

a tax not to exceed 15 mills on the dollar of taxable valuation of the county for general revenue purposes.

Sec. 2. This act takes effect when approved by a majority of the board of county commissioners of Nicollet county and upon compliance with Laws 1959, Chapter 368.

Approved March 24, 1961.

CHAPTER 163—H. F. No. 65

An act relating to wholesale produce dealers; amending Minnesota Statutes 1949, Section 27.14; amending Minnesota Statutes 1957, Sections 27.01, Subdivision 1; 27.02; 27.06; 27.07; 27.08; 27.13; 27.15; 27.19, as amended; and 27.20.

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

Section 1. Minnesota Statutes 1957, Section 27.01, Subdivision 1, is amended to read:

27.01 Definitions. Subdivision 1. **Terms.** For the purposes of sections 27.02 to ~~27.19~~ 27.15 and 27.19 to 27.20 the terms defined in this section have the meanings ascribed given to them.

Sec. 2. Minnesota Statutes 1957, Section 27.02, is amended to read:

27.02 Wholesale produce dealers. For the purposes of sections 27.01 to ~~27.19~~ 27.15 and 27.19, any person who shall buy or sell or contract to buy or sell, or who shall handle in wholesale lots for the purpose of re-sale, or who shall handle on account of or as an agent for another, any produce, and any person who shall similarly engage in the business of assembling and trucking produce without an established place of business, shall be deemed a dealer at wholesale. Cooperative associations having not more than 40 percent of non-member patrons shall not be deemed dealers at wholesale within the meaning of these sections. No person shall be deemed a dealer at wholesale within the meaning of these sections who purchases, and pays in cash, in full at the time of purchase, Minnesota seasonal grown products of the farm, orchard, vineyard, garden, and apiary for transportation to destinations outside of this state and who, within 72 hours thereafter, transports the same to its destina-

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tion outside of this state, or who handles and deals in canned milk only and purchases the same through condenseries.

Sec. 3. Minnesota Statutes 1957, Section 27.06, is amended to read:

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, at his discretion, order a hearing before him, giving the party complained of notice of the filing of the complaint and the time and place of the hearing. At the conclusion of the hearing the commissioner shall report his findings and render his conclusions and order, upon the matter complained of, to the complainant and the respondent in each case, who shall have 15 days following in which to comply with the commissioner's order. If this order is not complied with within this time, either party, if aggrieved by any condition of the bond, may, upon first obtaining the approval of the commissioner within 30 days after the time aforesaid, commence and maintain an action against the principal and sureties on the bond of the party complained of as in any civil action, provided, no action against the ~~bondsman~~ *surety* of a licensee shall in any instance be maintained without the prior written approval of the commissioner, which shall be attached to and made a part of the original complaint in the action. Upon commencing the action a copy thereof shall be filed in the office of the commissioner. The record of the hearing before the commissioner shall be competent evidence in any court having jurisdiction. If the licensee has become liable to more than one person by reason of breaches of the conditions of the bond and the amount of the bond is insufficient to pay the entire liability to all persons entitled to the protection of the bond, the penalty of the bond as against the sureties shall be apportioned among the several claimants. In all cases where the order of the commissioner has not been complied with and no action against the ~~bondsman~~ *surety* of such licensee be then pending, the commissioner may commence an action for the recovery of the amounts claimed, and the surety or bondsman upon the bond shall be liable to the extent of the amount recovered, not exceeding the amount of the bond, and when recovered such amount

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shall be deposited with the commissioner, who shall, in the same action, subject to the approval of the court, pass upon and allow or disallow all claims which may be presented to him for payment or apportioned thereunder.

