

Minnesota Statutes 1980, Sections 253A.01; 253A.02; 253A.03; 253A.04; 253A.05; 253A.06; 253A.07; 253A.075; 253A.08; 253A.09; 253A.10; 253A.11; 253A.12; 253A.14; 253A.15; 253A.16; 253A.17; 253A.18; 253A.19; 253A.20; 253A.21; 253A.22; and 253A.23, are repealed.

**Sec. 26. EFFECTIVE DATE.**

This act is effective August 1, 1982 and applies to any conduct, transaction, or proceeding within its terms which occurs after August 1, 1982. A proceeding for the commitment of a person to a treatment facility commenced before August 1, 1982, is governed by the law existing at the time the proceeding was commenced; provided, however, that if the proceedings are not terminated by August 1, 1983, they shall thereafter be governed by the provisions of sections 1 to 23. Any person committed pursuant to chapter 253A whose term of commitment is indeterminate shall have his status reviewed pursuant to the provisions of section 12 prior to February 1, 1984.

Approved March 22, 1982

**CHAPTER 582 — H.F.No. 1018**

*An act relating to agriculture; consolidating existing laws; providing for agricultural commodity research and promotion councils; establishing procedures; providing penalties; amending Minnesota Statutes 1980, Sections 17.53; 17.54; 17.56; 17.57; 17.58; 17.59, Subdivisions 1, and 2; 17.60; 17.62; 17.63; 17.64; and 17.67; Minnesota Statutes 1981 Supplement, Section 17.59, Subdivision 4; repealing Minnesota Statutes 1980, Sections 17.55; 17.601; 17.65; 17.68; 21A.01 to 21A.19, as amended; 29.14 to 29.16; 29.18; 29.19; 30.461 to 30.468, as amended; 30.472 to 30.479; 32B.01 to 32B.06; 32B.08 to 32B.11; 32B.13; Minnesota Statutes 1981 Supplement, Sections 29.17; 30.469; 30.47; 32B.07; and 32B.12.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1980, Section 17.53, is amended to read:

**17.53 DEFINITIONS.**

Subdivision 1. **SCOPE OF APPLICATION.** As used in sections 17.51 to 17.69, the terms defined in this section shall have the following meanings.

Subd. 2. **AGRICULTURAL COMMODITY.** "Agricultural commodity" means any agricultural product, including without limitation animals and animal products, grown, raised, produced or fed within the state of Minnesota for use as food, feed, seed or any industrial or chemurgic purpose.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 3. **COMMERCIAL CHANNELS.** "Commercial channels" means the processes of sale of any agricultural commodity to any commercial buyer, dealer, processor, cooperative or to any person, public or private, who resells such commodity or any product produced from such commodity for slaughter, storage, processing or distribution.

Subd. 4. **COMMISSIONER.** "~~Person~~" means any individual, corporation, association, cooperative or partnership "Commissioner" means the commissioner of agriculture or his designee.

Subd. 5. **COOPERATIVE.** "Cooperative" means a nonprofit association legally constituted under the laws of Minnesota or of another state of producers who have gathered together for purposes of bargaining for a price for marketing their commodity. This includes all cooperatives domiciled inside or outside of the state which buy commodities from Minnesota producers.

Subd. 6. **COUNCIL.** "Council" means ~~the research and promotion a council created under the provisions of sections 17.51 to 17.69 in connection with the organization of the producers of a particular commodity as herein provided.~~

Subd. 7. **FIRST HANDLER.** "First handler" means a person, whether he is an owner, agent or other person, who initially places a commodity into commercial channels, or who is engaged in the processing of the commodity into food for human consumption in any form, except for potato flour or potato starch.

Subd. 8. **FIRST PURCHASER.** "First purchaser" means any person that buys agricultural commodities for movement into commercial channels from the producer; or any lienholder, secured party or pledgee, public or private, or assignee of said lienholder, secured party or pledgee, who gains title to the agricultural commodity from the producer as the result of exercising any legal rights by the lienholder, secured party, pledgee, or assignee thereof, regardless of when the lien, security interest or pledge was created and regardless of whether the first purchaser is domiciled within the state or without. First purchaser does not mean the commodity credit corporation when a commodity is used as collateral for a federal non-recourse loan unless the commissioner determines otherwise.

