

FEB 21 1973

HOUSE FILE 270

Place On Calendar

*Man on Mar 2-22-73 Pass for 3/22*  
Bennett, Chairman  
Stephens  
Woods

By COMMITTEE ON AGRICULTURE  
(Committee on Agriculture)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act to provide an excise tax on the sale of eggs, pro-  
2 viding for the establishment of an Iowa egg council and  
3 providing a penalty for violations.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. DEFINITIONS. As used in this  
2 Act, unless the context indicates otherwise:

3 1. "Producer" means any person doing business within this  
4 state who sells eggs through commercial channels, including  
5 eggs for hatching, which have been produced by his own flock.

6 2. "Hatchery man" means any person who operates a hatchery  
7 licensed under chapter one hundred sixty-eight (168) of the  
8 Code and who is actively engaged in the business of hatching  
9 and selling chickens for commercial purposes.

10 3. "Processor" means the first buyer of eggs from a  
11 producer.

12 4. "Poultry and poultry products" means layer type chicken  
13 hens and eggs, including hatching eggs, and their products.

14 5. "Market development" means research and educational  
15 programs which are directed toward:

16 a. Better and more efficient production, marketing, and  
17 utilization of poultry and poultry products produced for re-  
18 sale.

19 b. Better methods and means, including, but not limited  
20 to, public relations and other promotion techniques for the  
21 maintenance of present markets and for the development of  
22 new or larger domestic or foreign markets and for the sale  
23 of poultry and poultry products.

24 c. Prevention, modification or elimination of trade  
25 barriers which obstruct the free flow of poultry and poultry  
26 products to market.

27 6. "Secretary" means the secretary of agriculture or his  
28 appointee.

29 7. "District" means a producer district established by  
30 the Iowa poultry association, incorporated. The Iowa poultry  
31 association, incorporated shall establish four districts in  
32 this state from which egg producers shall be appointed to  
33 serve on the Iowa egg council pursuant to this Act.

34 8. "Council" means the Iowa egg council.

35 Sec. 2. NEW SECTION. PETITION FOR ELECTION. Upon receipt

1 of a petition signed by at least fifty producers requesting  
2 an initial referendum election to determine whether to  
3 establish an Iowa egg council and to impose an excise tax  
4 not to exceed five cents on every thirty dozen eggs sold,  
5 the secretary shall call an initial referendum to be conducted  
6 within sixty days following receipt of the petition. The  
7 petitioners shall guarantee payment of the cost of the initial  
8 referendum.

9     Sec. 3. NEW SECTION. NOTICE OF REFERENDUM. The sec-  
10 retary shall give notice of the referendum on the question  
11 whether to establish an Iowa egg council and to impose the  
12 tax by publishing the notice for a period of not less than  
13 five days in at least one newspaper of general circulation  
14 in the state. The notice shall state the voting places,  
15 period of time for voting, and other information deemed  
16 necessary by the secretary.

17     A referendum shall not be commenced until five days after  
18 the last date of publication.

19     Sec. 4. NEW SECTION. ESTABLISHMENT OF EGG COUNCIL AND  
20 TAX. Each producer who signs a statement certifying that  
21 he is a bona fide producer shall be entitled to one vote.  
22 At the close of the referendum, the secretary shall count  
23 and tabulate the ballots cast. If a majority of voters favor  
24 establishing an Iowa egg council and imposing a tax, an Iowa  
25 egg council shall be established, and the tax shall be imposed  
26 commencing not more than sixty days following the referendum  
27 as determined by the Iowa egg council and shall continue for  
28 a period of five years unless extended as provided under this  
29 Act. If a majority of the voters do not favor establishing  
30 an Iowa egg council and imposing the tax, the tax will not  
31 be imposed nor will the council be established until another  
32 referendum is held under this Act and a majority of the voters  
33 favor establishing a council and imposing the tax. ✓

34     Subsequent referendums to extend the imposition of the  
35 tax shall be held every five years in the year prior to the

1 expiration of the tax in force. If the majority of the voters  
2 of any subsequent referendum do not favor an extension, an  
3 additional referendum may be held when the secretary receives  
4 a petition signed by at least fifty producers.

5 Sec. 5. NEW SECTION. COMPOSITION OF COUNCIL. The Iowa  
6 egg council established under this Act shall be composed of  
7 four egg producers, one from each district; two egg processors;  
8 and one hatchery man who shall be appointed pursuant to this  
9 Act. The secretary or his representative and the chairman  
10 of the poultry science section of the department of animal  
11 science at Iowa state university of science and technology  
12 or his representative shall serve as ex officio members of  
13 the council. The council shall annually elect a chairman  
14 from its membership.

15 Sec. 6. NEW SECTION. INITIAL APPOINTMENTS. For the  
16 initial council the secretary shall notify the Iowa poultry  
17 association, incorporated immediately after passage of the  
18 question at the referendum election and the association shall  
19 nominate two producers from each district, four processors  
20 from the state, and two hatchery men from the state to serve  
21 on the Iowa egg council. The secretary shall receive the  
22 nominations and shall appoint from these nominations members  
23 of the initial council within thirty days following passage  
24 of the question at the referendum election.

