

Sen Ag 3/13 Do Pass 3/28 (p. 931)

FEB 26 1986

Place On Calendar

HOUSE FILE 2378

BY COMMITTEE ON AGRICULTURE

(Formerly House Study Bill 710)

Passed House, Date 2-10-86 (p. 620) Passed Senate, Date 4-9-86 (p. 1152)

Vote: Ayes 92 Nays 3 Vote: Ayes 42 Nays 2

Approved May 20, 1986

**A BILL FOR**

5635 1 An Act providing for referendums to terminate the collection of  
2 the beef and soybean assessments.

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

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HF 2378

22 *Conference Committee Appointed 4/22*  
23 *Representatives Carter (Chair), Cochran, Mullbauer, Pallett, Stueland (p. 1625)*  
24 *Senators Miller (Chair), Palmer, Coleman, Dorschelty, Valdestein (p. 1319)*

25 *Passed per Conference Committee Report*  
House 4-25-86 (p. 1781) Senate 4-28-86 (p. 1417)  
94-0 40-1

1 Section 1. Section 181.10, unnumbered paragraph 3, Code  
2 1985, is amended by striking the unnumbered paragraph.

3 Sec. 2. Section 181.14, unnumbered paragraph 1, Code 1985,  
4 is amended by striking the unnumbered paragraph.

5 Sec. 3. Section 181.15, unnumbered paragraph 3, Code 1985,  
6 is amended by striking the unnumbered paragraph.

7 Sec. 4. Section 181.19, Code 1985, is amended by adding  
8 the following new unnumbered paragraphs:

9 NEW UNNUMBERED PARAGRAPH. An assessment adopted following  
10 the initial referendum shall be effective for four years from  
11 its effective date and shall be either extended or terminated  
12 as provided in this section.

13 NEW UNNUMBERED PARAGRAPH. Upon receipt of a petition not  
14 less than one hundred fifty nor more than two hundred forty  
15 days from a four-year anniversary of the effective date of the  
16 assessment, signed within that same period by a number of  
17 producers equal to or greater than two percent of the number  
18 of producers reported in the most recent United States census  
19 of agriculture, requesting a referendum to determine whether  
20 to extend the assessment, the secretary shall call a  
21 referendum to be conducted not earlier than thirty days before  
22 the four-year anniversary date. If the secretary determines  
23 that extension of the assessment is not favored by a majority  
24 of the producers voting in the referendum, the secretary and  
25 the board shall terminate the assessment in an orderly manner  
26 as soon as practicable after the determination.

27 NEW UNNUMBERED PARAGRAPH. If no valid petition for exten-  
28 sion is received by the secretary within the time period de-  
29 scribed above, or if a petition is received but the referendum  
30 to extend the assessment passes, the assessment shall continue  
31 in effect for four additional years from the anniversary of  
32 its effective date described above.

33 Sec. 5. Section 185.15, Code 1985, is amended to read as  
34 follows:

35 185.15 INITIAL MEETING.

1 The initial board shall meet and organize following the  
2 members' election, and the promotional order, including the  
3 assessment, shall become effective sixty days following the  
4 date of the election of the board. A promotional order shall  
5 be effective for four years from its effective date, and upon  
6 each four-year anniversary of its effective date shall be  
7 either extended or terminated as provided in this chapter.

8 Sec. 6. Section 185.25, Code 1985, is amended by striking  
9 the section and inserting in lieu thereof the following:

10 185.25 EFFECTIVE PERIOD OF PROMOTIONAL ORDER.

11 An assessment adopted upon the initiation of a promotional  
12 order shall be collected during the effective period of a  
13 promotional order, and shall be of no force or effect upon  
14 termination of a promotional order. Upon adoption of an  
15 initial promotional order, that promotional order shall be  
16 effective for four years from its effective date and shall be  
17 either extended or terminated as provided in this section.

