

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

Section 1. Laws 1923, Chapter 77, Section 9, as amended by Laws 1943, Chapter 269, Section 1, Laws 1947, Chapter 297, Section 1, and Laws 1949, Chapter 443, is amended to read:

Sec. 9. **Second Judicial District; court reporter, salary.** The salary of the chief reporter and each of the other reporters in the Second Judicial District shall be uniform and shall be fixed by the judges of the district court in an amount not to exceed \$5,700 per annum and shall be paid in equal instalments in the same manner as the other county officers are paid.

Approved April 20, 1951.

CHAPTER 543—H. F. No. 1406

[Coded as Sections 21.31 to 21.46]

An act to promote the prosperity and welfare of the potato industry of this state; to provide for the establishment of potato production areas and within such areas to provide for the collection of fees and the regulation of certain marketing practices, all subject to referendum election of the growers; and providing penalties.

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

[21.31] Section 1. **Citation.** This act may be cited as the Potato Improvement, Marketing and Advertising Act.

[21.32] Sec. 2. **Declaration of policy.** Subdivision 1. It is hereby declared that the production, preparing for market and marketing of Irish potatoes in Minnesota is important to the health, peace, safety and general welfare of the people of the State of Minnesota. Economic waste is being fostered in the potato industry in Minnesota by lack of better methods of production, processing and marketing of potatoes and by lack of advertising and promoting better markets for potatoes produced in the state; and the inability of individual producers, processors, and shippers to develop better methods.

and new and larger markets for Minnesota potatoes; resulting in unreasonable and unnecessary waste of the agricultural and human resources of the state. Such conditions and the accompanying waste jeopardize the future continued production of an important food supply for the people of the state and jeopardize the future and continued employment of local human resources within the state and prevent potato producers and people they employ from obtaining a fair return for their labor, their farms and the potatoes which they produce. As a consequence, the purchasing power of potato producers, processors, potato shippers, and the persons within their employ has been and may continue to be in the future, unless such conditions are remedied, low in relationship to that of persons engaged in other gainful occupations within the state. Potato producers, potato processors, and shippers and the persons within their employ are thereby prevented from maintaining a proper standard of living and from contributing their fair share to the support of the necessary governmental and educational functions thus tending to increase unfairly the tax burdens of other citizens of the state.

Subd. 2. These conditions vitally concern the health, peace, safety and general welfare of the people of this state. It is hereby declared to be the policy of this state to aid potato producers, processors, potato shippers and the general welfare of the communities within the area in preventing economic waste and unemployment, and in the production, processing and marketing of potatoes, to develop new and better varieties of potatoes, more efficient and equitable methods of producing and marketing of potatoes and to preserve this opportunity for employment of workers within the producing area, and to aid in restoring and maintaining their purchasing power at a more adequate, equitable and reasonable level.

Subd. 3. The production, processing and marketing of potatoes within this state is hereby declared to be affected with a public interest. The provisions of this act are enacted in the exercise of the police powers of this state for the purposes of protecting the health, peace, safety and general welfare of the people of this state.

[21.33] Sec. 3. Declaration of purposes. The purposes of this act are:

(a) To enable the potato producers, processors, and

shippers of this state to better meet the competition from other states who are conducting potato improvement, marketing and advertising programs.

(b) To establish and promote orderly marketing of potatoes, to provide for potato inspection by the established federal-state inspection service or the use of special permits or identification to permit storage or processing in transit, and to provide methods and means for ascertaining and developing better methods of producing, processing, and marketing potatoes.

(c) To provide means and methods for the development of new and larger markets for potatoes grown within the state.

(d) To eliminate or reduce the economic waste in production, processing, and marketing of potatoes grown within the state.

[21.34] Sec. 4. **Definitions.** For the purposes of this act the terms defined in this section shall have the meanings ascribed to them.

(a) The term "potatoes" as used in this act means any and all white Irish potatoes produced or handled within the state.

(b) "Producer" means any person engaged in the business of producing or causing to be produced for market any potatoes within the state.

(c) "Shipper" means and includes any person in the business of buying, receiving, selling or shipping potatoes grown by either himself or another, for profit or remuneration.

(d) "Person" means an individual, partnership, corporation, association, grower or any other business unit.

(e) The term "grower" means any person who grows or shares in the ownership of potatoes grown for market on one or more acres.

(f) "Commission" means the Minnesota Potato Development Commission.

