

(2) Intentionally making a false statement or misrepresenting information to the department as part of an application for a construction permit for the related animal feeding operation structure, or the installation of the related pollution control device or practice, for which the person must obtain a construction permit from the department.

(3) Failing to obtain a permit or approval by the department for a permit to construct or operate a confinement feeding operation or use a related animal feeding operation structure or pollution control device or practice, for which the person must obtain a permit from the department.

(4) Operating a confinement feeding operation, including a related animal feeding operation structure or pollution control device or practice, which causes pollution to the waters of the state, if the pollution was caused intentionally, or caused by a failure to take measures required to abate the pollution which resulted from an act of God.

(5) Failing to submit a manure management plan as required, or operating a confinement feeding operation required to have a manure management plan without having submitted the manure management plan.

Approved April 17, 1996

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**CHAPTER 1119**  
BRANDING OF LIVESTOCK  
H.F. 2390

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:  
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 promptly as possible. If the brand is accepted, the brand's ownership thereof shall vest in the person recording it from the date of filing.

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 Section 169A.16, Code Supplement 1995, is repealed.

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