~~and the.~~ The expense of the retest of reactors shall be borne in the same manner as provided in section 164.6.

Sec. 10. Section 164.10, Code 1997, is amended to read as follows:

164.10 REPORT OF LABORATORY TESTS.

A report of such tests conducted by a laboratory under this chapter shall be made in writing to the chief of the division of animal industry department within seven days immediately following the completion of the tests, ~~upon blanks furnished by the.~~ The department and shall supply forms for the report.

The report shall be signed by the director of the laboratory or the person making conducting the test.

Sec. 11. Section 164.11, Code 1997, is amended to read as follows:

164.11 IDENTIFICATION MARK.

All-cattle A designated animal subjected to an official test under-the-department shall be plainly and permanently marked for identification in a manner authorized by the department. All-native Native grade cattle bovine carrying the calfhood vaccination and all calves vaccinated after importation from other states shall be tattooed in the ear. All Officially vaccinated purebred registered cattle must be tattooed-in-the-ear-either-with receive a vaccination tattoo and either an official vaccination tag or the a purebred identification tattoo and-the-same. The vaccination tattoo and the vaccination tag number or the purebred identification tattoo shall be evidenced on the official certificate of vaccination.

Sec. 12. Section 164.12, Code 1997, is amended to read as follows:

164.12 CONDEMNED QUARANTINED MARKING.

All-cattle-condemned A designated animal which is quarantined as a result of a test for brucellosis shall be plainly and permanently marked for identification by any qualified a veterinarian making the test in a manner authorized by the department and to the extent applicable by the United States department of agriculture.

Sec. 13. Section 164.13, Code 1997, is amended to read as follows:

164.13 UNLAWFUL ACTS.

It-shall-be-unlawful-for-any An owner to shall not sell or transfer ownership of any-bovine a designated animal, or allow the commingling of cattle designated animals belonging to two or more owners, or allow the commingling of dairy-or-breeding cattle-with-cattle designated animals with other designated

animals under feeder quarantine on a state-approved state-approved premises, unless they the commingled designated animals are accompanied by a negative brucellosis test report issued by an-accredited a veterinarian, conducted within thirty days. The provisions of this section do not apply to the following:

1. Calves Bovine animals under four six months of age, spayed heifers, and or steers.
2. Official vaccinates of beef-breeds bovine animals other than dairy cattle under twenty-four months of age and-of or dairy breeds cattle under twenty months of age, if not visibly parturient-or postparturient.
3. Animals Designated animals which are consigned directly to slaughter.
4. Animals-moved Designated animals which are imported for exhibition purposes, if any of the following apply:
 - a. When under the test-eligible ages specified-in subsection-2-and as provided by the department for designated animals other than bovine. For bovine the test-eligible ages are as provided in this section. The designated animal must be accompanied by an official vaccination certificate as provided by the department. A bovine animal which is six months or older must be accompanied with a vaccination certificate.
 - b. Animals Designated animals of any age when accompanied by a report of a negative brucellosis test conducted within thirty days.
 - c. Designated animals originating from a herd in a class free state or designated animals from a brucellosis-free herd.
5. Animals Designated animals originating from a herd in a class free state or designated animals from a certified brucellosis-free herd.
6. Cattle Designated animals moved to a state-approved premises-as-defined-in-section-164:17-subsection-8-as provided-by-the-department.

Sec. 14. Section 164.14, Code 1997, is amended to read as follows:

164.14 IMPORTED CATTLE DESIGNATED ANIMALS.

1. Female cattle designated animals other than female bovine animals, which are under an age established by the department, and female bovine animals over four six months of age, and under eighteen months not-visibly-parturient-or postparturient of age, may enter the state for feeding purposes to be consigned to a state-approved premises under quarantine, if the female designated animals are not postparturient. ~~Such-cattle-as-well-as~~ The designated native female animals that have been consigned to the lot state-approved premises may be released from the state-approved premises if they have been any of the following:

- a. Consigned to slaughter.
- b. Consigned to a federally approved market.
- c. Consigned to another quarantined premises.
- d. Tested negative ~~to~~ for brucellosis at the owner's expense. The test shall be made not less than sixty days after the last consignment to the premises and shall include all animals on the premises.

