

Mantermach, Chair

Jahmson

Freyvert

HSB 687

Agriculture

HOUSE FILE _____^{deu} 02514
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON KLEMME)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the indemnification of owners of animals with
2 a contagious disease under a plan of eradication.

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

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1 Section 1. Section 163.15, unnumbered paragraph 2, Code
2 2001, is amended to read as follows:

3 Any If an animal killed infected with a contagious disease
4 is destroyed under such a program of eradication as provided
5 in this section, the owner shall be compensated according to
6 one of the following methods:

7 1. a. A determination of an indemnity amount as agreed to
8 by appraisal. The determination shall be made by appraisers
9 who shall be appraised-by three competent and disinterested
10 persons, including one to-be who is appointed by the state
11 department of-agriculture-and-land-stewardship, one who is
12 appointed by the owner, and the-third one who is appointed by
13 agreement of the other-two,-and-it department and the owner.
14 The appraisers shall be-their-duty-to-appraise-and report
15 their appraisal under oath to the department of-agriculture
16 and-land-stewardship,-and-they. The appraisers shall receive
17 such compensation and expenses as shall-be provided for in by
18 the program.

19 b. Any A claim for an indemnity filed by the owner of-such
20 animal-or-animals-so-appraised shall not exceed the amount
21 agreed upon by the majority decision of the appraisers. For
22 an animal other than registered purebred stock the indemnity
23 amount shall be based on current market prices except-in-the
24 case-of. For registered purebred stock, then the indemnity
25 amount payable-for-indemnity may exceed market prices by not
26 more than fifty percent. The indemnity amount shall be less
27 any indemnity-which amount of indemnification that the owner
28 might be allowed from the United States department of
29 agriculture. No An indemnity shall not be allowed for
30 infected-animals an animal if it-is-determined-by the
31 department of agriculture and land stewardship determines that
32 such-animals-have the animal has been fed raw garbage as
33 provided in section 163.26. Claims

34 c. A claim for an indemnity and-those-filed by the
35 appraisers owner and a claim for compensation and expenses by

1 the appraisers shall be filed with the secretary-of
2 agriculture department and submitted by the secretary of
3 agriculture to the executive council for its approval or
4 disapproval.

5 d. There Upon approval by the executive council, there is
6 appropriated to the department from any funds moneys in the
7 state-treasury general fund of the state not otherwise
8 appropriated moneys sufficient funds to carry out the
9 provisions of this section subsection.

10 2. A formula established by rule adopted by the department
11 that is effective as determined by the department in
12 accordance with chapter 17A and applicable upon approval of
13 the plan of eradication approved by the executive council.
14 The formula shall be applicable to indemnify owners if the
15 executive council, upon recommendation by the secretary of
16 agriculture, determines that an animal population in this
17 state is threatened with infection from an exceptionally
18 contagious disease.

19 a. An owner shall be paid an indemnity amount based on the
20 formula, only if the owner elects to be paid under the formula
21 in lieu of the determination by appointed appraisers as
22 otherwise provided in this section.

23 b. The formula shall provide for the payment of the fair
24 market value of an animal based on market prices paid for
25 similar animals according to categories or criteria
26 established by the department, which may include payment based
27 on the species, breed, type, weight, sex, age, purebred
28 status, and condition of the animal. The department may
29 provide for deductions based on other compensation received by
30 the owner for the destruction of the animals. The department
31 may exclude a claim, if the person would be ineligible to
32 receive compensation by three appointed appraisers as provided
33 in this section.

34 If an owner elects to be paid an indemnity amount based on
35 a method that provides either a determination by appointed

1 appraisers or pursuant to a formula, the owner shall not be
2 entitled to revoke the election, unless otherwise provided by
3 the department. An owner's decision to delay or refuse to
4 make an election under this section shall not affect the
5 condemnation and destruction of infected animals under the
6 program of eradication.

7 EXPLANATION

8 This bill amends Code section 163.15 that provides for the
9 indemnification of owners of livestock referred to as
10 "animals" which are condemned and destroyed under the
11 authority of the department of agriculture and land
12 stewardship upon approval by the executive council. An animal
13 is subject to condemnation and destruction if it is infected
14 with a contagious disease (e.g.,landers, farcy, maladie du
15 coit, anthrax, foot and mouth disease, scabies, hog cholera,
16 swine dysentery, tuberculosis, brucellosis, vesicular
17 exanthema, scrapie, rinderpest, or ovine foot rot). Moneys
18 available for indemnification are paid from the general fund
19 of the state.

20 Code section 163.15 establishes a method for indemnifying
21 owners based on an appraisal by three qualified and
22 disinterested persons appointed by the department and an
23 animal's owner. The bill makes changes in the language of
24 that provision in order to enhance its readability.

25 The bill also establishes an alternative method of
26 compensation. It authorizes the department to establish a
27 formula for indemnifying owners. The formula is established
28 by rule and becomes applicable when the plan of eradication is
29 approved by the executive council. In addition, in order for
30 the formula to be available, the executive council, upon
31 recommendation by the secretary of agriculture, must determine
32 that an animal population in this state is threatened with
33 infection from an extraordinary contagious disease.

34 Under the bill, an owner is paid an indemnity amount based
35 on the formula, only if the owner elects to be paid under the

1 formula in lieu of the determination by appointed appraisers.
2 The formula must provide for the payment of the fair market
3 value of an animal based on market prices paid for similar
4 animals according to categories or criteria established by the
5 department.

6 The bill provides that if an owner elects to be paid an
7 indemnity amount based on a method that provides either a
8 determination by appointed appraisers or a formula, the owner
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FEB 25 2002
Place On Calendar

S-3/13/02 Agriculture
S-3/13/02 Do Pass

HOUSE FILE 2514
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 687)

Passed House, ^(P. 741) Date 3-12-02
Vote: Ayes 94 Nays 0
Approved April 9, 2002

Passed Senate, ^(P. 740) Date 3/20/02
Vote: Ayes 47 Nays 0

A BILL FOR

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19 b. Any A claim for an indemnity filed by the owner of-such
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6 appropriated to the department from any funds moneys in the
7 state-treasury general fund of the state not otherwise
8 appropriated moneys sufficient funds to carry out the
9 provisions of this section subsection.

10 2. A formula established by rule adopted by the department
11 that is effective as determined by the department in
12 accordance with chapter 17A and applicable upon approval of
13 the plan of eradication approved by the executive council.
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HOUSE FILE 2514

AN ACT

RELATING TO THE INDEMNIFICATION OF OWNERS OF ANIMALS WITH A
CONTAGIOUS DISEASE UNDER A PLAN OF ERADICATION.

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The appraisers shall be their duty to appraise and report
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and land stewardship, and they. The appraisers shall receive
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c. A claim for an indemnity and those filed by the
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If an owner elects to be paid an indemnity amount based on a method that provides either a determination by appointed appraisers or pursuant to a formula, the owner shall not be entitled to revoke the election, unless otherwise provided by the department. An owner's decision to delay or refuse to make an election under this section shall not affect the condemnation and destruction of infected animals under the program of eradication.

BRENT SIEGRIST
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 2514, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved April 9, 2002

THOMAS J. VILSACK
Governor