

CHAPTER 104

FARMERS' SHORT COURSES

H. F. 82

AN ACT to amend section one (1), chapter one hundred seventeen (117), acts of the Fiftieth General Assembly, relating to state aid for farmer's* short courses where there are two (2) farm aid associations in the same county.

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

1 SECTION 1. Section one (1), chapter one hundred seventeen (117),
2 Acts of the Fiftieth General Assembly, is hereby amended by striking
3 from line seven (7) the word "fair" and inserting in lieu thereof the
4 word "court"; also striking from line eight (8) the word "district" and
5 inserting in lieu thereof the word "county"; also striking from line nine
6 (9) the word "district" and inserting in lieu thereof the word "county".

Approved March 7, 1945.

*According to enrolled act.

CHAPTER 105

DAIRY INDUSTRY COMMISSION

H. F. 170

AN ACT to protect and further the public health and welfare by promoting the development, expansion, economic stability, and prosperity of the dairy industry through the stimulation of an increased use and consumption of dairy products in the markets of the state, nation, and foreign countries; to provide means and methods for research, education, advertising and sales stimulation relative to the products of the dairy industry of Iowa; to provide funds for such purposes by an excise tax on dairy products, and for the collection and expenditure thereof; to create a commission with state authority to administer this act, and to define its authority, duties and powers; and to prescribe penalties for violations of this act.

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

1 SECTION 1. As used in this Act:
2 (a) The term "commission" shall mean the Iowa Dairy Industry
3 Commission:
4 (b) The term "person" shall mean individuals, corporations, part-
5 nerships, trusts, associations, cooperatives, and any and all other
6 business units.
7 (c) The term "Producer" shall mean and include every person who
8 produces milk or cream from cows and thereafter sells the same as
9 milk, cream or other dairy products.
10 (d) The term "dealer" shall mean and include any person who buys,
11 sells, manufactures, processes or ships dairy products, or who acts as
12 sales or purchasing agent, broker or factor of dairy products.

1 SEC. 2. There is hereby created an "Iowa Dairy Industry Commis-
2 sion" to be thus known and designated.

3 This commission shall be composed of the head of the Dairy Hus-
4 bandry Department of Iowa state college, the head of the Dairy In-

5 dustry Department of Iowa state college, and the Chief of the Dairy
6 and Food Division of the Department of Agriculture and in addition
7 thereto nine (9) members appointed by the secretary of agriculture
8 of the State of Iowa as immediately hereinafter provided.

9 The Board of Directors of the Iowa State Dairy Association shall on
10 or before the 15th day of May of each odd numbered year nominate
11 for the office of commissioners three persons from each congressional
12 district within the state of Iowa, as constituted January 1, 1941, all
13 of whom shall be actual milk or cream producers which list shall on
14 or before the first day of June following be certified to the secretary
15 of agriculture of the State of Iowa by the President and Secretary of
16 the Iowa State Dairy Association and the said secretary of agriculture
17 shall, on or before the second Tuesday in June of each odd numbered
18 calendar year, appoint one of said nominees so certified from each of
19 said districts as a member of Iowa Dairy Industry Commission who
20 shall serve for a period of two years from July 1st following his
21 appointment and until his successor is duly appointed and qualified.
22 Any vacancy occurring in said Iowa Dairy Industry Commission shall
23 be filled by the said secretary of agriculture from nominations made
24 by the Board of Directors of the Iowa State Dairy Association in the
25 manner heretofore provided. The appointive members of the Com-
26 mission shall receive the sum of five dollars (\$5.00) per day for each
27 day spent in actual attendance on meetings of the commission not ex-
28 ceeding one hundred dollars (\$100.00) per annum, together with actual
29 necessary expenses and mileage at the rate of three and one-half cents
30 ($3\frac{1}{2}$ c) per mile.

1 SEC. 3. The powers and duties of the commission shall include the
2 following:

3 (1) To elect a chairman, a secretary, and from time to time such
4 other officers as it may deem advisable, and from time to time to adopt,
5 rescind, modify and amend all proper and necessary rules, regulations
6 and orders for the exercise of its power and the performance of its
7 duties, which rules, regulations and orders shall have the force and
8 effect of law when not inconsistent with existing laws;

9 (2) To administer and enforce this Act, and do and perform all acts
10 and exercise all powers reasonably necessary to effectuate the purpose
11 of this Act;

12 (3) To employ at its pleasure and discharge at its pleasure such
13 attorneys, advertising counsel, advertising agencies, clerks, and em-
14 ployees as it deems necessary, and to prescribe their duties and powers
15 and fix their compensation;

