

Substituted by HF 2390
3-27-96 (p. 1092)

2/14/96 Agric.
2/20/96 Deb Pass

FILED FEB 14 1996

SENATE FILE 2184
BY JUDGE

WITHDRAWN
3-28-96
(p. 1130)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to livestock by establishing a council and
2 providing for brands.

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

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WITHDRAWN

S.F. 2184

1 Section 1. NEW SECTION. 159B.1 DEFINITIONS.

2 As used in this section, unless the context otherwise
3 requires:

4 1. "Council" means the state livestock council established
5 in section 159B.2.

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

9 Sec. 2. NEW SECTION. 159B.2 ESTABLISHMENT OF THE STATE
10 LIVESTOCK COUNCIL.

11 1. A state livestock council is established within the
12 department. The council shall be composed of persons
13 interested in the production and marketing of livestock. The
14 members of the council shall include the following:

15 a. The governor, or a person designated by and
16 representing the governor.

17 b. The secretary, or a person designated by the secretary,
18 who shall represent the department of agriculture and land
19 stewardship.

20 c. The attorney general, or an assistant attorney general
21 designated by the attorney general, who shall represent the
22 department of justice.

23 d. The director of the Iowa cooperative extension service
24 in agriculture and home economics at Iowa state university, or
25 a person designated by the director, who shall represent the
26 service.

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

29 f. Two cattle producers appointed by the Iowa cattlemen's
30 association, who serve on the association's board of
31 directors, to represent the association.

32 g. Two swine producers appointed by the Iowa pork
33 producers association, who serve on the association's board of
34 directors, to represent the association.

35 h. One sheep producer appointed by the Iowa sheep

1 producers association, who serves on the association's board
2 of directors, to represent the association.

3 i. One poultry producer appointed by the Iowa poultry
4 association, who serves on the association's board of
5 directors, to represent the association.

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

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

17 2. The governor shall serve as chairperson of the council,
18 or appoint a member of the council who is actively engaged in
19 livestock production as chairperson of the council, who shall
20 be subject to confirmation by the senate, pursuant to section
21 2.32.

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

31 4. The council shall include four ex officio nonvoting
32 members who shall be legislative members. The legislative
33 members are two state senators, one appointed by the president
34 of the senate, after consultation with the majority leader of
35 the senate, and one appointed by the minority leader of the

1 senate, after consultation with the president of the senate,
2 from their respective parties; and two state representatives
3 appointed by the speaker of the house of representatives,
4 after consultation with the majority leader and the minority
5 leader of the house of representatives, from their respective
6 parties.

7 5. The council shall meet on a regular basis and at the
8 call of the chairperson or upon the written request to the
9 chairperson of two or more voting members.

10 6. The members other than those enumerated in subsection
11 1, paragraphs "a" through "d", shall receive compensation as
12 provided in section 7E.6.

13 7. Seven voting members constitute a quorum and the
14 affirmative vote of a majority of the voting members present
15 is necessary for any substantive action to be taken by the
16 council. The majority shall not include any member who has a
17 conflict of interest and a statement by a member that the
18 member has a conflict of interest is conclusive for this
19 purpose. A vacancy in the membership does not impair the
20 duties of the council.

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

23 Sec. 3. NEW SECTION. 159B.3 PURPOSE.

24 The purpose of the council is to oversee conditions
25 affecting the livestock industry, including state, national,
26 and international factors which affect the industry, in order
27 to recommend solutions benefiting livestock production in Iowa
28 and to better provide for the prosperity of Iowa livestock
29 producers. The council shall oversee and monitor the
30 operations of governmental agencies relating to issues
31 affecting livestock, and advise the governor, the general
32 assembly, and those agencies regarding the administration of
33 producer support programs; criminal acts involving livestock;
34 the promotion of livestock health; the transportation of
35 livestock; practices of livestock dealers; the inspection of

1 slaughter facilities; livestock identification; and the
2 promotion, marketing, and export of livestock and livestock
3 products.

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

5 In carrying out its purpose, the council shall do all of
6 the following:

7 1. Cooperate with, sponsor, and assist in the coordination
8 of joint activities conducted by, and share information and
9 recommendations of interest with the governor, the department,
10 the department of justice, the Iowa cooperative extension
11 service in agriculture and home economics at Iowa state
12 university, the general assembly, livestock producers, and
13 other persons interested in livestock.

