

CHAPTER 72—H.F.No.316

[Coded]

An act relating to towns; contracts for fire protection; amending Minnesota Statutes 1969, Section 365.18, by adding a subdivision.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 365.18, is amended by adding a subdivision to read:

Subd. 3. TOWNS; FIRE PROTECTION. Where a municipality has contracted with or enters into contract negotiations with a town to furnish fire services pursuant to this section, it shall provide the town with such cost data relating to fire protection as requested. A copy of each existing fire protection contract with other political subdivisions shall be provided upon request.

Approved March 29, 1971.

CHAPTER 73—H.F.No.339

An act relating to the department of public service; providing for duties in relation to carriers, hay tracks, terminal warehouses, grain and grain weighing; amending Minnesota Statutes 1969, Sections 221.141, 229.06, 229.07, 229.08, 229.15, 233.135, 233.17, 233.18, 233.19, 233.20, 233.21, 233.24, 233.25, 233.26, 233.28, 233.29, 233.30, 233.31, 233.32, 233.35, and 235.14; repealing Minnesota Statutes 1969, Section 229.09.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 221.141, is amended to read:

221.141 DEPARTMENT OF PUBLIC SERVICE; DUTIES; INSURANCE OR BONDS OF MOTOR CARRIERS. Before any certificate or permit shall be issued to any motor carrier, it shall secure and file with the commission and keep the same at all times in full effect public liability and indemnity insurance in such amount and in such form as the commission shall have prescribed, covering injuries and damage to persons or property occurring on the highways, other than the employees of such motor carrier or the

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property being transported by such carrier, provided that the commission shall require cargo insurance for certificated carriers, except those carrying passengers exclusively, and may require any permit carrier to file such insurance when it deems necessary to protect the users of the service. Such insurance shall be subject to cancellation for non-payment of premiums or withdrawals from service of a vehicle or vehicles covered thereby upon not less than fifteen (15) days' written notice to the insured and to the commission. Such insurance or bond may from time to time be reduced or increased by order of the commission. The commission may, if desired by the applicant, prescribe in lieu of the bond or insurance such other form of security as may be satisfactory. Failure to maintain any required insurance or security shall void the permit or certificate.

Sec. 2. Minnesota Statutes 1969, Section 229.06, is amended to read:

229.06 CARRIER TO MAINTAIN TRACK SCALES; INSPECTING SCALES. It shall be the duty of all common carriers transporting hay to such terminal points to construct and maintain at such public hay tracks as may be established by the commission, suitable track scales of such size and capacity as the commission shall direct. If in its judgment it is necessary, the commission may order that such track scales be housed in such a manner as to insure accuracy. All scales at such hay tracks shall be under the control of state weighmasters ~~the department of public service~~ and subject to inspection by them ~~it~~, exempt from the jurisdiction of sealers of weights and measures. They shall be inspected at the request of any person interested in any hay or straw to be weighed thereon. If found incorrect the cost of inspection shall be paid by the owner thereof; otherwise by the person requesting inspection. No scales found incorrect shall be used until reexamined and found correct. Nothing in this chapter shall be so construed as to prevent the use of such scales by the owner for the purpose of weighing any other commodities in carload lots.

Sec. 3. Minnesota Statutes 1969, Section 229.07, is amended to read:

229.07 WEIGHERS AND INSPECTORS; APPEALS; REINSPECTION AND FINAL REVIEW. The commission ~~department of public service~~ shall appoint a suitable number of persons to perform such weighing and inspecting of hay and straw. Such weighers and inspectors shall be under the immediate supervision of the ~~chief inspector of grain department~~. In case of dissatisfaction of any interested person with the official acts of any inspector, reinspection may be had upon application to the ~~chief inspector of grain or either of his chief deputies~~ department. A final appeal from the decision of the ~~chief inspector of grain or his deputy inspector~~ department may be made to the board of final review, to be provided for by the

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~~commission department~~ under the rules it shall establish. The decision of such board of review shall be final, provided the ~~commission department~~ may provide suitable rules for the cancellation of any certificate of inspection issued upon original inspection, reinspection or upon final review when it appears that owing to the manner in which cars of hay or straw were loaded it was impossible for the inspector to obtain a fair sample.

