

Reported Recommending
Ind. Postponed
Passed House
Failed to Pass House
Passed Senate
Failed to Pass Senate

House File 315

February 20, 1947.
Agriculture 1.

By PUTNEY (By Request).

A BILL FOR

An Act to protect and further the public health and welfare by promoting the development, expansion, economic stability, and prosperity of the poultry industry through the stimulation of an increased use and consumption of eggs and poultry 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 poultry industry of Iowa; to provide funds for such purposes by an excise tax on eggs and poultry 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 Poultry
- 3 and Egg-Industry Commission;
- 4 (b) The term "person" shall mean individuals, corporations,
- 5 partnerships, trusts, associations, cooperatives, and any and
- 6 all other business units.
- 7 (c) The term "Producer" shall mean and include every
- 8 person who produces eggs or poultry and thereafter sells the
- 9 same as market eggs or market poultry.

10 (d) The terms "poultry" shall mean all live or processed
11 chickens, turkeys, ducks and geese marketed for human consumption
12 or industrial uses.

13 (e) The term "dealer" shall mean and include any person
14 who buys, sells, manufactures, processes or ships Iowa eggs or
15 Iowa poultry or their products, or who act as sales or purchasing
16 agent, broker or factor of eggs or poultry products.

1 Sec. 2. There is hereby created an "Iowa Poultry and Egg
2 Industry Commission" to be thus known and designated.

3 This commission shall be composed of the head of the
4 Poultry Husbandry Department of Iowa State College, the chairman
5 of the poultry extension service of Iowa State College, and the
6 Chief of the Dairy and Food Division of the Department of
7 Agriculture and in addition thereto eight (8) members who are
8 representative of all phases of the Iowa poultry and egg
9 industry to be appointed by the secretary of agriculture of
10 the State of Iowa as immediately hereinafter provided.

11 The Board of Directors of the Iowa Poultry Improvement
12 Association shall on or before the 15th day of May of each odd
13 numbered year nominate for the office of commissioners three
14 persons from each congressional district within the state of
15 Iowa, as constituted January 1st, 1948 all of whom shall be
16 actual egg or poultry producers which list shall on or before
17 the first day of June following be certified to the secretary
18 of agriculture of the State of Iowa by the President and
19 Secretary of the Iowa Poultry Improvement Association and the

20 said secretary of agriculture shall, on or before the second
21 Tuesday in June of each odd numbered calendar year, appoint
22 one of said nominees so certified from each of said districts
23 as a member of Iowa Poultry and Egg Industry Commission who
24 shall serve for a period of two years from July 1st following
25 his appointment and until his successor is duly elected and
26 qualified. Any vacancy occurring in said Iowa Poultry and Egg
27 Industry Commission shall be filled by the said secretary of
28 agriculture from nominations made by the Board of Directors of
29 the Iowa Poultry Improvement Association in the manner heretofore
30 provided. The appointive members of the Commission shall receive
31 the sum of five dollars (\$5.00) per day for each day spent in
32 actual attendance on meetings of the commission not exceeding
33 One Hundred Dollars (\$100.00) per annum, together with actual
34 necessary expenses and mileage at the rate of five cents (5c)
35 per mile.

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

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

10 (2) To administer and enforce this Act, and do and

11 perform all acts and exercise all powers reasonably necessary
12 to effectuate the purpose of this Act;

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

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

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

22 (6) To conduct scientific research for the purpose of
23 developing and discovering the health, food, dietetic, and
24 industrial uses for Iowa eggs and Iowa poultry or their products;

25 (7) To make in the name of the commission such advertising
26 contracts and other agreements as it deems necessary to promote
27 the sale and consumption of Iowa eggs and Iowa poultry or their
28 products on either a state or national basis;

29 (8) To keep accurate books, records, and accounts of
30 all its dealing, which books, records, and accounts shall be
31 open to inspection and audit by the State of Iowa.

