

March 8, 1965.

Senate File 478

Passed on File.

By COLEMAN, LODWICK, KRUCK, WALKER,
MAIN, STEPHENS, HEYING and BENDA.

agriculture 3/15 ass 4/12

Passed Senate, Date *4/2*

Passed House, Date *6/3*

Vote: Ayes *52* Nays *0*

Vote: Ayes *95* Nays *5*

Approved.....

passed on file 6/3

A BILL FOR

An Act to provide for an additional agricultural producer association and to provide for voluntary deductions on the part of such agricultural producers to be used in the promotion of and utilization of Iowa's agricultural products and to provide for the collection thereof.

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

1 Title nine (IX), Code 1962, is hereby amended by adding thereto
2 the following new chapter consisting of sections one (1) through
3 four (4) hereof:

1 Section 1. The corporation known as the Iowa soybean associa-
2 tion now existing in and incorporated under the laws of this state
3 shall be entitled the benefits of this chapter by filing each year
4 with the department of agriculture verified proofs of its organi-
5 zation, names of its officers, and five hundred (500) persons who
6 are bona fide members thereof together with such other information
7 as the department may require.

1 Sec. 2. The Iowa soybean corporation shall:

2 1. Aid in the promotion of the soybean industry of Iowa through
3 education, research, marketing, transportation study, and public
4 relations programs, and to foster research designed to develop new,
5 additional, and improved uses for soybean products and determine
6 better methods of converting it to various industrial or human
7 uses.

8 2. Accept, receive, administer, and account for, in addition

9 to the funds received from deduction or soybean sales provided
10 for by this Act, all such other gifts, assistance, financial or
11 otherwise, from federal, state, or other private or public sources,
12 as may be voluntarily contributed to the said Iowa soybean associ-
13 ation for the purposes and objectives set out in this Act.

14 3. Be authorized to enter into arrangements with persons pur-
15 chasing soybeans outside of Iowa on the basis provided in section
16 three (3) of this Act, for remitting the soybean excise tax by
17 such buyers.

18 4. Keep books, records, and accounts of all its dealings,
19 which books, records, and accounts shall be audited annually by
20 the auditor of state.

21 5. Make an annual report of their activities and expenditures
22 to the secretary of agriculture. Copies of such statements shall
23 also be given to each of the other statutory agricultural produc-
24 ers associations, the marketing division, and any other interested
25 persons. Such reports shall be made available to the general
26 assembly or committees of the general assembly upon request.

27 6. Reimburse the department of agriculture for the costs of
28 collection of deductions made under this Act.

29 7. Not use any deducted funds for political contribution or
30 lobbying.

1 Sec. 3. For the purposes of this Act:

2 1. "Department" means the department of agriculture.

3 2. "First purchaser" mean any person, group, association, or
4 partnership that buys soybeans from the grower in the first in-
5 stance, or any lienholder, public or private, who may possess
6 soybeans from the grower under any lien.

7 3. "Grower" means any landowner personally engaged in growing
8 soybeans, a tenant, or both the owner and tenant jointly, and
9 includes a person, partnership, association, corporation, coopera-
10 tive, trust, sharecropper, or any and all other business units,
11 devices, and arrangements.

12 4. "Sale" means and includes any pledge, mortgage, or delivery
13 of soybeans for sale after harvest to any person, public or private.

1 4. From and after the fifth (5th) day of July, 1965,
2 there is hereby levied and imposed an excise tax deduction of
3 one-half ($\frac{1}{2}$) cent per bushel on all soybeans sold in the state of
4 Iowa through commercial channels. Such deduction shall be due at
5 or before the time such soybeans are first sold in commercial
6 channels and shall be paid at such time or times as the secretary
7 of agriculture may, by rule or regulation, prescribe, as provided
8 by this Act but not later than the fifteenth (15th) day of the
9 month next succeeding the month in which such soybeans are sold
10 in commercial channels.

