

CHAPTER 21A

SOYBEANS

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21A.01 PURPOSE. It is hereby declared that the market development, promotion and advertising, market research and production of soybeans grown in Minnesota is important to the general welfare of the people of Minnesota; that it is in the public interest that better methods of marketing, producing, processing, advertising, and promoting soybeans grown in the state of Minnesota be fostered, encouraged, developed, and improved, so that the soybean industry within the state, the people employed by said industry, directly or indirectly, and the people of the state of Minnesota, should be benefited thereby; and that accomplishment of these purposes requires establishment of a Minnesota soybean advisory board for the purpose of contributing to the protection, expansion, stabilization and improvement of the agricultural economy of this state. Sections 21A.01 to 21A.19 shall not be construed to abrogate or limit, in any way, the rights, powers, duties and functions of the commissioner of agriculture or any other agency of the state, but shall be supplementary thereto, and in aid and cooperation therewith.

[1969 c 277 s 1]

21A.02 DEFINITIONS. Subdivision 1. As used in sections 21A.01 to 21 A.19, the terms described in this section shall have the meanings ascribed to them.

Subd. 2. "Soybeans" means soybeans grown within the state of Minnesota for use as food, feed, seed, or any industrial or commercial use.

Subd. 3. "Commercial channels" means the sale of soybeans to any commercial buyer, dealer, processor, cooperative, or to any person public or private, who resells any soybeans or product produced from soybeans.

Subd. 4. "Person" means any individual, corporation, association, cooperative, or partnership.

Subd. 5. "Board," or "advisory board" means the Minnesota soybean advisory board.

Subd. 6. "First purchaser" means any person that buys soybeans from the grower in the first instance; or any lienholder or pledgee, public or private, or assignee of said lienholder, secured party or pledgee, who gains title to the soybeans from the grower 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. First purchaser also includes any person, public or private, who acquires a lien or security interest or receives a pledge of the soybeans after said soybeans are harvested.

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

Subd. 8. "Grower" means any person who owns or operates a soybean growing facility and shares in the profits and risk of loss from such facility and who plants, raises, and harvests soybeans during the current or preceding marketing year.

Subd. 9. "Qualified voter" means any grower defined herein.

Subd. 10. "Promotional order" means an order issued by the commissioner pursuant to this chapter which establishes a program for promotion, advertising, production, market research, and market development of the growing, processing, dis-

tributing, sale of or handling of soybeans and soybean products and provides for the collection of fees, financing the same.

Subd. 11. "Sale" means any passing of title from the grower to the first purchaser. Sale includes any pledge, security interest or lien of soybeans after harvest.

Subd. 12. "Marketing year" means a one-year period from September 1 to the last day of August in the following year.

[1969 c 277 s 2]

21A.03 SOYBEAN ADVISORY BOARD CREATED; MEMBERS. There is hereby created the Minnesota soybean advisory board. Upon the petition of not less than 1,500 soybean growers, the commissioner shall proceed to conduct an election to determine the members of the advisory board. The board shall consist of representative growers of the major soybean-producing crop reporting districts, as reported by the State-Federal Crop and Livestock Reporting Service, as follows: Each crop reporting district that reports soybean acreage and that has a five-year average soybean acreage of at least 5,000 acres, but not more than 300,000 acres, shall have one member; each district that reports a five-year average soybean acreage of at least 300,000 acres, but not more than 750,000 acres, shall have two members; and each district that reports a five-year average soybean acreage in excess of 750,000 acres shall have three members.

The commissioner shall appoint a nominating committee of two growers in each crop reporting district to be represented on the committee. This committee shall nominate two qualified nominees for each position or vacancy on the board. Such nominations shall be for the initial terms assigned to each district as provided in this section. The commissioner shall forthwith conduct an election in each crop reporting district among soybean growers in such manner as he deems fair and reasonable. Each ballot shall make provision for write-in votes and shall contain a certification by the grower that he is a qualified grower according to section 21A.02, subdivision 8. A plurality of the votes cast shall be sufficient to elect any candidate. The commissioner shall be an ex officio non-voting member of the advisory board.

Of the initial members of the board, the commissioner shall designate one third to serve for terms of one year, one third to serve for terms of two years, and one third to serve for terms of three years, provided that the terms assigned to initial members representing a single district shall all expire in different years.

The advisory board shall elect annually from its membership a chairman and vice chairman and such other officers as it may deem appropriate.

[1969 c 277 s 3]

21A.04 TERMS OF MEMBERS. Except as provided herein with respect to initial members of the board, each member shall be elected for a three-year term. Regular elections shall be conducted by the commissioner as provided by section 21A.03 and any regulation promulgated pursuant thereto, provided that the board may by majority vote modify any regulation governing the election procedure. Each member shall hold office until his successor is elected and qualified. When a vacancy occurs for any reason the advisory board shall by majority vote appoint a successor to fill the unexpired term. The successor so appointed shall be a grower residing in the same crop reporting unit as the former member whose departure created the vacancy.

