

35 transporting livestock has committed a public offense, the officer may  
 36 place the person under arrest. The officer may require the person to  
 37 move the vehicle to a place determined by the officer, or the officer  
 38 may make other provisions for the vehicle and the livestock, as the of-  
 39 ficer shall determine. If the owner of the livestock is not available, the  
 40 officer is authorized to incur reasonable expense for the care of the  
 41 livestock which expense shall be charged to and paid by the owner of  
 42 the livestock.

1     **SEC. 6. NEW SECTION. Offenses and penalties.**

2     1. A person who is convicted of violating section two (2) of this Act  
 3 may be sentenced to a fine not to exceed one hundred dollars, or to  
 4 imprisonment in the county jail for a period not to exceed thirty days,  
 5 or both the fine and imprisonment.

6     2. A person who makes or utters a transportation certificate with  
 7 knowledge that some or all of the information contained in the certifi-  
 8 cate is false, or a person who alters, forges, or counterfeits a transporta-  
 9 tion certificate, or the receipt prescribed in section four (4) of this Act,  
 10 commits a public offense and upon conviction may be sentenced to a  
 11 term in the state penitentiary not to exceed ten years, to a fine not to  
 12 exceed five thousand dollars, or to both the fine and imprisonment.

1     **SEC. 7.** The code editor is directed to codify sections one (1)  
 2 through six (6) of this Act as a new chapter one hundred eighty-eight A  
 3 (188A).

1     **SEC. 8.** This Act shall take effect on January 1, 1976.

Approved July 11, 1975

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CHAPTER 133  
 LIVESTOCK FEEDLOTS  
 H. F. 215

AN ACT prohibiting any processor or limited partnership with certain exceptions from own-  
 ing, controlling or operating a feedlot in Iowa, providing for divestment of prohibited op-  
 erations, providing a moratorium on acquisition of agricultural land by certain  
 corporations, requiring reports from corporations, limited partnerships, fiduciaries, nonresi-  
 dent aliens and nonresident alien corporations, and providing penalties.

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

1     **SECTION 1. NEW SECTION. Definitions.** For the purposes of this  
 2 Act:

3     1. "Corporation" means a domestic or foreign corporation as defined  
 4 in chapters four hundred ninety-one (491), four hundred ninety-six A  
 5 (496A), four hundred ninety-seven (497), four hundred ninety-eight  
 6 (498), four hundred ninety-nine (499), five hundred four (504) and five  
 7 hundred four A (504A) of the Code which owns or leases agricultural  
 8 land or is engaged in farming.

9     2. "Limited partnership" means a partnership as defined in chapter  
 10 five hundred forty-five (545) of the Code which owns or leases agricul-  
 11 tural land or is engaged in farming.

12 3. "Processor" means a person, firm, corporation, or limited partner-  
13 ship, which alone or in conjunction with others, directly or indirectly  
14 controls the manufacturing, processing or preparation for sale of beef  
15 or pork products having a total annual wholesale value of ten million  
16 dollars or more. Any person, firm, corporation or limited partner with  
17 a ten percent or greater interest in another person, firm, corporation,  
18 or limited partnership involved in the manufacturing, processing or  
19 preparation for sale of beef or pork products having a total annual  
20 wholesale value of ten million dollars or more shall also be considered  
21 a processor.

22 4. "Feedlot" means a lot, yard, corral, or other area in which hogs or  
23 cattle fed for slaughter are confined. The term includes areas which are  
24 used for the raising of crops or other vegetation and upon which hogs  
25 or cattle fed for slaughter are allowed to graze or feed.

26 5. "Agricultural land" means land suitable for use in farming.

27 6. "Farming" means the cultivation of land for the production of ag-  
28 ricultural crops, the raising of poultry, the production of eggs, the pro-  
29 duction of milk, the production of fruit or other horticultural crops,  
30 grazing or the production of livestock. Farming shall not include the  
31 production of timber, forest products, nursery products, or sod, and  
32 farming shall not include a contract where a processor or distributor of  
33 farm products or supplies provides spraying, harvesting or other farm  
34 services.