Subd. 7. "Commissioner" means the commissioner of agriculture of the state of Minnesota.

Subd. 9. **MARKETING YEAR.** "Marketing year" means a one year period from July 1 through June 30, or any other one year period determined by the promotion order of a specific council.

Subd. 10. **PARTICIPATING PRODUCER.** "Participating producer" means a producer of an agricultural commodity for which a promotional order has been issued and exists, who produces that commodity in the organized area

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and meets the minimal requirements established by the council to qualify as a producer.

Subd. 11. PERSON. "Person" means an individual, corporation, association, cooperative or partnership.

Subd. 12. PRIVATE PROCESSOR. "Private processor" means a privately owned commodity processor legally constituted under the laws of Minnesota for the purpose of buying or marketing the commodity and commodity products, whether the processor is domiciled within the state or without.

Subd. 13. PRODUCER. "Producer" means any person who owns or operates an agricultural producing or growing facility for the an agricultural commodity under consideration for referendum and shares in the profits and risk of loss from such facility operation, and who grows, raises, feeds or produces said the agricultural commodity in Minnesota during the current or preceding marketing year.

Subd. 9. "Qualified voter" means any producer defined above who would be subject to the payment of fees to finance the activities described in sections 17.51 to 17.69.

Subd. 14. PRODUCER-PROCESSOR. "Producer-processor" means a producer who processes and markets his own product. For the purpose of collecting the check-off fee, a producer-processor is the first purchaser.

Subd. 15. PROMOTIONAL ORDER. "Promotional order" means an order issued by the commissioner, with the advice and consent of the a council and after a referendum pursuant to this chapter, which establishes a program for promotion, advertising, production, market research, and market development of the growing, processing, distributing, sale of or handling of an agricultural products covered by referendum commodity and provides for the collection of check-off fees and financing the same.

Subd. 16. QUALIFIED VOTER. "Qualified voter" means a producer who would be subject to the payment of fees to finance the activities described in sections 17.51 to 17.69 and who shares directly in the profits and risk of loss from the agricultural operation which produces or grows the commodity.

Subd. 17. RETAILER. "Retailer" means a person who sells directly to the consumer in small quantities or broken lots.

Subd. 18. SALE. "Sale" means any passing of title from the producer to the first purchaser. Sale includes any pledge, security interest or lien after harvest.

Subd. 12. "Participating producer" means any producer of an agricultural commodity for which a promotional order has been issued and exists, who produces that commodity in the organized area and meets the minimal requirements established by the council to qualify as a producer.

Sec. 2. Minnesota Statutes 1980, Section 17.54, is amended to read:

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### 17.54 COUNCILS; MEMBERSHIP; ELECTION; TERM.

Subdivision 1. **CREATION.** A commodity research and promotion council is hereby may be created for the producers of each agricultural commodity who file by filing with the commissioner a petition requesting that the producers of such commodity be subjected to the provisions of sections 17.51 to 17.69, which. The petition is must be signed by 500 1,000 producers or 15 percent of the producers proposed to be covered by the promotion order, whichever is less, of the producers of such commodity. Such petition shall be certified by At least two producers to have shall certify under oath that the petition has been signed only by producers of the commodity involved.

Subd. 2. **MEMBERSHIP.** Upon petition of the required number of producers the commissioner shall, after consultation with the various producer or commodity organizations of the particular commodity petitioning for a referendum, determine the size of the council and distribution of the council membership. The council may designate industry and university of Minnesota personnel, either by name or by office, to serve as consultants to the council.