[1969 c 277 s 4]

21A.05 RULES AND REGULATIONS. In administering sections 21A.01 to 21A.19, the commissioner shall have any of the powers conferred upon him by law. He may promulgate such rules and regulations as he may deem necessary to effectuate the purposes of sections 21A.01 to 21A.19.

[1969 c 277 s 5]

21A.06 PROMOTIONAL ORDER. The advisory board shall meet as it may determine, or upon call of the chairman or any three members. Promptly after its election, the board shall meet and, with the commissioner, shall formulate a promotional order establishing a program including, but not limited to, market development, promotion, advertising, market research, production and distribution of soybeans grown in Minnesota. The order shall establish fees to be paid by growers to finance the proposed activities, which shall not exceed one-half cent per bushel upon all soybeans grown in the state of Minnesota and sold in commercial channels, beginning with and including soybeans harvested in the marketing year beginning September 1,

1969, and each and every marketing year thereafter. The order may also authorize the collector of the fee to retain an amount specified by the board for the expenses of collecting the fee.

The commissioner, with the advice and consent of the advisory board, shall hold a public hearing on the proposed promotional order and shall thereafter hold a referendum on the final promotional order among growers. The commissioner, with the advice and consent of the advisory board, shall specify the time and procedure for the referendum. The commissioner shall count and tabulate the ballots. The promotional order shall become effective if approved by not less than two-thirds of those voting in the referendum.

[1969 c 277 s 6]

21A.07 PAYMENT OF FEES. Subdivision 1. The fee shall be deducted by the first purchaser at the time of sale, provided, however, that occasional sales between growers shall be exempt from the provisions of sections 21A.01 to 21A.19; or in the case of a lienholder, secured party or pledgee, public or private, or assignee of said lienholder, secured party or pledgee, who gains title to the soybeans from the grower as the result of exercising any legal rights by the lienholder, secured party or pledgee, or their assigns, the fee shall be deducted at the time said rights are exercised; or in the case of a first purchaser who acquires a lien or security interest or receives a pledge of soybeans after harvest, the fee shall be paid by said first purchaser at the time of creating the lien, security interest or pledge. The fees shall be deducted as provided herein, regardless of whether or not the first purchaser is a Minnesota resident or stores the soybeans outside of Minnesota.

Subd. 2. The board shall be named as payee and entitled to receive a fee on each bushel equal to the fee payable under subdivision 1, when the grower's loan-and-note agreement is filled out in the county agricultural stabilization and conservation office. In such case, the lending agency shall remit the fee directly to the advisory board. When the grower's loan-and-note agreement shows that the fee has been deducted and remitted to the advisory board, it shall not be necessary for a subsequent buyer to deduct the fee at time of purchase.

[1969 c 277 s 7]

21A.08 PRIORITY OF LIEN. All rights and obligations created under sections 21A.01 to 21A.19 shall have priority to all other liens, security interests or rights created by chapter 336, provided that this section shall not impair any security interests which have been perfected prior to the effective date of Laws 1969, Chapter 277. This section shall not apply, however, to any lienholder, secured party or pledgee, or an assignee of said lienholder, secured party or pledgee if the priority herein established would impair, jeopardize, or in any manner diminish any rights created by chapter 336 which have vested prior to the effective date of Laws 1969, Chapter 277.

[1969 c 277 s 8]

21A.09 DEPOSIT OF FEES. Fees collected pursuant to sections 21A.01 to 21A.19 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 in the administration of sections 21A.01 to 21A.19, and said funds are hereby appropriated for the purposes of sections 21A.01 to 21A.19. Fees collected shall be used exclusively for the specific purpose for which collected and not for legislative or political activities. All persons authorized to control, handle, or disburse funds shall provide bond in such form and amount as may be required from time to time by the advisory board.

[1969 c 277 s 9]

21A.10 COMPENSATION AND EXPENSES. No member of the advisory board shall receive a salary. Each member, while engaged in the performance of the duties herein authorized, shall be entitled to his actual expenses incurred and to a reasonable per diem at a rate to be established by the board and approved by the commissioner, not to exceed \$25 per day. The advisory board may appoint an attorney for the advisory board and the commissioner. The attorney so appointed shall act as attorney for the commissioner only in discharging any provision of sections 21A.01 to 21A.19. The advisory board shall fix the compensation and terms of employment of the attorney who shall act for the commissioner and the board when required and

shall serve at the pleasure of the board. The provisions of Minnesota Statutes, Chapter 8, shall not apply to this attorney.

[1969 c 277 s 10]

21A.11 ADDITIONAL POWERS OF COMMISSIONER. The commissioner, with the advice and consent of the advisory board, may contract and cooperate with any person, firm, corporation, or association, or with any local, state, federal, or international agency, including the Minnesota department of agriculture, for market development, education, publicity, promotion, research, transportation, and advertising within the purposes of sections 21A.01 to 21A.19; appoint, employ, bond, discharge, fix compensation for, and prescribe the duties of such administrative, clerical, technical, and other personnel and agencies as may be deemed necessary.