(g) The term "commission's order" means any order issued by the commission pursuant to this act, prescribing rules and regulations pertaining to the collection of fees and disbursement of funds and restricting or regulating the sale of cull potatoes.

(h) The term "cull potatoes" means any potatoes which because of quality, condition, or size, fail to meet any of the standard classifications described in the official United States or Minnesota regulations as applied to potatoes.

(i) The term "processing" means receiving, grading, packing, or loading potatoes in preparation for marketing or offering on the market. The term "processor" means any person engaged within this state in any of such activities.

[21.35] Sec. 5. **Minnesota Potato Development Commission.** A commission is hereby created to be known as the Minnesota Potato Development Commission and shall consist of five members and shall be appointed by the governor of Minnesota with one member to be appointed from each of the areas as defined in section 6, subdivision 1 of this act, and who shall be potato growers in that area, the fifth member shall be the commissioner of agriculture, dairy and food. The term of office of the members of the commission shall be one year from and after the first day of July of each year.

[21.36] Sec. 6. **Areas.** Subdivision 1. For the purpose of administration of this act the state is divided into four areas. Area number one included [includes] all of the ninth congressional district except the counties of Roseau, Lake of the Woods, Beltrami and Clearwater. Area number two includes all of the eighth congressional district and, in addition thereto, the counties of Roseau, Lake of the Woods, Clearwater and Beltrami. Area number three includes all of congressional districts one, two and seven. Area number four includes all of the remainder of the state.

Subd. 2. This act shall apply to and be in force in any area of the state wherein the commission hereby created shall so determine, after approval by referendum of the potato growers as provided in section 7, subdivision 4 of this act.

Subd. 3. Upon filing of a petition with the commission signed by 25 growers residing in one area praying that this act shall apply in all or a stated part of the area, such com-

mission shall carry two weeks' public notice to be published in a legal newspaper in each county affected of the time and place within the area when and where such petition will be heard and determined by the commission. At the time and place so stated the commission shall meet and hear all persons interested for and against the granting of such petition. All growers interested may then appear and be heard upon all matters pertaining to the granting or denial of such petition. Thereupon the commission shall make and file an order finding the proposed area suitable or unsuitable to the application of this act. Thereupon the commissioner shall give like published notice of a referendum to be held in such area to such growers and if approved by two-thirds of the growers voting at such referendum such area shall be deemed organized under this act and this act shall apply thereto. Such commission shall thereupon file an order finding such facts and such order shall be evidence of the facts so found. Such proceedings shall have no effect beyond the boundaries of the area wherein held.

[21.37] **Sec. 7. Enforcement.** Subdivision 1. The commission shall administer and enforce the provisions of this act and shall have and may exercise any or all of the administrative powers conferred by this act, except such as are herein given to the board of control hereinafter provided for in this act. In order to effectuate the declared purposes of this act, the commission is hereby authorized to issue, administer and enforce the provisions of the commission's orders hereunder regulating the shipment of cull potatoes and the collection of fees, which shall not exceed one cent per hundred-weight of potatoes shipped, or sold, and the disbursement of funds as provided in this act.

Subd. 2. Whenever the commission has reason to believe that the issuance of a commission's order will tend to affect the declared policy of this act with respect to potatoes, it shall give due notice of and an opportunity for a public hearing upon a proposed commission's order.

Subd. 3. Due notice of any hearing called for such purpose shall be given to all persons, who may be directly affected by any action of the commission pursuant to the provisions of this act, and whose names appear upon lists to be filed by such potato industry with the commission. Such hearing shall be open to the public. All testimony shall be received under oath and a full and complete record of all proceedings at any such hearing shall be made and filed by the commission in the office of the attorney general.

Subd. 4. In order to effectuate the declared policy of this act, the commission shall have the power, after due notice and opportunity for hearing, to prepare a commission's order and submit same to the potato growers for approval. Such order shall not become effective unless it is approved in a public referendum by at least two-thirds of the potato growers voting in such referendum. The provisions of such commission's order shall be only those provisions provided for in section 7 of this act.

[21.38] Sec. 8. Board of control. Subdivision 1. Any commission's order issued pursuant to this act shall provide for the establishment of a board of control to administer such order in accordance with its terms and provisions. The members of the board of control shall be appointed by the commission from nominations submitted by the growers within the affected area and shall hold office until the expiration of term or until such appointment is withdrawn by the commission for cause. Such board of control shall consist of seven members to be selected by the commission from the nominees submitted by the potato industry, and, in addition the commissioner of agriculture, dairy and food, the state superintendent of Seed Potato Certification and the Director of the Experiment Station of the University of Minnesota shall be ex officio members. The ex officio members shall meet with the board and act in an advisory capacity but shall have no vote. The term of office of the appointed members shall be two years from and after July 1, except that of the first seven members appointed, four shall serve for two years and three shall serve for one year.

