

**RULES
OF
TENNESSEE DEPARTMENT OF AGRICULTURE
CONSUMER & INDUSTRY SERVICES**

**CHAPTER 0080-03-07
TENNESSEE DAIRY PROMOTION COMMITTEE**

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0080-03-07-.01 DEFINITIONS.

- (1) "Committee" means Tennessee Dairy Promotion Committee.
- (2) "Commissioner" means Commissioner of Tennessee Department of Agriculture.
- (3) "Producer" means every person in the State of Tennessee who produces milk or cream from cows and thereafter causes the same to marketed as milk, cream or other milk and dairy products who have been issued and possess a valid current producer's permit, or certification, issued by the Department of Agriculture.
- (4) "Assessment" means the amounts collected from producers pursuant to the Dairy and Tobacco Adjustment Act of 1983, 7 C.F.R. 1150 and the Tennessee Dairy Industry Promotion Act, T.C.A. §§ 44-19-101, et seq.
- (5) "Qualified Program" means any state or regional dairy product promotion, research, or nutrition education program which is certified pursuant to 7 C.F.R. 1150.153.
- (6) "National Dairy Promotion and Research Board" means the Board established pursuant to 7 C.F.R. 1150.131 to administer the Dairy Promotion Program.

Authority: T.C.A. § 44-19-120 and Public Chapter 948 of 1984, § 20. **Administrative History:** Original rule filed September 20, 1984; effective October 20, 1984. Amendments filed April 25, 2018; effective July 24, 2018.

0080-03-07-.02 QUALIFICATIONS OF MEMBERS. Any producer as defined in Rule 0080-03-07-.01 definitions shall be qualified to be a member of the Committee.

Authority: Public Chapter 948 of 1984, §§ 14(b) and 20. **Administrative History:** Original rule filed September 20, 1984; effective October 20, 1984.

0080-03-07-.03 NOMINATION PROCEDURES.

- (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;

(Rule 0080-03-07-.03, continued)

- (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.

Authority: T.C.A. § 44-19-120 and Public Chapter 948 of 1984, §§ 14(b) and 20. **Administrative History:** Original rule filed September 20, 1984; effective October 20, 1984. Amendment filed October 14, 1991; effective November 28, 1991.

0080-03-07-.04 TERMS OF OFFICE.

- (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.

Authority: T.C.A. § 44-19-120 and Public Chapter 948 of 1984, §§ 14(b) and 20. **Administrative History:** Original rule filed September 20, 1984; effective October 20, 1984. Amendment filed October 14, 1991; effective November 28, 1991.

0080-03-07-.05 REPRESENTATION AND NUMBER OF MEMBERS

- (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.

Authority: T.C.A. § 44-19-120 and Public Chapter 948 of 1984, §§ 14(b) and 20. **Administrative History:** Original rule filed September 20, 1984; effective October 20, 1984. Amendment filed October 14, 1991; effective November 28, 1991.

0080-03-07-.06 REDIRECTION OF ASSESSMENT.

The Committee may, upon receipt of a request from a producer to redirect that portion of the producer's assessment credited to the Committee, honor that request by forwarding an amount equal to the amount of credit that otherwise would be applicable to the Committee, to a qualified program designated by the producer; or, if no qualified program is designated, to the National Dairy Promotion and Research Board.

Authority: T.C.A. § 44-19-120. **Administrative History:** Original rule filed April 25, 2018; effective July 24, 2018.