Subd. 3. **ELECTION NOMINATING COMMITTEE.** Within 30 days after the filing of the petition by the required number of ~~the~~ producers of an agricultural commodity the commissioner shall appoint a nominating committee of at least five producers of that commodity who shall, within 60 days from the filing of such the petition, nominate at least two producer candidates for each council position and certify the names of such nominees to the commissioner. Nominees shall be selected with a view to establishing a fair representation of all producers of the particular commodity throughout the area to be organized, which shall comprise the entire state unless the commissioner determines that at least 95 percent of the production of the ~~subject~~ commodity is in a lesser area, in which event he shall define such the area following county lines. Whenever possible, the areas represented by council members shall correspond to state crop reporting districts as defined by the Minnesota crop and livestock reporting service.

Subd. 4. **ELECTION.** Upon receipt of the nominations the commissioner shall promptly arrange an election to be held at places designated by him reasonably convenient to all producers in the organized area and give at least seven days' provide notice of such the election in legal newspapers to all of the media having a general circulation in the organized area. Ballots setting forth the names of the nominated candidates and providing for write in write-in candidates shall be made available at all polling places. Only producers of the agricultural commodity involved shall be qualified to vote, and. General polling procedures shall be established by the commissioner by rule pursuant to chapter 15 to avoid voting by others other than qualified producers, but the selection of specific polling places shall not be subject to chapter 15. An impartial committee appointed by the commissioner shall tabulate the votes, and the candidates

receiving the most votes shall be declared elected to the first council. In each calendar year following the one in which

After the first council for a commodity is elected candidates shall be selected and, an election shall be held annually to elect a successor or successors to members of the council member or members whose term or terms expire in that year. Nominations shall be made and the elections The election shall be held in the same manner as prescribed for the first council election except that the choice of manner of choosing nominating committee members, the time of nominations and the time and place of elections shall be fixed by the commissioner with the consent of the council. Mail balloting may be permitted by the commissioner.

Subd. 4 5. TERMS. At the first meeting of the first council for each commodity the commissioner shall determine by lot one-third of the council members whose terms shall expire June 30 in the calendar year following the year of the first election, one-third of the council members whose terms shall expire June 30 in the second calendar year and the remaining council members whose terms shall expire June 30 in the third calendar year. In the event the commissioner has designated specific areas for representation on the council, the terms of council members in any one area shall not expire in the same year. All elected successor council members elected in succeeding elections shall be elected for serve three year terms and each shall serve until his successor is their successors are elected and qualified. All terms shall expire on June 30 of the last year of the term unless another date is established by the commissioner for specific councils. In the event a council member ceases to have any of the qualifications herein established, his office shall be deemed vacant. Any An interim vacancy on the council shall be filled by the council for the remainder of the term vacated. The successor so appointed shall be a commodity producer residing in the same crop reporting district as the former member.

Subd. 5 6. ORGANIZATION. The commissioner shall serve as chairman a member of the each council without vote. The Each council shall elect from its own membership elect a chairman, a vice-chairman, who shall act in the absence of the commissioner, a secretary, and such other officers as the council may deem deems appropriate. The An executive committee of no more than five members including the officers may also be elected. Terms of such the officers shall expire on June 30 of each year and their successors shall be elected at the first meeting following that date; however, they may serve until their successors have been elected but not beyond July 15.

Subd. 7. MEETINGS; QUORUM. Subject to the requirements of sections 17.51 to 17.69, a council shall meet at times and places as it may determine or upon call of the chairman or of any three members or one-third of the council, whichever is greater. A majority of the voting members of a council shall constitute a quorum for the transaction of all business in carrying out the duties of the council.

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Subd. 8. EXISTING COUNCILS. Any council established pursuant to any act on or before the effective date of sections 1 to 11 may maintain the number and regional distribution of council members in effect at that time and council members elected under the provisions of any act in effect prior to the effective date of sections 1 to 11 may serve out their terms according to those provisions. Any promotional order in effect prior to the effective date of sections 1 to 11 shall remain in effect until the promotional order would terminate under the terms of the promotional order itself, or under the provisions of the legislation authorizing that promotional order, or until the promotional order is terminated pursuant to section 17.64, whichever occurs first. No referendum need be held by the commissioner to establish any promotion order in effect prior to the effective date of sections 1 to 11. No referendum need be held by the commissioner to bring any promotion order into early compliance with sections 1 to 11 when the proposed changes in the promotion order are requested by the council members and approved by the commissioner.