11 The deduction shall be levied and assessed to the grower at
12 the time of delivery for sale and shall be deducted by the first
13 purchaser from the price paid to the grower at the time of sale,
14 or in the case of a lienholder who may possess such soybeans under
15 his lien, the deduction shall be deducted by the lienholder from
16 the proceeds of the loan or claim secured by such lien at the
17 time the soybeans are pledged or mortgaged. The deduction shall
18 be deducted as provided in this section whether the soybeans are
19 stored in this or any other state. The purchaser, at the time of
20 sale, shall make and deliver to the grower separate invoices for
21 each purchase.

1 Sec. 5. The officers of the association shall serve without
2 compensation but shall receive their necessary expenses while
3 engaged in the business of the association.

1 Sec. 6. Section one hundred fifty-nine point twenty (159.20),
2 Code 1962, is hereby amended as follows:

3 1. By striking from line twenty (20) the word "and".

4 2. By inserting in line twenty-four (24) after the word "agen-
5 cies" the words:

6 "; (7) to collect, administer, and coordinate collection of
7 moneys deducted from the sale or sales of Iowa agricultural prod-
8 ucts resulting from provisions authorizing such deduction in Title
9 nine (IX) of the Code, except chapter one hundred seventy-nine
10 (179), and to pay into the state treasury such collections to be
11 set aside in separate funds for each association such authorized
12 deductions which moneys are hereby appropriated to and for the
13 exclusive use of the associations as authorized by statute".

1 Sec. 7. Chapter one hundred fifty-nine (159), Code 1962, as
2 amended by chapters one hundred thirty-one (131), one hundred
3 thirty-two (132), one hundred thirty-seven (137), and one hundred
4 thirty-nine (139), Acts of the Sixtieth General Assembly, is here-
5 by amended by adding to the agricultural marketing division of
6 such chapter the following new sections:

7 1. "All deductions imposed and levied under this Act shall be
8 paid to and collected by the marketing division of the department
9 of agriculture and amounts thus collected and deposited in the
10 state treasury in a separate soybean association fund which is
11 hereby created. Any of the moneys deposited in the soybean associ-
12 ation fund under the provisions of this Act, necessary to carry

13 out the purposes and provisions of this Act, may be expended by
14 the association with the approval of the secretary of agriculture.
15 The soybean association fund shall be subject at all times to
16 warrants by the state comptroller, drawn upon the written requi-
17 sition of the president of the association and attested to by its
18 secretary, for the payment of all obligations incurred by the
19 association under the provisions of this Act which shall, at no
20 time, exceed the amount deposited to the credit of such fund.”

21 2. “Any person from whom any such deduction shall have been
22 collected may, by written application filed with the department
23 within sixty (60) days after its payment by him, have said amount
24 remitted to him by the department.”

25 3. “At such time as the fund of any separate agricultural pro-
26 ducers association shall have received into it a total of two
27 hundred thousand (200,000) dollars in one (1) calendar year with-
28 out regard to withdrawals or refunds, after the effective date
29 of this Act, whichever is sooner, the association shall make no
30 further request of the general assembly for funds with which to
31 accomplish their purposes.”

32 4. “Any person who shall violate or assist in the violation
33 of any of the provisions of the deduction collection provisions
34 of Title nine (IX) of the Code shall be deemed guilty of a misde-
35 meanor.”

SENATE FILE 478

1 Amend Senate File 478 by striking all after the enacting
2 clause and inserting in lieu thereof the following:

3 Title nine (IX), Code 1962, is hereby amended by adding
4 thereto the following new chapter consisting of sections one
5 (1) and two (2) of this Act.

6 Section 1. The corporation known as the Iowa soybean associa-
7 tion incorporated under the laws of this state shall be entitled
8 to the benefits of this chapter by filing each year with the
9 department of agriculture verified proofs of its organization,
10 names of its officers, and five hundred persons who are bona
11 fide members thereof together with such other information as
12 the department may require.

