

4 17. To file with the county auditor and to publish in two newspapers
 5 of general circulation in the district before February 1 *first* full and
 6 detailed reports under oath of all receipts, *from whatever source*
 7 *derived*, and expenditures of such county agricultural extension edu-
 8 cation fund showing from whom received, to whom paid and for what
 9 purpose for the last fiscal year.

Approved April 25, 1974

CHAPTER 1153

DAIRY INDUSTRY COMMISSION

H. F. 1226

AN ACT relating to the dairy industry commission.

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

1 SECTION 1. Section one hundred seventy-nine point one (179.1),
 2 Code 1973, is amended by adding the following new subsection:
 3 NEW SUBSECTION. "Collection period" means a calendar month.

1 SEC. 2. Section one hundred seventy-nine point two (179.2), Code
 2 1973, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 179.2 **Commission created.** There is created an Iowa dairy indus-
 5 try commission, referred to in this chapter as the commission. The
 6 commission shall be composed of the head of the dairy science depart-
 7 ment and the head of the food technology department of Iowa state
 8 university of science and technology, the secretary of agriculture or
 9 his designee, and nine members appointed by the secretary of agricul-
 10 ture as provided in this section.

11 For purposes of this chapter, the board of directors of the Iowa
 12 state dairy association shall divide the state, by counties, into nine
 13 districts, each having approximately an equal number of cows kept for
 14 milking purposes, based on the latest available United States census.
 15 The districts shall be numbered consecutively by the board.

16 On or before May 15, 1975 and each year thereafter, the board of
 17 directors of the Iowa state dairy association shall nominate for the
 18 offices of appointive commissioners, three resident producers from each
 19 of the nine representative districts. The list of nominees shall be cer-
 20 tified to the secretary of agriculture by the president and secretary of
 21 the Iowa state dairy association. On or before June 10, 1975, the sec-
 22 retary of agriculture shall appoint one of the nominees so certified
 23 from each of the districts as a commissioner of the Iowa dairy industry
 24 commission. Commissioners selected from districts one, four, and
 25 seven shall be appointed for one-year terms; commissioners appointed
 26 from districts two, five, and eight shall be appointed for two-year
 27 terms; and commissioners appointed from districts three, six, and nine
 28 shall be appointed for three-year terms. Thereafter, commissioners
 29 shall be appointed for three-year terms in the manner provided in this
 30 section.

31 Commissioners shall serve until their successors are duly appointed
32 and qualify. Vacancies occurring in the membership of the commission
33 resulting from removal from the district, death, inability or refusal to
34 serve, or failure to meet the definition of a producer, shall be filled
35 within three months of the time the vacancy occurs in the manner
36 provided in this section. Vacancy appointments shall be only for the
37 remainder of the unexpired term. A commissioner shall not serve more
38 than two consecutive full terms.

39 Appointive members of the commission shall receive forty dollars
40 for each day spent on official business of the commission, not to exceed
41 six hundred dollars per annum, and their actual and necessary ex-
42 penses, including mileage at the rate of ten cents per mile, while
43 engaged in commission activity.

1 SEC. 3. Section one hundred seventy-nine point five (179.5), sub-
2 section one (1), Code 1973, is amended to read as follows:

3 1. ~~There~~ *Except as otherwise provided in section seven (7) of this*
4 *Act, there is hereby levied and imposed an excise tax of one cent per*
5 *pound or fraction thereof upon all butterfat sold in cream and four*
6 *cents per hundredweight or fraction thereof in milk produced in the*
7 *state during the period beginning May 1 and terminating June 30,*
8 *inclusive, annually; provided, however, that the provisions of this*
9 *section shall not apply to butterfat in milk and cream produced outside*
10 *the state. For the purpose of computing the tax in markets where*
11 *butterfat tests are not available, or the butterfat content not defi-*
12 *nitely known, the amount of butterfat in milk and cream shall be com-*
13 *puted on the basis of four percent in the case of milk, and thirty-two*
14 *percent in the case of cream.*

1 SEC. 4. Section one hundred seventy-nine point five (179.5), sub-
2 section two (2), paragraph a, Code 1973, is amended to read as fol-
3 lows:

4 a. Where the producer produces milk or cream from cows and there-
5 after sells the same as milk, cream, or other dairy products, directly to
6 the consumer the taxes aforesaid shall be ~~held~~ *remitted* by such pro-
7 ducer.