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

39 8. "Family farm corporation" means a corporation:

40 a. Founded for the purpose of farming and the ownership of agricul-  
41 tural land in which the majority of the voting stock is held by and the  
42 majority of the stockholders are persons related to each other as  
43 spouse, parent, grandparent, lineal ascendants of grandparents or their  
44 spouses and other lineal descendants of the grandparents or their  
45 spouses, or persons acting in a fiduciary capacity for persons so related;

46 b. All of its stockholders are natural persons or persons acting in a fi-  
47 duciary capacity for the benefit of natural persons; and

48 c. Sixty percent of the gross revenues of the corporation over the last  
49 consecutive three-year period comes from farming.

50 9. "Authorized farm corporation" means a corporation other than a  
51 family farm corporation founded for the purpose of farming and the  
52 ownership of agricultural land in which:

53 a. The stockholders do not exceed twenty-five in number; and

54 b. The stockholders are all natural persons or persons acting in a fi-  
55 duciary capacity for the benefit of natural persons or nonprofit corpo-  
56 rations.

1 SEC. 2. NEW SECTION. **Prohibited operations.** In order to pre-  
2 serve free and private enterprise, prevent monopoly, and protect con-  
3 sumers, it is unlawful for any processor of beef or pork or limited  
4 partnership in which a processor holds partnership shares as a general  
5 partner or partnership shares as a limited partner, to own, control, or  
6 operate a feedlot in Iowa in which hogs or cattle are fed for slaughter.  
7 However, this section shall not preclude a processor or limited partner-  
8 ship from contracting for the purchase or feeding of hogs or cattle, pro-  
9 vided that where the contract sets a date for delivery which is more  
10 than twenty days after the making of the contract it shall:

11 1. Specify a calendar day for delivery of the livestock; or  
 12 2. Specify the month for the delivery, and shall allow the farmer to  
 13 set the week for the delivery within such month and the processor or  
 14 limited partnership to set the date for delivery within such week. This  
 15 section shall not prevent processors or educational institutions from  
 16 carrying on legitimate research, educational, or demonstration activi-  
 17 ties, nor shall it prevent processors from owning and operating facili-  
 18 ties to provide normal care and feeding of animals for a period not to  
 19 exceed ten days immediately prior to slaughter, or for a longer period  
 20 in an emergency. Any processor or limited partnership which owns,  
 21 controls, or operates a feedlot on the effective date of this Act shall  
 22 have until July 1, 1985 to dispose of the property.

1 **SEC. 3. NEW SECTION. Penalties for prohibited operation-in-**  
 2 **junctionive relief.** Any processor violating the provisions of section two  
 3 (2) of this Act shall, upon conviction, be punished by a fine of not  
 4 more than fifty thousand dollars. The courts of this state may prevent  
 5 and restrain violations of this Act through the issuance of an injunc-  
 6 tion. The attorney general or a county attorney shall institute suits on  
 7 behalf of the state to prevent and restrain violations of this Act.

1 **SEC. 4. NEW SECTION. Temporary restriction on increase of**  
 2 **holdings.** For a period of one year from the effective date of this Act  
 3 no corporation, other than a family farm corporation or an authorized  
 4 farm corporation shall, either directly or indirectly, acquire or other-  
 5 wise obtain or lease any additional agricultural land in this state.  
 6 However, the restrictions provided in this section shall not apply to the  
 7 following:

- 8 1. A bona fide encumbrance taken for purposes of security.
- 9 2. Agricultural land acquired by a corporation for research or experi-  
 10 mental purposes, if the commercial sales from such agricultural land  
 11 are incidental to the research or experimental objectives of the corpora-  
 12 tion, and agricultural land acquired for the purpose of testing, devel-  
 13 oping or producing seeds, animals, or plants for sale or resale to  
 14 farmers or for purposes incidental to those purposes.
- 15 3. Agricultural land acquired by a nonprofit corporation organized  
 16 under the provisions of chapters five hundred four (504) and five  
 17 hundred four A (504A) of the Code.
- 18 4. Agricultural land acquired by a corporation for immediate or po-  
 19 tential use in nonfarming purposes.
- 20 5. Agricultural land acquired by a corporation by process of law in  
 21 the collection of debts, or pursuant to a contract for deed executed  
 22 prior to the effective\* of this Act, or by any procedure for the enforce-  
 23 ment of a lien or claim thereon, whether created by mortgage or other-  
 24 wise.
- 25 6. A municipal corporation.
- 26 7. Agricultural land which is acquired by a trust company or bank in  
 27 a fiduciary capacity for the benefit of natural persons or nonprofit cor-  
 28 porations.
- 29 8. A corporation or its subsidiary organized under chapter four  
 30 hundred ninety-one (491) of the Code and to which section three  
 31 hundred twelve point eight (312.8) of the Code is applicable.