Subd. 9. POTATO INDUSTRY PROMOTION. For the purpose of the administration of sections 17.51 to 17.69 as they pertain to a Minnesota area potato research and promotion council established pursuant to Laws 1967, Chapter 417, as amended, the state is divided into four areas. Area number one includes the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Mahnomon, Clay, Wilkin, Roseau, Lake of the Woods, Beltrami, Clearwater, Hubbard, Becker, Ottertail, and Wadena. Area number two includes the counties of Itasca, Koochiching, St. Louis, Carlton, Lake, and Cook. Area number three includes the counties of Traverse, Grant, Douglas, Big Stone, Stevens, Pope, Swift, Kandiyohi, Lac qui Parle, Chippewa, Yellow Medicine, Renville, McLeod, Carver, Scott, Dakota, Lincoln, Lyon, Redwood, Sibley, Le Sueur, Rice, Goodhue, Nicollet, Wabasha, Pipestone, Murray, Brown, Waseca, Steele, Dodge, Olmsted, Winona, Cottonwood, Watonwan, Blue Earth, Rock, Nobles, Jackson, Martin, Faribault, Freeborn, Mower, Fillmore, and Houston. Area number four includes the counties of Cass, Aitkin, Crow Wing, Pine, Todd, Morrison, Mille Lacs, Kanabec, Stearns, Benton, Isanti, Chisago, Sherburne, Anoka, Meeker, Wright, Washington, Hennepin, and Ramsey. Sections 17.51 to 17.69 shall apply to any of the above areas of the state where the commissioner has determined that the area was organized prior to July 1, 1982, pursuant to section 30.464, subdivision 3, as amended through June 30, 1982.

Subd. 10. EXISTING AREA POTATO COUNCILS. For the purposes of sections 17.51 to 17.69, any area potato council established pursuant to section 30.465, prior to the effective date of sections 1 to 11 shall maintain the number and distribution of council members in effect at that time. Council members elected or appointed under the provisions of section 30.465 may serve out their terms. For the purposes of sections 17.51 to 17.69, the provisions of sections 30.462, 30.463, 30.467, 30.469 and 30.472 as amended through June 30, 1982, shall be considered to be the promotional order for an area potato council, and shall remain in effect as a promotional order until terminated or modified by referendum.

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**Subd. 11. MEMBERSHIP AND TERMS; AREA POTATO COUNCILS.** Notwithstanding subdivisions 3, 4, and 5, any area potato council which continues in existence pursuant to subdivision 10 shall include one voting member who is a private processor of potatoes and one voting member who represents potato wash plants. These two members shall be appointed by the governor for four-year terms coterminous with that of the governor.

**Subd. 12. DAIRY INDUSTRY PROMOTION.** For the purpose of the administration of sections 17.51 to 17.69 as they pertain to the dairy research and promotion council established pursuant to Laws 1969, Chapter 851, as amended, the vote in the name of a cooperative association of producers may be deemed the vote of all members of that cooperative association. The commissioner shall schedule and specify procedures for bloc voting by a cooperative. A ballot prepared by the council and the commissioner shall be sent by each cooperative to all member and nonmember producers with a return envelope addressed to the commissioner. The ballot shall indicate that the cooperative association intends to vote in favor of or in opposition to the question. In the case of members the ballot shall indicate the expiration date of the ballot and state that if the ballot is not returned by that date the ballot shall be considered to be in favor of the vote of the association. The cooperative shall return the completed bloc vote ballot to the commissioner. A cooperative association shall not be required to bloc vote its producers but in that event it shall inform each producer of its decision and provide each producer with an individual referendum ballot with a return envelope addressed to the commissioner.

