

BEEF CATTLE PRODUCERS ASSOCIATION

181.1 Definitions.

As used in this chapter, unless the context requires otherwise:

1. "*Association*" means the Iowa beef cattle producers association.
2. "*Cattle*" means any live domesticated bovine animal regardless of age.
3. "*Council*" means the Iowa beef industry council.
4. "*Federal Act*" means the federal Beef Promotion and Research Act of 1985, 7 U.S.C. § 2901 et seq.
5. "*Federal assessment*" means an excise tax on the sale of bovine animals imposed pursuant to the federal Act.
6. "*Producer*" means any person who owns or acquires ownership of cattle. However, a person shall not be considered a producer if any of the following apply:
 - a. The person's only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee.
 - b. The person acquired ownership of cattle to facilitate the transfer of ownership of such cattle from the seller to a third party; resold such cattle no later than ten days from the date on which the person acquired ownership; and certified as required by rules adopted by the council.
7. "*Qualified financial institution*" means a bank, credit union, or savings and loan as defined in section 12C.1.
8. "*Records*" means books, papers, documents, accounts, agreements, memoranda, electronic records of accounts, or correspondence relating to a matter regulated under this chapter.
9. "*Secretary*" means the secretary of agriculture.
10. "*State assessment*" means an excise tax on the sale of cattle imposed pursuant to this chapter.

[C71, 73, 75, 77, 79, 81, § 181.6]

86 Acts, ch 1100, § 5; 94 Acts, ch 1146, §6; 97 Acts, ch 30, §2, 9

CS97, § 181.1

2004 Acts, ch 1037, §1, 19

181.1A Recognition of organization.

The Iowa beef cattle producers association now existing in and incorporated under the laws of this state is entitled to the benefits of this chapter by filing, each year, with the department of agriculture and land stewardship, verified proof of the names of its president, vice president, secretary, and treasurer, together with other information required by the department of agriculture and land stewardship.

[C24, 27, 31, 35, 39, § 2949; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 181.1]

86 Acts, ch 1100, § 2

CS97, § 181.1A

181.2 Duties and objects of association.

The Iowa beef cattle producers association shall do all of the following:

1. Aid in the promotion of the cattle industry of the state.
2. Provide for practical and scientific instruction in the breeding and raising of cattle.
3. Make demonstrations in the feeding of cattle and publish suggestions beneficial to such business.
4. Aid and promote cattle feeding contests, shows, and sales.
5. Prepare an annual report of the proceedings and expenditures of the council as provided in section 181.18B.

[C24, 27, 31, 35, 39, § 2950; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 181.2]

94 Acts, ch 1146, §5; 2004 Acts, ch 1037, §2, 19

181.3 Iowa beef industry council.

1. An Iowa beef industry council of the Iowa beef cattle producers association is created. The council consists of eight members, including all of the following:

- a.* Five producers elected by the Iowa beef cattle producers association.
 - b.* One livestock market representative appointed pursuant to subsection 2.
 - c.* The secretary of agriculture or a designee, who shall serve as a voting ex officio member.
 - d.* The dean of the college of agriculture of Iowa state university of science and technology or a designee, who shall serve as a voting ex officio member.
2. The Iowa livestock auction market association shall nominate two livestock market representatives. The secretary of agriculture shall appoint one of the nominees or another livestock market representative of the secretary's choice, who shall serve at the pleasure of the secretary.
3. The council shall elect a chairperson, secretary, and other officers it deems necessary.
4. Except for ex officio members, vacancies in the council resulting from death, inability or refusal to serve, or failure to meet the qualifications of this chapter shall be filled by the council. If the council fails to fill a vacancy, the secretary shall fill it. Vacancy appointments shall be only for the remainder of the unexpired term.

[C24, 27, 31, 35, 39, § 2951; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 181.3]

86 Acts, ch 1100, § 3; 97 Acts, ch 30, §1; 2004 Acts, ch 1037, §3, 4, 19

181.4 Employees of council.

The council may employ two or more competent persons who shall devote their entire time, under the direction of the council, in carrying out the provisions of this chapter. The salary of persons so employed shall be set by the council, and the persons shall hold office at the pleasure of the council.

