

Sec. 9. NEW SECTION. INJUNCTION. In addition to any other remedies provided, the department may file a petition in the district court seeking an injunction restraining any person from violating any provisions of this chapter or the regulations adopted hereunder.

Sec. 10. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Sioux City Journal, a newspaper published in Sioux City, Iowa, and in the Tama News-Herald, a newspaper published in Tama, Iowa.

Approved June 23, 1977

I hereby certify that the foregoing Act, House File 444, was published in The Sioux City Journal, Sioux City, Iowa on June 28, 1977, and in the Tama News-Herald, Tama, Iowa on June 30, 1977.

MELVIN D. SYNHORST, *Secretary of State*

## CHAPTER 82

### AGRICULTURAL LAND ACQUIRED BY TRUSTS

S. F. 231

AN ACT providing for an extension of the moratorium for acquiring agricultural land to trusts, family trusts, authorized trusts, testamentary trusts and nonprofit corporations, and relating to information and reports required to be made under chapter one hundred seventy-two C (172C) of the Code.

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

Section 1. Section one hundred seventy-two C point one (172C.1), subsections one (1) and seven (7), Code 1977, are amended to read as follows:

1. "Corporation" means a domestic or foreign corporation ~~as defined in chapter 494, 496A, 497, 498, 499, 504 and 504A which owns or leases agricultural land or is engaged in farming~~ and includes a nonprofit corporation and cooperatives.

7. "Fiduciary capacity" means an undertaking to act ~~alone or jointly~~ as trustee, executor, administrator, personal representative, agent, guardian, conservator, or receiver, ~~escrow agent, attorney-in-fact and any other similar capacity.~~

Sec. 2. Section one hundred seventy-two C point one (172C.1), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. 10. "Trust" means a fiduciary relationship with respect to property, subjecting the person by whom the property is held to equitable duties to deal with the property for the benefit of another person, which arises as a result of a manifestation of an intention to create it. Trust does not include a person acting in a fiduciary capacity, as defined in subsection seven (7) of this section. A trust includes a legal entity holding property as trustee, agent, escrow agent, attorney-in-fact, and in any similar capacity.

NEW SUBSECTION. 11. "Family trust" means a trust:

- a. In which a majority interest in the trust is held by and the majority of the beneficiaries are persons related to each other as spouse, parent, grandparent, lineal descendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related; and
- b. In which all the beneficiaries are natural persons, who are not acting as a trustee or in a similar capacity for a trust, as defined in subsection ten (10) of this section, or persons acting in a fiduciary capacity, or nonprofit corporations.

NEW SUBSECTION. 12. "Authorized trust" means a trust other than a family trust in which:

- a. The beneficiaries do not exceed twenty-five in number; and
- b. The beneficiaries are all natural persons, who are not acting as a trustee or in a similar capacity for a trust as defined in subsection ten (10) of this section, or persons acting in a fiduciary capacity, or nonprofit corporations; and
- c. Its income is not exempt from taxation under the laws of either the United States or the state of Iowa.

NEW SUBSECTION. 13. "Testamentary trust" means a trust created by devising or bequeathing property in trust in a will as such terms are used in the Iowa probate code.

NEW SUBSECTION. 14. Nonprofit corporation means:

- a. Corporations organized under the provisions of chapter five hundred four (504) or five hundred four A (504A) of the Code; or
- b. Corporations which qualify under title twenty-six (26), section five hundred one (501), c, three (3) of the United States Code.

Sec. 3. Section one hundred seventy-two C point four

(172C.4), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

For a period of ~~three~~ five years from August 15, 1975 no corporation or trust, other than a family farm corporation, ~~or an~~ authorized farm corporation, family trust, authorized trust or testamentary trust shall, either directly or indirectly, acquire or otherwise obtain or lease any ~~additional~~ agricultural land in this state. However, the restrictions provided in this section shall not apply to the following:

Sec. 4. Section one hundred seventy-two C point four (172C.4), subsection three (3), Code 1977, is amended to read as follows:

3. Agricultural land acquired by a nonprofit corporation ~~organized-under-the-provisions-of-chapters-504-and-504A.~~

Sec. 5. Section one hundred seventy-two C point four (172C.4), subsection seven (7), Code 1977, is amended to read as follows:

7. Agricultural land which is acquired by a trust company or bank in a fiduciary capacity ~~for-the-benefit-of-natural persons~~ or as trustee for a family trust, authorized trust or testamentary trust or for nonprofit corporations.

Sec. 6. Section one hundred seventy-two C point four (172C.4), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. 9. Agricultural land held or leased by a corporation on July 1, 1975, as long as the corporation holding or leasing the land on this date continues to hold or lease such agricultural land.

NEW SUBSECTION. 10. Agricultural land held or leased by a trust on July 1, 1977, as long as the trust holding or leasing such land on this date continues to hold or lease such agricultural land.