Each private processor of dairy products and each cooperative shall file with the commissioner a list of producers who market the bulk of their production with that private processor or cooperative. The polling procedures established by the commissioner pursuant to section 17.54, subdivision 4, shall ensure that dairy producers marketing the bulk of their production with a private processor have the option to vote in any referendum held pursuant to sections 1 to 11.

**Subd. 13. TERMS; DAIRY COUNCIL.** Notwithstanding subdivision 5, the term of office of members of any council established for the producers of cows' milk or products derived from cows' milk shall be as provided in this subdivision. The term of office shall be two years, with the terms of half the council members expiring June 30 in odd-numbered years, and the terms of the remaining council members expiring June 30 in even-numbered years.

Sec. 3. Minnesota Statutes 1980, Section 17.56, is amended to read:

**17.56 COUNCIL TO FORMULATE AND SUBMIT PROMOTIONAL ORDER.**

**Subdivision 1. FORMULATION.** Within 15 days after certification by the commissioner of its election the first council for producers of a particular

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commodity shall meet and formulate a promotional order establishing a program for development, promotion, advertising, research, distribution and the expansion of the sale, use and consumption of the commodity it represents and establishing fees a check-off fee to be paid by producers to finance the proposed activities.

Subd. 2. **HEARINGS.** The commissioner, ~~after consultation with the advice and consent of the council,~~ shall hold a public hearing or public hearings on the proposed promotional order in ~~an area of~~ areas and at a ~~time or~~ times affording reasonable opportunities ~~to~~ for producers to attend. These hearings shall not be subject to the administrative procedure act of chapter 15. After such hearings and after consultation with the council, ~~the council together with the commissioner~~ shall determine ~~after such hearings~~ whether or not the promotional order shall be amended, modified or supplemented. If changes or additions of substance are made, ~~the council and the commissioner~~ shall hold like public hearings on the amended or supplemented promotional order.

Subd. 3. **REFERENDUM.** Following the ~~hearing, or~~ hearings, the ~~council and~~ commissioner shall conduct a referendum on the proposed final promotional order. At least ten days' notice of the time and places of such referendum shall be published in a legal newspaper of general circulation in each county affected. ~~In addition, direct written notice thereof shall likewise be given to each county extension office in any county involved in the referendum. Such notice shall include details of the promotional order to afford all producers of the subject commodity access to complete information about the promotional order~~ Notice shall also be given to other media in each county affected. A complete copy of the promotional order shall be given to each county extension office in any county involved in the referendum to afford all producers of the commodity access to complete information about the promotional order and the referendum.

Subd. 4. **ADOPTION.** The promotional order shall become effective if approved by a majority of those voting in the referendum, ~~and such order shall be applicable only to those producers of the subject commodity within the area of the state organized pursuant to sections 17.51 to 17.69.~~ Upon completion of the referendum the commissioner shall make findings and issue an appropriate order based on said findings.

Subd. 5. **FAILED REFERENDUM.** If a referendum is conducted and a proposed promotional order is not approved, the commissioner shall not conduct another referendum on any promotional order for the same commodity until one year has elapsed.

Sec. 4. Minnesota Statutes 1980, Section 17.57, is amended to read:

#### 17.57 ADDITIONAL POWERS AND DUTIES OF COUNCIL.

Subdivision 1. **ADOPTION OF REGULATIONS AND BUDGET RULES.** The Each council shall (a) at its regular meetings adopt and administer rules and regulations consistent with sections 17.51 to 17.69 for the administra-

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tion of the promotional order, including among other things, minimal requirements to qualify as a producer; (b) recommend amendments to the order, such amendments to be adopted only after a producer referendum in which a majority of the producers favor such adoption; (c) prepare an annual estimated budget for the operation of the promotional order; and (d) prepare an annual report on the programs of the order, said report to be made available to the producers concerned. These rules are not subject to the administrative procedure act of chapter 15.

