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Agriculture 1.

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**House File 234**

By WALKER, RAMSEYER, PUTNEY, FALVEY,  
ECKELS, STEPHENSON, PETERSON, WAL-  
TER, ARMSTRONG, WEISS, BURTCH,  
BROWNLIE, SHEROD, SAR, VOIGTMANN,  
OPPENDAHL.

Passed House, Date.....

Vote: Ayes..... Nays.....

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Approved .....

## A BILL FOR

An Act to establish an Iowa turkey industry commission providing for regulations, enforcement procedure and penalties and to levy an excise tax.

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

1 Section 1. Definitions. As used in this chapter:

2 1. The term "commission" shall mean the Iowa turkey  
3 industry commission.

4 2. The term "person" shall mean individuals, corporations,  
5 partnerships, trusts, associations, co-operatives, and any and  
6 all other business units.

7 3. The term "producer" shall mean and include every  
8 person who produces turkeys and thereafter sells the same, live  
9 or dressed.

10 4. The term "dealer" shall mean and include any person  
11 who buys, sells, manufactures, processes, ships turkeys or turkey  
12 products, or who acts as sales or purchasing agent, broker or  
13 factor of turkey products.

1 Sec. 2. Commission created. There is hereby created an

2 "Iowa turkey industry commission" to be thus known and designated.

3 The commission shall be composed of the head of the poultry  
4 husbandry department of Iowa state college, and the chief of  
5 the dairy and food division of the Iowa department of agricul-  
6 ture and in addition thereto, nine members appointed by the  
7 secretary of agriculture of the state as immediately hereinafter  
8 provided.

9 The board of directors of the Iowa turkey federation shall  
10 on or before the fifteenth day of May of each odd-numbered year  
11 nominate for the office of commissioners three persons from each  
12 congressional district within the state, as constituted January 1,  
13 1941, all of whom shall be actual turkey producers, which list  
14 shall on or before the first day of June following, be certified  
15 to the secretary of agriculture of the state by the president  
16 and secretary of the Iowa turkey federation and the said secretary  
17 of agriculture shall, on or before the second Tuesday in June of  
18 each odd-numbered calendar year, appoint one of said nominees so  
19 certified from each of said districts as a member of the Iowa  
20 turkey industry commission who shall serve for a period of two  
21 years from July 1, following his appointment and until his successor  
22 is duly appointed and qualified. Any vacancy occurring in said Iowa  
23 turkey industry commission shall be filled by the said secretary of  
24 agriculture from nominations made by the board of directors of the  
25 Iowa turkey federation, in the manner heretofore provided. The  
26 appointive members of the commission shall receive the sum of five  
27 dollars per day for each day spent in actual attendance on

28 meetings of the commisison not exceeding one hundred dollars per  
29 annum, together with actual necessary expenses and mileage at the  
30 rate of five cents per mile.

1     Sec. 3. Powers and duties. The powers and duties of the  
2 commission shall 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 necessary  
6 rules, regulations and orders for the excrcise of its power and  
7 performance of its duties, which rules, regulations and orders  
8 shall have the force and effect of law when not inconsistent  
9 with existing laws.

10    2. To administer and enforce this chapter, and do and  
11 perform all acts and exercise all powers reasonably necessary  
12 to effectuate the purpose of this chapter.

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  
16 to prescribe their duties and powers and fix their compensation.

17    4. To establish offices and incur any and all expenses,  
18 and to enter into any and all contracts and agreements for the  
19 proper administration and enforcement of this chapter.

20    5. To report alleged violations of this chapter 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, therapeutic,

24 dietetic, and industrial uses for products of turkey or its  
25 derivatives.

26 7. To make in the name of the commission such advertising  
27 contracts and other agreements as it deems necessary to promote  
28 the sale and consumption of turkey products on either a state  
29 or national basis.

30 8. To keep accurate books, records, and accounts of all  
31 its dealings, which books, records, and accounts shall be open  
32 to inspection and audit by the board of directors of the Iowa  
33 turkey federation or its representatives, and shall be audited  
34 annually by the auditor of state.

1 Sec. 4. Advertising campaign. The commission shall plan  
2 and conduct a campaign for commodity advertising, publicity and  
3 sales promotion, research and educational campaigns to increase  
4 the consumption of turkey products, and may contract for any  
5 advertising, publicity, and sales promotion, research and  
6 educational service. To accomplish such purpose the  
7 commission shall have power and it shall be the duty of the  
8 commission to disseminate information as follows:

9 1. Relating to turkey products and the importance  
10 thereof in preserving the public health, the economy thereof  
11 in the diet of the people, and the importance thereof in the  
12 nutrition of children.

13 2. Relating to the manner, method, and means used  
14 and employed in the production, processing, and marketing  
15 of turkey products in order to comply with the laws of the

16 state and nation regulating and safeguarding such production  
17 and marketing to insure a pure and wholesome product.

18 3. Relating to the method of the producer and dealer  
19 in producing and handling turkey products in order to meet  
20 the standards imposed by the state and federal government to  
21 insure a pure and nutritious product.

22 4. Relating to the harmful effect on the public health  
23 that would result from a breakdown of the turkey industry.

24 5. Relating to the reasons why producers should receive  
25 a reasonable return on their labor investment.

26 6. Relating to the problem of furnishing the consumer  
27 at all times with an abundant supply of high quality turkey  
28 products at reasonable prices.