16 (4) To establish offices and incur any and all expense, and to enter
17 into any and all contracts and agreements for the proper administra-
18 tion and enforcement of this Act;

19 (5) To report alleged violations of this Act to the attorney general
20 of the state of Iowa;

21 (6) To conduct scientific research for the purpose of developing
22 and discovering the health, food, therapeutic, dietetic, and industrial
23 uses for products of milk or its derivatives;

24 (7) To make in the name of the commission such advertising con-
25 tracts and other agreements as it deems necessary to promote the sale
26 and consumption of dairy products on either a state or national basis;

27 (8) To keep accurate books, records, and accounts of all its deal-
28 ings, which books, records, and accounts shall be open to inspection
29 and audit by the Board of Directors of the Iowa State Dairy Associa-
30 tion or its representatives, and shall be audited annually by the Auditor
31 of State.

1 SEC. 4. The commission shall plan and conduct a campaign for
2 commodity advertising, publicity and sales promotion, research and
3 educational campaigns to increase the consumption of dairy products,
4 and may contract for any advertising, publicity, and sales promotion,
5 research and educational service. To accomplish such purpose the
6 commission shall have power and it shall be the duty of the commission
7 to disseminate information as follows:

8 (a) Relating to dairy products and the importance thereof in pre-
9 serving the public health, the economy thereof in the diet of the people,
10 and the importance thereof in the nutrition of children;

11 (b) Relating to the manner, method and means used and employed
12 in the production, processing and marketing of dairy products in order
13 to comply with the laws of the state and nation regulating and safe-
14 guarding such production and marketing to insure a pure and whole-
15 some product;

16 (c) Relating to the method of the producer and dealer in producing
17 and handling dairy products in order to meet the standards imposed
18 by the state and Federal Government to insure a pure and nutritious
19 product;

20 (d) Relating to the harmful effect on the public health that would
21 result from a breakdown of the dairy industry;

22 (e) Relating to the reasons why producers should receive a reason-
23 able return on their labor investment;

24 (f) Relating to the problem of furnishing the consumer at all times
25 with an abundant supply of high quality dairy products at reasonable
26 prices;

27 (g) Relating to the factors of instability peculiar to the dairy in-
28 dustry, such as unbalanced production, influence of consumer purchas-
29 ing power, and price relative to the cost of other items of food in the
30 normal diet of people, all to the end that an intelligent and increasing
31 consumer demand may be stimulated;

32 (h) Relating to the possibilities of increasing consumption of dairy
33 products;

34 (i) Relating to such other, further and additional information as
35 shall tend to promote increased consumption of dairy products, and as
36 may foster a better understanding and more efficient cooperation be-
37 tween producers, and consuming public.

1 SEC. 5. (a) There is hereby levied and imposed an excise tax of one
2 cent (1¢) per pound or fraction thereof upon all butter fat sold in the
3 state of Iowa during the period beginning June 1st and terminating
4 June 15th inclusive, 1945, and annually thereafter during the same
5 period; provided, however, that the provisions of this section shall not
6 apply to butter fat in milk and cream produced outside the state of
7 Iowa. For the purpose of computing the tax in markets where butter
8 fat tests are not available, or the butter fat content not definitely
9 known, the amount of butter fat in milk and cream shall be computed

10 on the basis of four percent (4%) in the case of milk, and thirty-two
11 percent (32%) in the case of cream.

12 (b) All taxes levied and imposed under this act shall be deducted
13 from the price charged by the producer and shall be collected by the
14 first dealer; provided however, that:

15 (1) Where the producer produces milk or cream from cows and
16 thereafter sells the same as milk, cream, or other dairy products,
17 directly to the consumer the taxes aforesaid shall be held by such
18 producer.

19 (2) Where the producer sells milk, cream or other dairy products
20 to any dealer outside the state of Iowa the taxes aforesaid shall be
21 due and payable by such producer before the shipment is made, except
22 that the commission may make such agreements with extra state deal-
23 ers for the keeping of records and the collection of the taxes aforesaid
24 as are necessary to secure the payment of the said taxes within the time
25 fixed by this Act.

26 All taxes levied and imposed under this act, shall be paid to and
27 collected by the Secretary of the Commission who shall remit to the
28 Treasurer of the State, quarterly, and at the same time render to the
29 State Comptroller an itemized and verified report showing the source
30 from which said taxes were obtained. All such taxes collected and
31 remitted shall be placed in a special fund by the treasurer of state,
32 and the state comptroller, to be known as the "Dairy Industry Fund",
33 to be used by the Iowa Dairy Industry Commission for the purposes
34 set out in this act and to administer and enforce the laws relative
35 thereto.

