

**CHAPTER 1146**

## AGRICULTURAL COMMODITY ORGANIZATIONS

H.F. 2428

**AN ACT** relating to agricultural commodity organizations, by providing for their administration, the collection, deposit, and transfer of moneys, and assessments.

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

Section 1. Section 179.1, Code 1993, is amended by adding the following new subsection:  
NEW SUBSECTION. 7A. "Qualified financial institution" means a bank, credit union, or savings and loan as defined in section 12C.1.

Sec. 2. Section 179.5, subsection 3, Code 1993, is amended to read as follows:

3. All taxes levied and imposed under this chapter and other contributions made to the dairy industry commission, shall be paid to and collected by the commission within thirty days after the end of the month during which the milk was marketed. The commission shall remit the taxes and other contributions to the treasurer of the state each quarter, and at the same time render to the director of revenue and finance an itemized and verified report showing the source from which the taxes and voluntary contributions were obtained. All taxes and voluntary contributions received, collected and remitted shall be placed in a special fund by the treasurer of state and the director of revenue and finance, to be known as the "Dairy Industry Fund" to be used by the Iowa dairy industry commission for the purposes set out in this chapter and to administer and enforce the laws relative to this chapter. Funds The department of revenue and finance shall transfer moneys from the fund to the commission for deposit into an account established by the commission in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the commission. 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. Moneys deposited in the dairy industry fund and transferred to the commission as provided in this section are appropriated and shall be used for the purpose of carrying out the provisions of this chapter.

Sec. 3. Section 179.8, Code 1993, is amended to read as follows:

**179.8 PAYMENT OF EXPENSES – LIMITATION.**

No part of the expense incurred by the commission shall be paid out of any funds moneys in the state treasury except said moneys transferred to the commission from the dairy industry fund which shall be subject at all times to the warrant of the director of revenue and finance, drawn upon written requisition of the chairperson of the commission and attested by the secretary. Moneys transferred from the fund to the commission, as provided in section 179.5, shall be used for the payment of all salaries, and other expenses necessary, to carry out the provisions of this chapter, but, However, in no event shall the total expenses therefor exceed the total taxes collected and deposited to the credit of said transferred from the fund to the commission.

No more than five percent of the excise tax collected and received by the commission pursuant to section 179.5 shall be utilized for administrative expenses of the commission.

Sec. 4. Section 179.10, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

**179.10 REPORT.**

The commission shall each year prepare and submit a report summarizing the activities of the commission 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.

Sec. 5. Section 181.2, subsection 7, Code 1993, is amended to read as follows:

7. ~~Make~~ Prepare an annual report of the proceedings and expenditures to the secretary of agriculture as provided in section 181.18B.

Sec. 6. Section 181.6, Code 1993, is amended by adding the following new subsection:  
NEW SUBSECTION. 4. "Qualified financial institution" means a bank, credit union, or savings and loan as defined in section 12C.1.

Sec. 7. Section 181.13, Code 1993, is amended to read as follows:  
181.13 FUND ADMINISTRATION OF MONEYS.

All excise taxes imposed and levied under this chapter shall be paid to and collected by the executive committee and deposited with the treasurer of state in a separate cattle and veal calf fund which is hereby shall be created by the treasurer of state. The department of revenue and finance shall transfer moneys from the fund to the executive committee for deposit into an account established by the executive committee in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the executive committee. 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 executive committee, in accordance with the provisions of this chapter, the executive committee shall first pay the costs of referendums held pursuant hereto to this chapter; the costs of collection of such excise tax, the expenses of its agents and expenses of officers provided for in section 181.5. Except as otherwise provided in section 181.19, at least thirty percent of the funds remaining thereafter remaining moneys shall be remitted to the national livestock and meat board and the beef industry council thereof, and at least ten percent of the remaining funds shall be remitted to the Iowa beef cattle producers association in such proportions as the determined by the executive committee may determine, for use by them in a manner not inconsistent with section 181.7. The remaining moneys received, with approval of a majority of the executive committee, shall be expended as found the executive committee finds necessary to carry out the provisions and purposes of this chapter. The cattle and veal calf fund shall be subject at all times to warrants by the director of revenue and finance, drawn upon the written requisition of the chairperson of the executive committee and attested to by its secretary, for the payment of all expenditures of the committee, which shall, at no time, exceed the amount deposited to the credit of such fund. However, in no event shall the total expenses exceed the total amount transferred from the fund for use by the executive committee.

All moneys deposited in the cattle and veal calf fund and transferred to the executive committee 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.

Sec. 8. Section 181.16, Code 1993, is amended to read as follows:  
181.16 MONEYS REMAINING IN FUND.

If any extension referendum fails to carry, moneys remaining in the cattle and veal calf fund or transferred to the executive committee, shall continue to be transferred and expended in accordance with the provisions of this chapter until exhausted.

Sec. 9. NEW SECTION. 181.18B REPORT.

The executive committee shall each year prepare and submit a report summarizing the activities of the executive committee 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.

Sec. 10. Section 183A.1, Code 1993, is amended by adding the following new subsection:  
NEW SUBSECTION. 9. "Qualified financial institution" means a bank, credit union, or savings and loan as defined in section 12C.1.

Sec. 11. Section 183A.7, Code 1993, is amended to read as follows:

183A.7 FUND ADMINISTRATION OF MONEYS.

Assessments imposed under this chapter paid to and collected by the Iowa pork producers council shall be deposited in the pork promotion fund which is established in the office of the treasurer of state. The department of revenue and finance 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.

All moneys deposited in the pork promotion fund and transferred to the council as provided in 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.

From the moneys collected, deposited, and transferred to the council as provided in this chapter, the council shall first pay the costs of referendums held pursuant to this chapter. Of the funds moneys remaining, at least ten percent shall be remitted to the national livestock and meat board and the pork industry group; thereof, at least twenty-five percent shall be remitted to the national pork producers council; and at least fifteen percent shall be remitted to the Iowa pork producers association, in the proportion the committee determines, for use by recipients in a manner not inconsistent with market development as defined in section 183A.1. Moneys remaining in the fund shall be spent as found necessary by the council to further carry out the provisions and purposes of this chapter.

The pork promotion fund shall be subject at all times to warrants by the director of revenue and finance, drawn upon the written requisition of the chair of the council attested to by its secretary, for payment of expenditures of the council, which shall, at no time, exceed the amount deposited in the fund. However, in no event shall the total expenses exceed the total amount of moneys transferred from the fund for use by the council.

Sec. 12. Section 183A.11, Code 1993, is amended to read as follows:

183A.11 AUDIT.

Moneys collected, under authority of deposited in the fund, and transferred to the council, as provided in this chapter shall be supervised by a certified public accountant employed by the council using generally accepted accounting principles and shall be subject to audit by the auditor of state.

Sec. 13. NEW SECTION. 183A.12A REPORT.

The council shall prepare and submit a report summarizing the activities of the council under this chapter each year 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 the provisions of this chapter.

Sec. 14. Section 184A.1, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. "Qualified financial institution" means a bank, credit union, or savings and loan as defined in section 12C.1.

Sec. 15. Section 184A.4, Code 1993, is amended to read as follows:

184A.4 DEPOSIT OF FEE ADMINISTRATION OF MONEYS.

The fee imposed by this chapter shall be paid by the processor to the Iowa turkey marketing council. Amounts collected from the fees shall be deposited with the treasurer of state in a separate special fund to be known as the "Iowa turkey account". The department of revenue and finance 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.

Sec. 16. Section 184A.6, Code 1993, is amended to read as follows:

184A.6 USE OF FUNDS MONEYS.

After payment of expenses, in accordance with section 184A.9 all moneys in the Iowa turkey account the council may be used by the Iowa turkey marketing council use moneys transferred to the council as provided in this chapter which are appropriated and shall be used for the administration of this chapter, and for payment of claims based upon obligations incurred in market development on behalf of the turkey industry and such moneys are hereby appropriated for such purposes.

Sec. 17. Section 184A.9, Code 1993, is amended to read as follows:

184A.9 AUDIT.

Moneys collected under authority of, deposited in the fund, and transferred to the council, as provided in this chapter shall be subject to audit by the auditor of state and. The moneys shall be used by the council first for the payment of collection expenses and for payment of the costs and expenses arising in connection with conducting any required referendums, and secondly by the turkey marketing council for market development.

Sec. 18. Section 184A.17, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

184A.17 REPORT.

The council shall prepare and submit a report summarizing the activities of the council under this chapter each year 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 the provisions of this chapter.

Sec. 19. Section 185.1, subsections 6 and 11, Code 1993, are amended to read as follows:

6. "Market development" means to engage in research and educational programs directed toward better and more efficient production and utilization of soybeans; to provide methods and means, including but not limited to, public relations and other promotion techniques for the maintenance of present markets; to provide for the development of new or larger domestic and foreign markets; and to provide for the prevention, modification, or elimination of trade barriers which obstruct the free flow of soybeans.

11. "Sale" or "purchase" includes but is not limited to the pledge or other encumbrance of soybeans as security for a loan extended under a federal price support loan program. Actual Sale and actual delivery of the soybeans under the federal price support loan program occurs when the soybeans are pledged or otherwise encumbered to secure the loan marketed following redemption by the producer or when the soybeans are forfeited in lieu of loan repayment. The If the soybeans are forfeited in lieu of repayment, the purchase price of the soybeans is the principal amount of the loan extended and the purchase invoice for the soybeans is the documentation required for extension of the loan assessment shall be collected at the time of loan settlement.

Sec. 20. Section 185.1, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 10A. "Qualified financial institution" means a bank, credit union, or savings and loan as defined in section 12C.1.

Sec. 21. Section 185.10, Code 1993, is amended to read as follows:

185.10 EX OFFICIO MEMBERS.

The secretary, the dean of the college of agriculture of Iowa State University of science and technology, and the director of the Iowa department of economic development, or their designees, and two representatives of first purchaser organizations appointed by the board shall serve on the board as nonvoting ex officio members. The Iowa grain and feed association and agri-industries shall each nominate two first purchaser representatives, and the board shall appoint one first purchaser representative from each set of nominations or another first purchaser of its choice as the first purchaser representatives on the board.

Sec. 22. Section 185.13, Code 1993, is amended by adding the following new subsection:  
NEW SUBSECTION. 5. Periodically review or evaluate each program conducted pursuant to this chapter to ensure that the program contributes to one of the purposes of the board.

Sec. 23. Section 185.21, Code 1993, is amended to read as follows:

185.21 ASSESSMENT.

An assessment adopted upon the initiation of a promotional order shall be collected during the effective period of the promotional order, and shall be of no force or effect upon termination of the promotional order.

The board shall determine and set the assessment rate. Assessments pursuant to the promotional order shall be paid into the soybean promotion fund established in section 185.26. An assessment shall not exceed one cent per bushel upon one-quarter of one percent of the net market price of the soybeans marketed in this state and sold to a first purchaser. The net market price is the sales price received by a producer for soybeans after adjustments for any premium or discount based on grading or quality factors. The rate of assessment shall be determined by the board but shall not be changed, once established, during a marketing year. The board shall determine the effective date of a rate change.

Sec. 24. Section 185.24, Code 1993, is amended to read as follows:

185.24 CANCELLATION TERMINATION OF A PROMOTIONAL ORDER.

If a promotional order has been canceled is not extended as determined by a referendum, and the secretary and the board shall terminate the promotional order in an orderly manner as soon as practicable. After all funds are expended, the board shall cease to function. Any funds remaining one year following the termination of a promotional order shall be disbursed by the board to the Iowa Soybean Association. However, if a future referendum passes, the board shall be reorganized by the secretary and members shall serve out their terms as though there had been no lapse of time between effective orders.

Sec. 25. Section 185.25, Code 1993, is amended to read as follows:

185.25 EFFECTIVE PERIOD OF PROMOTIONAL ORDER SPECIAL REFERENDUM – PRODUCER PETITION.

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

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 promotional order, 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 promotional order 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 promotional order shall be terminated as provided in section 185.24. If the assessment promotional order 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 promotional order passes, the promotional order shall continue in effect for four additional years from the anniversary of its effective date described above.

Sec. 26. NEW SECTION. 185.25A SPECIAL REFERENDUM — REQUEST BY THE BOARD.

1. If the assessment rate approved by producers in the most recent referendum election conducted pursuant to this chapter is less than the maximum rate established in section 185.21, the board may request the secretary to call a special referendum at any time prior to the expiration of the promotional order. The referendum shall be conducted as provided in this chapter for referendum elections.

2. Producers shall vote on the question, as determined by the board, of whether to authorize an increase in the assessment rate or whether to authorize an extension of the promotional order and an increase of the assessment rate. The assessment rate shall not exceed the rate established in section 185.21.

a. If the secretary determines that the question of whether to authorize an increase in the assessment rate is approved in the special referendum, the rate of assessment shall be changed as provided in section 185.21.

b. If the secretary determines that the question of whether to extend the promotional order at the increased assessment rate is approved in the special referendum, the promotional order shall continue in effect for four additional years from the anniversary of its effective date, and the rate of assessment shall be changed as provided in section 185.21. If the secretary determines that the question has not been approved, the promotional order shall be terminated as provided in section 185.24.

Sec. 27. Section 185.26, Code 1993, is amended to read as follows:

185.26 DEPOSIT OF FUNDS ADMINISTRATION OF MONEYS.

Assessments collected by the board from a sale of soybeans shall be deposited in a special fund known as the soybean promotion fund, in the office of the treasurer of state ~~together with. The fund may also contain any gifts, or any federal or state grant as may be received by the board, and placed in a special fund to be known as the soybean promotion fund.~~ Moneys collected, deposited into the fund, and transferred to the board, as provided in this chapter, shall be subject to audit by the auditor of state. The department of revenue and finance shall transfer moneys from the fund to the board for deposit into an account established by the board in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the board. 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 moneys collected, deposited and transferred to the board as provided in this section, the board shall first pay the costs of referendums, elections and other expenses incurred in the administration of this chapter, and thereafter before moneys may be expended for the purpose of market development. ~~The fund shall be subject at all times to warrants by the director of revenue and finance, drawn upon the written requisition of the chairperson of the board and attested to by the secretary of the board.~~

Sec. 28. Section 185.28, Code 1993, is amended to read as follows:

185.28 APPROPRIATION USE OF MONEYS.

All moneys deposited in the soybean promotion fund collected, deposited, and transferred to the board as provided in this chapter, are appropriated and shall be used for the administration of this chapter by the board and for the payment of claims by the board based upon obligations incurred in the performance of board activities and functions set forth provided in this chapter.

Sec. 29. Section 185.29, Code 1993, is amended to read as follows:

185.29 REMISSION OF EXCESS FUNDS.

After the board has paid the costs of elections, referendum, necessary board expenses and administrative costs have been paid, at least seventy-five percent of the remaining funds in the soybean promotion fund moneys collected, deposited in the fund, and transferred to the board as provided in this chapter, shall be expended by the board for market development activities to include, including developing and expanding new markets for soybeans and

soybean products worldwide. ~~The funds can~~ moneys shall only be used for research, promotion, and education in co-operation with qualified agencies who are equipped to do this kind of work.

Sec. 30. Section 185.30, Code 1993, is amended to read as follows:  
185.30 BOND.

Every person occupying a position of trust under any provisions of this chapter shall give provide a bond in such an amount as may be required by the board, the. The premium for which the bond shall be paid out of moneys transferred from the soybean promotion fund to the board pursuant to section 185.26.

Sec. 31. Section 185.33, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

185.33 REPORT.

The board shall each year prepare and submit a report summarizing the activities of the board 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 the provisions of this chapter.

Sec. 32. Section 185C.1, Code 1993, is amended by adding the following new subsection:  
NEW SUBSECTION. 12A. "Qualified financial institution" means a bank, credit union, or savings and loan as defined in section 12C.1.

Sec. 33. Section 185C.1, subsection 13, Code 1993, is amended to read as follows:

13. "Sale" or "purchase" ~~includes but is not limited to may, to the extent determined by the board, include the pledge or other encumbrance of corn as security for a loan extended under a federal price support loan program. Actual delivery of the corn occurs when the corn is pledged or otherwise encumbered to secure the loan. The purchase price of the corn is the principal amount of the loan extended and the purchase invoice for the corn is the documentation required for extension of the loan.~~

Sec. 34. Section 185C.10, Code 1993, is amended to read as follows:  
185C.10 EX OFFICIO MEMBERS.

The secretary, the dean of the college of agriculture of Iowa State University of science and technology, and the director of the Iowa department of economic development, or their designees, and two representatives of first purchaser organizations appointed by the board shall serve on the board as ex officio members. The Iowa grain and feed association and agri-industries shall each nominate two first purchaser representatives, and the board shall appoint one first purchaser representative from each set of nominations or another first purchaser of its choice as the first purchaser representatives on the board.

Sec. 35. Section 185C.21, Code 1993, is amended to read as follows:  
185C.21 STATE ASSESSMENT.

1. The board shall determine and set the state assessment rate. State assessments collected pursuant to the promotional order shall be paid into the corn promotion fund established in section 185C.26. Except as provided in subsection 2, a state assessment shall not exceed one-quarter of one cent per bushel upon corn marketed in this state. The rate of the state assessment shall be determined by the board but shall not be changed, once established, during a marketing year. However, a board which has been reconstituted pursuant to section 185C.8 may change the rate of the state assessment in the marketing year in which the board is reconstituted. The board shall establish the effective date of a rate change.

2. Upon request of the board, the secretary shall call a special referendum for producers to vote on whether to authorize an increase in the state assessment above one-quarter of one cent per bushel, notwithstanding subsection 1. The special referendum shall be conducted as provided in this chapter for referendum elections. However, the special referendum shall not affect the existence or length of the promotional order in effect. If a majority of the producers

voting in the special referendum approve the increase, the board, at the end of the marketing year, may increase the assessment to the amount approved in the special referendum. However a state assessment shall not exceed one-half of one cent per bushel of corn marketed in this state.

Sec. 36. Section 185C.26, Code 1993, is amended to read as follows:

**185C.26 DEPOSIT OF MONEYS.**

State assessments collected by the board from a sale of corn shall be deposited in the office of the treasurer of state ~~together with~~ in a special fund known as the corn promotion fund. ~~The fund may include any gifts, or any federal or state grant as may be received by the board, and placed in a special fund to be known as the corn promotion fund.~~ Moneys collected, deposited in the fund, and transferred to the board as provided in this chapter, shall be subject to audit by the auditor of state. The department of revenue and finance shall transfer moneys from the fund to the board for deposit into an account established by the board in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the board. 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 moneys collected, the board shall first pay all the direct and indirect costs incurred by the secretary and the costs of referendums, elections, and other expenses incurred in the administration of this chapter, and thereafter before moneys may be expended for the purpose of market development. The fund shall be subject at all times to warrants by the director of revenue and finance, drawn upon the written requisition of the chairperson of the board and attested to by the secretary of the board.

Sec. 37. Section 185C.28, Code 1993, is amended to read as follows:

**185C.28 APPROPRIATION USE OF MONEYS.**

Moneys deposited in the corn promotion fund and transferred to the board as provided in section 185C.26, including federal moneys to the extent permitted by federal law, 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~~ provided in this chapter.

Sec. 38. Section 185C.33, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

**185C.33 REPORT.**

The board shall each year prepare and submit a report summarizing the activities of the board 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 the provisions of this chapter.

Sec. 39. Section 196A.1, Code 1993, is amended by adding the following new subsection: **NEW SUBSECTION. 9.** "Qualified financial institution" means a bank, credit union, or savings and loan as defined in section 12C.1.

Sec. 40. Section 196A.17, Code 1993, is amended to read as follows:

**196A.17 EGG FUND ADMINISTRATION OF MONEYS.**

Subject to the provisions of section 196A.15, the tax imposed by this chapter shall be remitted by the purchaser to the Iowa egg council not later than thirty days following each calendar quarter during which the tax was collected. Amounts collected from the tax shall be deposited in the office of the treasurer of state in a separate fund to be known as the Iowa egg fund. The department of revenue and finance 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.



Sec. 41. Section 196A.19, Code 1993, is amended to read as follows:

**196A.19 USE OF EGG FUND MONIES; AUDIT.**

All moneys deposited in the Iowa egg fund and transferred to the council as provided in section 196A.17, 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.

Moneys collected ~~under the authority of~~, deposited in the fund, and transferred to the council as provided in this chapter are subject to audit by the auditor of state. The moneys transferred to the council, shall be used by the Iowa egg council first for the payment of collection expenses, second for payment of the costs and expenses arising in connection with conducting referendums, and third for market development. Moneys remaining in ~~the Iowa egg fund~~ after a referendum is held when a majority of the voters do not favor extending the tax shall continue to be expended in accordance with this chapter until exhausted.

Sec. 42. Section 196A.21, Code 1993, is amended to read as follows:

**196A.21 BOND REQUIRED.**

All persons holding positions of trust under this chapter shall ~~give~~ provide a bond in the amount required by the council. The premiums for bond costs shall be paid from ~~the moneys transferred from the Iowa egg fund to the council as provided in section 196A.17~~.

Sec. 43. Section 196A.25, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

**196A.25 REPORT.**

The council shall each year prepare and submit a report summarizing the activities of the council under this chapter each year 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 the provisions of this chapter.

Sec. 44. Section 421.31, subsection 2, Code 1993, is amended to read as follows:

2. **PREAUDIT SYSTEM.** To establish and fix a reasonable imprest cash fund for each state department and institution for disbursement purposes where needed. These revolving funds shall be reimbursed only upon vouchers approved by the director. It is the purpose of this subsection to establish a preaudit system of settling all claims against the state, but the preaudit system is not applicable to any of the institutions following:

a. Institutions under the control of the state board of regents, ~~or to the~~

b. The state fair board as established in chapter 173.

c. The Iowa dairy industry commission as established in chapter 179, the Iowa beef cattle producers association as established in chapter 181, the Iowa pork producers council as established in chapter 183A, the Iowa turkey marketing council as established in chapter 184A, the Iowa soybean promotion board as established in chapter 185, the Iowa corn promotion board as established in chapter 185C, and the Iowa egg council as established in chapter 196A.

Sec. 45. Section 421.31, Code 1993, is amended by adding the following new subsection:

**NEW SUBSECTION. 6A. ENTITIES REPRESENTING AGRICULTURAL PRODUCERS.** To control the financial operations of the Iowa dairy industry commission as provided in chapter 179, the Iowa beef cattle producers association as provided in chapter 181, the Iowa pork producers council as provided in chapter 183A, the Iowa turkey marketing council as provided in chapter 184A, the Iowa soybean promotion board as provided in chapter 185, the Iowa corn promotion board as provided in chapter 185C, and the Iowa egg council as provided in chapter 196A.

Sec. 46. **REPEALS.** Sections 184A.7 and 196A.20, Code 1993, are repealed.

## CHAPTER 1147

### USE OF MOBILE RADIO TRANSMITTERS FOR HUNTING

*S.F. 2049*

**AN ACT** relating to the use of mobile radio transmitters for hunting or the tracking of dogs or birds of prey, and providing a penalty.

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

Section 1. Section 481A.24, Code Supplement 1993, is amended to read as follows:

**481A.24 USE OF MOBILE RADIO TRANSMITTER PROHIBITED – EXCEPTION EXCEPTIONS.**

1. For the purposes of this section:

a. “One-way mobile radio transmitter” means a radio capable of transmitting a signal only but not capable of transmitting a voice signal. The signal may be tracked or located by radio telemetry or located by an audible sound.

b. “Two-way mobile radio transmitter” means a radio capable of transmitting and receiving voice messages including, but not limited to, a citizen band radio or a cellular telephone.

2. A Except as otherwise provided in this section, a person who is hunting shall not use a one-way or two-way mobile radio transmitter to communicate the location or direction of game or fur-bearing animals or to coordinate the movement of other hunters. This section subsection does not apply to the hunting of coyotes except during the shotgun deer season as set by the commission under section 481A.38.

3. A licensed falconer may use a one-way mobile radio transmitter to recover a free-flying bird of prey properly banded and covered on the falconry permit.

4. A person hunting with the aid of a dog may use at any time a one-way mobile transmitter designed to track or aid in the recovery of the dog.

Sec. 2. Section 805.8, subsection 5, paragraphs c and d, Code Supplement 1993, are amended to read as follows:

c. For violations of sections 481A.6, 481A.21, 481A.22, 481A.24, 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.82, 481A.83, 481A.84, 481A.92, 481A.123, 482.7, 483A.7, 483A.8, 483A.23, and 483A.24, the scheduled fine is twenty-five dollars.

d. For violations of sections 481A.7, 481A.24, 481A.47, 481A.52, 481A.53, 481A.55, 481A.58, 481A.63, 481A.76, 481A.81, 481A.90, 481A.91, 481A.97, 481A.122, 481A.126, 481A.142, 482.8, and 483A.37, the scheduled fine is fifty dollars.

Approved May 4, 1994

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## CHAPTER 1148

### FUR-BEARING ANIMALS AND OTHER WILDLIFE

*S.F. 2071*

**AN ACT** relating to the taking of fur-bearing animals for the protection of public or private property.

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

Section 1. Section 481A.12, Code 1993, is amended to read as follows:

**481A.12 SEIZURE OF WILDLIFE TAKEN OR HANDLED ILLEGALLY.**

The director or any peace officer shall seize with or without warrant and take possession of, or direct the disposal of, any fish, furs, birds, or animals, or mussels, clams, or frogs, which