

**1570.0200 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this chapter have the meanings given them, and the terms "agricultural commodity," "cooperative," "council," "first handler," "first purchaser," "marketing year," "participating producer," and "promotional order" have the meanings given them in Minnesota Statutes, section 17.53.

Subp. 2. **Check-off fee.** "Check-off fee" means the amount set by the council and stated in the promotional order that each participating producer must pay to finance the activities proposed in the promotional order.

Subp. 3. **Chief administrative officer.** "Chief administrative officer" means the individual employed by the council to perform duties prescribed by the council. "Chief administrative officer" means the same as "executive director," "executive secretary," and "manager" where they appear in promotional orders.

Subp. 3a. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's designee.

Subp. 4. **Compliance list.** "Compliance list" means a list of the names of the first handlers or first purchasers of an agricultural commodity under a promotional order who have paid check-off fees to the council within the time prescribed by the council for their payment.

Subp. 5. **Designated voter.** "Designated voter" means a family member who has a written authorization from an individual participating producer who is a qualified voter to vote in the individual participating producer's stead at the time and in the place where the election or referendum is being held.

Subp. 6. **Election.** "Election" means a vote of the participating producers of any commodity to create a first council, select members of subsequent councils, or decide a referendum.

Subp. 7. **Fiduciary.** "Fiduciary" means any estate, trust, conservatorship, or guardianship organized or recognized under Minnesota law.

Subp. 8. **Noncompliance list.** "Noncompliance list" means a compilation of the names of the first handlers or first purchasers of an agricultural commodity under a promotional order who have not paid check-off fees to the council within the time prescribed by the council for the payment.

Subp. 9. **Organized area.** "Organized area" means the area determined in accordance with Minnesota Statutes, section 17.54, subdivision 3, or areas defined elsewhere in Minnesota law for the purposes of Minnesota Statutes, sections 17.51 to 17.69.

Subp. 10. **Petitioners.** "Petitioners" means a group of producers who request either the creation of the first council or a referendum at any time during a promotional order by

submitting a petition signed by 1,000 producers or 15 percent of the producers to be covered by a promotional order, whichever is less, in accordance with Minnesota Statutes, section 17.54, subdivision 1.

Subp. 11. **Producer certification.** "Producer certification" means a document qualified voters must sign which affirms that they are producers of the particular agricultural commodity for which an election is being held, that they meet the qualifications for a producer set forth in the promotional order, and that they are casting only one vote each in the election.

Subp. 12. **Proof of paid check-off fee.** "Proof of paid check-off fee" means a check stub, a sales invoice, a photostatic copy of a check stub or sales invoice, or a statement on the first purchaser's or first handler's letterhead stationery signed by an officer or responsible representative of the first purchaser or first handler submitted as evidence of a producer's payment of a check-off fee to a first purchaser or first handler. Any proof of paid check-off fee must have a date on it.

Subp. 13. **Qualified voter.** "Qualified voter" means a person who meets the requirements in Minnesota Statutes, section 17.53, subdivision 16, and part 1570.0800, subparts 1 to 3.

Subp. 14. **Referendum.** "Referendum" means an election held to begin, continue, suspend, amend, or terminate a promotional order, or an election held to increase or decrease the amount of check-off fees under the promotional order.

**Statutory Authority:** *MS s 17.54; 17.58; 17.63*

**History:** *27 SR 377; 34 SR 1327*

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