

lien or security interest in the cattle, including a lien that was perfected prior to the creation of the lien provided under this section.

Sec. 4. NEW SECTION. 579A.3 ENFORCEMENT.

While the cattle are located at the custom cattle feedlot, the custom cattle feedlot operator may foreclose a lien created in section 579A.2 in the manner provided for the foreclosure of secured transactions as provided in sections 554.9504, 554.9506, and 554.9507. After the cattle have left the custom cattle feedlot, the custom cattle feedlot operator may enforce the lien by commencing an action at law for the amount of the lien against either of the following:

1. The holder of the identifiable cash proceeds from the sale of the cattle.
2. The processor who has purchased the cattle within three days after the cattle have left the custom cattle feedlot.

Sec. 5. Section 580.1, Code 1995, is amended to read as follows:

580.1 NATURE OF LIEN - FORFEITURE.

~~The~~ Except as provided in chapter 579A, the owner or keeper of any stallion, bull or jack kept for public service, or any person, firm, or association which invokes pregnancy of animals for the public by means of artificial insemination shall have a prior lien on the progeny of such stallion, bull, artificial insemination or jack, to secure the amount due such owner, artificial inseminator or keeper for the service resulting in such progeny, but no such lien shall obtain where the owner or keeper misrepresents the animal by a false or spurious pedigree, or fails to substantially comply with the laws of Iowa relating to such animals.

Approved April 24, 1995

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**CHAPTER 60**  
REGISTERED BRANDS  
S.F. 402

**AN ACT** relating to brands registered by the department of agriculture and land stewardship and providing for penalties.

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

Section 1. Section 169A.1, Code 1995, is amended to read as follows:

169A.1 DEFINITIONS.

When used in this chapter:

1. "Brand" means an identification mark that is burned into the hide of a live animal by a hot iron or another method approved by the secretary. A brand shall include a cryo-brand.
2. ~~"Cryo branding"~~ "Cryo-brand" means a brand produced by application of extreme cold temperature.
3. ~~"Person" means an individual, firm, association, partnership, or corporation; the singular shall also mean the plural where applicable.~~
3. "Livestock" means horses, cattle, sheep, mules, or asses.

Sec. 2. Section 169A.2, Code 1995, is amended to read as follows:

169A.2 ADOPTION OF BRAND.

Any person ~~having cattle, sheep, horses, mules, or asses shall have the right to owning livestock may~~ adopt a brand for the ~~use of which the~~ purpose of branding the livestock.

~~The person shall have the exclusive right to use the brand in this state, after recording such the brand as provided in sections 169A.4 and 169A.6 or 169A.9.~~

Sec. 3. Section 169A.3, Code 1995, is amended to read as follows:  
169A.3 MUST BE RECORDED.

~~No evidence~~ Evidence of an animal's ownership shall not be established in court by the animal's brand, shall be permitted in any court in this state unless the animal is livestock, the brand shall be complies with the requirements of this chapter, and the brand is recorded as provided in sections 169A.4 and 169A.6 or 169A.9. In no case shall cryo brands be accepted as evidence of ownership.

Sec. 4. Section 169A.6, Code 1995, is amended to read as follows:  
169A.6 CERTIFIED COPIES COPY FURNISHED.

~~As soon as the brand is recorded by the secretary, the secretary shall furnish the owner thereof of the brand with two a certified eopies copy of the record of such the brand.~~

Sec. 5. Section 169A.7, Code 1995, is amended to read as follows:  
169A.7 UNLAWFUL USE OF BRAND — PENALTY.

~~It shall be unlawful to A person shall not use any brand for branding any horses, cattle, sheep, mules, or asses livestock, unless the brand has been recorded as provided by this chapter. Hot brands and cryo brands A person may use an unrecorded hot brand or an unrecorded cryo brand, consisting only of Arabic numerals only, may be used if the person uses the unrecorded brand in conjunction with the person's recorded brands brand, and only for within the herd identification and as such shall not be recorded, and when so used purposes of identifying animals within a herd. However, the unrecorded brand shall not be evidence of ownership. Anyone A person convicted of violating this section shall be guilty of a simple an aggravated misdemeanor.~~

Sec. 6. Section 169A.10, Code 1995, is amended to read as follows:  
169A.10 EVIDENCE OF OWNERSHIP.

