

*Substituted for S.F. 2184
3/27/96 (p. 1092) as amended*

FEB 28 1996
Place On Calendar

HOUSE FILE **2390**
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 692)

Passed House, ^(p. 560) Date 3/6/96 Passed Senate, Date 3/27/96 (p. 1092)
Vote: Ayes 96 Nays 0 Vote: Ayes 49 Nays 0
Approved 4-17-96 Repassed Senate
49-0 4/11/96 (p. 1324)

A BILL FOR

1 An Act providing for the branding of livestock.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2390

1 Section 1. Section 169A.4, Code 1995, is amended to read
2 as follows:

3 169A.4 RECORDING -- FEE.

4 Any A person desiring to adopt a brand shall forward to the
5 secretary ~~proper~~ a brand application on forms of-such approved
6 by the secretary and providing for the desired brand, together
7 with a recording fee in an amount established by rule of the
8 secretary pursuant to chapter 17A~~7-which~~. The fee amount
9 shall be based upon the administrative costs of maintaining
10 the brand program provided for by this chapter. Upon receipt
11 ~~of-such~~, the secretary shall file the application and fee, the
12 ~~secretary-shall-file-the-same-and~~ unless such the brand is of
13 record ~~as-that~~ of ~~some-other~~ another person or conflicts with
14 or closely resembles the brand of another person~~7-the~~
15 ~~secretary-shall-record-the-same~~. If the secretary determines
16 that such brand is of record or conflicts with or closely
17 resembles the brand of another person, the secretary shall not
18 record it but shall return ~~such~~ the facsimile and fee to the
19 forwarding person. However, the secretary shall renew a
20 conflicting brand, if the brand was originally recorded prior
21 to the effective date of this Act, and the brand is renewed as
22 provided in section 169A.13. The department may notify each
23 owner of a conflicting brand that the owner may record a
24 nonconflicting brand. The power of examination, approval,
25 acceptance, or rejection shall be vested in the secretary. ~~It~~
26 ~~shall-be-the-duty-of-the~~ The secretary to shall file all
27 brands offered for record pending the examination provided for
28 in this section. The secretary shall make such examination as
29 promptly as possible. If the brand is accepted, the brand's
30 ownership ~~thereof~~ shall vest in the person recording it from
31 the date of filing.

32 Sec. 2. Section 169A.16, Code Supplement 1995, is
33 repealed.

34 EXPLANATION

35 Last year the general assembly enacted 1995 Iowa Acts,

1 chapter 60 (Senate File 402) which amended chapter 169A,
2 providing for brands registered with the department of
3 agriculture and land stewardship. Part of the bill provided
4 that the department must eliminate brands which are duplicated
5 effective July 1, 1996. This bill eliminates that provision,
6 and provides that the secretary must renew a conflicting
7 brand, if the brand was originally recorded prior to the
8 effective date of this bill, and the brand is a renewal as
9 provided in the chapter.

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HOUSE FILE 2390

S-5331

1 Amend House File 2390, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Sec. ____ . NEW SECTION. 159B.1 DEFINITIONS.

6 As used in this section, unless the context
7 otherwise requires:

8 1. "Council" means the state livestock council
9 established in section 159B.2.

10 2. "Livestock" means an animal belonging to the
11 bovine, caprine, equine, ovine, or porcine species;
12 ostriches, rheas, emus; farm deer, as defined in
13 section 481A.1; or poultry.

14 Sec. ____ . NEW SECTION. 159B.2 ESTABLISHMENT OF
15 THE STATE LIVESTOCK COUNCIL.

16 1. A state livestock council is established within
17 the department. The council shall be composed of
18 persons interested in the production and marketing of
19 livestock. The members of the council shall include
20 the following:

21 a. The governor, or a person designated by and
22 representing the governor.

23 b. The secretary, or a person designated by the
24 secretary, who shall represent the department of
25 agriculture and land stewardship.

26 c. The attorney general, or an assistant attorney
27 general designated by the attorney general, who shall
28 represent the department of justice.

29 d. The director of the Iowa cooperative extension
30 service in agriculture and home economics at Iowa
31 state university, or a person designated by the
32 director, who shall represent the service.

33 e. A person appointed by the secretary who is
34 knowledgeable regarding brands and livestock branding.

35 f. Two cattle producers appointed by the Iowa
36 cattlemen's association, who serve on the
37 association's board of directors, to represent the
38 association.