Subd. 2. Upon organization of the board, the members thereof shall hold their first meeting as soon as possible and shall elect a chairman and such other officers from their membership as they may deem necessary. At the first meeting, the board shall establish rules governing its procedure.

Subd. 3. No member of any such board shall receive a salary but each shall be entitled to his actual expenses incurred while engaged in performing his duties herein authorized. The commission may authorize such board to employ necessary personnel, including an attorney approved by the attorney general, fix their compensation and terms of employment, and to incur such expenses, to be paid by the board of control from moneys collected as herein provided, as the commission may deem necessary and proper to enable such

board properly to perform such of its duties as are authorized herein. The powers and duties of any such board of control shall be administrative only and shall include the following:

(1) Subject to the approval of the commission to administer such commission's orders.

(2) To recommend to the commission administrative rules and regulations relating to the commission's orders.

(3) To receive and report to the commission complaints of violations of the orders.

(4) To recommend to the commission for its approval an estimated budget of expense necessary for the operation of any commission's order established by authority of this act; and also submit for approval a method of assessing and collecting such funds as the commission may find necessary for the administration of such orders.

(5) To recommend to the commission amendments to the commission's orders.

(6) To assist the commission in the collection of such necessary information and data as the commission may deem necessary to the proper administration of this act.

[21.39] Sec. 9. **Orders of commission.** Subdivision 1. In accordance with the provisions, restrictions and limitations set forth herein any order issued by the commission pursuant to this act may contain any or all of the following provisions, but no others:

(1) Provisions for entering into contracts with corporations, organizations, or agencies which have facilities, personnel or knowledge which in the opinion of the board of control would make such corporation, organization or agency competent to carry out the program or portions thereof outlined by the board of control and recommend to the commission payment for such services from the funds collected by the board under the commission's order.

(2) Provision for the compulsory inspection by the established federal-state inspection service, or special permit or identification to allow for storage or processing in transit.

(3) Provisions for establishment of plans for research and advertising and sales promotion to create new and larger markets for potatoes grown in this state, provided that any such plans shall be directed towards increased sale of potatoes without reference to a particular brand or trade name which is the private property of any person.

(4) Provisions for prohibiting the sale or offering for sale or shipment of cull potatoes on the commercial market, except such potatoes as carry the official tag or other official designation of the Minnesota Seed Certification Department.

(5) Provisions authorizing the control board to obtain a special mark or insignia and establishing rules, regulations governing its use and making the same available to any and all potato producers, or handlers, who are willing to abide by such rules and regulations. Such mark or insignia may be copyrighted in the name of the control board and can be used only on specific permission granted by the control board.

(6) Provisions for entering into cooperative arrangements with organizations or state and federal agencies, including those of other states, whenever, in the opinion of the board of control and the commission, such cooperative arrangements will assist in furthering the declared policies of this act, and to make payment from the funds collected under this act to [for] such cooperative arrangement.

(7) Provisions fixing fees and the method of collecting the same as hereinafter provided.

Subd. 2. Any order established under this act may be terminated as under [to] any area by the growers of said area in the following manner; [:] a petition signed [by] not later than July 1 in any year by at least 25 potato growers affected by the order in that area, or such greater number of potato growers affected by the order as may be established by the commission in the order establishing such area, will make it mandatory upon the commission to call a meeting of the growers of that area at a central point therein, if the meeting has a total attendance of at least 50 growers affected by the order in that area, two-thirds of whom vote in favor of a referendum election, the commission shall arrange for such referendum. If the majority of said area voted in such referendum election which favor a termination of the order, the order shall be

terminated as under [to] said area, within 30 days after the results of the referendum are determined.

Subd. 3. Upon the issuance of any commission's order, or any suspension, amendment or termination thereof, a notice shall be posted on a public bulletin board to be maintained by the control board at its office and a copy of such notice shall be published in a newspaper of general circulation published in the area to which the order applies and in such other newspaper or newspapers as the commission may prescribe.

No order or any suspension, amendment or termination thereof shall become effective until the termination of a period of five days from the date of such posting and publication. It shall also be the duty of the commission to mail a copy of the notice of said issuance to all persons directly affected by the terms of such order, suspension, amendment or termination, whose names and addresses may be on file in the office of the board of control and to every person who files in the office of the board of control a written request for such notice.