~~In all suits a suit at law or equity or in any criminal proceedings in which the title to animals livestock is an issue, the a certified eopies copy recorded as provided for in section 169A.6 or 169A.9 shall be prima facie evidence of the ownership of such animal the livestock by the person in whose name the brand is recorded. Disputes in A dispute involving the custody or ownership of branded animals livestock branded under this chapter shall be investigated, on request, by the sheriff of the county where the animals are livestock is located and the. The sheriff may call upon the services of an authorized person, approved by the secretary of agriculture, in reading the brands on animals. The cost of such the services shall be borne paid by the person requesting the investigation. The results of the sheriff's investigation shall be a public record and be is admissible in as evidence.~~

Sec. 7. Section 169A.11, Code 1995, is amended to read as follows:  
169A.11 PUBLICATION OF BRANDS LIST.

~~It shall be the duty of the The secretary from time to time to shall cause to be published in book form a list of all brands on record at the time of such the publication. Such The secretary may supplement the lists may be supplemented from time to time. The publication shall contain a facsimile of all brands recorded and the owner's name and post-office address. The records shall be arranged in convenient form for reference. It shall be the duty of the The secretary to send shall deliver one copy of the brand book and supplements to the county recorder sheriff of each county. Such The books and supplements shall be delivered without cost to the county and. The books and supplements shall be kept as a matter of public record records as provided in chapter 22. The secretary may sell the books and supplements may be sold to the general public at the cost of printing and mailing each book.~~

Sec. 8. Section 169A.13, Code 1995, is amended to read as follows:

**169A.13 FEE EACH FIFTH YEAR.**

Each owner of a brand of record beginning on January 1, 1970, shall pay to the secretary a fee of five dollars and a renewal fee on January 1 of each fifth year after the payment of the five dollar fee, or on January 1 of each fifth year following the original recording of a brand recorded after June 30, 1975. The amount of the renewal fee required for January 1, 1976, and each year thereafter shall be established by rule of the secretary pursuant to chapter 17A. ~~Such~~ The amount of the fee shall be based upon the administrative costs of maintaining the brand program provided for in this chapter. ~~It shall be the duty of the~~ The secretary to shall notify every owner of a brand of record at least thirty days prior to the date of the renewal period. ~~The secretary shall give a receipt for all such payments made and if any~~ If the owner of a brand of record ~~shall fail, refuse, or neglect to~~ does not pay ~~such~~ the fee by July 1 of each year in which it is due, ~~such~~ the owner shall forfeit the brand ~~shall become forfeited and no~~ the brand shall no longer ~~carried in the record be recorded.~~ ~~Any such~~ A forfeited brand shall not be issued to any other person ~~within a period of less than~~ for five or more years following date of forfeiture.

Sec. 9. NEW SECTION. 169A.16 ELIMINATION OF COMPETING BRANDS - FEE WAIVER.

The department shall notify any person who has registered a brand pursuant to this chapter, if the brand is the same as another brand registered pursuant to this chapter. The notice shall provide that effective July 1, 1996, all duplicate brands shall be eliminated based on the priority established pursuant to this section. First, brands shall be eliminated which are not used to mark or identify livestock, if duplicate brands are used to mark or identify livestock. Second, all brands shall be eliminated except for the brand which was registered pursuant to this chapter for the longest period of time. In calculating the date of registration, the department shall not count any period during which a registration has lapsed. The transfer of a brand under this chapter shall not affect the brand's registration date. A person whose brand has been eliminated and who registers a new brand under this chapter is not required to pay a recording fee as provided in section 169A.4.

Sec. 10. REPEALS.

1. Section 169A.15, Code 1995, is repealed.

2. Section 169A.16, as enacted in this Act, is repealed on July 1, 1998.

Approved April 24, 1995

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## CHAPTER 61

### WATER QUALITY AND SOLID WASTE DISPOSAL - SINGLE GENERAL PERMITS S.F. 147

**AN ACT** providing for the issuance of single general permits by the department of natural resources and providing an effective date.

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

Section 1. Section 455B.173, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Adopt rules for the issuance of a single general permit, after notice and opportunity for a public hearing. The single general permit shall cover numerous