[C24, 27, 31, 35, 39, § 2952; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 181.4]

86 Acts, ch 1100, § 4; 2004 Acts, ch 1037, §5, 19

181.5 Expenses of officers.

The officers of the association shall serve without compensation, but shall receive their necessary expenses while engaged in the business of the association.

[C24, 27, 31, 35, 39, § 2953; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 181.5]

181.6 Transferred to section 181.1.

181.6A Election of council.

1. The Iowa beef cattle producers association shall hold an annual meeting of producers. An election shall be held at the annual meeting, as necessary, for election of producers to the council.
2. Prior to the annual meeting, the association shall appoint a nominating committee. At least sixty days prior to the annual meeting of the association, the nominating committee shall nominate two producers as candidates for each position on the council for which an election is to be held. At least forty-five days prior to the annual meeting of the association, additional candidates may be nominated by a written petition of fifty producers. Procedures governing the place of filing and the contents of the petition shall be promulgated and publicized by the council.
3. Producers attending the annual meeting of the association may vote for one nominee for each position on the council for which an election is held. Producers not attending the annual meeting of the association may vote by absentee ballot if the ballot is requested and mailed, with proper postage, to the council prior to the annual meeting of the association. For each position for which an election is held, the candidate receiving the highest number of votes shall be elected.
4. Notice of election for council membership shall be given by the council by publication in a newspaper of general circulation in the state and in any other reasonable manner as determined by the council, and shall set forth the date, time, and place of the annual meeting of the association. The council shall administer the elections, with the assistance of the secretary.

86 Acts, ch 1100, § 6; 2004 Acts, ch 1037, §6, 19

181.7 Research and education programs.

The council shall initiate, administer, or participate in research and education programs directed toward the better and more efficient production, promotion, and utilization of cattle and the marketing of products made from cattle. The council shall provide for the methods and means that it determines are necessary to further the purposes of this section, including but not limited to any of the following:

1. Providing public relations and other promotion techniques for the maintenance of present markets.

2. Making donations to nonprofit organizations furthering the purposes of this section.
3. Assisting in the development of new or larger domestic markets for products made from cattle.
4. Assisting in the development of new or larger foreign markets for cattle and products made from cattle.

[C71, 73, 75, 77, 79, 81, § 181.7]

2004 Acts, ch 1037, §7, 19

181.7A Commencement of federal assessment suspension and recommencement of state assessment.

1. Prior to the commencement of the collection of the federal assessment, the council may seek certification as a qualified state beef council within the meaning of the federal Act.
2. The council shall suspend the state assessment upon collection of the federal assessment. The state assessment shall recommence upon the earlier of the following:
 - a. The noncollection of the federal assessment. The recommenced state assessment shall be imposed for a four-year period. Its effective date shall be the first date for which the federal assessment is not collected.
 - b. The passage of a special referendum pursuant to section 181.19 regardless of whether a federal assessment is being collected.

86 Acts, ch 1100, § 7; 2004 Acts, ch 1037, §8, 19

Footnotes

Rate of recommenced state assessment shall be fifty cents per head on all cattle sold, unless another rate is established by referendum; 2004 Acts, ch 1037, §17, 19

181.8 Entering premises examining records.

The council may authorize its agents to enter at a reasonable time upon the premises of any purchaser charged by this chapter with remitting the state assessment to the council, and to examine records and other instruments relating to the collection of the state assessment. However, the council must first have reasonable grounds to believe that the state assessment has not been remitted or fully accounted for.

The council may enter into arrangements with persons purchasing cattle outside of this state for remitting the state assessment by such purchasers.

[C71, 73, 75, 77, 79, 81, § 181.8]

2004 Acts, ch 1037, §9, 19

181.9 and 181.10 Repealed by 2004 Acts, ch 1037, § 18, 19.