1 **SEC. 5. NEW SECTION. Reports by corporations.** All corpora-  
 2 tions, except where the corporation is acting in a fiduciary capacity,  
 3 which own or lease agricultural land in the state of Iowa, or which own  
 4 or lease any land on which poultry or livestock are confined for feed-  
 5 ing or other purposes for ten days or more, or which contract for keep-

\*According to enrolled Act

6 ing and feeding poultry or livestock, or which contract for the growing  
7 of agricultural crops, fruits or other horticultural products in the state  
8 of Iowa, shall file with their annual report, on forms approved pursu-  
9 ant to the provisions of chapter seventeen A (17A) of the Code and  
10 supplied by the secretary of state, the following additional informa-  
11 tion, unless otherwise provided:

12 1. Declaration of the type of agricultural activity engaged in by the  
13 reporting corporation.

14 2. The acreage and location listed by township and county, or legal-  
15 ly described urban plat of each lot or parcel of agricultural land in this  
16 state owned or leased by the corporation at the end of the preceding  
17 fiscal or calendar year.

18 3. The approximate number and kind of poultry or livestock owned,  
19 contracted for, fed or kept by the corporation during the preceding cal-  
20 endar or fiscal year.

21 4. The approximate number of acres used for each agricultural crop,  
22 fruit or other horticultural product grown or contracted for during the  
23 preceding calendar or fiscal year.

24 5. The number of acres owned and operated by the corporation, the  
25 number of acres leased by the corporation, and the number of acres  
26 leased to the corporation. If a livestock or crop-share lease, the corpo-  
27 ration shall disclose the share of the livestock or the crop to which the  
28 corporation is entitled under the lease.

29 6. In the case of a corporation holding agricultural land for immedi-  
30 ate or potential use in nonfarming purposes, a statement specifying for  
31 what purpose such land is being held.

32 7. The names and addresses of, and the number of shares of stock by  
33 class held by, all shareholders owning ten percent or more of any class  
34 of stock of the corporation.

35 8. The name, address, residence, citizenship of, and number of  
36 shares of each class held by any nonresident alien shareholder holding  
37 five percent or more of any class of stock of the corporation.

38 9. Whether the corporation is a family farm corporation as defined  
39 in section one (1) of this Act. If a family farm corporation, the number  
40 of shares held by persons residing on or actively engaged in farming.

41 10. Whether the corporation is an authorized farm corporation as de-  
42 fined in section one (1) of this Act. If an authorized farm corporation,  
43 the number of shares held by persons residing on or actively engaged  
44 in farming.

45 This section shall not apply to land held for the purpose of railroad  
46 or highway rights-of-way, nor shall it apply to lots within city limits  
47 which are smaller than twenty acres.

48 The annual report from any corporation owning agricultural land in  
49 Iowa used for research, testing or experimental purposes or held for the  
50 potential expansion of its physical facilities shall include only the in-  
51 formation required by subsections one (1) through six (6) of this section.

52 Corporations organized under chapter five hundred four (504) of the  
53 Code, shall file only the additional report required by this section.

1 **SEC. 6. NEW SECTION. Reporting by limited partnerships.**

2 Each limited partnership owning or leasing agricultural land or en-  
3 gaged in farming shall file with the secretary of state on or before  
4 March thirty-first of each year on forms approved pursuant to the pro-  
5 visions of chapter seventeen A (17A) of the Code and supplied by the  
6 secretary of state an annual report setting forth the following:

7 1. The name of the limited partnership, and the term for which the  
8 partnership is to exist.