25 Sec. 7. NEW SECTION. NOTICE OF SUBSEQUENT ELECTIONS.  
26 Notice of subsequent elections for members of the council  
27 shall be given by the council by publication in a newspaper  
28 of general circulation in the state and in any other reason-  
29 able manner as may be determined by the council and shall  
30 set forth the period of time for voting, voting places, and  
31 other information as the council deems necessary.

32 Sec. 8. NEW SECTION. TERMS. The term of office for  
33 members of the council shall be four years and no member shall  
34 serve more than three consecutive terms. The producers on  
35 the initial council shall determine their terms by lot, so

1 that two producers shall serve a two-year term and two  
2 producers shall serve a four-year term. The two processors  
3 on the initial council shall determine their terms by lot  
4 so that one processor shall serve a two-year term and one  
5 shall serve a four-year term. The hatchery man on the initial  
6 council shall serve a two-year term.

7 Sec. 9. NEW SECTION. SUBSEQUENT MEMBERSHIP. After the  
8 appointment of the initial council, the council shall admin-  
9 ister subsequent elections for members of the council with  
10 the assistance of the secretary. Before the expiration of  
11 a producer's term of office, the council shall appoint a  
12 nominating committee for the district represented by the  
13 producer. The nominating committee shall consist of five  
14 producers who are residents of the district from which a mem-  
15 ber must be elected. The nominating committee shall nominate  
16 two resident producers as candidates for the membership posi-  
17 tion for which an election is to be held. Additional  
18 candidates may be nominated by a written petition of fifty  
19 producers. Procedures governing the time and place of filing  
20 the nominations shall be promulgated by rule and publicized  
21 by the council.

22 In addition the council shall appoint a nominating commit-  
23 tee composed of five processors and five hatchery men in the  
24 state. The nominating committee shall nominate two processors  
25 as candidates for each processor position and two hatchery  
26 men as candidates for the hatchery man position on the council.

27 Sec. 10. NEW SECTION. VACANCIES. The council shall by  
28 appointment fill an unexpired term if a vacancy occurs on  
29 the council.

30 Sec. 11. NEW SECTION. DUTIES OF COUNCIL. The Iowa egg  
31 council shall:

32 1. Provide methods and means, including, but not limited  
33 to public relations and other promotion techniques, for the  
34 maintenance of present markets.

35 2. Assist in development of new or larger markets, both

1 domestic and foreign, for eggs.

2 3. Perform all acts necessary to effectuate the provisions  
3 of this Act.

4 Sec. 12. NEW SECTION. **POWERS.** The Iowa egg council may:

5 1. Affiliate with the poultry and egg national board of  
6 Chicago.

7 2. Employ and discharge assistants and professional counsel  
8 as necessary, prescribe their duties and powers and fix their  
9 compensation.

10 3. Establish offices, incur expenses and enter into any  
11 contracts or agreements necessary to carry out the purposes  
12 of this Act.

13 4. Adopt, rescind and amend all proper and necessary rules  
14 for the exercise of its powers and duties.

15 5. Enter into arrangements for collection of the tax on  
16 eggs.

17 Sec. 13. NEW SECTION. **COMPENSATION.** Members of the  
18 council may receive payment for their actual expenses and  
19 travel in performing official council functions. Payment  
20 shall be made from amounts collected from the tax. No mem-  
21 ber of the council shall be a salaried employee of the council  
22 or any organization or agency receiving funds from the council.  
23 The council shall meet at least once every three months, and  
24 at other times it deems necessary.

25 Sec. 14. NEW SECTION. **TAX.** If approved by a majority  
26 of voters at a referendum, a tax to be set by the council  
27 at not more than five cents for each thirty dozen eggs sold  
28 by a producer will be imposed on the producer at the time  
29 of delivery to a purchaser who will deduct the tax from the  
30 price paid to the producer at the time of sale.

31 Sec. 15. NEW SECTION. **INVOICE REQUIRED.** At the time  
32 of sale, the purchaser shall sign and deliver to the producer  
33 separate invoices for each purchase. The invoices shall show:

34 1. The name and address of the producer and the seller,  
35 if different from the producer.

- 1     2. The name and address of the purchaser.
- 2     3. The quantity of eggs sold.
- 3     4. The date of the purchase.
- 4     5. The rate of withholding and the total amount of tax
- 5 withheld.

6     Invoices shall be legibly written and shall not be altered.

7     Sec. 16. NEW SECTION. EGG FUND. The tax imposed by this  
8 Act shall be remitted by the purchaser to the Iowa egg council  
9 not later than the fifteenth day of each month following  
10 collection of the tax. Amounts collected from the tax shall  
11 be deposited in the office of the treasurer of state in a  
12 separate fund to be known as the Iowa egg fund.

