

2/5/96 Agriculture

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SENATE FILE 2117

BY BENNETT and BARTZ

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act requiring reports relating to marketing contracts for
2 livestock and poultry and providing for penalties.

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

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S.F. 2117

1 Section 1. Section 22.7, Code Supplement 1995, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 33. Reports submitted by dealers or
4 brokers to the secretary of state as provided in section
5 172A.14.

6 Sec. 2. NEW SECTION. 172A.14 REPORTING.

7 1. A dealer or broker, other than a cold storage plant
8 regulated under chapter 171 or a frozen food locker plant
9 regulated under chapter 172, shall file with the secretary of
10 state, an annual report, and supplemental weekly reports,
11 setting forth information regarding each contract in force, in
12 which the dealer or broker is a party, for the purchase of
13 livestock or poultry, and which sets a date for delivery more
14 than twenty days after the making of the contract. The
15 reports shall include all of the following information:

16 a. The name and business address of the dealer or broker.

17 b. The name and business address of the other party to the
18 contract.

19 c. The type of species of livestock or poultry subject to
20 the contract.

21 d. The number of head of livestock or poultry subject to
22 the contract.

23 e. The price paid per hundredweight for the purchase of
24 the livestock or poultry.

25 f. The date the contract was executed and the delivery
26 date for the livestock or poultry.

27 g. Any additional related information required by the
28 secretary of state necessary to administer this section.

29 2. The annual and weekly reports shall be filed as
30 provided by rules adopted by the secretary of state pursuant
31 to chapter 17A. However, the annual report shall not be filed
32 later than March 31 of each year. The reports shall be
33 completed on forms prepared by the secretary of state and
34 filed according to procedures required by the secretary of
35 state.

1 3. Reports by corporations shall be signed by the
2 president or other officer or authorized representative.
3 Reports by limited liability companies shall be signed by a
4 manager or other authorized representative. Reports by
5 limited partnerships shall be signed by the president or other
6 authorized representative of the partnership. Reports by
7 individuals shall be signed by the individual or an authorized
8 representative.

9 4. The failure to timely file, or the filing of false
10 information on, an annual report is punishable by a civil
11 penalty not to exceed one thousand dollars for each day that a
12 timely or truthful report is not filed. The failure to timely
13 file, or the filing of false information on, a weekly report
14 is punishable by a civil penalty not to exceed one hundred
15 dollars for each day that a timely or truthful report is not
16 filed. The secretary of state shall refer to the attorney
17 general any broker or dealer who the secretary believes is in
18 violation of this section. The attorney general may, upon
19 referral from the secretary of state, file an action in
20 district court to enforce this section.

21 5. A report by a dealer or broker is confidential, except
22 as to the attorney general for review and appropriate action
23 when necessary. The secretary of state shall, not later than
24 June 1 of each year, publish a report summarizing the
25 information contained in the reports received from dealers and
26 brokers during the past annual reporting period. The
27 secretary's report shall not identify any party to a contract,
28 or information which may be associated with one particular
29 party to a contract.

30 EXPLANATION

31 This bill amends chapter 172A which in part regulates
32 persons engaged in the business of slaughtering live animals
33 or receiving, buying, or soliciting live animals for
34 slaughter, the meat products of which are directly or
35 indirectly to be offered for resale or for public consumption.

1 The chapter refers to these persons as "dealers or brokers".
2 The bill provides that a dealer or broker other than a cold
3 storage plant or frozen food locker plant, must file with the
4 secretary of state, an annual report, and supplemental weekly
5 reports, setting forth information regarding marketing
6 contracts for the purchase of livestock or poultry which sets
7 a date for delivery more than 20 days after the making of the
8 contract. The report must identify the parties to the
9 contract; and the species, the number of head, and the price
10 paid per hundredweight for the purchase of the livestock or
11 poultry. It must also include the date the contract was
12 executed and the delivery date for the livestock or poultry.
13 The bill provides procedures for filing the reports, and
14 provides that a failure to timely file, or filing of false
15 information, is punishable by a civil penalty of up to \$1,000
16 per day if the violation involves an annual report and up to
17 \$100 per day if the violation involves a weekly report. The
18 bill provides reports are confidential. The bill requires the
19 secretary of state to publish a report summarizing the
20 information contained in reports submitted by dealers and
21 brokers for the previous annual reporting period.

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