

MINNESOTA STATUTES 1977 SUPPLEMENT

SOYBEANS 21A.04

21.54 Corn, growing zones.

[For text of subd 1, see M.S.1976]

Subd. 2. **Field corn varieties; registration fee.** A record of each hybrid seed field corn grain variety to be sold in Minnesota shall be registered by February 1 of each year by the originator or owner thereof with the commissioner. The annual fee for such registration shall be \$15 per variety. The record shall include the permanent designation of the hybrid as well as the day classification and zone of adaptation, as determined under subdivision 1, which the originator or owner declares to be the zone in which said variety is adapted. In addition, at the time of the first registration of a hybrid seed field corn grain variety, the originator or owner shall include a sworn statement that his declaration as to the zone of adaptation was based on actual field trials in said zone and that such field trials substantiate his declaration as to the day and zone classifications to which the variety is adapted. The number or name used to designate any hybrid seed field corn grain variety in the registration thereof shall be the only variety name of all seed corn covered by or sold under such registration.

[For text of subd 3, see M.S.1976]

[1977 c 289 s 4]

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 research and promotion council 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.

[1977 c 28 s 1]

21A.04 Terms of members.

Except as provided herein with respect to initial members of the council, 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 rule promulgated pursuant thereto. Each member shall hold office until his successor is elected and qualified. When a vacancy occurs for any reason the council 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.

[1977 c 28 s 2]

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21A.05 Rules.

In administering sections 21A.01 to 21A.19, the commissioner shall have any of the powers conferred upon him by law. He may, after consultation with the council, promulgate such rules as are deemed necessary to effectuate the purposes of sections 21A.01 to 21A.19, including but not limited to, administration of the promotional order, establishment of minimal requirements to qualify as a producer, and overseeing the preparation of an annual report of the programs financed in whole or in part by the order.

[1977 c 28 s 3]

21A.06 Promotional order.

The council shall meet as it may determine, or upon call of the chairman or any three members. Promptly after its election, the council 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 a fee to be paid by growers to finance the proposed activities. Except as provided herein, the fee shall not be less than 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, 1973, and each and every marketing year thereafter. The order shall also indicate the maximum assessment rate which shall not exceed one-half percent of the market value of the year's production of all participating producers. Any increase in the assessment provided for in the promotional order must be within the limit herein prescribed in increments of not more than one-half cent per bushel annually and must be approved by a majority of voting participating producers in a referendum held for that purpose after reasonable notice of such proposed increase. Any decrease in the assessment shall be by decision of the council, however, such decrease shall not establish an assessment of less than one-half cent per bushel unless approved by a majority of voting participating producers in a referendum held for that purpose after reasonable notice of such proposed decrease. The order may also authorize the collector of the fee to retain an amount specified by the council for the expenses of collecting the fee.

The commissioner, after consultation with the council, 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, after consultation with the council, 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 a majority of those voting in the referendum.

[1977 c 28 s 4]

21A.09 Deposit of fees; use.

Subdivision 1. 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 council, 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.

Subd. 2. Fees collected shall be used exclusively for the purposes described in section 21A.01, and no part thereof may be used to support any political party or candidate for public office. However, the council may utilize a portion of such fees not to exceed ten percent of the fees collected annually to expand or maintain soybean markets in any of the following ways: (a) to oppose any foreign or domestic barriers to free trade; (b) to maintain liaison with and furnish data and information to all interested governmental branches, departments and personnel relative to the interests of soybean growers.

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Subd. 3. 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 council.

[1977 c 28 s 5]

21A.115 Cooperation.

The commissioner is authorized to cooperate and enter into agreements with any appropriate agency of any state for the purpose of carrying out the provisions of sections 21A.01 to 21A.19, and in securing uniformity of administration and enforcement.

[1977 c 28 s 6]

21A.12 Additional powers of council.

In addition to the other duties and powers of the council, as herein set forth, it may:

(1) Assess growers and provide a procedure for the collection of funds to finance promotional orders;

(2) Collect such necessary information and data as the commissioner and council may deem necessary to the proper administration of sections 21A.01 to 21A.19;

(3) Prepare and submit to the commissioner an annual estimated budget for the operation of the promotional order;

(4) Prepare an annual report on the programs of the order, said report to be made available to the producers concerned;

(5) Provide for an annual audit of funds to be made by a qualified auditing entity;

(6) Expend the funds collected pursuant to provisions of sections 21A.01 to 21A.19 and appropriated for its administration;

(7) 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;

(8) 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 council; and

(9) Do all other things necessary to the administration and implementation of sections 21A.01 to 21A.19.

[1977 c 28 s 7]

21A.14 Records of council.

All of the records of the council shall be public records and shall be available for the inspection of any person for any lawful purpose, provided however, that the council shall be empowered to make reasonable rules 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.

[1977 c 28 s 8]

21A.15 Misdemeanor to violate provisions of sections 21 A.01 to 21 A.19.

Any person who violates any provision of sections 21A.01 to 21A.19 or rule of the commissioner promulgated pursuant hereto, is guilty of a misdemeanor.

[1977 c 28 s 9]

21A.16 Suspension or termination of soybean promotional order.

Subdivision 1. The commissioner, after consultation with the council, 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.

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Subd. 2. If the commissioner finds that termination of any promotional order is requested in writing by more than 500 growers, the commissioner shall, after consultation with the council, 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, after consultation with the council, deems fair and reasonable.

[For text of subd 3, see M.S.1976]

[1977 c 28 s 10,11]

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, 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 council 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.

[1977 c 28 s 12]

21A.18 [Repealed, 1977 c 28 s 14]

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 council established pursuant to sections 21A.01 to 21A.19.

[For text of subd 2, see M.S.1976]

[1977 c 28 s 13]

CHAPTER 27. WHOLESALE PRODUCE DEALERS

Sec.	Sec.
27.06 Complaints to commissioner, hearing; action on bond.	27.07 Grades established; inspection.

27.06 Complaints to commissioner, hearing; action on bond.

Any person claiming himself to be damaged by any breach of the conditions of a bond given by a licensee, as herein provided, may enter complaint thereof to the commissioner, which complaint shall be a written statement of the facts constituting the complaint. Upon filing the complaint in the manner herein provided, the commissioner shall investigate the charges made and have the matter heard as a contested case pursuant to chapter 15. No hearing shall be required if all affected parties to a bond claim proceeding waive their right to a hearing and agree to accept the commissioner's determination as to the validity of the claims and the allocation of the proceeds of the bond.

[1977 c 346 s 4]

27.07 Grades established; inspection.

Subdivision 1. The commissioner shall have power to establish grades on all produce and when deemed necessary shall provide for inspecting and grading pro-