18 Upon receipt of a petition not less than one hundred fifty  
19 nor more than two hundred forty days from a four-year anniver-  
20 sary of the effective date of an initial promotional order  
21 signed within that same period by a number of producers equal  
22 to or greater than <sup>one</sup> ~~two~~ percent of the number of producers re-  
23 ported in the most recent United States census of agriculture,  
24 requesting a referendum to determine whether to extend the  
25 assessment, the secretary shall call a referendum to be  
26 conducted not earlier than thirty days before the four-year  
27 anniversary date. If the secretary determines that extension  
28 of the assessment is not favored by a majority of the  
29 producers voting in the referendum, the secretary and the  
30 board shall terminate the assessment in an orderly manner as  
31 soon as practicable after the determination. If the  
32 assessment is terminated, another referendum shall not be held  
33 within one hundred eighty days. A succeeding referendum shall  
34 be called by the secretary upon the petition of a number of  
35 producers equal to or greater than <sup>one</sup> ~~two~~ percent of the number

1 of producers reported in the most recent United States census  
2 of agriculture requesting a referendum, who shall guarantee  
3 the costs of the referendum.

4 If no valid petition is received by the secretary within  
5 the time period described above, or if a petition is received  
6 but the referendum to extend the assessment passes, the pro-  
7 motional order shall continue in effect for four additional  
8 years from the anniversary of its effective date described  
9 above.

10 EXPLANATION

11 The secretary of agriculture is empowered to hold a sub-  
12 sequent referendum on request of two percent or more of pro-  
13 ducers, to determine whether the producers favor the termina-  
14 tion or extension of the beef and soybean assessments. The  
15 assessments continue until the producers vote in favor of  
16 terminating the assessments.

SENATE AMENDMENT TO HOUSE FILE 2378

H-5814

1 Amend House File 2378 as passed by the House as  
2 follows:

3 1. Page 1, line 22, by inserting after the word  
4 "date." the following: "If the secretary determines  
5 that extension of the assessment is favored by a  
6 majority of the producers voting in the referendum, an  
7 additional referendum on the extension of the  
8 assessment shall not be conducted earlier than thirty  
9 days before the next four-year anniversary date."

10 2. Page 2, line 22, by striking the word "two"  
11 and inserting the word "one".

12 3. Page 2, line 27, by inserting after the word  
13 "date." the following: "If the secretary determines  
14 that extension of the assessment is favored by a  
15 majority of the producers voting in the referendum, an  
16 additional referendum on the extension of the  
17 assessment shall not be conducted earlier than thirty  
18 days before the next four-year anniversary date."

19 4. Page 2, line 35, by striking the word "two"  
20 and inserting the word "one".

H-5814 FILED APRIL 11, 1986 RECEIVED FROM THE SENATE

*Speaker refused to concur 4/16 (p. 1517)  
Senate inserted 4/21 (p. 1303)*

HF 2378

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

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2 the beef and soybean assessments.

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

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2 1985, is amended by striking the unnumbered paragraph.

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32 assessment is terminated, another referendum shall not be held  
33 within one hundred eighty days. A succeeding referendum shall  
34 be called by the secretary upon the petition of a number of  
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2 of agriculture requesting a referendum, who shall guarantee  
3 the costs of the referendum.

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7 motional order shall continue in effect for four additional  
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11 The secretary of agriculture is empowered to hold a sub-  
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13 ducers, to determine whether the producers favor the termina-  
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S-5635

1 Amend House File 2378 as passed by the House as  
2 follows:

3 1. By striking page 1, line 33 through page 3,  
4 line 9.

5 2. Title page, by striking line 2 and inserting  
6 the following: "the beef assessment."

S-5635 Filed April 8, 1986 LOST

BY COLEMAN

*Lost 4/8 (p. 1114)*

## HOUSE FILE 2378

S-5641

1 Amend House File 2378 as passed by the House as  
2 follows:

3 1. Page 1, line 22, by inserting after the word  
4 "date." the following: "If the secretary determines  
5 that extension of the assessment is favored by a  
6 majority of the producers voting in the referendum, an  
7 additional referendum on the extension of the  
8 assessment shall not be conducted earlier than thirty  
9 days before the next four-year anniversary date."

