

Sec. 2. Minnesota Statutes 1965, Section 525.06, is amended to read:

525.06 Annual assemblage; rules. The judges of the probate courts shall assemble ~~at the capitol on the second Wednesday after January 1st of each year at ten o'clock in the forenoon or at such other place~~ *places* and ~~time~~ *times* as may have been ~~be~~ designated by the probate judges' according to rule governing their meetings at the preceding assemblage, and any ~~20~~ *30* of them shall constitute a quorum; *except where rules are adopted, revised, or amended, the quorum shall be 44.* When so assembled such judges shall formulate and adopt rules and make such revision and amendment thereof as they may deem expedient conformably to law, and the same shall take effect from and after the publication thereof as directed by them. Such rules shall govern all the probate courts of this state, but, in furtherance of justice, the court may relax or modify them or relieve a party from the effect thereof on such terms as may be just. The reasonable expenses of the judges attending such meetings shall be paid by their respective counties.

Sec. 3. Minnesota Statutes 1965, Section 525.08 is amended to read:

525.08 Salaries. The salaries of the judges, referees, clerks, reporters, and employees shall be as provided by law, but the salaries of the clerks and employees shall be fixed by the judge within the limits provided by law; ~~notwithstanding the provisions of Laws 1935, Chapter 72, Section 196 budget approved by the board of county commissioners, subject to the provisions of Minnesota Statutes, Section 382.265.~~

Sec. 4. *Minnesota Statutes 1965, Section 526.12, is repealed.*

Approved May 5, 1967.

CHAPTER 318—S. F. No. 1035

An act relating to the railroad and warehouse commission; providing for licenses, bonds and annual reports of local grain warehouses and grain buyers; amending Minnesota Statutes 1965, Sections 223.12, Subdivision 1; 232.01; 232.02, Subdivisions 1, 2, and 3; 232.06, Subdivisions 1, 2; 232.07; 232.09; 232.12; 232.13; 232.14; 232.18; 236.02; and 236.07.

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

Changes or additions indicated by italics, deletions by strikeout.

Section 1. Minnesota Statutes 1965, Section 223.12, Subdivision 1, is amended to read:

223.12 Railroad and warehouse commission; regulations; purchasers of flax straw. Subdivision 1. **License required; bond.** Any person, firm or corporation, other than a commission merchant, as defined in section 223.01, who shall purchase flax straw, flax tow or hay for the purpose of resale shall first procure a license therefor ~~from the commission, before transacting such business.~~ Such license shall be renewed annually, and shall expire on June 30. The license fee for each such buyer shall be ~~\$10~~ \$25. Before any such license shall be issued, the applicant therefor shall file with the commission a bond to the state, with corporate surety approved by the commission, in a penal sum to be prescribed by the commission but not less than ~~\$1,500~~ \$5,000 conditioned that the applicant will pay upon demand the purchase price of such flax straw, flax tow or hay.

Sec. 2. Minnesota Statutes 1965, Section 232.01, is amended to read:

232.01 Local grain warehouses. Subdivision 1. All elevators, flour, cereal and feed mills, malt-houses ~~and~~ or warehouses in which grain is received, ~~stored or handled belonging to persons other than the warehouseman is received for storage,~~ situate at any location other than Minneapolis, St. Paul ~~and~~ or Duluth, shall be ~~public warehouses~~ known as public local grain warehouses and shall be under the supervision and subject to the inspection of the commission. *Provided, however, that nothing herein contained shall be construed as applying to public terminal warehouses as defined in section 233.01, subdivision 3.*

Subd. 2. All elevators, flour, cereal and feed mills, malt-houses or warehouses, located in any of the cities above named receiving grain in less than minimum earload lots shall also be required to conform to all laws relating to public local grain warehouses in which grain belonging to persons other than the warehouseman is received for purchase but is not received for storage, shall be known as private local grain warehouses and shall be under the supervision and subject to the inspection of the commission.

Sec. 3. Minnesota Statutes 1965, Section 232.02, Subdivision 1, is amended to read:

232.02 Licenses; regulation. Subdivision 1. Any person, firm, or corporation, operating a public or private local grain warehouse shall be licensed to buy grain annually by the commission. Application for license must be filed with the commission and the license issued before transacting warehouse business. *The fee shall*

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be \$25 for each private local grain warehouse license issued and a license shall be required for each warehouse operated. For the purpose of distributing the work of issuing licenses, the commission may, beginning July 1, 1968, and until July 1, 1970, issue the licenses provided for in this section for periods of not less than three months nor more than twelve months and prorate the fee for such license according to the length of time for which the license is issued. Thereafter, licenses shall expire one year from the date of issuance.

