

otherwise eligible to be made from the primary road fund, which are made for repairing, improving, and maintaining bridges over the rivers bordering the state. Expenditures for those portions of bridges within adjacent states may be included when they are made pursuant to an agreement entered into under section 313.63, 313A.34, or 314.10.

Sec. 19. 1995 Iowa Acts, chapter 215, section 29, subsection 1, is amended to read as follows:

1. Section 423.24, subsection 1, paragraph "a", subparagraph (2) is repealed on ~~January 1, 2003~~ July 1, 1999.

Sec. 20. TRANSFER AND RETROACTIVITY. Moneys deposited in the Iowa comprehensive petroleum underground storage tank marketability fund created in section 455G.21 derived from the use tax as provided in section 423.24, Code Supplement 1997, from January 1, 1998, until July 1, 1998, shall be transferred to the department of economic development for use as provided in section 15E.208, as enacted in this Act. This section shall be retroactively applicable on and after January 1, 1998.

Sec. 21. SEVERABILITY. If any provision of this Act or the application of this Act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act which shall be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Sec. 22. EFFECTIVE DATE. Section 20 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 20, 1998

CHAPTER 1208

IDENTIFICATION OF ANIMALS

H.F. 2382

AN ACT relating to the identification of animals and providing penalties.

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

Section 1. Section 169A.1, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 0A. "Animal" means a creature belonging to the bovine, caprine, equine, ovine, or porcine species; ostriches, rheas, or emus; farm deer as defined in section 481A.1; or poultry.

NEW SUBSECTION. 1A. "Computer" means the same as defined in section 22.3A.

NEW SUBSECTION. 2A. "Identification device" means a device which when installed is designed to store information regarding an animal or the animal's owner in an electronic format which may be accessed by a computer for purposes of reading or manipulating the information.

NEW SUBSECTION. 2B. "Install" means to place an identification device onto or beneath the hide or skin of an animal, including but not limited to fixing the device into the ear of an animal or implanting the device beneath the skin of the animal.

Sec. 2. Section 169A.10, Code 1997, is amended to read as follows:

169A.10 EVIDENCE OF OWNERSHIP — INVESTIGATIONS.

1. In a suit at law or equity or in any criminal proceedings in which the title to ~~livestock~~ an animal is an issue, ~~a the following shall be admissible as evidence:~~

a. A certified copy ~~reordered~~ of a record as provided for in section 169A.6 or 169A.9. The certified copy shall be prima facie evidence of the ownership of the livestock by the person in whose name the brand is recorded.

b. Information stored in an identification device which identifies the owner of an animal. The information shall be prima facie evidence of the ownership of the animal, if all of the following apply:

(1) The identification device meets applicable design standards adopted by the international standard organization, or which may be adopted by the department.

(2) The identification device is installed according to manufacturer's requirements.

(3) The information is not in conflict with a certified copy of a record as provided for in section 169A.6 or 169A.9.

c. The results of a sheriff's investigation as provided in this section.

2. A dispute involving the custody or ownership of ~~livestock~~ an animal branded or subject to electronic identification under this chapter shall be investigated, on request, by the sheriff of the county where the ~~livestock~~ animal is located. The sheriff may call upon the services of an authorized person, approved by the secretary, in reading the brands on animals. The cost of the services shall be paid by the person requesting the investigation. The results of the sheriff's investigation ~~shall be is~~ a public record ~~and is admissible as evidence.~~

Sec. 3. Section 169A.14, Code 1997, is amended to read as follows:

169A.14 TAMPERING WITH BRAND.

1. ~~Any~~ A person ~~who shall brand, not do any of the following to an animal:~~

a. Brand, attempt to brand, or cause to be branded ~~the animals of another, or who shall efface livestock, without authorization from the owner.~~

b. Efface, deface, or obliterate or attempt to efface, deface, or obliterate ~~any a brand upon any animal or animals of another, or who shall brand, without authorization from the owner of the livestock.~~

c. Brand, attempt to brand, or cause to be branded ~~the a recorded brand of another on any animal shall be livestock, without authorization of the owner of the brand.~~

d. Install an electronic device or remove or damage an installed electronic device, without authorization from the owner of an animal.

2. A person violating this section is guilty of a fraudulent practice as provided in chapter 714.

Approved May 20, 1998