**Subd. 2. BUDGET.** Each council shall prepare and submit to the commissioner on a date he determines an estimated budget for the operation of the promotional order.

**Subd. 3. REPORT.** Each council shall prepare an annual report on the programs pursuant to its promotional order for the previous operating year. The report shall be mailed to each county extension office in any county involved in the promotional order.

**Subd. 4. COLLECTION OF ASSESSMENTS CHECK-OFF FEES AND DATA.** The council promotion order shall provide a procedure for the collection of the producer assessments check-off fee by each council to finance the promotional order orders and for the collection of such necessary information and data as is which are necessary for the proper administration of the order orders.

**Subd. 3. REFUNDS OF FEES.** The council shall provide for the refund of any fees paid by the producer who objects to payment of fees.

**Subd. 4 5. DONATIONS.** The Each council is authorized to accept donations of funds, property, services or other assistance from public or private sources for the purpose of furthering the objectives of sections 17.51 to 17.69.

**Subd. 5 6. RIGHT TO SUE AND BE SUED.** The Each council shall have the right to investigate and prosecute in the name of the state of Minnesota any action or suit to enforce the collection or insure payment of the check-off fees authorized by the provisions of sections 17.51 to 17.69 and, to sue and be sued in the name of the council; to hire attorneys as necessary and to do all other things necessary to the administration and implementation of sections 17.51 to 17.69.

**Subd. 6 7. COLLECTION AND EXPENDITURE OF FUNDS; AUDIT FINANCIAL STATEMENT.** The council shall be responsible for the collection and expenditure of all funds provided for under sections 17.51 to 17.69 and shall provide for an annual audit of funds to be made by a certified auditing firm. Each council shall make available an annual financial statement shall be available of the council to any producer upon request.

Sec. 5. Minnesota Statutes 1980, Section 17.58, is amended to read:

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### 17.58 POWERS AND DUTIES OF COMMISSIONER.

Subdivision 1. **CONTRACTS.** ~~The commissioner, with the advice and consent of the~~ A council, with the approval of the commissioner, may contract and cooperate with any person, firm, corporation or association, or with any local, state, federal or international agency or institution, for market development, education, publicity, promotion, research, transportation and advertising within the purposes of sections 17.51 to 17.69.

Subd. 2. **PERSONNEL.** ~~The commissioner council, with the advice and consent of the~~ with the approval of the commissioner council, may shall appoint, employ, provide necessary bond, discharge, fix compensation for and prescribe the duties of ~~such~~ the first chief administrative officer of any council established after the effective date of sections 1 to 11. The council, after consultation with the commissioner, shall appoint, employ, provide necessary bond, discharge, fix compensation for and provide duties of subsequent chief administrative officers administrative, clerical, technical and. A council may employ other personnel and agencies as may be deemed as it deems necessary.

Subd. 3. **GENERAL POWERS.** In administering sections 17.51 to 17.69, the commissioner shall have such other powers as may be conferred upon him by law not inconsistent with the provisions of sections 17.51 to 17.69. The commissioner is authorized to cooperate with any appropriate agency of any state for the purpose of carrying out the provisions of sections 17.51 to 17.69, and in securing uniformity of administration and enforcement.

Subd. 4. **REGULATIONS RULES.** ~~In~~ The organization, conduct of elections, referenda, and meetings of a council and operation the administration of a promotional order for any commodity coming under sections 17.51 to 17.69, the commissioner shall follow the be governed by rules and regulations as developed promulgated by the council commissioner pursuant to the provisions of sections 17.51 to 17.69 chapter 15.

Subd. 5. **AUDITS.** Each year the commissioner shall conduct a fiscal audit, and at least every three years the commissioner shall conduct a compliance audit of each council. A compliance audit is an audit to determine that a council has complied with the terms of sections 17.51 to 17.69, with all other applicable federal or state laws, and with the terms of any promotional orders established.

