

11-28-91

RULES
OF
THE TENNESSEE DEPARTMENT OF AGRICULTURE
QUALITY AND STANDARDS DIVISION

CHAPTER 0080-3-7
TENNESSEE DAIRY PROMOTION COMMITTEE

AMENDMENTS

RULE 0080-3-7-.03 NOMINATION PROCEDURES is amended by deleting the language contained therein in its entirety and substituting the following language in its place so that, as amended, the rule shall read:

(1) The Committee shall be appointed by the Commissioner from nominations received from Agricultural Dairy Cooperatives and independent producers who are not members of the Agricultural Dairy Cooperatives.

(2) All nominations shall be in writing and shall contain the following information:

(a) The name, address, and telephone number of the person nominated;

(b) The name and address of the person submitting the nomination;

(c) Whether the person nominated markets milk through an agricultural dairy cooperative (and if so, which one), or by direct sale; and

(d) The signature of the person submitting the nomination.

(3) Only those producers that market milk by direct sale may nominate persons to the Committee to represent those who market by direct sale. Only agricultural dairy cooperatives may nominate persons to the Committee to represent those producers who market through agricultural dairy cooperatives.

(a) Members of the Committee who cease to be producers as defined in this Chapter, or Committee members who change their method of marketing shall cease to be members of the Committee, and their vacancies may be filled based upon previous nominations.

(4) The Commissioner may publish and/or give written notice, to the extent practicable, to dairy producers that nominations for appointment to the Committee will be accepted for a period of two (2) weeks beginning on the date of such notice. If given, such notice shall state that the nominations shall be in writing and shall contain the information set forth in paragraph (2)(a)(b)(c)(d) of this rule. All appointments of members to fill vacancies,

whenever and/or however they may occur, may be made by the Commissioner based upon previous nominations; or, he may fill the vacancies from new nominations made pursuant to the provisions set forth in this rule. Current members may be reappointed to the Committee based on their previous nominations.

STATUTORY AUTHORITY: T.C.A. Section 44-19-120

RULE 0080-3-7-.04 TERMS OF OFFICE is amended by deleting the following language in paragraph one (1): delete the word "initial" at the end of line two and the beginning of line four; delete the date "June 30, 1984" in line three and substitute the following language in its place: "odd-numbered years"; delete the date "June 30, 1986" in line four and substitute the following language in its place: "even-numbered years". The rule is further amended by adding a new paragraph, paragraph (4), which shall contain the following language so that, as amended, this rule shall read in its entirety as follows:

(1) Each voting member of the Committee shall serve for a period of two (2) years beginning on July 1 and ending June 30th of the appropriate year, except, however, approximately one-half of the Committee members shall be appointed to terms that shall expire on odd-numbered years and approximately one-half of the Committee shall be appointed to terms that shall expire on even-numbered years.

(2) Members of the Committee may be nominated and appointed for an unlimited number of terms, consecutive or otherwise.

(3) The ex-officio member shall serve as long as he holds the office by virtue of which he is a member of the Committee.

(4) A chairman, vice-chairman, and a secretary-treasurer shall be elected from among the Committee members at the first meeting after appointment to the Committee. The term of office of each officer shall be one year, but each officer, if re-elected at the expiration of his term, may serve for unlimited terms.

STATUTORY AUTHORITY: T.C.A. Section 44-19-120

RULE 0080-3-7-.05 REPRESENTATION AND NUMBER OF MEMBERS is amended by deleting the language therein in its entirety and substituting the following language so that, as amended, the rule shall read:

(1) There shall be eleven (11) voting members of the Committee and one (1) non-voting ex-officio member, who shall be the Commissioner of Agriculture.

(2) The Committee shall be comprised of producers appointed for representation in proportion to the method of marketing, either through agricultural dairy cooperatives or by direct sale, based upon a percentage of total yearly income derived from each marketing method.

(3) The Commissioner shall annually review the proportional number of producers that market through agricultural dairy cooperatives and those that

market through direct sales, so that appointments to the Committee can be made in accordance with this rule to insure fair representation.

STATUTORY AUTHORITY: T.C.A. Section 44-19-120.

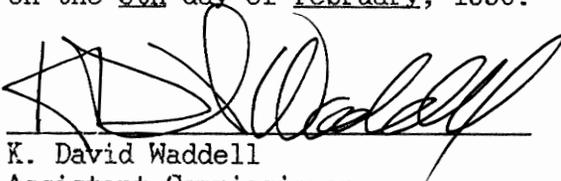
Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:



K. David Waddell
Assistant Commissioner
Tennessee Department of Agriculture

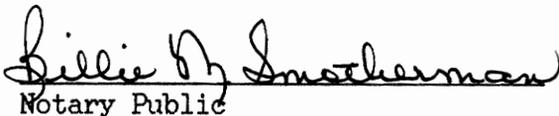
I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Department of Agriculture on the 10th day of May, 1991.

Further, I certify that these rules are properly presented for filing, a notice of rulemaking hearing having been filed in the Department of State on the 29th day of December, 1989, and such notice of rulemaking hearing having been published in the January, 1990 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 5th day of February, 1990.



K. David Waddell
Assistant Commissioner

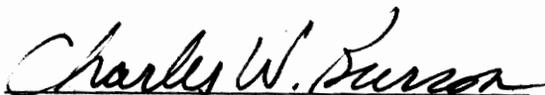
Subscribed and sworn to before me this the 10th day of May, 1991.



Notary Public

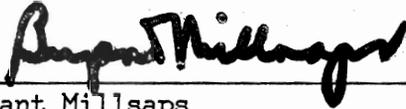
My Commission expires on the 27th day of March, 1993.

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.



Charles W. Burson
Attorney General and Reporter

The rulemaking hearing rules set out herein were properly filed in the Department of State and will become effective on the 28 day of Nov, 1991.



Bryant Millsaps
Secretary of State

By: Richard Arnold

TENNESSEE DEPARTMENT OF AGRICULTURE
RESPONSE TO
PUBLIC COMMENTS
RULEMAKING HEARING RULES

CHAPTER 0080-3-7
TENNESSEE DAIRY PROMOTION COMMITTEE

There were no public comments.