29 7. Relating to the factors of instability peculiar to  
30 the turkey industry, such as unbalanced production, influence  
31 of consumer purchasing power, and price relative to the cost of  
32 other items of food in the normal diet of people, all to the  
33 end that an intelligent and increasing consumer demand may be  
34 stimulated.

35 8. Relating to the possibilities of increasing  
36 consumption of turkey products.

37 9. Relating to such other, further and additional  
38 information as shall tend to promote increased consumption of  
39 turkey products, and as may foster a better understanding and  
40 more efficient cooperation between producers and the consuming  
41 public.

1     Sec. 5.   Excise tax.

2     1. There is hereby levied and imposed an excise tax of  
3 one cent per bird upon all turkeys sold in the state during the  
4 period beginning January 1, and terminating December 31, in-  
5 clusive, annually; provided, however, that the provisions of  
6 this section shall not apply to turkeys produced outside the  
7 state.

8     2. All taxes levied and imposed under this chapter shall  
9 be deducted from the price charged by the producer and shall  
10 be collected by the first dealer; provided, however, that:

11     a. Where the producer produces turkeys and  
12 thereafter sells the same as turkey meat, directly to  
13 the consumer, the taxes aforesaid shall be held by such  
14 producer.

15     b. Where the producer sells turkeys to any dealer  
16 outside the state the taxes aforesaid shall be due and  
17 payable by such producer before the shipment is made,  
18 except that the commission may make such agreements  
19 with extra state dealers for the keeping of records  
20 and the collection of the taxes aforesaid as are  
21 necessary to secure the payment of the said taxes  
22 within the time fixed by this chapter.

23     All taxes levied and imposed under this chapter, shall  
24 be paid to and collected by the secretary of the commission who  
25 shall remit to the treasurer of the state, quarterly, and at  
26 the same time render to the state comptroller, itemized and

27 verified report showing the source from which said taxes  
28 were obtained. All such taxes collected and remitted shall  
29 be placed in a special fund by the treasurer of state, and  
30 the state comptroller, to be known as the "turkey industry  
31 fund", to be used by the Iowa turkey industry commission for  
32 the purposes set out in this chapter and to administer and  
33 enforce the laws relative thereto.

34 Any person from whom the excise tax provided in this  
35 chapter is collected may, by application file with this  
36 commission, within thirty days after the collection from him  
37 of said tax, have said tax remitted to him by the commission.

1 Sec. 6. Producers' records. Every producer shipping  
2 turkeys to any dealer outside of Iowa who is not by agreement  
3 with the commission collecting the tax imposed by this chapter,  
4 and every first dealer within the state and every producer  
5 distributing turkeys directly to the consumer, shall keep a  
6 complete and accurate record of all turkeys taxed by this  
7 chapter, processed, or distributed by him during the period  
8 of January 1, to December 31, inclusive, of each year.

9 Such records shall be in such form and contain such information  
10 as the commission shall by rule or regulation prescribe and  
11 shall be preserved by the person charged with their making for  
12 a period of two years and shall be offered or submitted for  
13 inspection at any time upon written or oral request by the  
14 commission or its duly authorized agent or employee.

1 Sec. 7. Returns filed with commission. Every person

2 charged by this chapter or by agreement with the commission  
3 with the keeping of records provided for in this chapter shall  
4 at such times as the commission may by rule or regulation  
5 require, file with the commission a return on forms to be  
6 prescribed and furnished by the commission stating the  
7 quantity of turkeys produced, processed, or distributed,  
8 delivered to or purchased by such person from the various  
9 producers of turkey products or their agents in the state  
10 during the period of time prescribed in subsection (1) of  
11 section 5. Such return shall contain such other information  
12 as the commission may require, and shall be made in triplicate,  
13 one copy of which shall be for the files of the person making  
14 the return and one copy available at the office of such  
15 person, for the use of his patrons and the original filed with  
16 the commission.

1 Sec. 8. Payment of expenses. No part of the expense  
2 incurred by the commission shall be paid out of any funds in  
3 the state treasury except said turkey industry fund which  
4 shall be subject at all times to the warrant of the state  
5 comptroller, drawn upon written requisition of the chairman of  
6 the commission and attested by the secretary for the payment  
7 of all salaries, and other expenses necessary, to carry out  
8 the provisions of this chapter, but in no event shall the  
9 total expenses therefor exceed the total taxes collected and  
10 deposited to the credit of said fund.

1 Sec. 9. Investigations by commission. The commission

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

1 Sec. 10. Report. The commission shall on or before the  
2 first day of March of each year make a full and complete report  
3 of its doings for the previous calendar year to the board of  
4 directors of the Iowa turkey federation which report shall  
5 show the amount of money received and the expenditures thereof,  
6 and shall be printed in the annual agricultural year book  
7 issued by the secretary of agriculture of the state.

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

10 of the attorney general of the state.

- 1 Sec. 12. Salaries ..... approval. All salaries
- 2 and compensation provided for by this chapter shall be subject
- 3 to the approval of the governor and the comptroller.

EXPLANATION OF H. F. 234

This bill provides for the establishment of a commission authorized to collect and administer an excise tax of one cent per turkey. Funds collected to be used primarily for research on the turkey disease problems in Iowa; the necessary aid in inbreeding, feeding and management projects, and to provide funds for the promotion of marketing for the turkey producers.