[1969 c 277 s 11]

21A.12 ADDITIONAL POWERS OF ADVISORY BOARD. In addition to the other duties and powers of the advisory board, as herein set forth, it may draft and administer promotional orders; recommend to the commissioner administrative rules and regulations relating to promotional orders; recommend amendments to such orders; submit to the commissioner an annual estimated budget for the operation and implementation of promotional orders; assess growers and provide a procedure for the collection of funds to finance promotional orders; collect such necessary information and data as the commissioner and advisory board may deem necessary to the proper administration of sections 21A.01 to 21A.19; provide for an annual audit of funds to be made by a qualified auditing entity; to expend the funds collected pursuant to provisions of sections 21A.01 to 21A.19 and appropriated for its administration; accept donations of funds, property, services, or other assistance from public or private sources for the purposes of furthering the objectives of sections 21A.01 to 21A.19; investigate and prosecute in the name of the state of Minnesota any action or suit to enforce the collection or insure payment of the fees authorized by the provisions of sections 21A.01 to 21A.19 and to sue and be sued in the name of the advisory board; to do all other things necessary to the administration and implementation of sections 21A.01 to 21A.19.

[1969 c 277 s 12]

21A.13 MEETINGS, QUORUM. A majority of the voting members of the advisory board shall constitute a quorum for the transaction of all business in carrying out the duties of the advisory board.

[1969 c 277 s 13]

21A.14 RECORDS OF ADVISORY BOARD. All of the records of the advisory board shall be public records and shall be available for the inspection of any person for any lawful purpose, provided however, that the advisory board shall be empowered to make reasonable rules and regulations concerning the inspection of such records and the time or place of such inspection, or the manner in which the information shall be made available.

[1969 c 277 s 14]

21A.15 MISDEMEANOR TO VIOLATE PROVISIONS OF SECTIONS 21A.01 TO 21A.19. Any person who violates any provision of sections 21A.01 to 21A.19 or rule or regulation of the commissioner promulgated pursuant hereto, is guilty of a misdemeanor.

[1969 c 277 s 15]

21A.16 SUSPENSION OR TERMINATION OF SOYBEAN PROMOTIONAL ORDER. Subdivision 1. The commissioner, with the 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 sections 21A.01 to 21A.19, 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 termination of any promotional order is requested in writing by more than 1,500 growers, the commissioner shall conduct a referendum to determine whether or not the promotional order shall be continued. He shall terminate the promotional order if a majority of the growers voting in the referendum vote in favor of termination. The referendum shall be conducted in such manner as the commissioner, with the advice and consent of the advisory board, deems fair and reasonable.

Subd. 3. Any funds remaining with the advisory board after the termination of an order under this section shall be expended to meet existing legal obligations of the advisory board. Any surplus remaining shall be expended for soybean market research purposes in Minnesota, or other lawful purposes under sections 21A.01 to 21A.19, at the discretion of the advisory board.

[1969 c 277 s 16]

21A.17 REFUND OF FEE. Any grower may, by the use of forms provided by the commissioner and upon presentation of a sworn statement that no security interest in that particular soybean crop remains unsatisfied and such other proof as the commissioner may require by rule or regulation, have the fee paid pursuant to sections 21A.01 to 21A.19 refunded to him. A lienholder, secured party or pledgee, or assignee of a lienholder, secured party or pledgee may, by use of the forms provided by the commissioner and upon presentation of a sworn statement that such party has taken title to that particular soybean crop through the exercise of a legal right or that such party has himself paid the required fee and such other proof as the commissioner may by rule or regulation require, have the fee paid pursuant to sections 21A.01 to 21A.19 refunded to him. Any request for refund must be received in the office of the commissioner or the advisory board within 60 days following the payment of such fee. Refund shall be made by the commissioner within 30 days after receipt of the request for refund provided that the fee sought to be refunded has been received.

[1969 c 277 s 17]

21A.18 APPROPRIATION OF FUNDS. Subdivision 1. In order to organize and expedite the operations of the board, there is appropriated to the commissioner of agriculture and the board from the general fund of the state treasury the sum of \$25,000, to be available on July 1, 1969.

Subd. 2. Within one year after the implementation of the initial promotional order, pursuant to the terms of sections 21A.01 to 21A.19, the board shall remit from fees collected under said order, to the state treasurer, the sum of \$25,000 in reimbursement for the appropriation made under subdivision 1. This sum shall be deposited in the general fund.

Subd. 3. In the event that a promotional order is not implemented within two years of the date of the passage of sections 21A.01 to 21A.19, the balance of the funds appropriated in subdivision 1 shall be remitted to the state treasurer and deposited in the general fund.

[1969 c 277 s 18; 1969 c 399 s 1]

21A.19 NONLIABILITY OF STATE; SEVERABILITY. Subdivision 1. No liability shall be imposed upon the state of Minnesota for any acts or omissions of the commissioner or of the soybean advisory board established pursuant to sections 21A.01 to 21A.19.

Subd. 2. If any section, subdivision or other portion of sections 21A.01 to 21A.19 shall be adjudged unconstitutional by a court of competent jurisdiction, such adjudication shall not impair the validity of the remaining sections, subdivisions or portions of sections 21A.01 to 21A.19.

[1969 c 277 s 19]