- 9 2. Declaration of the type of agricultural activity engaged in by the  
10 reporting limited partnership.
- 11 3. The acreage and location listed by township and county, or legal-  
12 ly described urban plat, of each lot or parcel of agricultural land in  
13 this state owned or leased by the limited partnership at the end of the  
14 preceding calendar or fiscal year.
- 15 4. The approximate number and kind of poultry or livestock owned,  
16 contracted for, fed or kept by the limited partnership during the pre-  
17 ceding calendar or fiscal year.
- 18 5. The approximate number of acres used for each agricultural crop,  
19 fruit or other horticultural product grown or contracted for during the  
20 preceding calendar or fiscal year.
- 21 6. The number of acres owned and operated by the limited partner-  
22 ship, the number of acres leased by the limited partnership, and the  
23 number of acres leased to the limited partnership. If a livestock or  
24 crop-share lease, the limited partnership shall disclose the share of the  
25 livestock or the crop to which the limited partnership is entitled under  
26 the lease.
- 27 7. The name and place of residence and principal occupation of each  
28 member of the limited partnership, general and limited partners being  
29 respectively designated and, if a nonresident alien partner, his or her  
30 citizenship.
- 31 8. The amount of cash and a description of and the agreed value of  
32 the other property contributed by each limited partner.
- 33 9. The share of the profits or the other compensation by way of in-  
34 come which each limited partner shall receive by reason of the limited  
35 partner's contribution.
- 36 10. The amount of cash and a description of and the agreed value of  
37 the other property contributed by each limited partner during the pre-  
38 ceding fiscal or calendar year.

1 SEC. 7. Chapter five hundred sixty-seven (567), Code 1975, is  
2 amended by adding the following new section:

3 **NEW SECTION. Reports by nonresident aliens.** Every nonresident  
4 alien, owning or leasing agricultural land, or engaged in farming out-  
5 side the corporate limits of any city of this state, shall file with the sec-  
6 retary of state on forms approved pursuant to chapter seventeen A  
7 (17A) of the Code or before March thirty-first of each year, a report  
8 containing the following:

- 9 1. The nonresident alien's name, address, residence and citizenship.
- 10 2. A declaration of the type of agricultural activity engaged in by  
11 the reporting nonresident alien.
- 12 3. The acreage and location of agricultural land owned outside cor-  
13 porate limits of any city of this state listed by township and county at  
14 the end of the preceding calendar or fiscal year.
- 15 4. The approximate number and kind of livestock or poultry owned,  
16 contracted for, fed or kept and the approximate number of acres used  
17 for each agricultural crop, fruit or other horticultural product grown or  
18 contracted for during the preceding calendar or fiscal year.
- 19 5. The number of acres owned and operated by the nonresident  
20 alien, the number of acres leased by the nonresident alien, and the  
21 number of acres leased to the nonresident alien. If a livestock or crop-  
22 share lease, the nonresident alien shall disclose the share of the live-  
23 stock or the crop to which the nonresident alien is entitled under the  
24 lease. The nonresident shall also disclose whether such nonresident  
25 alien is represented in Iowa by an agent or other representative and, if

26 so represented, the name of the individual or firm acting in such ca-  
27 pacity.

1     **SEC. 8. NEW SECTION. Reports by fiduciaries.** Every person act-  
2 ing in a fiduciary capacity on behalf of any corporation, limited part-  
3 nership, or nonresident alien individual, who holds agricultural land in  
4 this state outside the corporate limits of any city, shall file with the  
5 secretary of state on or before January thirty-first of each year a report  
6 as follows:

7     1. If acting in a fiduciary capacity for a corporation:

8         a. The name and address of the corporation.

9         b. The name and address of the corporation's registered agent or  
10 agents, if any, in this state.

11         c. The acreage and location of the land owned in such fiduciary ca-  
12 pacity listed by township and county on December thirty-first of the  
13 year reported.

14     2. If acting in a fiduciary capacity for a limited partnership:

15         a. The name and address of the partnership.

16         b. The name and place of residence of each member, general and  
17 limited partners being respectively designated.

18         c. The acreage and location of the land owned in such fiduciary ca-  
19 pacity listed by township and county on December thirty-first of the  
20 year reported.

21     3. If acting in a fiduciary capacity for a nonresident alien:

22         a. The name, address, residence and citizenship of the nonresident  
23 alien.