13    Sec. 17. NEW SECTION. REFUNDS. Any producer who makes  
14 written application to the council on forms provided by the  
15 council requesting refund of the tax shall within sixty days  
16 after a sale of eggs receive a refund of the amount of the  
17 tax which was deducted from the sale price.

18    Sec. 18. NEW SECTION. USE OF EGG FUND. Moneys collected  
19 under the authority of this Act shall be subject to audit  
20 by the auditor of state and shall be used by the Iowa egg  
21 council first for the payment of collection and refund  
22 expenses, second for payment of the costs and expenses arising  
23 in connection with conducting referendums, and third for  
24 market development. Any moneys remaining in the Iowa egg  
25 fund after a referendum is held when a majority of the voters  
26 do not favor extending the tax shall continue to be expended  
27 in accordance with the provisions of this Act until exhausted.

28    Sec. 19. NEW SECTION. WARRANTS BY COMPTROLLER. The Iowa  
29 egg fund shall be subject at all times to warrant by the state  
30 comptroller, upon written requisition of the chairman of the  
31 council, attested to by the council secretary.

32    Sec. 20. NEW SECTION. BOND REQUIRED. All persons holding  
33 positions of trust under this Act shall give bond in the  
34 amount required by the council. The premiums for bond costs  
35 shall be paid from the Iowa egg fund.



Date prepared March 7, 1973

Requested by Committee on Agriculture.

Prepared in regard to H.F. 270 - An Act to provide an excise tax on the sale of eggs, providing for the establishment of an Iowa egg council and providing a penalty for violations. Following is the fiscal effect in dollars of the legislative proposal as required by House Rule 48.

The expenses of the Iowa Egg Council along with those of the Department of Agriculture, the Treasurer of State, the Auditor of State, and the State Comptroller would be paid from the proceeds of the egg excise tax.

Since it would not be necessary to expend funds from the Iowa State General Fund, no fiscal note is necessary.

Filed  
March 22, 1973

GERRY D. RANKIN  
Legislative Fiscal Director

H-107

1 Amend House File 270, Page 7, line 9, by  
2 striking the word "fifteenth" and inserting in  
3 lieu thereof the word "last".

Filed - *withdrawn 3/28*  
February 26, 1973

By HUTCHINS of Guthrie

H-128

1 Amend House File 270 as follows:  
2 1. Page 3, by striking from line 4 the follow-  
3 ing: "five cents on every thirty dozen eggs" and  
4 inserting in lieu thereof the following: "three  
5 and one-third cents on every chick".  
6 2. Page 7, by striking from line 2 the word  
7 "eggs" and inserting in lieu thereof the word  
8 "chicks".  
9 3. Page 1, by striking from line 1 the word  
10 "eggs" and inserting in lieu thereof the word  
11 "chicks".

Filed - *withdrawn 3/28*  
March 1, 1973

By DE JONG of Marion

H-198

1 Amend the Committee on Ways and Means amendment  
2 H-186 filed March 22, 1973, as follows:  
3 1. Line 4, by inserting after the word "owns"  
4 the following: ", or contracts for the care of,".  
5 2. By striking lines 45 through 49 and  
6 inserting in lieu thereof the following:  
7 "2. Furnish, directly or indirectly, any  
8 financial support to or for any other person, firm,  
9 association, organization or corporation, public or  
10 private, except for contracts for services rendered  
11 or to be rendered for research and promotional and  
12 public relations programs and for administrative  
13 expenses of the Iowa egg council."

H-198 Filed - *Adopted 3/28*  
March 23, 1973

By MILLER of Calhoun  
HUSAK of Tama  
DE JONG of Marion

H-209

1 Amend House File 270, page 8, line 25, by  
2 striking everything after the period, and inserting  
3 in lieu thereof the following:  
4 "The council, the auditor of state, or any  
5 person having an administrative duty under this  
6 chapter is hereby prohibited from making public the  
7 individual names and amounts paid or collected by  
8 the various producers and/or processors."

H-209 Filed - *Withdrawn 3/28*  
March 26, 1973

By MILLER of Calhoun  
HUSAK of Tama  
DE JONG of Marion

H-217

1 Amend House File 270, page 8, by striking from  
2 line 25 the word "The" and all of line 26, and  
3 inserting in lieu thereof the sentence "The  
4 individual names of producers from whom the tax is  
5 collected and the amounts collected from them shall  
6 be confidential pursuant to section sixty-eight A  
7 point seven (68A.7), subsection six (6) of the Code."

H-217 Filed and adopted,  
reconsidered and withdrawn  
March 28, 1973

By MILLER of Calhoun  
HUSAK of Tama  
DE JONG of Marion

H-221

1 Amend House File 270 as follows:  
2 1. Page 3, line 33, by inserting after the period  
3 the words "If a referendum should fail, another  
4 referendum shall not be held within one hundred eighty  
5 days."  
6 2. Page 4, line 4, by inserting after the word  
7 "producers" the words ", however, the subsequent  
8 referendum shall not be held within one hundred eighty  
9 days".