14 2. Cooperate with, sponsor, and assist in the coordination
15 of joint activities conducted by, and share information and
16 recommendations of interest with the department, the
17 agricultural products advisory council established pursuant to
18 section 15.203, the state pseudorabies advisory committee
19 established pursuant to section 166D.3, the Iowa state fair
20 authority established pursuant to section 173.1, the
21 agricultural development authority established in section
22 175.3, the executive committee of the Iowa beef cattle
23 producers association established in section 181.3, the sheep
24 and wool promotion board established pursuant to section
25 182.4, the Iowa pork producers council established pursuant to
26 section 183A.2, the Iowa egg council established pursuant to
27 section 196A.4, and the livestock health advisory council
28 established pursuant to section 267.2.

29 3. Prepare reports and recommendations regarding methods
30 to maximize the efficiency and effectiveness of governmental
31 operations affecting livestock production. The council shall
32 examine practices involving the use of brands and tattoos and
33 the administration of brands and tattoos pursuant to chapter
34 169A.

35 Sec. 5. Section 169A.4, Code 1995, is amended to read as

1 follows:

2 169A.4 RECORDING -- FEE.

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

31 Sec. 6. Section 169A.16, Code Supplement 1995, is
32 repealed.

33 EXPLANATION

34 This bill provides for the establishment of a state
35 livestock council within the department of agriculture and

1 land stewardship. Council membership includes persons
2 representing the governor, the secretary of agriculture, the
3 attorney general, the Iowa cooperative extension service in
4 agriculture and home economics, the Iowa cattlemen's
5 association, the Iowa pork producers association, the Iowa
6 sheep producers association, and the Iowa poultry association.
7 The bill also provides that the council must include a person
8 knowledgeable regarding brands; a person representing a horse
9 association; and a person representing farm deer, ostriches,
10 rheas, and emus.

11 The bill provides for procedures regarding the
12 administration of the council. The council is to be staffed
13 by personnel of the department of agriculture and land
14 stewardship. The purpose of the council is to oversee
15 conditions affecting the livestock industry, including state,
16 national, and international factors which affect the industry,
17 in order to recommend solutions benefiting livestock
18 production in Iowa and to better provide for the prosperity of
19 Iowa livestock producers. The council is required to
20 cooperate with, sponsor, and assist in the coordination of
21 joint activities conducted by, and share information and
22 recommendations of interest with, persons and agencies
23 interested in livestock production and marketing. The council
24 is required to prepare reports and recommendations regarding
25 methods to maximize the efficiency and effectiveness of
26 governmental operations affecting livestock production. The
27 council is also required to examine practices involving the
28 use of brands and tattoos and the administration of brands and
29 tattoos.

30 Last year the general assembly enacted 1995 Iowa Acts,
31 chapter 60 (senate file 402) which amended chapter 169A,
32 providing for brands registered with the department of
33 agriculture and land stewardship. Part of the bill provided
34 that the department must eliminate brands which are duplicated
35 effective July 1, 1996. This bill eliminates that provision,

1 and provides that the secretary must renew a conflicting
 2 brand, if the brand was originally recorded prior to the
 3 effective date of this bill, and the brand is a renewal as
 4 provided in the chapter.

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SENATE FILE 2184

S-5123

- 1 Amend Senate File 2184 as follows:
- 2 1. Page 2, by inserting after line 5 the
- 3 following:
- 4 "j. One milk producer appointed by the Iowa dairy
- 5 products association, who serves on the association's
- 6 board of directors, to represent the association."
- 7 2. Page 2, line 6, by striking the letter "j."
- 8 and inserting the following: "k."
- 9 3. Page 2, line 12, by striking the letter "k."
- 10 and inserting the following: "l."
- 11 4. Page 2, line 23, by striking the letter "'k'"
- 12 and inserting the following: "'l'".
- 13 5. Page 3, line 13, by striking the word "Seven"
- 14 and inserting the following: "Eight".

0/07 Order 3/27/96

By PATTY JUDGE

S-5123 FILED FEBRUARY 26, 1996

SENATE FILE 2184

S-5558

- 1 Amend Senate File 2184 as follows:
- 2 1. By striking page 1, line 1, through page 4,
- 3 line 34.
- 4 2. Title page, by striking lines 1 and 2 and
- 5 inserting the following: "An Act providing for the
- 6 branding of livestock."

By PATTY JUDGE

S-5558 FILED MARCH 27, 1996
ADOPTED