

JAN 14 2004
Agriculture

HOUSE FILE 2017
BY GREINER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation of swine dealers and providing
2 for a penalty.

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

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HF 2017

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

3 2. ~~a.~~ Except as provided in ~~paragraph-"b"~~ subsection 3, a
4 person violating a provision of this chapter, or a rule
5 adopted pursuant to this chapter, shall be subject to a civil
6 penalty of at least one hundred dollars but not more than one
7 thousand dollars. In the case of a continuing violation, each
8 day of the continuing violation is a separate violation.
9 However, a person shall not be subject to a civil penalty
10 totaling more than twenty-five thousand dollars.

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

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

24 b. A person required to be licensed as a dealer pursuant
25 to section 163.30 and who is not issued a license by the
26 department pursuant to that section shall be subject to a
27 civil penalty of at least one thousand dollars but not more
28 than five thousand dollars. Each day that the person does
29 business as a dealer without being issued a license
30 constitutes a separate offense. A person shall not be subject
31 to a civil penalty totaling more than twenty-five thousand
32 dollars during any one year.

33 ~~3.~~ 4. Moneys collected from civil penalties shall be
34 deposited into the general fund of the state.

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EXPLANATION

1 Code chapter 163 authorizes the department of agriculture
2 and land stewardship to regulate contagious and infectious
3 diseases among livestock populations. Code section 163.30
4 regulates swine dealers (dealers) engaged in the business of
5 buying for resale, or selling, or exchanging swine. The Code
6 section prohibits a person from acting as a dealer unless the
7 department of agriculture and land stewardship issues the
8 person a dealer's license. Code section 163.61 provides
9 penalties for persons who violate the chapter, including
10 engaging as a dealer without a license. Generally, a person
11 who violates the Code chapter is subject to a civil penalty of
12 at least \$100 but not more than \$1,000. In the case of a
13 continuing violation, each day of the continuing violation is
14 a separate violation. However, a person is not subject to a
15 civil penalty totaling more than \$25,000.

16 This bill increases the civil penalty applicable to a
17 person who illegally acts as a dealer by not being issued a
18 license. The bill provides that a person is subject to a
19 minimum civil penalty of \$1,000 but not more than \$5,000. The
20 bill repeats language applying to general violations of the
21 Code chapter by providing that each day of a violation
22 constitutes a separate offense. It also provides that a
23 person is not subject to a civil penalty totaling more than
24 \$25,000 during any one year.

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