

I hereby certify that the foregoing act was published in the Gravity Independent, Gravity, Iowa, April 24, 1941, and the Union-Tribune, Russell, Iowa, April 24, 1941.

EARL G. MILLER, *Secretary of State.*

CHAPTER 120

SOIL CONSERVATION

S. F. 156

AN ACT to amend sections two thousand six hundred three and nine hundredths (2603.09) and two thousand six hundred three and twelve hundredths (2603.12), Code, 1939, relating to soil conservation.

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

1 SECTION 1. Section two thousand six hundred three and nine hun-
2 dredths (2603.09), Code, 1939, is hereby amended as follows:

3 1. Strike from line one (1) of subsection three (3) of said section
4 the word "central" and insert in lieu thereof the word "control".

5 2. Strike from line six (6) of subsection three (3) of said section
6 the word "subsection C of".

1 SEC. 2. Section two thousand six hundred three and twelve hun-
2 dredths (2603.12), Code, 1939, is hereby amended by striking all of the
3 last sentence of the third (3d) paragraph of said section.

Approved April 10, 1941.

CHAPTER 121

CONTROL AND ERADICATION OF BANG'S DISEASE

S. F. 505

AN ACT to provide for control and eradication of Bang's disease in cattle; to provide for the levy in each county of a tax to be placed in a fund to be known as the County Bang's Disease Eradication Fund; and repealing chapter eighty-seven (87), Acts of the 48th General Assembly.

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

1 SECTION 1. Definitions.

2 As used in this chapter:

3 "Department" means the Department of Agriculture.

4 "Condemned" applies to cattle reacting to a test applied for Bang's
5 disease.

6 "Official test" for Bang's disease includes all tests under the super-
7 vision of or authorization from the department.

8 "Owner" includes any person, firm, co-partnership, association or
9 corporation owning or leasing from another any livestock.

10 "Registered purebred" shall include cattle with a certificate from
11 herd books where registered.

1 SEC. 2. Rules and regulations.

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

1 SEC. 3. Inspection and tests at request of owner.

2 Whenever the owner of cattle shall request the department to make
3 an inspection of his cattle for Bang's disease, the department may
4 designate a veterinarian to make an inspection and, if authorized by
5 the department, conduct a test by the method or methods adopted and
6 approved by the department.

1 SEC. 4. Expense of inspection and tests.

2 If the owner shall agree to comply with and carry out the rules and
3 regulations made by the department under Section 2 of this Act, the
4 expense of such inspection and test shall be borne by the United States
5 department of agriculture, or by the department, or both.

1 SEC. 5. Certificate showing freedom from disease.

2 Whenever an official test of any cattle is made by a veterinarian
3 authorized by the department, and such cattle are found to be free
4 from Bang's disease, a certificate, setting forth this fact, shall be
5 issued by the department, providing all rules and regulations under
6 the plan adopted by the department for the control and eradication of
7 Bang's disease in cattle have been complied with.

1 SEC. 6. Failure by owner to comply with regulations.

2 Whenever, on proof or report of examining veterinarian, the depart-
3 ment is satisfied that any owner has failed to comply with any rule
4 or regulation made by the department under the provisions of this Act,
5 the owner shall be so notified in writing by the department, and such
6 owner shall immediately lose all rights or interest acquired, if any,
7 under the provisions of Section 5 of this Act.

1 SEC. 7. Retest.

2 The department may order a retest of any dairy or breeding cattle at
3 any time, when in their opinion, it is necessary.

1 SEC. 8. Report on tests.

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

1 SEC. 9. Marking stock to be tested.

2 All cattle subjected to an official test under the department shall be
3 plainly and permanently marked for identification in a manner author-
4 ized by the department.

1 SEC. 10. Marking condemned cattle.

2 All cattle condemned as a result of a test for Bang's disease shall be
3 plainly and permanently marked for identification by any qualified
4 veterinarian making test in a manner authorized by the department.

1 **SEC. 11. Quarantine of condemned cattle.**

2 Any cattle condemned as a result of an official test, shall be im-
3 mediately segregated from the remaining cattle and held in quarantine
4 at the owner's expense until such time as the disposal of same can be
5 made, provided that the owner may at his option retain such cattle
6 for breeding purposes in accordance with the rules and regulations of
7 the department.

1 **SEC. 12. Exposure of stock to disease.**

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

1 **SEC. 13. Slaughter or removal of condemned stock without per-**
2 **mission.**

3 No condemned cattle shall be slaughtered, have their location
4 changed, or be moved from quarantine except by official written permit
5 by the department.

1 **SEC. 14. Slaughter of condemned cattle.**

2 When a written order has been issued by the department or its
3 authorized representative for the removal of condemned cattle to
4 slaughter, such cattle within thirty (30) days shall be moved and
5 slaughtered under the direct supervision of a duly authorized agent or
6 representative of the United States department of agriculture at a time
7 and place designated by the department.

1 **SEC. 15. Purchase or sale of condemned cattle.**

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

1 **SEC. 16. Issuance of quarantine orders.**

2 The department may issue any quarantine orders deemed necessary
3 for the control and eradication of Bang's disease and the proper en-
4 forcement of this Act.