1 Sec. 4. The commission shall plan and conduct a campaign
2 for commodity advertising, publicity and sales promotion,
3 research and educational campaigns to increase the consumption
4 of Iowa eggs and Iowa poultry or their products, and may
5 contract for such advertising, publicity, and sales promotion,

6 research and educational service as may be required in the
7 pursuit of such duty. To accomplish such purpose the commission
8 shall have power and it shall be the duty of the commission to
9 disseminate information as follows:

10 (a) Relating to Iowa eggs and Iowa poultry or their
11 products and the importance thereof in preserving the public
12 health, the economy thereof in the diet of the people, and the
13 importance thereof in the nutrition of children:

14 (b) Relating to the manner, method and means used and
15 employed in the production, processing and marketing of Iowa
16 eggs and Iowa poultry or their products in order to comply with
17 the laws of the state and nation regulating and safeguarding
18 such production and marketing to insure pure and wholesome
19 products;

20 (c) Relating to the method of the producer and dealer
21 in producing and handling Iowa eggs and Iowa poultry or their
22 products in order to meet the standards imposed by the state
23 and Federal Government to insure pure and nutritious products;

24 (d) Relating to the harmful effect on the public health
25 that would result from a breakdown of the Iowa poultry and egg
26 industry;

27 (e) Relating to the reasons why producers should receive
28 a reasonable return on their labor investments;

29 (f) Relating to the problem of furnishing the consumer
30 at all times with an abundant supply of high quality eggs, poultry
31 or their products at reasonable prices;

32 (g) Relating to the factors of instability peculiar
33 to the poultry and egg industry, such as unbalanced production,
34 influences of consumer purchasing power, and price relative to
35 The cost of other items of food in the normal diet of people,
36 all to the end that an intelligent and increasing consumer
37 demand may be stimulated;

38 (h) Relating to the possibilities of increasing
39 consumption of Iowa eggs and Iowa poultry or their products;

40 (i) Relating to such other, further and additional
41 information as shall tend to promote increased consumption of
42 Iowa eggs or Iowa poultry or their products, and as may foster
43 a better understanding and more efficient cooperation between
44 producers, and consuming public.

1 Sec. 5.

2 (a) There is hereby levied and imposed an excise tax
3 of one cent (1c) per dozen eggs or fraction thereof upon all
4 eggs produced in the state of Iowa and marketed during the
5 period beginning May 15 and terminating May 31 inclusive, 1947,
6 and annually thereafter during the same period, and there is
7 hereby levied and imposed an excise tax of one-half cent ($\frac{1}{2}c$)
8 per head on all poultry raised in the state of Iowa and marketed
9 during the period beginning October 15 and terminating November
10 15, inclusive, 1947, and annually thereafter during the same
11 period; provided, however, that the provisions of this section
12 shall not apply to eggs, poultry or their products produced
13 outside the state of Iowa, or to eggs or poultry consumed

14 upon the farm where produced.

15 (b) All taxes levied and imposed under this Act shall
16 be deducted from the price charged by the producer and shall
17 be collected by the first dealer; provided however, that:

18 (1) When the producer produces eggs or poultry or their
19 products and thereafter sells the same as eggs, poultry or their
20 products, directly to the consumer the taxes aforesaid shall be
21 held by such producer.

22 (2) When the producer sells eggs, poultry or their
23 products to any dealer outside the state of Iowa the taxes
24 aforesaid shall be due and payable by such producer before the
25 shipment is made, except that the commission may make such agree-
26 ments with extra-state dealers for the keeping of records and
27 the collection of the taxes aforesaid as are necessary to secure
28 the payment of the said taxes within the time fixed by this Act.