[21.40] Sec. 10. **Board of control's expenses; budget.**
Subdivision 1. For the purpose of providing funds to defray the necessary expenses incurred by the board of control in the formation, issuance, administration and enforcement of any order issued by the commission hereunder, the board of control shall prepare the necessary budget for the cost of same. Likewise the board shall prepare a budget for administration and operating cost and expenses, including amounts to be spent for research and development work, for advertising, sales promotion and for contractual operations, whenever, in its judgment, such contracts are most desirable to carry out the declared provisions of the order. Both budgets, with the provision for collection of such necessary fees, the time and conditions of such payment, and in no case to exceed one cent per hundredweight of any one lot of all potatoes sold or shipped within the area covered by the order, shall be subject to approval by the commission. Each and every person engaged in the production, processing or shipping of potatoes sold or shipped within the state and directly affected by any order issued pursuant to this act shall pay to the control board at such time and in such manner prescribed by the order as adopted an assessment covering the budgets provided by this act. That fraction which the general budget shall have allocated to advertising and promotion of all fees which are collected upon certified seed potatoes shall be remitted to the

State Certified Seed Potato Advisory Committee for disbursement by them for the advertisement and promotion of Minnesota certified seed potatoes.

Subd. 2. The commission shall have the power, if deemed feasible, to provide by order for the issuance of "Potato Promotion Stamps" to be purchased from the board of control and to be affixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets, or such other containers or records as may adequately provide notice that such tax has been paid, and for the cancellation of such stamps and all regulations to be followed in connection therewith.

Subd. 3. The commission shall prescribe the rules and regulations with respect to the assessment and collection of such funds for such purposes.

Subd. 4. Any money collected by the control board or its authorized employees shall be deposited in a bank or banks approved by the commission and may be disbursed by the board of control or its authorized representative for the actual expenses incurred in carrying out the provisions of the order. All persons authorized to control, handle or disburse such funds shall provide bond in such manner and in such amount as required by the commission.

[21.41] Sec. 11. **Orders of Commission.** Orders issued by the commission under this act may be limited in their application by prescribing the areas or portions of the areas in which a particular order shall be effective; however, no order shall be issued by the commission unless it embraces all persons of a like class in a given area who are engaged in processing, production or marketing potatoes.

[21.42] Sec. 12. **Administration, enforcement.** The commission and the board of control shall be responsible for the administration and enforcement of this act.

Subdivision 1. All fees herein provided for shall be collectible by the board of control through civil action; and injunction shall be available as a remedy for the violation or to prohibit future avoidance or violation or [of] any orders issued pursuant to this act. Violations of this act, or any commission's order issued pursuant thereto, shall be punishable by a fine of not to exceed \$100 or confinement in the county jail for not to exceed thirty days. The county attorney of each county within the affected area shall represent the

board of control and assist in the collection of fees and the enforcement of this act and orders issued pursuant to this act.

Subd. 2. Upon the filing of a verified complaint charging violation of any provisions of this act or of any provisions of any order issued by the commission hereunder, and prior to the institution of any court proceeding authorized hereinafter, the board of control may in its discretion refer the matter to the attorney general or any county attorney of this state for action pursuant to the provisions of this act, or call a hearing to consider the charges set forth in such verified complaint. In such case, the board of control shall cause a copy of such complaint together with a notice of the time and place of hearing of such complaint, to be served personally, or by mail, upon the person or persons named as respondent or respondents therein. Such service shall be made at least three days before said hearing shall be held in the city or town in which is situated the principal place of business of the respondent, or in which the violation complained of is alleged to have occurred, at the discretion of the board. At the time and place designated for such hearing, the board of control or its agents shall hear the parties to said complaint and shall enter in the office of the attorney general, its findings based upon facts established at such hearing.

Subd. 3. If the commission finds that no violation has occurred, it shall forthwith dismiss such complaint and notify the parties to such complaint.

Subd. 4. If the commission finds that a violation has occurred, it shall so enter its findings and notify the parties to such complaint. Should the respondent or respondents thereafter fail, neglect or refuse to desist from such violation, within the time specified by the commission, the commission may thereupon file a complaint against such respondent or respondents in a court of competent jurisdiction as set forth hereinafter.

Subd. 5. Each county attorney of this state may, upon his own initiative, and shall upon any complaint of any person, if, after investigation, he believes a violation to have occurred, bring a criminal action in the proper court in his district in the name of the people of this state against any person violating any provision of this act or of any order duly issued by the commission hereunder.

