

CHAPTER 4.1-12 TURKEY PROMOTION

4.1-12-01. Definitions.

1. "Commissioner" means the agriculture commissioner.
2. "Processor" means any person that purchases more than one thousand turkeys each year for slaughter.
3. "Producer" means any person that does business within this state and raises turkeys for slaughter each year.

4.1-12-02. Assessment - Determination.

1. The assessment required by this chapter is determined by:
 - a. Calculating the flock average live weight at the time of delivery to a processor; and
 - b. Calculating the actual number of turkeys in that flock after processing.
2.
 - a. If the actual number of turkeys in a flock after processing had an average live weight of less than eighteen pounds, the assessment is equal to one cent per turkey.
 - b. If the actual number of turkeys in a flock after processing had an average live weight of at least eighteen pounds but less than twenty-eight pounds, the assessment is equal to one and one-half cents per turkey.
 - c. If the actual number of turkeys in a flock after processing had an average live weight of at least twenty-eight pounds, the assessment is equal to one and three-quarter cents per turkey.

4.1-12-03. Assessment - Collection - Remittance by processor.

The processor shall collect the assessment required by this chapter at the time the turkeys are delivered to a processing plant, by deducting the amount required under section 4.1-12-02 from the price paid to the producer.

4.1-12-04. Invoice - Contents - Preparation by processor.

At the time turkeys are delivered to a processor, the processor shall prepare and sign an invoice documenting:

1. The name and address of the producer;
2. The name and address of the seller, if the producer is not the seller;
3. The name and address of the processor;
4. The number of turkeys sold in that particular transaction;
5. The assessment collected on that particular transaction; and
6. The date.

4.1-12-05. Submission of assessments - Civil penalty.

1. A processor shall submit all assessments collected under this chapter to the commissioner within thirty days after the conclusion of each calendar quarter.
2. If a processor fails to submit the assessments as required by this section, the commissioner may impose a penalty equal to five percent of the amount due, plus interest at the rate of six percent per annum from the due date.

4.1-12-06. Out-of-state processors.

The commissioner may contract with out-of-state processors for the collection and remittance of the assessment required by section 4.1-12-02.

4.1-12-07. Refund of assessment - Form.

To receive a refund of any assessment paid in accordance with this chapter, a producer shall obtain an application form from the commissioner within sixty days from the date the producer's turkeys were delivered to a processor. The producer shall return the completed form

to the commissioner within ninety days from the date the producer's turkeys were delivered to a processor. The producer is not entitled to a refund under this section unless the refundable amount meets or exceeds five dollars.

4.1-12-08. Continuing appropriation.

The commissioner shall forward all moneys received under this chapter to the state treasurer for deposit in a special fund known as the turkey fund. All moneys in the turkey fund are appropriated on a continuing basis to the commissioner to carry out this chapter.

4.1-12-09. Authorized expenditures.

The assessment required by this chapter may be used to fund research, education programs, and market development efforts, as well as participation in programs under the auspices of the national turkey federation.

4.1-12-10. Powers of the commissioner.

The commissioner may:

1. Expend moneys raised under this chapter for the purposes set forth in section 4.1-12-09, provided the commissioner first consults with a committee appointed by the North Dakota turkey federation;
2. Require a processor to prepare and submit additional information and documents if necessary for the enforcement and administration of this chapter; and
3. Do all other things necessary and proper to enforce and administer this chapter.

4.1-12-11. Biennial report - Information regarding turkey assessments.

When compiling the biennial report required by section 54-06-04, the commissioner shall provide information regarding activities under this chapter, including the amount of assessments collected and the manner in which the moneys were expended.

4.1-12-12. Penalty.

Any person willfully violating this chapter is guilty of a class B misdemeanor.