Sec. 4. Minnesota Statutes 1965, Section 232.02, Subdivision 2, is amended to read:

Subd. 2. *Every license shall expire at midnight on the thirtieth day of June, the fee shall be \$10 for each license issued and a license shall be required for each such warehouse operated. Any person, firm or corporation operating a public local grain warehouse shall be licensed annually by the commission; said license shall cover both the buying and storing of grain. Application for such license must be filed with the commission and the license issued before the licensee may either buy or store grain. For the purpose of distributing the work of issuing licenses, the commission may, beginning July 1, 1968, and until July 1, 1970, issue the licenses provided for in this section for periods of not less than three months nor more than twelve months and prorate the fee for such licenses according to the length of time for which the license is issued. Thereafter, all licenses shall expire one year from the date of issuance. The fee for the issuance of such license shall be as follows: for all warehouses under 100,000 bushels capacity—\$30; if the capacity is 100,000 bushels or over but under 500,000 bushels—\$45; if the capacity is 500,000 bushels or over—\$60. The fees collected under this section shall be paid into the state treasury and credited to the general revenue fund. Such license shall be revocable by the commission for cause upon notice and hearing. All licenses, grade rules, and all rules regulating public or private local grain warehouses shall, upon receipt thereof by the warehouseman, be posted in a protected place in the driveway to his warehouse.*

Sec. 5. Minnesota Statutes 1965, Section 232.02, Subdivision 3, is amended to read:

Subd. 3. Any person, firm, or corporation, other than a licensed warehouseman, who shall purchase grain from the owner thereof for the purpose of resale shall first procure a license therefor from the commission before transacting such business and shall be subject to the same laws, rules, and regulations as may govern public local grain warehousemen insofar as they may apply. ~~Such license shall be renewed annually and shall also expire on June thirtieth.~~

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The fee for each such buyer's license shall be \$10 \$20. *For the purpose of distributing the work of issuing licenses, the commission may, beginning July 1, 1968, and until July 1, 1970, issue the licenses provided for in this section for periods of not less than three months nor more than twelve months and prorate the fee for such licenses according to the length of time for which the license is issued. Thereafter, all licenses shall expire one year from the date of issuance. The commission may require Truck grain buyers using trucks or tractor-trailer units shall obtain a separate license for each truck or tractor-trailer unit used in such grain buying. Before any such license shall be issued the applicant therefor shall file with the commission a bond to the state with a corporate surety, approved by the commission, in a penal sum to be prescribed by the commission, but not less than \$2,500; \$3,000 for each such truck and not less than \$5,000 for each tractor-trailer unit used in grain buying, conditioned that the applicant will pay upon demand to such owner the purchase price of such grain. Said bond is to provide coverage or security for the protection of the public required with respect to truck grain buyers, regardless of whether the motor vehicles used by the licensee are specifically licensed as required by this section.*

Sec. 6. Minnesota Statutes 1965, Section 232.06, Subdivision 1, is amended to read:

232.06 Grain received for storage; receipt. Subdivision 1. **Discrimination prohibited; contract for storage.** Every person, firm, or corporation operating a public local grain warehouse licensed to store grain shall receive for storage, so far as the capacity of the warehouse will permit, all grain tendered him, without discrimination of any kind; provided such grain is sound and in a warehouseable condition and of proper grade for delivery on terminal market contracts. Upon delivery of grain for storage a legal warehouse storage receipt shall be issued to the owner or his agent which shall state the place and date when the grain was received, the name of the owner of the grain, the kind and grade of the grain according to the official terms established by ~~the state board of grain appeals;~~ *the Minnesota Board of Grain Standards,* or by the Secretary of Agriculture of the United States, the gross weight, dockage and net weight of the grain as per Minnesota standard weight and in addition thereto such receipt shall contain either on its face or reverse side the following specific warehouse and storage contract:

~~This grain is received, insured and stored to June 30th, following, unless it is shelled corn, when the date shall be March 31st following delivery, through the date of the expiration of the annual licenses of this warehouse, which date must be plainly imprinted be-~~