Sec. 4. Minnesota Statutes 1957, Section 27.07, is amended to read:

27.07 Grades established; inspection. The commissioner shall have power to establish grades on all produce and when deemed necessary shall provide for inspecting and grading produce subject to sale at such marketing points within the state as the commissioner may designate, and provide for the issuing of certificates of inspection showing the grade, quality, and conditions of the produce, and may charge and collect a reasonable fee therefor, a schedule thereof to be adopted and published from time to time. Such certificates of inspection shall be prima facie evidence in all courts of this state as to the grade, quality, and condition of the produce at the time the inspection was made. When any person having produce desires to have it inspected he may apply to the commissioner for the service of an inspector and, if it appears to the commissioner that the volume of the produce is sufficient to justify the request, he may grant the service upon terms and conditions to be fixed by him. Any inspection service so ordered and maintained shall be self-supporting. The commissioner may require a deposit, prior to the establishment of the inspection service, in amount equal to the costs thereof as estimated by him and he may further require that such deposits be renewed, from time to time, in such manner that a permanent account shall be maintained, sufficient at all time to pay the costs of such inspection service for a period of not less than 15 days in advance. Moneys placed in the hands of the commissioner for this purpose shall be placed in a separate account, to be known as the produce inspection account, and the sums such persons shall contribute to each account shall be kept separate on the books of the commissioner. No money shall be paid from this account for inspection services rendered to any person in excess of the moneys on hand accredited to his account. This money shall be deposited in the state treasury in the same manner as other departmental receipts are deposited, credited to the account herein created, and paid out only upon order of the commissioner. When any such agreement shall terminate by action of either party thereto, the commissioner shall withdraw from such account the full amount of all such bills payable for services rendered

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and return to the depositor any moneys remaining to his credit at the time such agreement terminates. Any sums deposited in the state treasury under the provisions of sections 27.01 to ~~27.19~~ *27.15 and 27.19* are hereby appropriated for the purposes set forth therein.

Sec. 5. Minnesota Statutes 1957, Section 27.08, is amended to read:

27.08 Dealers may file brands or labels. Any person producing, manufacturing, or handling, in this state, any of the products mentioned in section 27.01, except cheese and butter, and preparing, packing, and offering the same for sale, may file with the commissioner a brand or label ~~which shall thereafter be the exclusive property of the applicant, and he~~ *the applicant* may place upon this brand or label such descriptive or locative matter as shall be approved by the commissioner. The commissioner may issue to such applicant for brands and labels a permit to use the same, subject to such regulations and restrictions as to quality of product so branded as the commissioner may determine. The brand or label shall be recorded in the office of the commissioner and any person who shall, without authority of the commissioner, ~~use any such brand or label, or shall~~ brand and label therewith products or commodities of a quality below the standard permitted under the brand or label, shall be subject to the penal provisions of section 27.19.

Sec. 6. Minnesota Statutes 1957, Section 27.13, is amended to read:

27.13 Investigation of complaints; suspension or revocation of license. The commissioner is authorized to receive complaints against any persons dealing in, shipping, transporting, storing, or selling produce, and shall have authority to make any and all necessary investigations relative to the handling of, or storing, shipping, or dealing in produce at wholesale and he shall, at all times, have access to all buildings, yards, warehouses, storage and transportation facilities in which any produce is kept, stored, handled or transacted. For the purpose of enforcing the provisions of sections 27.01 to ~~27.19~~ *27.15 and 27.19*, the commissioner shall have the authority, upon complaint being filed with him for any alleged violation of the provisions thereof, ~~or the regulations issued thereunder, or upon information~~ furnished by an inspector of the department of agriculture, dairy, and food, to suspend while violation continues or revoke any license issued by him upon ten days notice to the

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licensee and an opportunity to be heard. Where the public interest requires it the commissioner may suspend a license after such notice pending hearing and decision. He shall have, and is hereby granted, full authority to issue subpoenas requiring the attendance of witnesses before him, with books, papers, and other documents, articles, or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matter under investigation, and shall have full authority to administer oaths and to take testimony; and the commissioner shall thereafter give the complainant a written report of the investigation. Such report shall be prima facie evidence of the matters therein contained. All parties disobeying the orders or subpoenas of the commissioner shall be guilty of contempt as in proceedings in district courts of the state and may be punished in like manner.