181.11 Collection of state assessment.

A state assessment imposed as provided in this chapter shall be levied and collected from the purchaser on each sale of cattle at a rate provided in this chapter. The state assessment shall be imposed on any person selling cattle and shall be deducted by the purchaser from the price paid to the seller. The purchaser, at the

time of the sale, shall make and deliver to the seller a separate invoice for each sale showing the names and addresses of the seller and the purchaser, the number of cattle sold, and the date of sale. The purchaser shall forward the state assessment to the council at a time prescribed by the council, but not later than the last day of the month following the end of the prior reporting period in which the cattle are sold.

2004 Acts, ch 1037, §10, 19

181.12 Remission of state assessment on application.

A person from whom a state assessment is collected may, by written application filed with the council within sixty days after its collection, have the amount remitted to the person by the council. The information that the state assessment is refundable and the address of the council to which application for a refund may be made shall appear on the invoice of sale form supplied by the purchaser to the producer near the area on the form which shows the amount of the state assessment paid. The council shall furnish uniform application for refund forms and envelopes properly addressed to the council to each purchaser charged by this chapter with remitting the state assessment in sufficient number to make the refund forms and envelopes readily available to all producers. A purchaser charged by this chapter with remitting the state assessment shall display the application for refund forms and envelopes in a prominent position in its place of business and make them readily available to all producers.

[C71, 73, 75, 77, 79, 81, § 181.12; 81 Acts, ch 71, § 1]

2004 Acts, ch 1037, §11, 19

Footnotes

Right to refund not subject to execution or transfer; § 179.5A

181.13 Administration of moneys originating from state assessment appropriation.

1. All state assessments imposed under this chapter shall be paid to and collected by the council and deposited with the treasurer of state in a separate cattle promotion fund which shall be created by the treasurer of state. The department of administrative services shall transfer moneys from the fund to the council for deposit into an account established by the council in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the council. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open. From the moneys collected, deposited, and transferred to the council, in accordance with the provisions of this chapter, the council shall first pay the costs of referendums held pursuant to this chapter, the costs of collection of such state assessments, and the expenses of its agents. Except as otherwise provided in section 181.19, at least ten percent of the remaining moneys shall be remitted to the association in proportions determined by the council, for use in a manner not inconsistent with section 181.7. The remaining moneys, with approval of a majority of the council, shall be expended as the council finds necessary to carry out the provisions and purposes of this chapter. However, in no event shall the total expenses exceed the total amount transferred from the fund for use by the council.

2. All moneys deposited in the cattle promotion fund and transferred to the council pursuant to this section are appropriated and shall be used for the administration of this chapter and for the payment of claims based upon obligations incurred in the performance of activities and functions set forth in this chapter.

3. If the state assessment is suspended as provided in section 181.7A or a continuance referendum fails to pass as provided in section 181.19A, moneys remaining in the cattle promotion fund and transferred to the council shall continue to be transferred and expended in accordance with the provisions of this chapter until exhausted.

[C71, 73, 75, 77, 79, 81, § 181.13]

86 Acts, ch 1100, § 8; 94 Acts, ch 1146, §7; 97 Acts, ch 30, §3; 2003 Acts, ch 145, §286; 2004 Acts, ch 1037, §12, 19

181.14 Notice. Repealed by 2004 Acts, ch 1037, § 18, 19.

181.15 Referendum procedures.

Upon receiving a petition to conduct a referendum as provided in section 181.19 or 181.19A, the secretary shall conduct the referendum as follows:

1. The secretary shall provide for the publication of a notice of the referendum for a period of not less than five days in a newspaper of general circulation in the state and in such other newspapers as the secretary may prescribe. The notice of referendum shall set forth the period for voting and the voting places for the referendum and the amount of the state assessment. A referendum shall not be commenced prior to fourteen days after the last day of such period of publication.
2. Each producer upon signing a statement certifying that the person is a bona fide producer shall be entitled to one vote. At the close of the referendum period, the secretary shall count and tabulate the ballots filed during the referendum period. The ballots cast in the referendum shall constitute complete and conclusive evidence for use in any determination made by the secretary under the provisions of this chapter.
3. The secretary shall tabulate the ballots to determine whether the referendum has passed. If from such tabulation the secretary determines that a majority of the total number of producers voting approves the imposition of a state assessment, the state assessment shall be imposed as provided in section 181.11 at a rate provided for in section 181.19.
4. The secretary may prescribe such additional procedures as may be necessary to conduct a referendum.