1 **SEC. 17. Cooperation with local or federal authorities.**

2 The department may cooperate with any township or county for the
3 control and eradication of Bang's disease within the state or with the
4 United States department of agriculture for the prevention of the
5 spread and the control of Bang's disease in cattle and its eradication
6 in the United States.

1 **SEC. 18. Appraisal.**

2 Before being slaughtered, such cattle shall be appraised at their
3 cash value for dairy and breeding purposes by the owner and a repre-
4 sentative of the state department of agriculture, or a representative of
5 the United States department of agriculture, or by the owner and both
6 of such representatives. If these parties cannot agree as to the amount
7 of the appraisal, there shall be appointed three competent and disin-
8 terested persons, one by the state department of agriculture, one by the
9 owner, and the third by the first two appointed, to appraise such
10 animals, which appraisal shall be final.

1 **SEC. 19. Amount of indemnity.**

2 The department shall certify the claim of the owner for each animal
3 slaughtered in accordance with this Act for not more than one-third
4 (1/3) of the difference between the appraised value of such animal and
5 the net salvage value thereof, but in no case more than twelve dollars
6 and fifty cents (\$12.50) for a grade animal or not more than twenty-
7 five dollars (\$25.00) for a registered purebred animal, but in no case
8 shall the department pay indemnity on cattle not eligible to receive a
9 like amount from the United States Department of Agriculture.

10 No indemnity shall be paid:

- 11 (a) On animals diseased at the time of arrival in this state.
12 (b) On animals which the owner or claimant knew to be diseased,
13 or had notice thereof at the time they came into his possession.
14 (c) Whenever the owner or agent in possession of said animal has
15 not complied with the rules and regulations of the department.
16 (d) When the condemned animals are not destroyed within thirty
17 (30) days after completion of test.

1 **SEC. 20. Appropriation.**

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

1 **SEC. 21. Eradication fund.**

2 In each county in the state, the board of supervisors shall each year,
3 when it makes the levy for taxes, levy a tax sufficient to provide a
4 fund to pay the indemnity and other expenses provided in this chapter,
5 except as provided herein, and such levy shall not exceed one-half mill
6 in any year upon the taxable value of all the property in the county.

1 **SEC. 22. Collection.**

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

1 **SEC. 23. Report by auditor.**

2 The county auditor of each county shall, not later than July fifteenth
3 of each year, certify to the secretary of agriculture a report showing
4 the amount in the Bang's Disease Eradication Fund on July first of
5 each year.

1 **SEC. 24. Levy omitted.**

2 Should it appear to the secretary of agriculture that the balance in
3 such fund is sufficient, with the county's allotment of state and federal
4 funds available, to carry on the work in such county for the ensuing
5 year, he shall so certify to the county auditor, and, when such certifica-
6 tion has been made, the board shall make no levy for such Bang's
7 Disease Eradication Fund for such year.

1 **SEC. 25. Exhaustion of county fund.**

2 Whenever the balance of such fund becomes less than twenty-five
3 hundred dollars (\$2500.00), the county auditor shall notify the depart-

4 ment in writing of such fact, and no expense shall be incurred on such
5 account in excess of the cash available in such fund.

1 SEC. 26. Certification of claims.

2 All claims presented under authority of this act shall be certified by
3 the department and filed with the county auditor, who shall present
4 them to the board of supervisors, and such board shall allow and pay
5 the same as other claims against the county.

1 SEC. 27. Chapter 87 Acts of the 48th General Assembly also known
2 as Senate File 255, 48th General Assembly, is hereby repealed, pro-
3 vided that the tax levies made and taxes collected under the provisions
4 of said Chapter 87 Acts of the 48th General Assembly shall continue
5 in force and be applied and used under the provisions of this act to the
6 end that the work of controlling and eradicating Bang's disease under
7 Chapter 87 Acts of the 48th General Assembly, may continue without
8 interruption under the provisions of this act.

Approved April 30, 1941.

CHAPTER 122

BABY CHICK ACT

S. F. 213

AN ACT to provide regulations as to the sale of baby chicks; to provide for the licens-
ing of handlers and dealers thereof; to provide inspection for establishments oper-
ated by said handlers and dealers; and providing penalties for the violation of this
act.

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

1 SECTION 1. For the purpose of this Act:

2 1. "Baby Chicks" shall mean all domestic fowls six (6) weeks of
3 age or under.

4 2. "Department" or "Department of Agriculture" shall mean Iowa
5 Department of Agriculture.

6 3. "Person" shall include an individual, partnership, a corpora-
7 tion, company, firm, society, association, community sales, public sale
8 pavillions, or other holders of public auctions any place in the State
9 of Iowa, operating in the state of Iowa, but the term "person" shall
10 not be construed to include any person who hatches for sale one thou-
11 and (1,000) chicks per year or less; and the act, omission, or conduct
12 of any officer, agent or other person acting in a representative capacity
13 may be imputed to the organization or person represented, and the
14 person acting in such capacity shall also be liable for violation of this
15 act.

1 SEC. 2. Every person engaged in the business of custom hatching,
2 producing baby chicks for sale in this state, or of selling or offering
3 for sale baby chicks from any place located in this state shall obtain
4 a license from the Department for each establishment, at which said