H-221 Filed and adopted  
March 28, 1973

By BYERLY of Polk  
COCHRAN of Webster

H-222

1 Amend House File 270, page 4, line 12, by add-  
2 ing after the word "officio" the word, "non-voting".

H-222 Filed and adopted  
March 28, 1973

By COCHRAN of Webster

H-224

1 Amend House File 270 as follows:  
2 1. Page 8, strike the word "The" after the period in  
line 25,  
3 and all of line 26.

H-224 Filed and adopted  
March 28, 1973

By COCHRAN of Webster

1 Amend House File 270 as follows:

2 1. Page 2, by striking lines 3 through 5, inclusive,  
3 and inserting in lieu thereof the following:

4 "1. 'Producer' means any person who owns one thou-  
5 sand or more layer-type chickens and who sells eggs  
6 in this state through commercial channels, including,  
7 but not limited to, eggs for hatching, which have been  
8 produced by the producer's own flock."

9 2. Page 2, by striking lines 10 and 11, inclusive,  
10 and inserting in lieu thereof the following sub-  
11 sections:

12 "3. 'Processor' means the first purchaser of eggs  
13 from a producer, or a person who both produces and  
14 processes eggs.

15 4. 'Purchaser' means a person who resells eggs  
16 purchased from a producer or offers for sale a product  
17 produced from such eggs for any purpose."

18 3. Page 2, line 19, by striking the words "and  
19 means".

20 4. Page 3, line 2, by striking the words "an  
21 initial" and inserting in lieu thereof the word "a".

22 5. Page 3, line 5, by striking the words "an  
23 initial" and inserting in lieu thereof the word "a".

24 6. Page 3, line 7, by striking the words "the  
25 initial" and inserting in lieu thereof the word "a".

26 7. Page 3, line 8, by inserting after the word  
27 "referendum" the words "held under this Act".

28 8. Page 5, line 32, by striking the words "and  
29 means".

30 9. Page 5, line 34, by inserting after the period  
31 the sentence "However, the council shall not impose any  
32 marketing order or similar restriction."

33 10. Page 5, line 35, by striking the words "develop-  
34 ment of new or larger markets, both" and inserting in  
35 lieu thereof the words "other market development."

36 11. Page 6, by striking all in line 1.

37 12. Page 6, by striking lines 5 and 6, inclusive.

38 13. Page 6, by inserting after line 16 the follow-  
39 ing new section:

40 "NEW SECTION. PROHIBITED ACTIONS. The council  
41 shall not:

42 1. Become a dues-paying member of any other firm,  
43 association, organization or corporation, public or  
44 private.

45 2. Furnish, directly or indirectly, any financial  
46 support to or for any person except for services ren-  
47 dered or to be rendered through contracts for research,  
48 educational, promotional and public relations programs,  
49 and for administrative expenses.

50 3. Act, directly or indirectly, in any capacity in  
51 marketing or making contracts for the marketing of  
52 eggs or poultry.

53 4. Act, directly or indirectly, in any capacity  
54 in selling or contracting for the selling of egg-  
55 producing or poultry-producing equipment."

56 14. Page 6, line 30, by inserting after the period  
57 the sentences "If the producer sells eggs to a pur-  
58 chaser outside the state of Iowa, the producer shall  
59 deduct the tax from the amount received from the sale  
60 and shall forward the amount deducted to the council  
61 within sixty days of the date of the sale. If the  
62 producer and processor are the same person, then he  
63 shall pay the tax to the council at the time of  
64 processing."

65 15. Page 7, line 7, by striking the word "The" and  
66 inserting in lieu thereof the words "Subject to the  
67 provisions of section fourteen (14) of this Act, the".

68 16. Page 7, line 9, by striking the word "fifteenth"  
69 and inserting in lieu thereof the word "last".

70 17. Page 7, lines 13 through 17, inclusive, and  
71 inserting in lieu thereof the following:

72 Sec. 17. NEW SECTION. REFUNDS. A producer who  
73 has paid the tax may, by application in writing to the  
74 council, secure a refund in the amount paid. The  
75 refund shall be payable only when the application  
76 shall have been made to the council within sixty days  
77 after payment of the tax. Each application for refund  
78 by a producer shall have attached thereto proof of  
79 tax paid. The proof of tax paid may be in the form  
80 of a duplicate or certified copy of the purchase  
81 invoice by the purchaser.

82 18. By renumbering sections and subsections and  
83 correcting internal references in accordance with  
84 this amendment.