Sec. 4. Minnesota Statutes 1969, Section 229.08, is amended to read:

229.08 WEIGHERS AND INSPECTORS; OBSTRUCTING PERFORMANCE; PENALTY; OATH; BOND. In case any person or railway corporation or any of their agents or employees shall refuse or prevent the weighers and inspectors of hay and straw from having free access to their scales and tracks in the regular performance of their duties as such weighers or inspectors of hay and straw, they shall forfeit to the state of Minnesota the sum of \$100 for each offense, such penalty or forfeiture to be paid to the state treasurer for the benefit of the hay inspection fund in this chapter created, and shall also be required to pay all costs of prosecution. Each weigher and inspector of hay and straw shall take an oath of office ~~the same as required of deputy grain inspectors approved by the department~~, and shall give a bond to the state of Minnesota in the penal sum of \$5,000 with good and sufficient sureties to be approved by the ~~commission, and conditioned in like manner as the commission requires from the chief inspector of grain department~~. The bonds given by such weighers and inspectors of hay and straw shall be filed in the office of the secretary of state and suit may be brought upon any bond in any court having jurisdiction thereof for the use of the person so injured.

Sec. 5. Minnesota Statutes 1969, Section 229.15, is amended to read:

229.15 REINSPECTION; APPEAL. In case any owner, consignee or shipper of hay or straw shall be aggrieved by the decision of such inspectors of hay and straw, the owner, consignee or shipper may ask for a reinspection of the hay and straw from the ~~chief inspector of grain or his chief deputies department~~; provided that a final appeal from the decision of the ~~chief inspector of grain or his chief deputies department~~ may be had to the board of final review provided for in section 229.07, and a decision by a majority of the final board of review shall be final, and the ~~commission department~~ is hereby authorized to make all necessary rules governing such reinspection or appeal. The party asking for such reinspection shall pay to the ~~chief inspector of grain or his chief deputies department~~ a sum not to exceed \$5 per case before such is entertained, which sum shall be refunded in the event such case is sustained.

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Sec. 6. Minnesota Statutes 1969, Section 233.135, is amended to read:

233.135 BOARD OF GRAIN STANDARDS. There is hereby created a board of grain standards. The board shall consist of the ~~chief grain inspector appointed pursuant to Minnesota Statutes, Section 233.17, head of the grain inspection division of the department of public service and the chief deputy inspectors of Minneapolis and Duluth, appointed pursuant to Minnesota Statutes, Section 233.18 two of his principal assistants appointed by the department for a term the department determines~~ . This board shall have jurisdiction over all grain standards now or hereafter established in Minnesota.

Sec. 7. Minnesota Statutes 1969, Section 233.17, is amended to read:

233.17 DIVISION HEAD. ~~The commission shall appoint a chief inspector, whose term of office shall be for two years, unless sooner removed by the commission. Such inspector~~ The head of the grain division of the department of public service shall give bond to the state in the sum of \$10,000, with sureties to be approved by the commission department , conditioned for the faithful and impartial discharge of the duties of his office according to law and the rules and regulations prescribed by the ~~commission department~~ , and the payment of all damages sustained by any person, caused by his failure to perform such duties.

Sec. 8. Minnesota Statutes 1969, Section 233.18, is amended to read:

233.18 BOND FOR INSPECTORS. ~~The chief inspector, with the approval of the commission, shall appoint such number of deputies as may be required. One such deputy in each of the cities of St. Paul, Minneapolis, and Duluth shall be styled "chief deputy." Each deputy inspector shall give bond as required of the chief inspector, but by the department in the sum of \$5,000. They shall be under the control and supervision of the chief inspector, and may be removed by him.~~

Sec. 9. Minnesota Statutes 1969, Section 233.19, is amended to read:

233.19 STANDARD SAMPLES. ~~The chief inspector~~ department of public service shall furnish standard samples of grain of each Minnesota grade to any grain warehouseman in the state, upon request and payment of the actual cost thereof.