39 g. Two swine producers appointed by the Iowa pork
40 producers association, who serve on the association's
41 board of directors, to represent the association.

42 h. One sheep producer appointed by the Iowa sheep
43 producers association, who serves on the association's
44 board of directors, to represent the association.

45 i. One poultry producer appointed by the Iowa
46 poultry association, who serves on the association's
47 board of directors, to represent the association.

48 j. One milk producer appointed by the Iowa dairy
49 products association, who serves on the association's
50 board of directors, to represent the association.

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1 k. One person involved in marketing livestock
2 appointed by the Iowa livestock auction markets
3 association, to represent the association.

4 1. One member appointed by the governor who shall
5 represent a horse association, which may include the
6 jockey club, American quarter horse association, or
7 United States trotting association, who serves on the
8 respective association's board of directors, to
9 represent the person's association.

10 m. A member appointed by the governor who shall
11 represent an association of other livestock producers,
12 including farm deer, ostriches, rheas, and emus, who
13 serves on the respective association's board of
14 directors, to represent that person's association.

15 2. The governor shall serve as chairperson of the
16 council, or appoint a member of the council who is
17 actively engaged in livestock production as
18 chairperson of the council, who shall be subject to
19 confirmation by the senate, pursuant to section 2.32.

20 3. The members appointed pursuant to subsection 1,
21 paragraphs "e" through "m", shall serve three-year
22 terms beginning and ending as provided in section
23 69.19. However, the governor shall provide that
24 initial members serve for less than three years to
25 ensure that members serve staggered terms. A member
26 is eligible for reappointment. A vacancy on the
27 council shall be filled for the unexpired portion of
28 the regular term in the same manner as regular
29 appointments are made.

30 4. The council shall include four ex officio
31 nonvoting members who shall be legislative members.
32 The legislative members are two state senators, one
33 appointed by the president of the senate, after
34 consultation with the majority leader of the senate,
35 and one appointed by the minority leader of the
36 senate, after consultation with the president of the
37 senate, from their respective parties; and two state
38 representatives appointed by the speaker of the house
39 of representatives, after consultation with the
40 majority leader and the minority leader of the house
41 of representatives, from their respective parties.

42 5. The council shall meet on a regular basis and
43 at the call of the chairperson or upon the written
44 request to the chairperson of two or more voting
45 members.

46 6. The members other than those enumerated in
47 subsection 1, paragraphs "a" through "d", shall
48 receive compensation as provided in section 7E.6.

49 7. Eight voting members constitute a quorum and
50 the affirmative vote of a majority of the voting

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1 members present is necessary for any substantive
2 action to be taken by the council. The majority shall
3 not include any member who has a conflict of interest
4 and a statement by a member that the member has a
5 conflict of interest is conclusive for this purpose.
6 A vacancy in the membership does not impair the duties
7 of the council.

8 8. The council shall be staffed by personnel of
9 the department as provided by the secretary.

10 Sec. ____ . NEW SECTION. 159B.3 PURPOSE.

11 The purpose of the council is to oversee conditions
12 affecting the livestock industry, including state,
13 national, and international factors which affect the
14 industry, in order to recommend solutions benefiting
15 livestock production in Iowa and to better provide for
16 the prosperity of Iowa livestock producers. The
17 council shall oversee and monitor the operations of
18 governmental agencies relating to issues affecting
19 livestock, and advise the governor, the general
20 assembly, and those agencies regarding the
21 administration of producer support programs; criminal
22 acts involving livestock; the promotion of livestock
23 health; the transportation of livestock; practices of
24 livestock dealers; the inspection of slaughter
25 facilities; livestock identification; and the
26 promotion, marketing, and export of livestock and
27 livestock products.

28 Sec. ____ . NEW SECTION. 159B.4 POWERS AND DUTIES.

29 In carrying out its purpose, the council shall do
30 all of the following:

31 1. Cooperate with, sponsor, and assist in the
32 coordination of joint activities conducted by, and
33 share information and recommendations of interest with
34 the governor, the department, the department of
35 justice, the Iowa cooperative extension service in
36 agriculture and home economics at Iowa state
37 university, the general assembly, livestock producers,
38 and other persons interested in livestock.