Sec. 7. Section one hundred seventy-two C point five (172C.5), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

All corporations, ~~except where the corporation is acting in a fiduciary capacity~~, which own or lease agricultural land in the state of Iowa, or which own or lease any land on which poultry or livestock are confined for feeding or other purposes for ten days or more, or which contract for keeping and feeding poultry or livestock, or which contract for the growing of agricultural crops, fruits or other horticultural products in the state of Iowa, shall file with their annual report,

on forms approved pursuant to the provisions of chapter 17A and supplied by the secretary of state, the following ~~additional~~ information, unless otherwise provided:

Sec. 8. Section one hundred seventy-two C point seven (172C.7), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Every person acting in a fiduciary capacity or as a trustee on behalf of any corporation, limited partnership or nonresident alien individual, who holds agricultural land in this state outside the corporate limits of any city, shall file with the secretary of state on or before January 31 thirty-first of each year a report as follows:

Sec. 9. Section one hundred seventy-two C point seven (172C.7), subsection one (1), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If acting in a fiduciary capacity or as a trustee for a corporation:

Sec. 10. Section one hundred seventy-two C point seven (172C.7), subsection one (1), paragraph c, Code 1977, is amended to read as follows:

c. The acreage and location of the land owned in such fiduciary or trustee capacity listed by township and county on December 31 thirty-first of the year reported.

Sec. 11. Section one hundred seventy-two C point seven (172C.7), subsection two (2), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If acting in a fiduciary capacity or as a trustee for a limited partnership:

Sec. 12. Section one hundred seventy-two C point seven (172C.7), subsection two (2), paragraph c, Code 1977, is amended to read as follows:

c. The acreage and location of the land owned in such fiduciary or trustee capacity listed by township and county on December 31 thirty-first of the year reported.

Sec. 13. Section one hundred seventy-two C point seven (172C.7), subsection three (3), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If acting in a fiduciary capacity or as a trustee for a nonresident alien:

Sec. 14. Section one hundred seventy-two C point seven (172C.7), subsection three (3), paragraph b, Code 1977, is amended to read as follows:

b. The acreage and location of the land owned in such

fiduciary or trustee capacity listed by township and county on December 31 thirty-first of the year reported.

Sec. 15. Section one hundred seventy-two C point eight (172C.8), subsections one (1), two (2), and three (3), Code 1977, are amended to read as follows:

1. Any corporation identified as a beneficiary in a report filed with the secretary of state pursuant to section 172C.7, subsection 1, shall file with the secretary of state on or before March 31 thirty-first of each year, on forms supplied by the secretary of state, a report containing the information set forth in section 172C.5, with respect to land owned by a fiduciary or trustee on behalf of the corporation.

2. Any limited partnership identified as a beneficiary in a report filed with the secretary of state pursuant to section 172C.7, subsection 2, shall file with the secretary of state on or before March 31 thirty-first of each year, on forms supplied by the secretary of state, a report containing the information set forth in section 172C.6, with respect to land owned by a fiduciary or trustee on behalf of the limited partnership.

3. Any nonresident alien identified as a beneficiary in a report filed with the secretary of state pursuant to section 172C.7, subsection 3, shall file with the secretary of state on or before March 31 thirty-first of each year on forms supplied by the secretary of state, a report containing the information set forth in section 567.9, with respect to land owned by a fiduciary or trustee on behalf of the nonresident alien.

Sec. 16. Section one hundred seventy-two C point twelve (172C.12), Code 1977, is amended to read as follows:

172C.12 COUNTY ASSESSOR'S REPORT. The county assessor shall forward to the secretary of state, by October 4 first of each year, the name and address of every corporation, nonresident alien, and trust, ~~or other business entity~~ owning agricultural land in the county as shown by the assessment rolls of the county.

Sec. 17. Section four hundred ninety-six point one (496.1), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Any corporation, organized under the laws of this state or under the laws of any other state, territory, or any foreign country, which has complied with the laws of this state relating to the organization of corporations and secured a

certificate of incorporation or permit to transact business in this state, and any corporation that may hereafter organize and become incorporated under the laws of this state, and shall secure a certificate of incorporation or permit to transact business in this state, and any foreign corporation that may hereafter comply with the laws of this state relating to foreign corporations and secure a permit to transact business within this state, shall ~~between the first day of July and the first day of August of each year~~ make an annual report to the secretary of state ~~and said report to~~. The report shall be made between the first day of July and the first day of August of each year, however corporations required to make any report under chapter one hundred seventy-two C (172C) of the Code shall make those reports between the first day of January and the thirty-first day of March of each year. The report shall be in such form as he the secretary of state may prescribe, upon a blank to be prepared by him for that purpose, and such report shall contain the following information:

Approved May 12, 1977

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CHAPTER 83  
CHEESE STANDARDS

S. F. 109

AN ACT to update Iowa specifications and standards for cheese and cheese products.

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

Section 1. Section one hundred ninety point one (190.1), subsection four (4), Code 1977, is amended to read as follows:

4. CHEESES AND CHEESE PRODUCTS. The specifications and standards for cheeses and cheese products shall be as provided by the definitions and standards contained in federal food and drug standards under the federal Food, Drug, and Cosmetic Act, Part 19 of Title 21, as amended to ~~December 31, 1972~~ April 1, 1976.

Approved April 21, 1977