Sec. 7. Minnesota Statutes 1949, Section 27.14, is amended to read:

27.14 Rules and regulations. *In the manner provided by law*, the commissioner, from time to time, shall make and publish uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of sections 27.01 to 27.15 and 27.19 and governing the rates charged by, and the buying, selling, advertising and trading practices of, dealers at wholesale, which rules and regulations shall be filed in the office of the commissioner and published twice in a legal newspaper of general circulation published at the capital of the state; and, from and after the tenth day succeeding the date of the last such publication, such rules and regulation shall have the force and effect of law. An affidavit of such publication shall be kept on file in the office of the commissioner. A copy of such rules and regulations, certified by the commissioner, shall be prima facie evidence of the facts therein contained and of the due making and publication of such rules and regulations.

Sec. 8. Minnesota Statutes 1957, Section 27.15, is amended to read:

27.15 Cooperation with other authorities. The commissioner may cooperate with the United States department of agriculture and with other federal authorities and with the state and municipal authorities of this and other states, and do and perform such acts and things as may be necessary and proper in carrying out the purpose of sections 27.01 to ~~27.19~~ 27.15 and 27.19.

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Sec. 9. Minnesota Statutes 1957, Section 27.19, as amended by Laws 1959, Chapter 17, Section 2, is amended to read:

27.19 Violations, penalties. Any person subject to the provisions of sections 27.01 to ~~27.19~~ *27.15 and 27.19* who shall:

(1) Operate or advertise to operate as a dealer at wholesale without a license; or

(2) Make any false statement or report as to the grade, condition, markings, quality, or quantity of produce received or delivered, or act in any manner so as to deceive the consignor or purchaser thereof; or

(3) Refuse to accept any shipment contracted for by him, unless such refusal is based upon the showing of a state inspection certificate secured with reasonable promptness after the receipt of such shipment showing that the kind and quality of produce is other than that purchased or ordered by him; or

(4) Fail to account for produce or to make settlement therefor within the time herein limited; or who shall violate or fail to comply with the terms or conditions of any contract entered into by him for the purchase or sale of produce; or

(5) Purchase for his own account any produce received on consignment, either directly or indirectly, without the consent of the consignor; or

(6) Issue any false or misleading market quotations, or who shall cancel any quotations during the period advertised by him; or

(7) Increase the sales charges on produce shipped to him by means of "dummy" or fictitious sales; or

(8) Receive produce from foreign states or countries for sale or re-sale, either within or without the state, and give the purchaser the impression, through any method of advertising or description, that the produce is of Minnesota origin; or

(9) Whoever shall violate any provisions of sections 27.01 to ~~27.19~~ *27.15 and 27.19*, or any rule or regulation made or published thereunder by the commissioner, shall be guilty of a misdemeanor and his license may be forthwith sus-

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pended, revoked, or canceled by the commissioner, upon ten days notice and opportunity to be heard; but, upon conviction of any such offense, or upon conviction in any federal court for violation of the federal statutes relative to the fraudulent use of the mails, or conviction in any court of other criminal acts under any federal food or drug statute, or any statute of this state administered by the commissioner of agriculture, dairy, and food, pertaining to the conduct of his business, the commissioner may forthwith revoke and cancel the license of the person so convicted.

Sec. 10. Minnesota Statutes 1957, Section 27.20, is amended to read:

27.20 Enforcement. The commissioner shall be charged with the enforcement of the provisions of sections 27.01 to ~~27.19~~ 27.15 and 27.19 and of the rules and regulations made and published thereunder. Upon complaint made it shall be the duty of the county attorney to prosecute all cases arising in his county for violation of sections 27.01 to ~~27.19~~ 27.15 and 27.19, or of the rules or regulations made and published thereunder. The commissioner and his duly authorized agents and inspectors appointed for the purpose of enforcing the provisions of sections 27.01 to ~~27.19~~ 27.15 and 27.19 shall have the power of police officers in this enforcement.

Approved March 24, 1961.

CHAPTER 164—H. F. No. 123

An act relating to salaries of elective county officers; amending Minnesota Statutes 1957, Section 375.43, Subdivision 4.

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

Section 1. Minnesota Statutes 1957, Section 375.43, Subdivision 4, is amended to read:

Subd. 4. Restoration of salary in event of reduction. If the salary of any elective county officer will be reduced because of a decrease in the population of his county, when the ~~1950~~ 1960 federal census shall become effective, under the provisions of the law now in force fixing such salary, the county board of such county is authorized to restore and

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