Sec. 6. Minnesota Statutes 1980, Section 17.59, Subdivision 1, is amended to read:

Subdivision 1. **ASSESSMENT CHECK-OFF FEES.** For the purpose of providing funds to defray the necessary expenses incurred by the commissioner and the council in formulating, submitting to referendum, issuing, administering and enforcing a promotional order, the promotional order shall provide for assessing and collecting check-off fees in amounts sufficient to defray such expenses, and shall indicate the maximum assessment check-off rate which shall

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not exceed one percent of the market value of the year's production of participating producers. Any increase in the maximum ~~assessment~~ check-off provided for in the promotional order must be within the limit herein prescribed and must be approved by the majority of voting participating producers in a referendum held for that purpose after reasonable notice of such proposed increase.

Sec. 7. Minnesota Statutes 1980, Section 17.59, Subdivision 2, is amended to read:

Subd. 2. **PAYMENT.** ~~The council together with the commissioner shall establish the procedure for the timely payment of the assessment check-off fee by the producer, and such to the council. The procedure shall be clearly outlined in the proposed promotional order. Such The procedure must be fair, reasonable and whenever possible the check-off fee shall be deducted by the first purchaser at the time of sale. The first purchaser shall submit to the council through the commissioner's office any check-off fees so deducted once every 30 days in accordance with the commissioner's rules. When proof of payment of the fee assessed can be furnished, it shall not be necessary for any subsequent buyer to deduct the fee at time of purchase.~~

Sec. 8. Minnesota Statutes 1981 Supplement, Section 17.59, Subdivision 4, is amended to read:

Subd. 4. **DEPOSIT AND USE OF CHECK-OFF FEES.** Check-off fees collected pursuant to sections 17.51 to 17.69 shall be deposited in a federally insured depository institution and shall be disbursed by the officers and employees approved by the council for the necessary expenses incurred in the administration of sections 17.51 to 17.69. Check-off fees collected shall be used exclusively for the purpose collected and not for legislative or political activities to support or oppose a political party or a candidate for nomination or election to a public office.

Sec. 9. Minnesota Statutes 1980, Section 17.60, is amended to read:

#### 17.60 COMPENSATION AND EXPENSES.

Each member of ~~the~~ a council, except the commissioner, shall be entitled to a reasonable per diem to be fixed in the promotional order, not exceeding the same rate of compensation per day as is authorized for payment to members of advisory councils and committees pursuant to section 15.059, subdivision 3, while engaged in the performance of his duties, and actual expenses incurred while attending council meetings, but only actual expenses incurred while engaged in other official business of the council or executive committee meetings. Payments to council members for other official business of the council require approval by the council.

Sec. 10. Minnesota Statutes 1980, Section 17.62, is amended to read:

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### 17.62 RECORDS OF THE COUNCIL.

All of the records of ~~the~~ a council, except as otherwise provided in this section, shall be open to the public records and shall be available for inspection by any person for any lawful purpose, provided, however, that the council shall be empowered to make reasonable rules and regulations concerning the inspection of the records, the time or place of such inspection, or the manner in which the information shall be made available. Financial information pertaining to individual participating producers shall not be open to the public.

Sec. 11. Minnesota Statutes 1980, Section 17.63, is amended to read:

### 17.63 REFUND OF FEES.

Any producer may, by the use of forms to be provided by the commissioner and upon presentation of such proof as the commissioner ~~and council may require~~ requires by rule or regulation, have the check-off fee paid pursuant to sections 17.51 to 17.69 refunded to him, provided the check-off fee was remitted on a timely basis. ~~Such~~ The request for refund must be received in the office of the commissioner ~~or the council~~ within 60 days the time specified in the promotion order following the payment of ~~such~~ the check-off fee, but. In no event shall these requests for refund be accepted more often than 12 times per year ~~and must be made at least once each year.~~ Refund shall be made by the commissioner ~~or and council~~ within 30 days of the request for refund provided that the check-off fee sought to be refunded has been received. Rules and regulations governing the refund of check-off fees for the commodity involved all commodities shall be formulated by the ~~council together with the commissioner and,~~ shall be fully outlined at the hearing, or hearings in the promotion order, and shall be available for the information of all producers concerned with the referendum.