H-186 Filed - *adopted as amended* By COMMITTEE ON WAYS AND MEANS  
March 22, 1973 *by H-193 3/28* STANLEY of Muscatine, Chairman

1 Amend House File 270 as follows:

- 2 1. Page 4, lines 22 and 23 by striking the words  
3 "appoint  
4 from these nominations" and insert in lieu thereof the  
5 words  
6 "receive the nominations, and shall call an election  
7 for".
- 8 2. Page 4, line 25 by striking the words "NOTICE  
9 OF  
10 SUBSEQUENT ELECTIONS." and inserting in lieu thereof  
11 the words "ELECTIONS FOR COUNCIL. Notice of the initial  
12 election for directors of the board shall be given by  
13 the secre-  
14 tary by publication in a newspaper of general  
15 circulation in  
16 the state at least five days prior to the date of the  
17 election and  
18 in any other reasonable manner as may be determined by  
19 the  
20 secretary. The notice shall set forth the period of  
21 time for  
22 voting, voting places, and such other information as the  
23 secre-  
24 tary may deem necessary."
- 25 3. Page 4, line 28, by inserting after the word  
26 "state"  
27 the words "at least five days prior to the date of the  
28 election".

H-225 Filed  
March 28, 1973

By COCHRAN of Webster

March 30, 1973

HOUSE FILE 270

House File 270  
Taylor, Chairman  
Van Gilst  
Bergman  
Nolin

*Sen Agriculture 4/2 - amended  
Pass 4/18*

By COMMITTEE ON AGRICULTURE  
(Committee on Agriculture)

(AS AMENDED AND PASSED BY THE HOUSE)

Passed House, Date 3-29-73 (671) Passed Senate, Date 5-22-73 (1369)

Vote: Ayes 72 Nays 21 Vote: Ayes 36 Nays 10

Approved 6-13-73

*Passed House per Senate amendment  
5-25-73  
68-16*

## A BILL FOR

- 1 An Act to provide an excise tax on the sale of eggs, pro-
- 2 viding for the establishment of an Iowa egg council and
- 3 providing a penalty for violations.
- 4 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. *NEW SECTION*. DEFINITIONS. As used in this  
2 Act, unless the context indicates otherwise:

3 1. "Producer" means any person who owns, or contracts  
4 for the care of, one thousand or more layer-type chickens  
5 and who sells eggs in this state through commercial channels,  
6 including, but not limited to, eggs for hatching, which  
7 have been produced by the producer's own flock.

8 2. "Hatchery man" means any person who operates a hatchery  
9 licensed under chapter one hundred sixty-eight (168) of the  
10 Code and who is actively engaged in the business of hatching  
11 and selling chickens for commercial purposes.

12 3. "Processor" means the first purchaser of eggs from  
13 a producer, or a person who both produces and processes  
14 eggs.

15 4. "Purchaser" means a person who resells eggs purchased  
16 from a producer or offers for sale a product produced from  
17 such eggs for any purpose.

18 5. "Poultry and poultry products" means layer type chicken  
19 hens and eggs, including hatching eggs, and their products.

20 6. "Market development" means research and educational  
21 programs which are directed toward:

22 a. Better and more efficient production, marketing, and  
23 utilization of poultry and poultry products produced for re-  
24 sale.

25 b. Better methods , including, but not limited  
26 to, public relations and other promotion techniques for the  
27 maintenance of present markets and for the development of  
28 new or larger domestic or foreign markets and for the sale  
29 of poultry and poultry products.

30 c. Prevention, modification or elimination of trade  
31 barriers which obstruct the free flow of poultry and poultry  
32 products to market.

33 7. "Secretary" means the secretary of agriculture or his  
34 appointee.

35 8. "District" means a producer district established by

36 the Iowa poultry association, incorporated. The Iowa poultry  
37 association, incorporated shall establish four districts in  
38 this state from which egg producers shall be appointed to  
39 serve on the Iowa egg council pursuant to this Act.

40 9. "Council" means the Iowa egg council.

41 Sec. 2. *NEW SECTION.* PETITION FOR ELECTION. Upon  
receipt

1 of a petition signed by at least fifty producers requesting  
2 a referendum election to determine whether to  
3 establish an Iowa egg council and to impose an excise tax  
4 not to exceed five cents on every thirty dozen eggs sold,  
5 the secretary shall call a referendum to be conducted  
6 within sixty days following receipt of the petition. The  
7 petitioners shall guarantee payment of the cost of a  
8 referendum held under this Act.

9 Sec. 3. *NEW SECTION.* NOTICE OF REFERENDUM. **The**  
sec-

10 retary shall give notice of the referendum on the question  
11 whether to establish an Iowa egg council and to impose the  
12 tax by publishing the notice for a period of not less than  
13 five days in at least one newspaper of general circulation  
14 in the state. The notice shall state the voting places,  
15 period of time for voting, and other information deemed  
16 necessary by the secretary.