13 Sec. 2. The Iowa soybean association shall:

14 1. Aid in the promotion of the soybean industry of Iowa
15 through education, research, marketing, transportation study,
16 and public relations programs, and to foster research designed
17 to develop new additional and improved uses for soybean prod-
18 ucts and determine better methods of converting them to various
19 industrial and human uses.

20 2. Make an annual report of the proceedings to the secretary
21 of agriculture.

22 Sec. 3. Section one hundred fifty-nine point twenty-five
23 (159.25), Code 1962, is amended by inserting after the word
24 "association" in line fifteen (15) the words ", Iowa soybean
25 association".

26 Further amend said section by inserting in line thirty-two
27 (32) after the word "association" the words ", Iowa soybean
28 association".

29 However, in the year 1965 three names shall be submitted by
30 the Iowa soybean association for a member to be appointed to
31 the agriculture marketing board for a term of three years ending
32 July 1, 1968.

33 Further amend Senate File 478 by striking from the title all
34 after the word "association" in line one (1) and adding in lieu
35 thereof the words "and including such association in the agri-
36 culture marketing board."

Filed
May 24, 1965.

advised 1/2

By LODWICK and COLEMAN.

SENATE FILE 478

1 Amend Senate File 478 by striking all after the enacting
2 clause and inserting in lieu thereof the following:
3 Title nine (IX), Code 1962, is hereby amended by adding
4 thereto the following new chapter consisting of sections one
5 (1) through five (5) hereof:

6 Section 1. The corporation known as the Iowa Soybean Asso-
7 ciation incorporated under the laws of this state shall be entitled
8 the benefits of this chapter by filing each year with the depart-
9 ment of agriculture verified proofs of its organization, names of
10 its officers, and five hundred persons who are bona fide members
11 thereof together with such other information as the department may
12 require.

13 Sec. 2. The Iowa Soybean Association shall:

14 1. Aid in the promotion of the soybean industry of Iowa
15 through education, research, marketing, transportation study,
16 and public relations programs, and to foster research designed
17 to develop new, additional, and improved uses for soybean prod-
18 ucts and determine better methods of converting them to various
19 industrial or human uses.

20 2. Accept, receive, administer, and account for, in addition
21 to the funds received from deduction on soybean sales provided
22 for by this Act, all such other gifts, assistance, financial or
23 otherwise, from federal, state, or other private or public
24 sources, as may be voluntarily contributed to the said Iowa Soy-
25 bean Association for the purposes and objectives set out in this
26 Act.

27 3. Keep books, records, and accounts of all its dealings,
28 which books, records, and accounts shall be audited annually
29 by the auditor of state.

30 4. Make an annual report of its activities and expendi-
31 tures to the secretary of agriculture. Copies of such statements
32 shall also be given to the marketing division and any other
33 interested persons. Such reports shall be made available to
34 the general assembly or committees of the general assembly upon
35 request.

36 5. Reimburse the department of agriculture for the costs of
37 collection of deductions made under this Act:

38 6. Not use any deducted funds for political contribution
39 or lobbying.

40 Sec. 3. For the purposes of this Act:

41 1. "Department" means the department of agriculture.

42 2. "First purchaser" means any person, group, association,
43 or partnership that buys soybeans from the grower in the first
44 instance through commercial channels, or any lienholder, public
45 or private, who may possess soybeans from the grower under any
46 lien.

47 3. "Grower" means any landowner personally engaged in growing
48 soybeans, a tenant, or both the owner and tenant jointly, and
49 includes a person, partnership, association, corporation, co-
50 operative, trust, sharecropper, or any and all other business
51 units, devices, and arrangements.

52 4. "Sale" means and includes any pledge, mortgage, or
53 delivery of soybeans for sale after harvest to any person, public
54 or private.