[C71, 73, 75, 77, 79, 81, § 181.15]

86 Acts, ch 1195, § 3; 2004 Acts, ch 1037, §13, 19

181.16 Moneys remaining in fund. Repealed by 2004 Acts, ch 1037, § 18, 19.

181.17 Producers not members.

A producer who is not a member of the Iowa beef cattle producers association shall be entitled to vote in elections of persons to be members of the executive committee* in the same manner as if the producer were a member. The members elected to the executive committee* shall elect from their number the officers referred to in section 181.1A.

[C71, 73, 75, 77, 79, 81, § 181.17]

97 Acts, ch 30, §5

*The word "council" probably intended; corrective legislation is pending

181.18 Rules.

All rules of the executive committee* heretofore or hereinafter promulgated shall be subject to the provisions of chapter 17A.

[C71, 73, 75, 77, 79, 81, § 181.18]

*The word "council" probably intended; corrective legislation is pending

181.18A Not a state agency.

The Iowa beef cattle producers association is not an agency of state government.

93 Acts, ch 102, §1

181.18B Report.

Each year, the council shall prepare and submit a report summarizing the activities of the council under this chapter to the auditor of state and the secretary of agriculture. The report shall show all income, expenses, and other relevant information concerning fees collected and expended under this chapter.

94 Acts, ch 1146, §9; 2004 Acts, ch 1037, §14, 19

181.19 Initial and special referendums.

1. The secretary shall, upon the petition of five hundred producers, conduct an initial referendum to determine whether a state assessment is to be imposed, at a rate established by the council of not to exceed fifty cents per head on all cattle sold for any purpose.
2. The secretary shall, upon the petition of five hundred producers, conduct a special referendum to do any of the following:
 - a. Determine whether a state assessment already imposed shall be increased to a rate, established by the council, not to exceed one dollar per head on all cattle sold for any purpose.
 - b. Determine whether a state assessment suspended pursuant to section 181.7A is to be in addition to a federal assessment. The state assessment shall be imposed at a rate of fifty cents per head on all cattle sold for whatever purpose.
3. If a referendum passes, the secretary shall establish an effective date to commence the state assessment. However, the state assessment must be commenced within ninety days from the date that the secretary determines that the referendum has passed.
4. If a special referendum to increase the rate of the state assessment does not pass, the result of the special referendum shall not affect the existence or length of the state assessment in effect on the date that the special referendum was conducted.

[C75, 77, 79, 81, § 181.19; 81 Acts, ch 71, § 2]

86 Acts, ch 1195, § 4; 97 Acts, ch 30, §6, 7; 2004 Acts, ch 1037, §15, 19

181.19A Continuance referendum.

1. The secretary shall, upon the petition of producers, conduct a continuance referendum to determine whether a state assessment should be renewed. The secretary must receive the petition not less than one hundred fifty and not more than two hundred forty days before the four-year anniversary of a state assessment's effective date. The petition must be signed within that period by a number of producers equal to

or greater than two percent of the number of producers in this state reported in the most recent United States census of agriculture, requesting a referendum to determine whether to continue the state assessment. The referendum shall be conducted not earlier than thirty days before the four-year anniversary date of the state assessment.

2. If the secretary determines that a continuance referendum has passed, the state assessment shall continue in effect for four additional years from the anniversary of its effective date.

3. If the secretary determines that the referendum has not passed, the secretary and the council shall terminate the assessment in an orderly manner as soon as practicable after the determination. Another referendum shall not be held for at least one hundred eighty days from the date that the assessment is terminated.

4. If no valid petition for a continuance referendum is received by the secretary within the time period provided in this section, the state assessment shall continue in effect for four additional years from the anniversary of its effective date.

2004 Acts, ch 1037, §16, 19

181.20 Misdemeanors.

Any person who shall violate or assist in the violation of any of the provisions of this chapter shall be deemed guilty of a simple misdemeanor.

[C71, 73, § 181.19; C75, 77, 79, 81, § 181.20]