17 A referendum shall not be commenced until five days after  
18 the last date of publication.

19 Sec. 4. *NEW SECTION.* ESTABLISHMENT OF EGG COUN-  
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20 TAX. Each producer who signs a statement certifying that  
21 he is a bona fide producer shall be entitled to one vote.  
22 At the close of the referendum, the secretary shall count  
23 and tabulate the ballots cast. If a majority of voters favor  
24 establishing an Iowa egg council and imposing a tax, an Iowa  
25 egg council shall be established, and the tax shall be imposed  
26 commencing not more than sixty days following the referendum  
27 as determined by the Iowa egg council and shall continue for  
28 a period of five years unless extended as provided under this  
29 Act. If a majority of the voters do not favor establishing  
30 an Iowa egg council and imposing the tax, the tax will not  
31 be imposed nor will the council be established until another  
32 referendum is held under this Act and a majority of the voters  
33 favor establishing a council and imposing the tax. If a  
34 referendum should fail, another referendum shall not be  
35 held within one hundred eighty days.

36 Subsequent referendums to extend the imposition of the  
37 tax shall be held every five years in the year prior to the

1 expiration of the tax in force. If the majority of the voters  
2 of any subsequent referendum do not favor an extension, an  
3 additional referendum may be held when the secretary receives  
4 a petition signed by at least fifty producers. **However, the**  
5 **subsequent referendum shall not be held within one hundred**  
6 **eighty days.**

7 Sec. 5. *NEW SECTION.* COMPOSITION OF COUNCIL. **The**  
8 **Iowa**

9 egg council established under this Act shall be composed of  
10 four egg producers, one from each district; two egg processors;  
11 and one hatchery man who shall be appointed pursuant to this  
12 Act. The secretary or his representative and the chairman  
13 of the poultry science section of the department of animal  
14 science at Iowa state university of science and technology  
15 or his representative shall serve as ex officio **nonvoting**  
16 **members of**  
17 the council. The council shall annually elect a chairman  
18 from its membership.

19 Sec. 6. *NEW SECTION.* INITIAL APPOINTMENTS. **For the**  
20 initial council the secretary shall notify the Iowa poultry  
21 association, incorporated immediately after passage of the  
22 question at the referendum election and the association shall  
23 nominate two producers from each district, four processors  
24 from the state, and two hatchery men from the state to serve  
25 on the Iowa egg council. The secretary shall receive the  
26 nominations and shall appoint from these nominations members  
27 of the initial council within thirty days following passage  
28 of the question at the referendum election.

29 Sec. 7. *NEW SECTION.* NOTICE OF SUBSEQUENT **ELEC-**  
30 **TIONS.**

31 Notice of subsequent elections for members of the council  
32 shall be given by the council by publication in a newspaper  
33 of general circulation in the state and in any other reason-  
34 able manner as may be determined by the council and shall  
35 set forth the period of time for voting, voting places, and  
36 other information as the council deems necessary.

37 Sec. 8. *NEW SECTION.* TERMS. The term of office for

36 members of the council shall be four years and no member shall  
37 serve more than three consecutive terms. The producers on  
38 the initial council shall determine their terms by lot, so

1 that two producers shall serve a two-year term and two  
2 producers shall serve a four-year term. The two processors  
3 on the initial council shall determine their terms by lot  
4 so that one processor shall serve a two-year term and one  
5 shall serve a four-year term. The hatchery man on the initial  
6 council shall serve a two-year term.

7 Sec. 9. *NEW SECTION. SUBSEQUENT MEMBERSHIP.* Af-  
ter the

8 appointment of the initial council, the council shall admin-  
9 ister subsequent elections for members of the council with  
10 the assistance of the secretary. Before the expiration of  
11 a producer's term of office, the council shall appoint a  
12 nominating committee for the district represented by the  
13 producer. The nominating committee shall consist of five  
14 producers who are residents of the district from which a mem-  
15 ber must be elected. The nominating committee shall nominate  
16 two resident producers as candidates for the membership posi-  
17 tion for which an election is to be held. Additional  
18 candidates may be nominated by a written petition of fifty  
19 producers. Procedures governing the time and place of filing  
20 the nominations shall be promulgated by rule and publicized  
21 by the council.

22 In addition the council shall appoint a nominating commit-  
23 tee composed of five processors and and five hatchery men in the  
24 state. The nominating committee shall nominate two processors  
25 as candidates for each processor position and two hatchery  
26 men as candidates for the hatchery man position on the council.

27 Sec. 10. *NEW SECTION. VACANCIES.* The council shall by  
28 appointment fill an unexpired term if a vacancy occurs on  
29 the council.

30 Sec. 11. *NEW SECTION. DUTIES OF COUNCIL.* The Iowa  
egg  
31 council shall:

32 1. Provide methods including, but not limited  
33 to public relations and other promotion techniques, for the  
34 maintenance of present markets. However, the council shall  
35 not impose any marketing order or similar restriction.

36 2. Assist in other market development. **L**

1  
2 3. Perform all acts necessary to effectuate the provisions  
3 of this Act.

4 Sec. 12. *NEW SECTION. POWERS.* The Iowa egg council  
5 may:

6 1. Employ and discharge assistants and professional counsel  
7 as necessary, prescribe their duties and powers and fix their  
8 compensation.