2. Female cattle designated animals, other than female bovine, over an age established by the department and female bovine over eighteen months of age may enter the state if they the designated animals are any of the following:

- a. Consigned to a federally approved market.
- b. Consigned to a slaughter plant for immediate slaughter.
- c. Accompanied by an official health certificate showing a record of a negative brucellosis test, when required, accomplished within thirty days of importation.

Sec. 15. Section 164.15, Code 1997, is amended to read as follows:

164.15 QUARANTINED CATTLE DESIGNATED ANIMALS.

No-cattle A designated animal shall not be brought in into contact with any a condemned cattle designated animal held in

quarantine. ~~If any-cattle-are a designated animal is added to the quarantined lot, said-cattle the designated animal shall become a part of the lot and held subject to the same rules requirements as applies to the quarantined designated animals.~~

Sec. 16. Section 164.16, Code 1997, is amended to read as follows:

164.16 MOVEMENT OR SLAUGHTER PERMIT.

~~No-condemned-cattle~~ A designated animal shall not be slaughtered, have their its location changed, or be moved from quarantine except by as authorized by an official written permit issued by the department or by a licensed veterinarian authorized-by-the-department.

Sec. 17. Section 164.17, Code 1997, is amended to read as follows:

164.17 CONDEMNED QUARANTINED FOR SLAUGHTER PERMIT.

When a written order has been issued by the department or its authorized representative for the removal of condemned cattle a quarantined designated animal to slaughter, ~~all the cattle designated animal~~ shall be tagged and handled within fifteen days after the date of testing, ~~such-cattle-within.~~ Within thirty days the designated animal shall be moved and slaughtered under the direct supervision of a duly authorized agent or representative of the United States department of agriculture at a time and place designated by the department. Any A designated animal condemned quarantined because of brucellosis shall be disposed of by its owner within a period not to exceed forty-five days from the date on which blood samples were drawn disclosing it as a reactor.

Sec. 18. Section 164.18, Code 1997, is amended to read as follows:

164.18 UNLAWFUL SALE.

No A person shall not sell, offer for sale, or purchase any cattle-condemned a designated animal which is quarantined as a result of an official test, except under-regulations-issued as provided by rules adopted by the department.

Sec. 19. Section 164.19, Code 1997, is amended to read as follows:

164.19 QUARANTINE.

The department may issue any quarantine orders ~~order~~ deemed necessary for the control and eradication of brucellosis and the proper enforcement of this chapter. ~~Any A~~ lot or group of ~~cattle~~ designated animals in which reactors have been disclosed shall be under quarantine along with any ~~cattle~~ designated animal from which the lot or group originated or commingled. ~~Such-cattle~~ The designated animals may be sold for slaughter under permit, or returned to their place of origin. In ~~hardship-cases~~ case of hardship the department may upon investigation of the case alter ~~any a~~ quarantine orders ~~deemed order~~ to the extent that the department determines that it is necessary to alleviate the hardship and protect the industry and prospective purchasers. The department shall ~~promulgate adopt~~ rules subject-to-provisions-of pursuant to chapter 17A necessary in order to administer this section.

Sec. 20. Section 164.20, Code 1997, is amended to read as follows:

164.20 APPRAISAL OF VALUE FOR BOVINE ANIMALS.

Before being slaughtered, ~~condemned-cattle~~ quarantined bovine animals shall be appraised at their cash value for dairy and breeding purposes by the owner and a representative of the ~~state department of-agriculture-and-land-stewardship,~~ or a representative of the United States department of agriculture, or by the owner and both of such the representatives. If these parties cannot agree as to the amount of the appraisal, ~~there-shall-be-appointed~~ three competent and disinterested persons, one shall be appointed to render a final appraisal. One person shall be appointed by the state department of-agriculture-and-land-stewardship, one by the owner, and one by the first two appointed, to appraise such animals, which appraisal shall be final persons.

Sec. 21. Section 164.21, Code 1997, is amended to read as follows:

164.21 AMOUNT OF INDEMNITY.

The owner of a bovine animal shall be indemnified for the bovine animal as provided in this section. The department shall certify the claim of the owner for each the bovine animal slaughtered in accordance with this chapter. An infected bovine animal herd may be completely depopulated and indemnity paid when, in the opinion of the department and the veterinary service of the United States department of agriculture, the disease cannot be adequately controlled by routine testing.