24         b. The acreage and location of the land owned in such fiduciary ca-  
25 pacity listed by township and county on December thirty-first of the  
26 year reported.

1     **SEC. 9. NEW SECTION. Reports by beneficiaries.**

2     1. Any corporation identified as a beneficiary in a report filed with  
3 the secretary of state pursuant to subsection one (1) of section eight (8)  
4 of this Act shall file with the secretary of state on or before March thirty-  
5 first of each year, on forms supplied by the secretary of state, a re-  
6 port containing the information set forth in section five (5) of this Act,  
7 with respect to land owned by a fiduciary on behalf of the corporation.

8     2. Any limited partnership identified as a beneficiary in a report  
9 filed with the secretary of state pursuant to subsection two (2) of sec-  
10 tion eight (8) shall file with the secretary of state on or before March  
11 thirty-first of each year, on forms supplied by the secretary of state, a  
12 report containing the information set forth in section six (6) of this Act,  
13 with respect to land owned by a fiduciary on behalf of the limited  
14 partnership.

15     3. Any nonresident alien identified as a beneficiary in a report filed  
16 with the secretary of state pursuant to subsection three (3) of section  
17 eight (8) shall file with the secretary of state on or before March thirty-  
18 first on each year, on forms supplied by the secretary of state, a report  
19 containing the information set forth in section seven (7) of this Act,  
20 with respect to land owned by a fiduciary on behalf of the nonresident  
21 alien.

1     **SEC. 10. NEW SECTION. Report by processors.** Any processor of  
2 beef or pork in this state shall file with the secretary of state on or be-  
3 fore March thirty-first of each year, a report setting forth:

4     1. The number of hogs and the number of cattle owned and fed  
5 more than thirty days by the processor in Iowa during the preceding  
6 calendar or fiscal year.

7 2. The total number of hogs and the total number of cattle owned  
8 and fed more than thirty days by the processor during the preceding  
9 calendar year.

10 3. The number of hogs and the number of cattle slaughtered in Iowa  
11 by the processor during the preceding calendar or fiscal year.

12 4. The total number of hogs and the total number of cattle slaugh-  
13 tered by the processor during the preceding calendar or fiscal year.

1 SEC. 11. NEW SECTION. **Signing reports.** Reports by corpora-  
2 tions shall be signed by the president or other officer or authorized rep-  
3 resentative. Reports by limited partnerships shall be signed by the  
4 president or other authorized representative of the partnership. Re-  
5 ports by individuals shall be signed by the individual or an authorized  
6 representative.

1 SEC. 12. NEW SECTION. **Penalties—reports.** Willful failure to  
2 file a required report, or the willful filing of false information, is a  
3 public offense. A person found guilty of violating this section shall be  
4 subject to a fine not to exceed one thousand (1000) dollars.

1 SEC. 13. NEW SECTION. **County assessor's report.** The county  
2 assessor shall forward to the secretary of state, by October first of each  
3 year, the name and address of every corporation, nonresident alien,  
4 trust, or other business entity owning agricultural land in the county as  
5 shown by the assessment rolls of the county.

1 SEC. 14. NEW SECTION. **County recorder's report.** The county  
2 recorder shall forward to the secretary of state, by December first of  
3 each year, the names and addresses of each limited partnership owning  
4 agricultural land or engaged in farming in the county as shown by  
5 county records.

1 SEC. 15. NEW SECTION. **Duties of secretary of state—legislative**  
2 **use.** The secretary of state shall do all things necessary to implement  
3 this Act. It is the intent of this section that information shall be made  
4 available to members of the general assembly and appropriate commit-  
5 tees of the general assembly in order to determine the extent of farm-  
6 ing being carried out in this state by corporations and other business  
7 entities and the effect of such farming practices upon the economy of  
8 this state. The secretary of state shall assist any committee of the gen-  
9 eral assembly existing or established for the purposes of studying the  
10 effects of this Act and the practices this Act seeks to study and regu-  
11 late.

1 SEC. 16. NEW SECTION. The secretary of state shall request addi-  
2 tional information as may be necessary or appropriate to enable the  
3 secretary of state to administer this Act.

Approved July 11, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code