Sec. 10. Minnesota Statutes 1969, Section 233.20, is amended to read:

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233.20 DUTY OF INSPECTORS. ~~Chief or deputy inspectors appointed by~~ The public service department shall inspect and grade all grain received at any terminal warehouse when requested to do so by any person having a contractual or other financial interest in such grain as the owner, seller, purchaser, warehouseman, or carrier or otherwise. They It shall provide inspection service for interhouse transfers or when grain is "run for grade" within a house if requested by the warehouseman. All rights and privileges covering reinspection and appeal in all such cases are hereby preserved to all interested parties.

Sec. 11. Minnesota Statutes 1969, Section 233.21, is amended to read:

233.21 APPEALS; PROCEDURE. Any owner, consignee, or shipper of grain, or any warehouseman, who is dissatisfied with the inspection of grain ~~by any chief or deputy inspector~~ may appeal ~~from his decision~~ to the nearest grain inspection board by filing notice of such appeal with the ~~chief deputy inspector~~ department of public service and paying a fee, to be fixed by the ~~commission~~ department, which shall be refunded if the appeal is sustained. ~~Such deputy inspector~~ The department shall forthwith transmit the notice to said board of grain standards. The decision of said board, fixing the grade of such grain shall be final.

Sec. 12. Minnesota Statutes 1969, Section 233.24, is amended to read:

233.24 INSPECT SCALES. All scales in public terminal warehouses or used for weighing grain in railroad yards at terminal points shall be under the control of the ~~state weighmasters~~ department of public service and subject to inspection by ~~them it~~, exempt from the jurisdiction of sealers of weights and measures. They shall be inspected at the request of any person interested in any grain weighed or to be weighed thereon. If found incorrect, the cost of inspection shall be paid by the owner thereof; otherwise by the person requesting inspection. No scales found incorrect shall be used until reexamined and found correct.

Sec. 13. Minnesota Statutes 1969, Section 233.25, is amended to read:

233.25 WEIGHERS. ~~The commission~~ department of public service shall appoint at each terminal point ~~a state weighmaster and~~ such weighers as may be necessary, who shall have the control of the weighing of all grain received at each terminal warehouse, except those terminal warehouses licensed under the provisions of the United States Warehouse Act, for sale or storage, except when otherwise ordered by the party shipping the same, and shall have the supervision or control of the other weighing of grain when requested

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by the operator of the facility desiring the service. Every ~~such weighmaster and~~ weigher shall give bond to the state in the sum of \$5,000 conditioned for the faithful discharge of his duty.

Sec. 14. Minnesota Statutes 1969, Section 233.26, is amended to read:

233.26 RECORDS AND CERTIFICATES. All ~~weighmasters and~~ weighers shall keep such records as may be prescribed by the commission, and shall furnish to any person for whom weighing is done a certificate under his hand, showing the amount of each weight, the number and initial letter or other distinctive mark of each car weighed, the place and date of weighing, and the contents of car. Such certificate shall be prima facie evidence of the facts therein certified.

Sec. 15. Minnesota Statutes 1969, Section 233.28, is amended to read:

233.28 QUALIFICATIONS. No member of a board of appeals, ~~chief or deputy~~ inspector, ~~weighmaster sampler~~, or weigher shall during his term of service be in any way interested in the handling, storing, shipping, purchasing, or selling of grain or any of its products, nor in the employment of any person or corporation engaged therein, nor shall he be a member of any board of trade or organization of like character.

Sec. 16. Minnesota Statutes 1969, Section 233.29, is amended to read:

233.29 REMOVAL. Upon written complaint filed with the commission department of public service, charging any inspector, ~~deputy inspector, weighmaster sampler~~, or weigher with official misconduct, inefficiency, incompetency, or neglect of duty, the commission department shall investigate such charge and, if it be sustained, remove such officer employee.

Sec. 17. Minnesota Statutes 1969, Section 233.30, is amended to read:

233.30 OBSTRUCTING WEIGHER. Any person or corporation who shall obstruct any state ~~weighmaster or~~ weigher in the performance of his official duties, by preventing his proper access to the scales used in the weighing of grain or otherwise, shall forfeit to the state \$100 for each offense.