Indemnity The owner shall only be paid-if indemnified to the extent that money is available in the brucellosis and tuberculosis eradication fund as created in section 165.18 and if-indemnity-payment indemnification is also made by the United States department of agriculture. However, if the United States department of agriculture is unable to pay indemnity indemnify the owner, the state department may still pay-indemnity-for-condemned-animals indemnify the owner, if money is available.

In the case of individual payment, all ~~animals~~ cattle shall be individually appraised and the amount of indemnity shall be equal to the difference between the slaughter value and the appraisal price, less the amount of indemnity paid by the United States department of agriculture. Bison shall be appraised as if the bison are beef cattle. The total amount of indemnity paid by the brucellosis and tuberculosis eradication fund for a grade animal or a purebred animal shall not exceed two hundred dollars. However, if a purebred ~~animal~~ is cattle are purchased and owned for at least one year before testing and the owner can verify the actual cost, the ~~secretary-of-agriculture department~~ may award-the-payment-of an-additional-indemnification further indemnify the owner. The amount of the indemnification shall not to exceed five

hundred fifty dollars or the actual cost of the animal when purchased, whichever is less.

Sec. 22. Section 164.22, Code 1997, is amended to read as follows:

164.22 ~~FUNDS~~ MONEYS ADMINISTERED.

All ~~funds~~ moneys appropriated by the state for carrying out the provisions of this chapter shall be administered by the department for the payment of the indemnity, salaries, and other necessary expenses.

Sec. 23. Section 164.29, Code 1997, is amended to read as follows:

164.29 RECIPROCAL AGREEMENTS.

~~The secretary of agriculture of the state of Iowa is hereby authorized and directed to~~ department to every extent practical shall enter into reciprocal agreements with other states to the end provide that cattle designated animals which are covered by certificates of vaccination in the this state of Iowa and other states may be transported and sold in interstate commerce between the this state of Iowa and such the other states which enter into reciprocal agreements.

Sec. 24. Section 164.30, Code 1997, is amended to read as follows:

164.30 ~~BACK-TAGGING-CATTLE~~ TAGGING DESIGNATED ANIMALS RECEIVED FOR SALE OR SLAUGHTER.

1. All-bovine The department shall provide requirements for tagging designated animals which are received for sale or shipment to a slaughtering establishment.

a. Bovine animals two years of age and older received for sale or shipment to a slaughtering establishment shall be identified with a back tag issued by the department. The back tag shall be affixed to the animal as directed by the department. It shall be the duty of every

b. A livestock trucker when delivering a designated animal to an out-of-state markets market, and every livestock dealer, livestock market operator, stockyards stockyard operator, and

or slaughtering establishment to shall identify all-such bovine-animals a designated animal which is not bearing-a-back tag tagged as provided in this section, at the time of taking possession or control of such-animals the designated animal. A livestock trucker may be exempted from this requirement if the animals-are designated animal's farm of origin is identified as-to-the-farm-of-origin when delivered to a livestock market, stockyards stockyard, or slaughtering establishment which agrees to accept responsibility for back-tag-identification tagging the designated animal.

2. Every A person required to identify animals a designated animal in accordance with this section shall file reports a report of such the identification on forms and as specified by the department, including thereon the following for bovine animals:

a. The back-tag number and date of application,-the,

b. The name, address, and county of residence of the person who owned or controlled the herd from which such animals the bovine animal originated,-and-whether.

c. The type of bovine animal. If the bovine animal is cattle, the person shall identify whether the animal was of the a beef or dairy type.

Each such report ~~should~~ shall cover all bovine animals identified during the preceding week.

3. The-removal-of-back-tags A person shall be-restricted to-personnel-specifically not remove a tag affixed to a designated animal, unless the person is authorized by the department, and removes the tag according to, instructions and policies issued established by the department. The removal of back-tags a tag by a person who is unauthorized personnel by the department shall be considered a violation of this section and subject to the penalties as provided in section 164.31.

Sec. 25. Section 164.31, Code 1997, is amended to read as follows:

164.31 PENALTIES.

Any A person found guilty of violating ~~the-provisions~~ a
provision of this chapter ~~shall-be-deemed~~ is guilty of a
simple misdemeanor.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 694, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 6, 1997

TERRY E. BRANSTAD
Governor