1 SEC. 5. Section one hundred seventy-nine point six (179.6), Code
2 1973, is amended to read as follows:

3 **179.6 Producers' records.** Every producer shipping milk, cream or
4 other dairy products to any dealer outside of Iowa who is not by agree-
5 ment with the commission collecting the tax imposed by this chapter,
6 and every first dealer within the state and every producer distributing
7 milk, cream, or other dairy products directly to the consumer, shall
8 keep a complete and accurate record of all butterfat taxed by this
9 chapter in milk or cream produced, bottled, processed or distributed
10 by him during ~~the any period of May 1 to June 30, inclusive, of each~~
11 ~~year for which an excise tax levy is imposed under the provisions of~~
12 ~~this chapter.~~ Such records shall be in such form and contain such
13 information as the commission shall by rule or regulation prescribe
14 and shall be preserved by the person charged with their making for a
15 period of two years and shall be offered or submitted for inspection at
16 any time upon written or oral request by the commission or its duly
17 authorized agent or employee.

1 SEC. 6. Section one hundred seventy-nine point seven (179.7),
2 Code 1973, is amended to read as follows:

3 **179.7 Returns filed with commission.** Every person charged by
4 this chapter or by agreement with the commission with the keeping of
5 records provided for in this chapter shall at such times as the com-
6 mission may by rule or regulation require, file with the commission a
7 return on forms to be prescribed and furnished by the commission
8 stating the quantity of dairy products produced, bottled, processed, or
9 distributed, and butterfat content of all milk or cream produced by,
10 delivered to or purchased by such person from the various producers
11 of dairy products or their agents in the state during the *collection*
12 period ~~of time~~ prescribed in subsection 1 of section 179.5 *and as a*
13 *result of any referendum*. Such return shall contain such other infor-
14 mation as the commission may require, and shall be made in triplicate,
15 one copy of which shall be for the files of the person making the return,
16 and one copy available at the office of such person, for the use of his
17 patrons, and the original filed with the commission.

1 SEC. 7. Chapter one hundred seventy-nine (179), Code 1973, is
2 amended by adding the following new sections:

3 **NEW SECTION.** Under such administrative procedures as the de-
4 partment of agriculture may prescribe for conduct of referendums
5 hereinafter provided for, the department shall, upon petition by one
6 thousand five hundred or more producers, conduct an initial refer-
7 endum within sixty days after receipt thereof on the proposition of
8 whether or not an excise tax of up to five cents per hundredweight on
9 all milk sold in this state separate from and in addition to that pro-
10 vided for in section one hundred seventy-nine point five (179.5) of the
11 Code, shall be levied and assessed.

12 Notice of any referendum hereunder to levy such additional excise
13 tax in the first instance, or any extension thereof, including the date of
14 the referendum and voting places, shall be given by the department
15 by publication for a period of not less than five days in a newspaper
16 of general circulation in the state and in such other newspapers as the
17 department may prescribe. Referendum voting shall be conducted no
18 sooner than ten days after the last date of publication of such notice.

19 Each producer, upon signing a statement certifying to the depart-
20 ment that he is a bona fide producer as defined in this chapter, shall be
21 entitled to one vote in each referendum. At the close of any referen-
22 dum, the department shall within thirty days thereafter count and
23 tabulate the ballots filed during such referendum. If from the tabula-
24 tion the department determines that a majority of the total number
25 of producers voting in the referendum favor the proposal, the excise
26 tax provided for in this section shall be imposed in the manner pro-
27 vided in section one hundred seventy-nine point five (179.5), subsec-
28 tion two (2) of the Code on the sixtieth day after the date of deter-
29 mination by the department that the referendum has passed. The
30 ballots thus cast shall constitute complete and conclusive evidence for
31 use in determinations made by the department under the provisions
32 of this chapter.

33 If the referendum vote favors imposition of the additional excise
34 tax provided for in this section, the commission shall not more fre-
35 quently than once per calendar year, set the initial and subsequent
36 assessment rates as follows:

37 1. For the months of May and June an amount which when added
38 to the excise tax provided for in section one hundred seventy-nine
39 point five (179.5) of the Code equates to a total of five cents or less
40 per hundredweight on taxable milk sold during those months.

41 2. For all other calendar months five cents or less per hundred-
42 weight of taxable milk sold during those months.

43 However, during the first year of the excise tax period created by
44 the first favorable referendum vote pursuant to the provisions of this
45 section, the assessment rate set by the commission for May and June
46 shall not exceed that established by section one hundred seventy-nine
47 point five (179.5) of the Code, and the assessment rate set by the
48 commission for all other calendar months of such year shall not exceed
49 three cents per hundredweight.