39 2. Cooperate with, sponsor, and assist in the
40 coordination of joint activities conducted by, and
41 share information and recommendations of interest with
42 the department, the agricultural products advisory
43 council established pursuant to section 15.203, the
44 state pseudorabies advisory committee established
45 pursuant to section 166D.3, the Iowa state fair
46 authority established pursuant to section 173.1, the
47 agricultural development authority established in
48 section 175.3, the executive committee of the Iowa
49 beef cattle producers association established in
50 section 181.3, the sheep and wool promotion board

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1 established pursuant to section 182.4, the Iowa pork
2 producers council established pursuant to section
3 183A.2, the Iowa egg council established pursuant to
4 section 196A.4, and the livestock health advisory
5 council established pursuant to section 267.2.

6 3. Prepare reports and recommendations regarding
7 methods to maximize the efficiency and effectiveness
8 of governmental operations affecting livestock
9 production. The council shall examine practices
10 involving the use of brands and tattoos and the
11 administration of brands and tattoos pursuant to
12 chapter 169A."

13 2. Title page, line 1, by inserting after the
14 word "Act" the following: "relating to livestock by
15 establishing a state livestock council and".

16 3. By renumbering as necessary.

By PATTY JUDGE

S-5331 FILED MARCH 13, 1996

Adopted 3/27/96 (p.1042)

SENATE AMENDMENT TO HOUSE FILE 2390

H-5684

1 Amend House File 2390, as passed by the House, as
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23 b. The secretary, or a person designated by the
24 secretary, who shall represent the department of
25 agriculture and land stewardship.

26 c. The attorney general, or an assistant attorney
27 general designated by the attorney general, who shall
28 represent the department of justice.

29 d. The director of the Iowa cooperative extension
30 service in agriculture and home economics at Iowa
31 state university, or a person designated by the
32 director, who shall represent the service.

33 e. A person appointed by the secretary who is
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13 2. Title page, line 1, by inserting after the
14 word "Act" the following: "relating to livestock by
15 establishing a state livestock council and".

16 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-5684 FILED MARCH 27, 1996

House refused to concur (p. 1468) 4/9/96
Senate recedes (p. 1324) 4/11/96

Greig, chr
Main
dress

HSB 692

Agriculture

Succeeded By
SF/HF 230

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON EDDIE)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for the branding of livestock.

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

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27/1/92
Succeeded By

1 Section 1. Section 169A.4, Code 1995, is amended to read
2 as follows:
3 169A.4 RECORDING -- FEE.
4 Any A person desiring to adopt a brand shall forward to the
5 secretary ~~proper~~ a brand application on forms of such approved
6 by the secretary and providing for the desired brand, together
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29 promptly as possible. If the brand is accepted, the brand's
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34 EXPLANATION

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1 chapter 60 (Senate File 402) which amended chapter 169A,
2 providing for brands registered with the department of
3 agriculture and land stewardship. Part of the bill provided
4 that the department must eliminate brands which are duplicated
5 effective July 1, 1996. This bill eliminates that provision,
6 and provides that the secretary must renew a conflicting
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HOUSE FILE 2390

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Sec. 2. Section 169A.16, Code Supplement 1995, is repealed.

AN ACT

PROVIDING FOR THE BRANDING OF LIVESTOCK.

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

Section 1. Section 169A.4, Code 1995, is amended to read as follows:

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2390, Seventy-sixth General Assembly.

Approved 4/17, 1996

ELIZABETH ISAACSON
Chief Clerk of the House

TERRY E. BRANSTAD
Governor

169A.4 RECORDING -- FEE.

Any A person desiring to adopt a brand shall forward to the secretary proper a brand application on forms of such approved by the secretary and providing for the desired brand, together with a recording fee in an amount established by rule of the secretary pursuant to chapter 17A, which. The fee amount shall be based upon the administrative costs of maintaining the brand program provided for by this chapter. Upon receipt of such, the secretary shall file the application and fee, the secretary shall file the same and unless such the brand is of record as that of some other another person or conflicts with or closely resembles the brand of another person, the secretary shall record the same. If the secretary determines that such brand is of record or conflicts with or closely resembles the brand of another person, the secretary shall not record it but shall return such the facsimile and fee to the forwarding person. However, the secretary shall renew a conflicting brand, if the brand was originally recorded prior to the effective date of this Act, and the brand is renewed as provided in section 169A.13. The department may notify each owner of a conflicting brand that the owner may record a nonconflicting brand. The power of examination, approval, acceptance, or rejection shall be vested in the secretary. It shall be the duty of the The secretary to shall file all brands offered for record pending the examination provided for in this section. The secretary shall make such examination as