

surplus, undivided profits, and subordinated debt that gives priority to such securities of the issuing industrial loan company. The sale of such securities is subject to the provisions of chapter 502 and rules adopted by the superintendent of banking pursuant to chapter 17A, and shall not be construed to be exempt by reason of the provisions of section 502.202, subsection 10, except that the sale of thrift certificates or installment thrift certificates which are redeemable by the holder either upon demand or within a period not in excess of five years are exempt from sections 502.201 and ~~502.602~~ 502.504.

DIVISION IV  
EFFECTIVE DATE

Sec. 68. This Act takes effect January 1, 2005.

Approved May 14, 2004

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## CHAPTER 1162

### TRANSPORTATION AND DISPOSAL OF DEAD ANIMALS

*H.F. 2567*

**AN ACT** regulating the transportation of animal carcasses, providing for fees and penalties, and providing for an effective date.

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

Section 1. Section 167.4, Code 2003, is amended by striking the section and inserting in lieu thereof the following:

167.4 LICENSING PROCEDURE — FEES.

The following shall apply to a person required to be licensed under this chapter:

1. The person shall submit an application for a license to the department in a manner and according to procedures required by the department.
2. The person shall include in the application information as required by the department, on forms prescribed by the department, which shall include at least all of the following:
  - a. For a disposal plant, the person shall state the person's name and address, the person's proposed place of business, and the total number of vehicles to be involved in the operation.
  - b. For a collection point involving the accumulation of whole animal carcasses or their parts for ultimate transportation to a disposal plant, the person's name and address, the person's proposed place of business, and the total number of vehicles to be involved in the operation.
  - c. For a delivery service which transports whole animal carcasses or their parts to a disposal plant or collection point, the person's name and address, the total number of vehicles to be involved in the operation, and the location where the vehicles involved in the operation are to be maintained.
3. The person shall submit a separate application for each location that the person is to operate a disposal plant, collection point, or a delivery service.
4. The person shall submit a license fee as follows:
  - a. For a disposal plant, one hundred dollars.
  - b. For a collection point, one hundred dollars. However, a person is not required to pay the license fee for a collection point which is operated by a disposal plant.

c. For a delivery service which is not part of the operation of a disposal plant or collection point, fifty dollars.

5. A license issued under this section shall expire on December 31 of each year. The person may renew the license by completing a renewal form as prescribed by the department in a manner and according to procedures required by the department. However, the renewal form must be submitted to the department prior to the license's expiration date. The person shall submit a renewal license fee which shall be for the same amount as the original license fee.

Fees collected pursuant to this section shall be deposited into the general fund of the state.

6. A person's license is subject to suspension or revocation by the department if the department determines that the person has committed a material violation of this chapter, including rules adopted by this chapter, or a term or condition of the license. The person may contest the department's action as provided in chapter 17A.

Sec. 2. Section 167.15, Code 2003, is amended by striking the section and inserting in lieu thereof the following:

167.15 TRANSPORTATION OF ANIMALS — CARCASSES OR PARTS.

1. A person required to be licensed under section 167.4 shall transport a whole or part of an animal carcass or offal material according to requirements adopted by departmental rule.

a. The delivery vehicle's container used for loading and transporting the carcass or offal material shall be constructed according to departmental rules in a manner that prevents parts or liquids associated with the carcass or offal material from escaping during transport.

b. The department shall adopt rules requiring that the delivery vehicle's container be covered when transporting an animal carcass or offal material. However, this requirement shall not apply to a route delivery vehicle used primarily to transport animal carcasses from a farm to another location, unless the department issues a special order as provided in this paragraph. The department may issue such an order and require that the delivery vehicle's container be covered, if the state veterinarian determines that an animal or animal carcass on the farm has been infected or exposed to an infectious or contagious disease or that there has been an outbreak of an infectious or contagious disease in the area where the farm is located.

c. The person shall not overload the delivery vehicle's container with carcasses or offal material.

2. The department shall provide for the inspection of delivery vehicles used to transport carcasses or offal material, disposal plants, collection points, or other locations in which carcasses or offal material is stored or processed before being delivered to a disposal plant.

Sec. 3. Section 167.19, Code 2003, is amended to read as follows:

167.19 PENALTY.

The violation of any of the provisions of A person who violates this chapter or any a rule adopted ~~thereunder~~ by the department shall be pursuant to this chapter is guilty of a simple misdemeanor. The person may be subject to a civil penalty of not less than one hundred dollars and not more than one thousand dollars for each violation. However, the state shall be precluded from bringing a criminal action against the person if the department has initiated a civil enforcement proceeding. Moneys collected in civil penalties shall be deposited into the general fund of the state.

Sec. 4. NEW SECTION. 167.22 CHRONIC WASTING DISEASE.

1. As used in this section "chronic wasting disease" means the same as defined in section 170.1.

2. Except as otherwise provided in this subsection, a person licensed under this chapter shall not transport the carcass of a deer or elk into this state if the carcass originates from an area outside this state that has a significant prevalence of chronic wasting disease as determined by the state veterinarian. In order to transport the carcass into this state, the person must obtain approval by the state veterinarian in a manner and according to procedures required by the department.

Sec. 5. Sections 167.6, 167.9, and 167.10, Code 2003, are repealed.

Sec. 6. EFFECTIVE DATE. Section 4 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 14, 2004

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## CHAPTER 1163

### INSPECTION AND CONTROL OF ANIMAL HEALTH

*H.F. 2573*

**AN ACT** regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable.

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

Section 1. Section 163.1, subsections 1 through 8, Code 2003, are amended to read as follows:

1. ~~Make all~~ Adopt any necessary rules ~~rule~~ for the ~~suppression and prevention~~ control of an infectious ~~and or~~ contagious ~~diseases among~~ disease affecting animals within the state.

2. Provide for quarantining animals ~~affected~~ afflicted with ~~an~~ infectious or contagious ~~diseases~~ disease, or that have been exposed to such ~~diseases~~ disease, whether within or without the state.

3. Determine and employ the most efficient and practical means for the ~~prevention, suppression, control, and eradication~~ control of contagious or ~~an~~ infectious ~~diseases among or~~ contagious disease afflicting animals.

4. Establish, maintain, enforce, and regulate quarantine and other measures relating to the ~~movements~~ movement and care of diseased animals ~~that may be exposed or afflicted with an~~ infectious or contagious disease.

5. Provide for the disinfection of suspected yards, buildings, ~~and or~~ articles, and ~~for~~ the destruction of ~~such~~ animals as may be deemed necessary by the department.

6. Enter any place where any animal is at the time located, or where it has been kept, or where the carcass of such animal may be, for the purpose of examining it in any way that may be necessary to determine whether it was or is ~~infected~~ exposed to or afflicted with ~~any an~~ infectious or contagious ~~or infectious~~ disease.

7. Regulate or prohibit the arrival in, departure from, and passage through the state, of animals ~~infected~~ exposed to or afflicted with ~~or exposed to any~~ an infectious or contagious disease; and in case of a violation of any such regulation or prohibition, to detain any animal at the owner's cost expense.

8. Regulate or prohibit the ~~bringing~~ movement of animals into the state, which, ~~in its opinion~~ the department's determination, for any reason, may be detrimental to the health of animals in the state.

Sec. 2. Section 163.2, Code 2003, is amended to read as follows:

163.2 INFECTIOUS AND OR CONTAGIOUS DISEASES.

For the purpose of As provided in this chapter, infectious and contagious diseases shall be deemed to embrace unless the context otherwise requires: