

## CHAPTER 1109

### ASSESSMENT ON SHEEP AND WOOL PRODUCTION

H.F. 2459

**AN ACT** relating to the assessment of moneys on sheep and wool production, and including effective date provisions.

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

Section 1. Section 182.1, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 2. Section 182.1, Code 2011, is amended by adding the following new subsection:  
NEW SUBSECTION. 8A. “Secretary” means the secretary of agriculture.

Sec. 3. NEW SECTION. **182.13B Assessment rate.**

1. If a majority of voters at a referendum conducted pursuant to section 182.4 approve the establishment of an Iowa sheep and wool promotion board and the imposition of an assessment, the assessment shall be imposed on wool and sheep at the following rates:

- a. For wool, two cents imposed on each pound of wool sold by a producer.
- b. For sheep, ten cents imposed on each head of sheep sold by a producer.

2. a. Notwithstanding subsection 1, upon a resolution adopted by the board, the secretary shall call a special referendum for voters to authorize increasing the assessment rate imposed on sheep as provided in this section.

b. The special referendum shall be conducted in the same manner as a referendum conducted upon receipt of a petition as provided in this chapter, unless otherwise provided in the board’s resolution. Only producers are eligible to vote in an election and each producer is entitled to one vote.

3. a. The special referendum conducted pursuant to subsection 2 shall allow a voter to cast a ballot for the following two questions:

(1) For the first question, whether to authorize an increase in the assessment rate to twenty-five cents imposed on each head of sheep.

(2) For the second question, if the first question is approved by a majority of voters, whether to also authorize the board to increase that assessment rate by future resolution as provided in this section.

4. If a majority of voters approve the first question, twenty-five cents shall be imposed on each head of sheep sold by a producer as effectuated by the board pursuant to section 182.12.

5. If a majority of voters approve both the first and second questions, all of the following apply:

a. Twenty-five cents shall be imposed on each head of sheep sold by a producer as effectuated by the board pursuant to section 182.12.

b. The board may adopt one or more resolutions to further impose an increased assessment rate. The increased assessment rate shall be imposed on each head of sheep sold by a producer as effectuated by the board pursuant to section 182.12. The board shall comply with all of the following:

(1) The board must wait three or more years from the effective date of the previous action imposing an increase in order to adopt a resolution. For the first increase, the effective date is the date of the special referendum. For any subsequent increase, the effective date is the date that the board last adopted a resolution imposing an increased rate as provided in this paragraph “b”.

(2) The board shall not adopt a resolution until it provides notice to producers of the proposed increase and an opportunity for producers to submit written or oral comments to the board regarding the proposed increase. The board may provide notice by publication in the same manner as provided in section 182.3, publication on its internet site, mail bearing a United States postal service postmark, electronic transmission, or hand-delivery.

(3) The increase in the assessment rate imposed by a resolution adopted by the board must equal five cents. However, the assessment rate imposed by a resolution of the board shall not equal more than fifty cents.

6. *a.* If a majority of voters do not authorize increasing the assessment rate pursuant to a special referendum conducted pursuant to this section, the assessment rate shall be the same as provided in subsection 1.

*b.* Not more than one special referendum shall be conducted pursuant to this section.

Sec. 4. Section 182.14, subsection 1, Code 2011, is amended by striking the subsection.

Sec. 5. Section 182.14, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The An assessment provided in this chapter shall be imposed on the producer as follows:

Sec. 6. EFFECT OF ACT. The establishment of the Iowa sheep and wool promotion board and the assessment on the sale of sheep or wool, as established in a referendum conducted pursuant to section 182.4, and in effect immediately prior to the effective date of this Act, is not affected by the enactment of section 182.13B, subsection 1, or the repeal of section 182.14, subsection 1, as provided in this Act.

Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 27, 2012