Subd. 6. The board of control, upon approval of the attorney general, may, if after investigation he believes a violation to have occurred, bring an action in the name of the people of this state in the proper court for an injunction against any person violating any provisions of this act or any order duly issued by the commission hereunder.

Subd. 7. The court may issue a temporary restraining order and preliminary injunction as in other actions for injunctive relief and upon trial of such action and, if judgment be in favor of the plaintiff, the court shall permanently enjoin defendant from further violations.

Subd. 8. The judgment, if in favor of the plaintiff, shall provide that the defendant pay to the plaintiff reasonable costs of such suit including attorney's fees incurred by the board of control in the prosecution of such action.

Subd. 9. Any such action may be commenced either in the county where defendant resides, or where any act or omission or part thereof complained thereof occurred.

Subd. 10. The penalties and remedies herein prescribed with respect to any violation mentioned herein shall be concurrent and alternative and neither singly or combined shall the same be exclusive and either singly or combined the same shall be cumulative with any and all other civil, criminal or administrative rights, remedies, forfeitures or penalties provided or allowed by law with respect to any such violation.

[21.43] Sec. 13. Assessments. Any assessment herein levied, in such specified amount as may be determined by the commission pursuant to the provisions of this act shall constitute a personal debt of every person so assessed and shall be due and payable to the board of control when payment is called for by the board. In the event of failure of such person or persons to pay any such assessment upon the date determined by the board, the board may file a complaint against such person or persons in a state court of competent jurisdiction for the collection thereof, as provided in Section 11.

[21.44] Sec. 14. No individual responsibility for acts. The members of any such board of control duly appointed by the commission, including employees of such board, shall not be held responsible individually in any way whatsoever to any

producer, processor, distributor or other handler or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of such board. The liability of the members of such board shall be several and not joint and no member shall be liable for the default of any other member.

[21.45] Sec. 15. **Board of control; powers, duties.**
Subdivision 1. The board of control may require any and all processors, or distributors subject to the provisions of any marketing order issued pursuant to this act, to maintain books and records reflecting their operations under said marketing order, and to furnish to the board of control or his [its] duly authorized or designated representatives, such information as may be from time to time requested by them [it] relating to operations under any such order, and to permit the inspection by said board of control or its duly authorized or designated representatives of such portions of such books and records as relate to operations under said marketing order.

Subd. 2. Information obtained by any person hereunder shall be confidential and shall not be by him disclosed to any other person save to a person with like right to obtain the same or any attorney employed to give legal advice thereupon, or by court order.

Subd. 3. For the purpose of carrying out the purposes of this act, the commission or the board of control may hold hearings, take testimony, administer oaths, subpoena witnesses and issue subpoenas for the production of books, records, or documents of any kind.

Subd. 4. No person shall be excused from attending and testifying or from producing documentary evidence before the commission or board of control in obedience to the subpoena of the commission or board of control on the ground or for the reason that the testimony or evidence, documentary, or otherwise, required by him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may be so required to testify, or produce

evidence, documentary or otherwise, before the commission or board of control in obedience to a subpoena issued by him. Provided, that no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

[21.46] Sec. 16. **Deposit, payment of expense for marketing order.** Prior to the issuance of any marketing order by the commission, under this act, the commission may require the applicants therefor to deposit with it such amount as the commission may deem necessary to defray the expenses of preparing and making effective such marketing order. Such funds shall be received, deposited and disbursed by the commission in accordance with the provisions as set forth in Section 9 hereof.

The commission may reimburse the applicant in the amount of any such deposit from any funds received by the commission pursuant to the provisions of Section 9.

Approved April 20, 1951.

CHAPTER 544—H. F. No. 1524

An act relating to the teachers retirement fund; amending Minnesota Statutes 1949, Section 135.05, Subdivision 2.

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

Section 1. Minnesota Statutes 1949, Section 135.05, Subdivision 2, is amended to read as follows:

135.05 Subd. 2. **Persons not becoming members within two years after resuming teaching service, inclusion.** Any teacher who has rendered teaching service since August 1, 1931, in schools or institutions to which sections 135.01 to 135.15 apply, and who has rendered teaching service in schools or institutions subject to Laws 1915, Chapter 199, and all acts amendatory thereof, prior to August 1, 1931, but who did not become a member of the fund within two years after resuming teaching service after August 1, 1931, as required by sub-