

CHAPTER 387—H. F. No. 1010

[Coded]

An act to provide for research, production and market development for turkeys and turkey products.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[29.14] Turkey research; production and marketing; definitions.** Subdivision 1. For the purpose of this act the terms defined in this section have the meanings given to them.

Subd. 2. "Turkeys" means any and all breeds or varieties of turkeys produced in Minnesota and marketed for human consumption.

Subd. 3. "Commissioner" means the commissioner of agriculture.

Subd. 4. "Advisory board" means the board of 15 members who assist the commissioner in the administration of this act.

Subd. 5. "Producer or grower" means any person growing or causing to be grown in the state of Minnesota 200 or more turkeys, and which are marketed for human consumption.

Subd. 6. "Qualified voter" means any producer or grower defined herein.

Subd. 7. "Marketing year" means a one year period from March 1 to the last day of February.

Subd. 8. "Promotional order" means an order issued by the commissioner pursuant to this act, which establishes a program for research and development of the growing, processing, distributing, sale of, or handling of turkeys or turkey products, and providing for the collection of fees financing the same.

Sec. 2. **[29.15] Administration of turkey development program.** Subdivision 1. Upon the petition of 100 turkey producers or growers, the commissioner of agriculture shall proceed to hold the election for the members of the advisory board of 15 members. The commissioner shall divide the state into five equal areas, in accordance with turkey production, and shall provide for the election of three producer or grower members from each area. Five shall be elected for a period of three years; five shall be elected for a period of two years and five shall be elected for a period of one year; thereafter all terms shall be for three years. No member shall serve more than two consecutive three year terms and vacancies shall be filled by a majority vote of the members of the advisory board.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

Subd. 2. In the administration of this act the commissioner, with the assistance of the advisory board, shall have and may exercise any or all of the administrative powers conferred by Minnesota Statutes, Chapter 17, to be exercised in the manner provided in chapter 15.

Subd. 3. The advisory board shall meet within 15 days after the election and having been certified by the commissioner. The board and commissioner shall formulate a promotional order establishing a program for research and development to promote the production and marketing of turkeys, including but not limited to production, market research, processing, and distribution. The order shall provide for the method of collecting fees from producers and growers to finance the proposed activities and shall not exceed two cents per turkey over ten pounds, eviscerated, or one cent per turkey under ten pounds, eviscerated, sold by the producer or grower. The commissioner, with the advice and consent of the advisory board, shall hold a public hearing on the promotional order and shall thereafter hold a referendum on the final promotional order among producers and growers. The commissioner, with the advice and consent of the advisory board, shall specify the time and procedure of the referendum. The commissioner shall count and tabulate the ballots. The promotional order shall become effective only if at least 65 percent of the qualified voters voting, who produced not less than 51 percent of the turkeys produced the preceding marketing year, vote in favor of the promotional order.

Subd. 4. No member of the advisory board shall receive a salary but each shall be entitled to his actual expenses incurred while engaged in the performance of the duties herein authorized. The advisory board may appoint an attorney for the advisory board and the commissioner. The advisory board shall fix the compensation and terms of employment of the attorney who shall act for it and the commissioner in all matters. The provisions of Minnesota Statutes, Chapter 8, shall not apply to this attorney. The commissioner, with the advice and consent of the advisory board, may: (a) Enter into contracts or agreements with the Minnesota department of agriculture, (b) employ necessary agencies and personnel and fix their compensation and terms of employment. In addition to the other duties and powers of the advisory board, as herein set forth, they shall have the following additional duties and powers: (a) To draft and administer the promotional order, (b) to recommend to the commissioner administrative rules and regulations relating to the promotional order, (c) to recommend amendments to the order, (d) to submit to the commissioner an estimated budget for the operation and implementation of the promotional order, (e) to assess producers and provide the procedure for the collection of funds to finance the promotional

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order, (f) to collect such necessary information and data as the commissioner and the advisory board may deem necessary to the proper administration of this act, (g) to provide for an annual audit of funds to be made by a qualified auditing firm, (h) to coordinate and report on the progress of the promotional order.

Sec. 3. **[29.16] Suspension or termination of turkey promotional order.** Subdivision 1. The commissioner, with the advice and consent of the advisory board, shall suspend or terminate a promotional order whenever he finds, after a public hearing, that an order is contrary to or does not tend to effectuate the declared purposes or provisions of this act, provided that such suspension or termination shall not become effective until the expiration of the current marketing year.

Subd. 2. If the commissioner, with the advice and consent of the advisory board, finds that the termination of a promotional order is requested in writing by more than 51 percent of the producers or growers who are engaged within the state of Minnesota in the production of turkeys for market and who produced 51 percent of the volume of turkeys within the state of Minnesota for market, the commissioner shall terminate this promotional order, effective at the end of the current marketing year.

Sec. 4. **[29.17] Deposit fees; turkey development program.** Fees collected pursuant to this act shall be deposited in a bank or banks or other depository approved by the commissioner of banks and shall be disbursed by such officers and employees as may be approved by the commissioner with the advice and consent of the advisory board for the necessary expenses incurred with respect to this act. All persons authorized to control, handle, or disburse funds shall provide bond in such manner and in such amount as may be required from time to time by the advisory board.

Sec. 5. **[29.18] Refund of fee; turkey development program.** Any grower may, by the use of forms furnished by the commissioner, have the fee paid pursuant to this act refunded to him, provided such request for refund is received in the office of the commissioner within 60 days following the payment of such fee. Refunds shall be made by the commissioner within 30 days after receipt of such request for refund.

Sec. 6. **[29.19] Wild turkeys, application of development program.** This act shall not apply to any wild turkeys raised on private game farms or other private preserves.

Approved May 11, 1965.

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