Sec. 18. Minnesota Statutes 1969, Section 233.31, is amended to read:

233.31 CERTIFICATES NOT ISSUED UNDER STATE AUTHORITY; USE OF CERTAIN WORDS PROHIBITED. Any person

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who is not connected with the ~~state weighing~~ department of public service is hereby prohibited from using the term "weighmaster," "state weighmaster," any representation of the seal of the state, or any other words or device calculated or tending to indicate that the certificate or receipt is issued under state authority, or to otherwise deceive or mislead the public or any person interested, when issuing certificates or receipts purporting to show the weight of grain, hay or straw. Where weighing is done under the authority of the charter or an ordinance of any city or village, or under the auspices of any incorporated chamber of commerce, board of trade, or exchange, any certificate or receipt issued therefor shall on its face plainly show its source and the signature of the person signing the same shall be followed by a designation plainly showing the capacity in which the signer is acting, and the term "weighmaster" may be a part of such designation. Every such certificate or receipt issued by anyone other than the duly authorized representatives of the ~~state weighing~~ department of public service shall have plainly stamped or printed across its face in red ink in letters not less than one-quarter of an inch high the words, "This Certificate is Not Issued Under State Authority."

Sec. 19. Minnesota Statutes 1969, Section 233.32, is amended to read:

233.32 EXAMINE CARS. ~~The chief inspector of grain, and any deputies, or officials, serving under him,~~ An employee of the department of public service before opening the doors of any cars containing grain, upon their arrival at any of the several places designated by law as terminal points in this state, for the purposes of inspecting the same, shall first ascertain the condition of such cars and determine whether any leakages have occurred while the cars were in transit; also whether or not the doors are properly secured and sealed, making a record of such facts in all cases and recording the same in a proper book to be kept for the purpose. After such examination shall have been duly made and recorded and the inspection of such grain has been made, ~~the officials of the state grain inspection department employee~~, above mentioned, shall securely close and reseal such doors as have been opened by ~~them~~ him, using a special seal of the ~~state grain inspection~~ department for the purpose. A record of all original seals broken by ~~these officials~~ the employee and the time when broken; also a record of all state seals substituted therefor and the time when such state seals were substituted, together with a full description of the seals, with their numbers, shall be made by the ~~officials~~ employee.

Sec. 20. Minnesota Statutes 1969, Section 233.35, is amended to read:

233.35 EMPLOYEE; MISCONDUCT; PERSONATION. Subdivision 1. **FALSELY ACTING AS INSPECTOR.** Any person not

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duly appointed and qualified who shall assume to act as a state inspector ~~or deputy inspector~~ of grain shall be guilty of a misdemeanor; and upon conviction thereof punished by a fine of not less than \$50 nor more than \$100.

Subd. 2. **MISCONDUCT OF EMPLOYEES.** Any ~~inspector, deputy inspector, weighmaster, or weigher~~ employee of the department of public service who shall knowingly or carelessly inspect or weigh any grain improperly, or give any false certificate of inspection or weight, or accept money or other consideration directly or indirectly for any neglect or improper performance of duty or who shall be guilty of any neglect of duty, and any person who shall improperly influence or attempt to influence any such officer in the performance of his official duty shall be guilty of a gross misdemeanor; and upon conviction punished by a fine of not less than \$100 nor more than \$1,000 or imprisonment in the county jail for not less than 30 days nor more than one year or by both such fine and imprisonment.

Subd. 3. **VIOLATION OF SECTION 233.31 A MISDEMEANOR.** Any person found guilty of violating any provision of section 233.31 shall be guilty of a misdemeanor.

Sec. 21. Minnesota Statutes 1969, Section 235.14, is amended to read:

235.14 **CERTIFICATES; INSPECTION; WEIGHING.** Every elevator company, corporation, copartnership, association, or individual operating any elevator, building, or place in this state for the purchase, storage, or deposit of any grain or other farm commodity shall be entitled to receive from, and shall demand of, the officer whose duty it is to issue the same the official certificate of inspection in duplicate, together with the ~~weighmaster's weighing~~ certificate in duplicate, for any grain or other farm commodity shipped from any such elevator, building, or place and inspected and weighed as provided by the laws of this state.

Sec. 22. Minnesota Statutes 1969, Section 229.09, is repealed.

Approved March 29, 1971.

CHAPTER 74—H.F.No.340

An act relating to the department of public service; regulating organization and fees and permits subject to its authority; amending

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