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

1 Sec. 6. Every producer shipping eggs, poultry or their

2 products to any dealer outside of Iowa who is not by agreement
3 with the commission collecting the tax imposed by this Act, and
4 every first dealer within the state of Iowa and every producer
5 distributing eggs, poultry or their products directly to the
6 consumer, shall keep a complete and accurate record of all eggs,
7 poultry or their products taxed by this Act, or produced,
8 processed, or distributed by him during the period of May 15 to
9 May 31, inclusive, for eggs, and during the period of October 15
10 to November 15, inclusive, for poultry, of each year. Such
11 records shall be in such form and contain such information as the
12 commission shall by rule or regulation prescribe and shall be
13 preserved by the person charged with their making for a period
14 of two (2) years and shall be offered or submitted for inspection
15 at any time upon written or oral request by the Commission or
16 its duly authorized agent or employee.

1 Sec. 7. Every person charged by this Act or by agreement
2 with the commission with the keeping of records provided for
3 in this Act shall at such times as the commission may by rule
4 or regulation require, file with the commission a return on
5 forms to be prescribed and furnished by the commission stating
6 the quantity of eggs produced and marketed or poultry raised and
7 marketed, delivered to or purchased by such person from the
8 various producers of eggs, poultry or their products or their
9 agents in the State of Iowa during the period of time prescribed
10 in above paragraph (a) Section 5. Such return shall contain
11 such other information as the commission may require, and shall

12 be made in triplicate, one (1) copy of which shall be for the
13 files of the person making the return, and one (1) copy available
14 at the office of such person, for the use of his patrons, and the
15 original filed with the commission.

1 Sec. 8. No part of the expense incurred by the commission
2 shall be paid out of the State Treasury. Said Poultry and Egg
3 Industry Fund shall be subject at all times to the warrant of
4 the state comptroller, drawn upon written requisition of the
5 Chairman of the Commission and attested by the Secretary for the
6 payment of all salaries, and other expenses necessary, to carry
7 out the provisions of this Act, but in no event shall the total
8 expenses therefor exceed the total taxes collected and deposited
9 to the credit of said fund.

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

1 Sec. 10. The commission shall on or before the first day of
2 March of each year make a full and complete report of its doings
3 for the previous calendar year to the Board of Directors of the

4 Iowa Poultry Improvement Association, which report shall show the
 5 amount of money received and the expenditures thereof, and shall
 6 be printed in the annual Agricultural Year Book issued by the
 7 secretary of agriculture of the state of Iowa.

1 Sec. 11. Any person who shall violate or aid in the violation
 2 of any of the provisions of this Act upon conviction thereof, shall
 3 be deemed guilty of a misdemeanor and upon conviction thereof shall
 4 be punished by a fine of not to exceed one hundred (100) dollars,
 5 or by imprisonment in the county jail not to exceed thirty (30)
 6 days. All prosecutions for alleged violations of the provisions
 7 of this Act shall be by the County Attorney of the county in which
 8 such alleged violation occurred and shall be instituted and
 9 conducted under the direction and authority of the attorney general
 10 of the state of Iowa.

1 Sec. 12. This Act shall be liberally construed. If any section,
 2 sentence, clause or part of this Act is for any reason held to be
 3 unconstitutional or invalid, such decision shall not affect the
 4 remaining portions of this Act.

1 Sec. 13. This Act being deemed of immediate importance shall
 2 take effect from and after its passage and publication in the
 3, a newspaper published in.....,
 4 and in the, a newspaper published in
 5

EXPLANATION OF H. F. 315

This bill when passed will mean thousands of dollars to Iowa farmers. It will provide and maintain a favorable and ready market and will stabilize and increase Iowa farmers' income derived from eggs, poultry and their products.

This bill is similar to the present dairy bill (H. F. 170) in that it levies an excise tax on eggs and poultry for a short period of time annually. It differs from the dairv

bill in that it advertises and merchandises exclusively Iowa products. The bill extends permission to the Commission to merchandise and advertise exclusively Iowa eggs, poultry and their products on state, national and foreign markets. Its main purpose being to create and stimulate consumer selection of Iowa eggs and poultry products above those of other states, and to increase the consumption of Iowa eggs and poultry products nationally.

The organization and all funds collected to be under direct supervision of the Commission and the State Department of Agriculture.