50 The commission shall give notice of all rates thus established by pub-
51 lication for a period of not less than three consecutive days in a news-
52 paper of general circulation in the state at least thirty days in
53 advance of the effective date thereof.

54 Any excise tax adopted under this section pursuant to the initial
55 referendum shall become of no force or effect five years after its
56 commencement unless it is extended for subsequent five-year periods
57 by additional referendums. Ninety days prior to termination of the
58 initial assessment period, or any extension period, the secretary shall
59 cause notice to be published in accordance with the notice required
60 in this section for the initial referendum, and a referendum on the
61 question of whether the excise tax as provided for in this section
62 should be extended for an additional five-year period shall be con-
63 ducted. If the department determines that a majority of the total
64 number of producers voting in the referendum favor the assessment,
65 the excise tax provided for herein shall continue to be levied for an
66 additional five years from the ending date of the preceding five-year
67 period.

68 All excise taxes due pursuant to this section shall be collected in
69 accordance with the provisions of this chapter relating to the collec-
70 tion of the excise tax provided for in section one hundred seventy-nine
71 point five (179.5) of the Code, as nearly as may be, and deposited in
72 the dairy industry fund. Such funds may only be expended by the
73 commission pursuant to the provisions of this chapter.

74 If the department determines that any referendum has failed, no
75 subsequent referendum shall be conducted sooner than one hundred
76 eighty days after such determination. Pursuant to petition or motion
77 as hereinabove provided filed within one year after its most recent
78 determination, the department shall then conduct a subsequent refer-
79 endum in accordance with the provisions of this section.

80 In the event of failure to make such petition within said period, or,
81 the second consecutive failure of any referendum to pass, no further
82 referendums shall be conducted and the levy and assessment created
83 in this section shall terminate and be of no further force or effect.

84 **NEW SECTION. Influencing legislation.** Neither commissioners, nor
85 employees of the commission, shall attempt in any manner to influ-
86 ence legislation affecting any matters pertaining to the activities of
87 the commission. No portion of the dairy industry fund shall be used
88 in any manner to influence legislation or support any political can-

89 didate for public office, either directly or indirectly, or to support any
90 political party.

1 SEC. 8. Section one hundred seventy-nine point twelve (179.12),
2 Code 1973, is repealed.

Approved April 19, 1974

CHAPTER 1154

EXCISE TAX ON BEEF

S. F. 1339

AN ACT to provide for the imposition of an excise tax on the sale of beef cattle and veal calves in lieu of the tax presently collected and to alter the amount of funds allocated to the national livestock and meat board.

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

1 SECTION 1. Section one hundred eighty-one point thirteen (181.13),
2 Code 1973, is amended to read as follows:

3 181.13 Fund. All excise taxes imposed and levied under this chap-
4 ter shall be paid to and collected by the executive committee and de-
5 posited with the treasurer of state in a separate cattle and veal calf
6 fund which is hereby created. From the moneys collected in accordance
7 with the provisions of this chapter, the executive committee shall first
8 pay the costs of referendums held pursuant hereto; the costs of collec-
9 tion of such excise tax, the expenses of its agents and expenses of
10 officers provided for in section 181.5. ~~At~~ *Except as otherwise provided*
11 *in section 2 of this Act*, at least thirty percent of the funds remaining
12 thereafter shall be remitted to the national livestock and meat board
13 and the beef industry council thereof, and at least ten percent of the
14 remaining funds shall be remitted to the Iowa beef cattle producers
15 association in such proportions as the committee may determine, for
16 use by them in a manner not inconsistent with section 181.7. The
17 remaining moneys received, with approval of a majority of the execu-
18 tive committee, shall be expended as found necessary to carry out the
19 provisions and purposes of this chapter. The cattle and veal calf fund
20 shall be subject at all times to warrants by the state comptroller,
21 drawn upon the written requisition of the chairman of the executive
22 committee and attested to by its secretary, for the payment of all
23 expenditures of the committee, which shall, at no time, exceed the
24 amount deposited to the credit of such fund.

1 SEC. 2. Chapter one hundred eighty-one (181), Code 1973, is
2 amended by adding the following new section:

3 NEW SECTION. **Additional referendum.** The secretary shall, upon
4 the petition of five hundred producers, conduct an initial referendum
5 to determine whether an excise tax of twenty-five cents per head on all
6 beef cattle and five cents per head on all veal calves sold for slaughter,
7 and ten cents per head on all sales of beef cattle for any other purpose,
8 shall be collected.