Sec. 12. Minnesota Statutes 1980, Section 17.64, is amended to read:

### 17.64 TERMINATION OF THE ORDER.

Subdivision 1. **BY COUNCIL.** The council after consultation with the commissioner and by a majority vote shall suspend or terminate a promotional order whenever it finds, after a public hearing ~~or hearings,~~ that an order is contrary to or does not tend to effectuate the purposes or provisions of sections 17.51 to 17.69, provided that ~~such~~ the suspension or termination shall not become effective until the expiration of the current marketing year. ~~The current marketing year for any commodity under sections 17.51 to 17.69 shall be determined by the council together with the commissioner.~~

Subd. 2. **BY REFERENDUM.** Upon petition of the same number of producers as required to initiate the promotional order, the commissioner ~~with the advice and consent of the council~~ shall within 60 days conduct a referendum to determine whether or not the promotional order shall be continued. He shall terminate the order at the end of the current marketing year if a majority of the producers voting in the referendum vote in favor of termination. ~~Such~~ The

petition of producers shall include a ~~certification~~ statement certifying that the signatures are those of qualified producers of the commodity involved. The commissioner shall not conduct a referendum for termination of a promotional order if a referendum for termination of the same promotional order has been conducted within the preceding year. A hearing for a termination of an order need not be held as provided in chapter 15.

Sec. 13. Minnesota Statutes 1980, Section 17.67, is amended to read:  
**17.67 PENALTY FOR VIOLATIONS.**

Any person who violates any provision of sections 17.51 to 17.69 or ~~any rule or regulation of the council~~ commissioner promulgated pursuant to sections 17.51 to 17.69 is guilty of a misdemeanor. Any first handler who fails to make collections or to file a return or to pay any assessment within the time required by sections 17.51 to 17.69, or who files a falsified return, shall be liable to the council for the amount due, plus a penalty of six percent of the amount due, plus one percent of the amount for each month of delay. If satisfied that the delay was excusable, the council may return all or any part of the penalty. Penalties shall be paid to the council and disposed of as provided with respect to other money collected under sections 17.51 to 17.69.

Sec. 14. **REPEALER.**

Minnesota Statutes 1980, Sections 17.55; 17.601; 17.65; 17.68; 21A.01; 21A.02; 21A.03; 21A.04; 21A.05; 21A.06; 21A.07; 21A.08; 21A.09 as amended by Laws 1981, Chapter 41, Section 4; 21A.10; 21A.11; 21A.115; 21A.12; 21A.13; 21A.14; 21A.15; 21A.16; 21A.17; 21A.19; 29.14; 29.15; 29.16; 29.18; 29.19; 30.461; 30.462; 30.463; 30.464, as amended by Laws 1981, Chapter 11, Section 1; 30.465; 30.466; 30.467; 30.468; 30.472; 30.473; 30.474; 30.475; 30.476; 30.477; 30.479; 32B.01; 32B.02; 32B.03; 32B.04; 32B.05; 32B.06; 32B.08; 32B.09; 32B.10; 32B.11; 32B.13; Minnesota Statutes 1981 Supplement, Sections 29.17; 30.469; 30.47; 32B.07; and 32B.12, are repealed.

Sec. 15. **EFFECTIVE DATE.**

This act is effective July 1, 1982.

Approved March 22, 1982

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## CHAPTER 583 — H.F.No. 1025

*An act relating to safety; imposing an additional fee for two-wheeled vehicle endorsements for motorcycle safety programs; providing for the disposition of the proceeds of the additional fee; exempting from the motor vehicle excise tax certain purchasers of motorized bicycles for resale; prescribing duties of the commissioners of public safety and education; establishing a fund; appropriating money; amending Minnesota Statutes 1980, Sections 171.06, by adding a subdivision; 297B.035, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 126.*

Changes or additions are indicated by underline, deletions by ~~strikeout~~.