9 2. Establish offices, incur expenses and enter into any  
10 contracts or agreements necessary to carry out the purposes  
11 of this Act.

12 3. Adopt, rescind and amend all proper and necessary rules  
13 for the exercise of its powers and duties.

14 4. Enter into arrangements for collection of the tax on  
15 eggs.

16 Sec. 13. *NEW SECTION. PROHIBITED ACTIONS.* The council  
17 shall not:

18 1. Become a dues-paying member of any other firm,  
19 association, organization or corporation, public or private.

20 2. Furnish, directly or indirectly, any financial  
21 support to or for any other person, firm, association,  
22 organization or corporation, public or private, except  
23 for contracts for services rendered or to be rendered for  
24 research and promotional and public relations programs and  
25 for administrative expenses of the Iowa egg council.

26 3. Act, directly or indirectly, in any capacity in  
27 marketing or making contracts for the marketing of eggs  
28 or poultry.

29 4. Act, directly or indirectly, in any capacity in  
30 selling or contracting for the selling of egg-producing  
31 or poultry-producing equipment.

32 Sec. 14. *NEW SECTION. COMPENSATION.* Members of the  
33 council may receive payment for their actual expenses and  
34 travel in performing official council functions. Payment  
35 shall be made from amounts collected from the tax. No mem-  
ber of the council shall be a salaried employee of the council

36 or any organization or agency receiving funds from the council.  
37 The council shall meet at least once every three months, and  
38 at other times it deems necessary.

39 Sec. 15. *NEW SECTION. TAX.* If approved by a majority  
40 of voters at a referendum, a tax to be set by the council  
41 at not more than five cents for each thirty dozen eggs sold  
42 by a producer will be imposed on the producer at the time  
43 of delivery to a purchaser who will deduct the tax from the  
44 price paid to the producer at the time of sale. If the  
45 producer sells eggs to a purchaser outside the state of  
46 Iowa, the producer shall deduct the tax from the amount  
47 received from the sale and shall forward the amount de-  
48 ducted to the council within sixty days of the date of  
49 the sale. If the producer and processor are the same  
50 person, then he shall pay the tax to the council at the  
51 time of processing.

52 Sec. 16. *NEW SECTION. INVOICE REQUIRED.* At the time  
53 of sale, the purchaser shall sign and deliver to the producer  
54 separate invoices for each purchase. The invoices shall show:  
55 1. The name and address of the producer and the seller,  
56 if different from the producer.



36 comptroller, upon written requisition of the chairman of the  
37 council, attested to by the council secretary.

38 Sec. 21. *NEW SECTION.* BOND REQUIRED. All persons hold-  
ing

39 positions of trust under this Act shall give bond in the  
40 amount required by the council. The premiums for bond costs  
41 shall be paid from the Iowa egg fund.



S-334

1 Amend House File 270, as amended, passed and reprinted  
2 by the House, page 4 A, line 11 by inserting after  
3 the word "representative" the words ", the director  
4 of the Iowa development commission,".

S-334 Filed *adopted 5/22*  
April 2, 1973

By HEYING

S-400

1 Amend House File 270, as amended, passed and reprinted  
2 by the House as follows:  
3 1. Page 6B, by striking the words "sixty days of the date  
4 of the sale" in lines 48 and 49 and inserting in lieu  
5 thereof the words "thirty days following each calendar  
6 quarters".  
7 2. Page 6B, by striking the words "at the time of  
8 processing" in lines 50 and 51 and inserting in lieu  
9 thereof the words "within thirty days following each  
10 calendar quarter".  
11 3. Page 7A, line 11 by striking the words "the last day of  
12 each month" and inserting in lieu thereof the words "thirty  
13 days following each calendar quarter".

S-400 Filed - *adopted 5/22*  
April 17, 1973

By HEYING

S-409

1 Amend House File 270, as amended, passed and reprinted  
2 by the House as follows:  
3 1. Page 2A, line 4 by striking the words "one thousand  
4 or more".  
5 2. Page 6B, line 46 by striking the word "shall" and  
6 inserting in lieu thereof the word "may".  
7 3. Page 6B, lines 48 and 49 by striking the words "sixty  
8 days of the date of the sale" and inserting in lieu  
9 thereof the words "thirty days following each calendar  
10 quarter".

S-409 Filed - *w.d. 5/22*  
April 18, 1973

By COMMITTEE ON AGRICULTURE

S-438

1 Amend House File 270 as amended, passed and reprinted by  
2 the House as follows:  
3 1. Page 4A, line 1, by inserting after the word "force"  
4 the words "; however, upon receipt of a petition signed  
5 by at least fifty producers requesting a referendum  
6 election to determine whether to terminate the establish-  
7 ment of the Iowa egg council and to terminate the im-  
8 position of the excise tax as provided herein, the  
9 secretary shall call a referendum to be conducted within  
10 sixty days following the receipt of the petition. The  
11 petitioners shall guarantee the payment of the costs of  
12 such referendum.