55 Sec. 4. From and after the fifth day of July, 1965, there
56 is hereby levied and imposed an excise tax deduction of one-half
57 cent per bushel on all soybeans grown in the state and sold
58 through commercial channels. Such deduction shall be due at or
59 before the time such soybeans are first sold in commercial
60 channels and shall be paid to the Iowa agricultural marketing
61 division at such time or times as the secretary of agriculture
62 may, by rule or regulation, prescribe, as provided by this Act
63 but not later than the fifteenth day of the month next succeeding
64 the month in which such soybeans are sold in commercial channels.

65 The deduction shall be levied and assessed to the grower at
66 the time of delivery for sale and shall be deducted by the first
67 purchaser from the price paid to the grower at the time of sale,
68 or in the case of a lienholder who may possess such soybeans
69 under his lien, the deduction shall be deducted by the lien-
70 holder from the proceeds of the loan or claim secured by such
71 lien at the time the soybeans are pledged or mortgaged. The
72 deduction shall be deducted as provided in this section whether
73 the soybeans are stored in this or any other state. The pur-
74 chaser, at the time of sale, shall make and deliver to the
75 grower separate invoices for each purchase.

76 Where the grower sells soybeans to a first buyer outside the
77 State of Iowa the tax herein provided shall be due and payable
78 by the grower before shipment is made, except the Iowa agriculture
79 marketing division may make such agreements and arrangements
80 with such buyers outside Iowa for keeping of records and the
81 collection of the taxes aforesaid as are necessary to secure payment
82 of said taxes within the time fixed by the secretary of agriculture.

83 Sec. 5. The officers of the association shall serve without
84 compensation but shall receive their necessary expenses while
85 engaged in the business of the association.

86 Sec. 6. Section one hundred fifty-nine point twenty (159.20),
87 Code 1962, is hereby amended as follows:

88 1. By striking from line twenty (20) the word "and".
89 2. By inserting in line twenty-four (24) after the word
90 "agencies" the words:

91 "; (7) to collect, administer, and co-ordinate collection
92 of moneys deducted from the tax on the sale or sales of Iowa
93 grown soybeans and to pay into the state treasury such collec-
94 tions to be set aside in a separate fund for the Iowa soybean
95 association which moneys are hereby appropriated to and for the
96 exclusive use of the Iowa soybean association".

97 Sec. 7. Chapter one hundred fifty-nine (159), Code 1962, as
98 amended by chapter one (1), Acts of the Sixtieth General Assembly,
99 is hereby amended by adding to the agricultural marketing divi-
100 sion of such chapter the following new sections:

101 1. "All deductions imposed and levied under this Act shall
102 be paid to and collected by the marketing division of the depart-
103 ment of agriculture and amounts thus collected and deposited in
104 the state treasury in a separate Iowa soybean association fund
105 which is hereby created. Any of the moneys deposited in the
106 Iowa soybean association fund under the provisions of this Act,
107 necessary to carry out the purposes and provisions of this Act,
108 may be expended by the executive officers of the Iowa soybean
109 association with the approval of the secretary of agriculture.
110 The Iowa soybean association fund shall be subject at all times
111 to warrants by the state comptroller, drawn upon the written
112 requisition of the president of the association and attested
113 to by its secretary and countersigned by the secretary of agri-
114 culture, for the payment of all obligations incurred by the
115 association under the provisions of this Act which shall, at
116 no time, exceed the amount deposited to the credit of such fund."

117 2. "Any person from whom any such deduction shall have been
118 collected may, by written application filed with the department
119 within sixty days after its payment by him, have said amount
120 remitted to him by the department."

121 3. "Any person who shall violate or assist in the violation
122 of any of the provisions of the deduction collection provisions
123 of this Act shall be deemed guilty of a misdemeanor."

124 Further amend Senate File 478 by amending the title by adding
125 at the end of the first line the words "to be known as the Iowa
126 soybean association" and by striking from the fourth line the
127 words "Iowa's agricultural products" and inserting in lieu there-
128 of the words "Iowa grown soybeans and soybean products."

Filed
April 2, 1965.

By COLEMAN.