1 SEC. 6. Every producer shipping milk, cream and/or other dairy
2 products to any dealer outside of Iowa who is not by agreement with
3 the commission collecting the tax imposed by this act, and every first
4 dealer within the state of Iowa and every producer distributing milk,
5 cream, or other dairy products directly to the consumer, shall keep a
6 complete and accurate record of all butter fat taxed by this Act in
7 milk or cream produced, bottled, processed, or distributed by him
8 during the period of June 1 to June 15, inclusive, of each year. Such
9 records shall be in such form and contain such information as the
10 commission shall by rule or regulation prescribe and shall be pre-
11 served by the person charged with their making for a period of two
12 (2) years and shall be offered or submitted for inspection at any time
13 upon written or oral request by the Commission or its duly authorized
14 agent or employee.

1 SEC. 7. Every person charged by this Act or by agreement with the
2 commission with the keeping of records provided for in this Act shall
3 at such times as the commission may by rule or regulation require, file
4 with the commission a return on forms to be prescribed and furnished
5 by the commission stating the quantity of dairy products produced,
6 bottled, processed, or distributed, and butter fat content of all milk
7 or cream produced by, delivered to or purchased by such person from
8 the various producers of dairy products or their agents in the State
9 of Iowa during the period of time prescribed in above sub-section (a)
10 Section 5. Such return shall contain such other information as the
11 commission may require, and shall be made in triplicate, one (1) copy
12 of which shall be for the files of the person making the return, and

13 one (1) copy available at the office of such person, for the use of his
14 patrons, and the original filed with the commission.

1 SEC. 8. No part of the expense incurred by the commission shall
2 be paid out of any funds in the state treasury except said Dairy In-
3 dustry Fund which shall be subject at all times to the warrant of the
4 state comptroller, drawn upon written requisition of the Chairman
5 of the Commission and attested by the Secretary for the payment of
6 all salaries, and other expenses necessary, to carry out the provisions
7 of this act, but in no event shall the total expenses therefor exceed the
8 total taxes collected and deposited to the credit of said fund.

1 SEC. 9. The Commission shall have the power to cause its authorized
2 agents to enter upon the premises of any person charged by this Act
3 or by agreement with the commission with the collection of the excise
4 tax imposed by this Act, and to cause to be examined by any such agent
5 any books, records, documents, or other instruments bearing upon the
6 amount of such tax collected or to be collected by such person; pro-
7 vided that the commission has reasonable ground to believe that all
8 the tax herein levied has not been collected, or if it has not been fully
9 accounted for as herein provided.

1 SEC. 10. The commission shall on or before the first day of March
2 of each year make a full and complete report of its doings for the
3 previous calendar year to the Board of Directors of the Iowa State
4 Dairy Association, which report shall show the amount of money re-
5 ceived and the expenditures thereof, and shall be printed in the annual
6 Agricultural Year Book issued by the secretary of agriculture of the
7 state of Iowa.

1 SEC. 11. Any person who shall violate or aid in the violation of any
2 of the provisions of this Act shall be deemed guilty of a misdemeanor
3 and upon conviction thereof shall be punished by a fine of not to
4 exceed one hundred dollars (\$100.00), or by imprisonment in the
5 county jail not to exceed thirty (30) days. All prosecutions for
6 alleged violations of the provisions of this Act shall be by the County
7 Attorney of the county in which such alleged violation occurred and
8 shall be instituted and conducted under the direction and authority of
9 the attorney general of the state of Iowa.

1 SEC. 12. This Act shall be liberally construed. If any section, sen-
2 tence, clause or part of this Act is for any reason held to be unconsti-
3 tutional or invalid, such decision shall not affect the remaining por-
4 tions of this Act.

1 SEC. 13. All salaries and compensation provided for by this act shall
2 be subject to the approval of the governor and the comptroller of this
3 state.

1 SEC. 14. This Act being deemed of immediate importance shall take
2 effect from and after its passage and publication in the Charles City
3 Daily Press, a newspaper published in Charles City, Iowa, and in the
4 Ida County Pioneer Record, a newspaper published in Ida Grove, Iowa.

Approved March 13, 1945.

I hereby certify that the foregoing act was published in the Charles City Daily Press,
Charles City, Iowa, March 20, 1945, and the Ida County Pioneer Record, Ida Grove,
Iowa, March 22, 1945.

WAYNE M. ROPES, *Secretary of State.*