S-438 Filed - *adopted 5/22*  
April 24, 1973

By COMMITTEE ON AGRICULTURE

S-451

1 Amend House File 270 as amended, passed and reprinted  
2 by the House.  
3 1. Page 2A, by striking line 5, and  
4 inserting in lieu thereof the following:  
5 "the eggs of which are sold in this state through  
6 commercial channels,"

S-451 Filed *w. d.*  
April 25, 1973

By VAN GILST

S-457

1 Amend House File 270, as amended, passed and reprinted  
2 by the House, page 8, line 21, by adding the following  
3 sentences:  
4 "Out of state purchasers or processors shall be  
5 subject to the same obligations as processors or purchasers  
6 within the state. Instate processors or purchasers shall  
7 be held responsible for the check-off. No eggs shall  
8 be subject to a check-off more than once."

S-457 Filed *- Last 5/22*  
April 25, 1973

By HEYING

S-458

1 Amend House File 270, as amended, passed and reprinted  
2 by the House, page 7A, line 18 by inserting after the  
3 word "payable" the words "immediately on request if  
4 accompanied by an affidavit stating the requested refund  
5 is to be used by the producer for advertising eggs in a  
6 manner of his own choosing, and".

S-458 Filed *- w. d. 5/22*  
April 25, 1973

By HEYING

S-630

1 Amend House File 270 as amended, passed and reprinted  
2 by the House as follows:  
3 1. Page 2A, by striking lines 4 and 5 and inserting  
4 in lieu thereof the following: "for the care of five  
5 hundred or more layer-type chickens, the eggs of which  
6 are sold in this state through commercial channels,"

S-630 Filed *- Adopted 5/22*  
May 21, 1973

By VAN GILST

S-631

1 Amend House File 270 as amended, passed, and reprinted by  
2 House as follows:  
3 1. Page 6A, by inserting after line 30 the following sub:  
4 tion:  
5 "5. Make any contribution out of the funds of the council  
6 either directly or indirectly to any political party or organ  
7 zation or in support of any political candidate for public  
8 office."

S-631 Filed *- Adopted as amended  
by S-636 5/22*  
May 21, 1973

By DODERER and DE KOSTER

S-636

1 Amend the Doderer and DeKoster amendment 631 to  
2 House File 270, by adding after the word "office" in  
3 line 8 the following "or payments to a political candidate  
4 or member of congress or the Iowa legislature for honor-  
5 ariums, speeches or for any other purposes above actual  
6 and necessary expenses".

S-636 Filed and adopted  
May 22, 1973

By PLYMAT and SCHWIEGER

S-637

1 Amend House File 270 as amended, passed and reprinted by  
2 the House, page 4A, line 20, by inserting after the word  
3 "incorporated" a comma.

S-637 Filed and adopted  
May 22, 1973

By TAYLOR

SENATE AMENDMENT TO HOUSE FILE 270

1 Amend House File 270 as amended, passed and reprinted by the  
2 House as follows:  
3 1. Page 2A, by striking lines 4 and 5 and inserting in lieu  
4 thereof the following: "for the care of five hundred or more  
5 layer-type chickens, the eggs of which are sold in this state  
6 through commercial channels,".  
7 2. Page 4A, line 1, by inserting after the word "force" the  
8 following: "; however, upon receipt of a petition signed by  
9 at least fifty producers requesting a referendum election  
10 to determine whether to terminate the establishment of the  
11 Iowa egg council and to terminate the imposition of the  
12 excise tax as provided herein, the secretary shall call a  
13 referendum to be conducted within sixty days following the  
14 receipt of the petition. The petitioners shall guarantee  
15 the payment of the costs of such referendum."  
16 3. Page 4A, line 11, by inserting after the word "representative"  
17 the words ", the director of the Iowa development commission,".  
18 4. Page 4A, line 20, by inserting after the word "incorporated"  
19 a comma.  
20 5. Page 6A, by inserting after line 30 the following subsection:  
21 "5. Make any contribution out of the funds of the council,  
22 either directly or indirectly, to any political party or organi-  
23 zation or in support of any political candidate for public  
24 office or payments to a political candidate or member of  
25 congress or the Iowa legislature for honorariums, speeches or  
26 for any other purposes above actual and necessary expenses."  
27 6. Page 6B, by striking the words "sixty days of the date  
28 of the sale" in lines 48 and 49 and inserting in lieu thereof  
29 the words "thirty days following each calendar quarters".  
30 7. Page 6B, by striking the words "at the time of processing"  
31 in lines 50 and 51 and inserting in lieu thereof the words  
32 "within thirty days following each calendar quarter".  
33 8. Page 7A, line 11, by striking the words "the last day of  
34 each month" and inserting in lieu thereof the words "thirty  
35 days following each calendar quarter".

Received from the Senate  
May 24, 1973

*House concurred 5/25*