10 2. Page 2, line 22, by striking the word "two"  
11 and inserting the word "one".

12 3. Page 2, line 27, by inserting after the word  
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14 that extension of the assessment is favored by a  
15 majority of the producers voting in the referendum, an  
16 additional referendum on the extension of the  
17 assessment shall not be conducted earlier than thirty  
18 days before the next four-year anniversary date."

19 4. Page 2, line 35, by striking the word "two"  
20 and inserting the word "one".

S-5641 Filed April 8, 1986  
BY WALDSTEIN, COLEMAN**ADOPTED***Adopted 4/8 (p. 1118) Motion to reconsider (p. 1122) w/d 4/9*

REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 2378

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2378, a bill for an Act providing for referendums to terminate the collection of the beef and soybean assessments, respectfully make the following report:

1. That the Senate recede from its amendment.

2. That House File 2378, as passed by the House be amended as follows:

1. Page 2, line 22, by striking the word "two" and inserting the word "one".

2. Page 2, line 35, by striking the word "two" and inserting the word "one".

ON THE PART OF THE HOUSE:

BRIAN CARTER, CHAIR  
DALE M. COCHRAN  
LOUIS J. MUHLBAUER  
WENDELL C. PELLETT  
VICTOR STUELAND

FILED APRIL 23, 1986

*House adopted 4/25/86 (p.1781)*

ON THE PART OF THE SENATE:

ALVIN V. MILLER, CHAIR  
C. JOSEPH COLEMAN  
WILLIAM D. PALMER  
JOHN E. SOORHOLTZ

HOUSE FILE 2378

AN ACT

PROVIDING FOR REFERENDUMS TO TERMINATE THE COLLECTION OF THE BEEP AND SOYBEAN ASSESSMENTS.

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

Section 1. Section 181.10, unnumbered paragraph 3, Code 1985, is amended by striking the unnumbered paragraph.

Sec. 2. Section 181.14, unnumbered paragraph 1, Code 1985, is amended by striking the unnumbered paragraph.

Sec. 3. Section 181.15, unnumbered paragraph 3, Code 1985, is amended by striking the unnumbered paragraph.

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NEW UNNUMBERED PARAGRAPH. Upon receipt of a petition not less than one hundred fifty nor more than two hundred forty days from a four-year anniversary of the effective date of the assessment, signed within that same period by a number of producers equal to or greater than two percent of the number of producers reported in the most recent United States census of agriculture, requesting a referendum to determine whether to extend the assessment, the secretary shall call a referendum to be conducted not earlier than thirty days before the four-year anniversary date. If the secretary determines that extension of the assessment is not favored by a majority of the producers voting in the referendum, the secretary and the board shall terminate the assessment in an orderly manner as soon as practicable after the determination.

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Sec. 5. Section 185.15, Code 1985, is amended to read as follows:

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Upon receipt of a petition not less than one hundred fifty nor more than two hundred forty days from a four-year anniversary of the effective date of an initial promotional order signed within that same period by a number of producers equal to or greater than one percent of the number of producers reported in the most recent United States census of agriculture, requesting a referendum to determine whether to extend the assessment, the secretary shall call a referendum to be conducted not earlier than thirty days before the four-year anniversary date. If the secretary determines that extension of the assessment is not favored by a majority of the producers voting in the referendum, the secretary and the board shall terminate the assessment in an orderly manner as soon as practicable after the determination. If the

assessment is terminated, another referendum shall not be held within one hundred eighty days. A succeeding referendum shall be called by the secretary upon the petition of a number of producers equal to or greater than one percent of the number of producers reported in the most recent United States census of agriculture requesting a referendum, who shall guarantee the costs of the referendum.

If no valid petition is received by the secretary within the time period described above, or if a petition is received but the referendum to extend the assessment passes, the promotional order shall continue in effect for four additional years from the anniversary of its effective date described above.

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DONALD D. AVENSON  
Speaker of the House

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ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2378, Seventy-first General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 20, 1986

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TERRY E. BRANSTAD  
Governor