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low, and terms expressed in the body of this receipt shall constitute due notice to the holder thereof of the expiration of the storage period. Excepting therefrom "an agreement for the renewal of such storage," the charges for receiving, insuring, handling and storing for the first ten days, or part thereof, shall be free. Storage after the first ten days shall be ~~charged~~ and hereby is fixed in the sum of one-twentieth of a cent per bushel per day for the storage period; ~~which~~ *Such charges* shall be collected by the warehouseman upon presentation of the storage receipt for the sale or delivery of the grain represented by such receipt, or the termination of the storage period. It shall be and hereby is made unlawful for any person, firm, association or corporation to charge or collect a greater or lesser amount than the one herein fixed. This grain has been received and stored with grain of the same lawful grade. Upon the return of this receipt and payment or tender of a delivery charge per bushel of five cents for flax, four cents for soybeans, wheat and rye and three cents for each other grains, and all other stated lawful charges accrued up to the time of said return of this receipt, the above amount, kind and grade of grain will be delivered within the time prescribed by law to the person above named or his order either from this warehouse, or if the owner so desires, in quantities not less than a carload in a public bonded warehouse at any terminal point upon the same line of railway within this state where state or federal inspection and weighing is in force, the grade and weight thereof to be determined by state or federal inspection and weighing as provided by law, and such grain to be subject to the usual freight, inspection, weighing and switching charges.

Sec. 7. Minnesota Statutes 1965, Section 232.06, Subdivision 2, is amended to read:

Subd. 2. **Receipt record.** Attached to the receipt shall be ~~a stub~~ *A receipt* record stating number and date of receipt, ~~and the~~ gross weight, dockage and net weight; ~~such stub record~~ *to shall* remain in the possession of the person, firm, or corporation issuing the receipt and shall be open for inspection by the commission or interested parties. ~~The receipt~~ *receipts* shall be consecutively numbered and delivered to the owner or his agent. All storage receipts shall state the date of delivery, except where the delivery of a certain lot for storage is not completed, when such receipt shall be dated not later than Saturday of the week of delivery. All special bin receipts and ~~stub receipt~~ records thereof shall have plainly marked thereon the words "Special Bin." Any such person, firm or corporation may insert on said receipt the following clause: "If any of the grain embraced in this receipt shall prove to be covered by any chat-

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tel mortgage or other lien, or the partial or absolute title prove to be in another other than the party to whom this receipt was issued, the same shall, if discovered before delivery of the grain, be a sufficient reason for a refusal to deliver to the holder of the receipt, or, if discovered after the delivery of the grain, such delivery shall be deemed an overdelivery, for which said holder of this receipt to whom such delivery is made, shall be accountable.”

Sec. 8. Minnesota Statutes 1965, Section 232.07, is amended to read:

232.07 Form of storage receipt. The form of receipt hereinafter set forth shall be printed on such storage receipt and shall be executed by the owner or his agent in case the grain represented thereby is purchased by such public local grain warehouseman, and said warehouseman shall record such purchase as to the total amount paid and the amount paid per bushel on the ~~stab~~ *receipt* record. ~~of his storage receipt book.~~

Form of Receipt

Received from _____ dollars net in full payment for the grain represented by this storage receipt. Gross price per bushel _____ storage per bushel _____ net price per bushel _____. All blank spaces in this receipt were filled in before the same was signed by me, and I hereby certify that I am the owner of the grain for which this storage receipt was issued and that there are no liens, chattel mortgages or other claims against the grain represented by this storage receipt.

Signed _____
(owner)

Dated _____ 19 _____

Nothing in this section contained shall be construed to affect in any manner the conditions of the storage contract specified in section 232.06.

Sec. 9. Minnesota Statutes 1965, Section 232.09, is amended to read:

232.09 Warehouseman shall keep record. Every public local warehouseman shall keep ~~in proper books~~ *a proper* record of all grain received, stored or shipped, stating the weight, grade, dockage for dirt, or other cause, and the name of the owner.

Sec. 10. Minnesota Statutes 1965, Section 232.12, is amended to read:

Changes or additions indicated by italics, deletions by ~~strikeout~~.

232.12 Reports to be filed. Every such public or private local grain warehouseman shall, on or before the tenth day of June of each year, render to the commission on blanks or forms prepared prescribed by it, an itemized and verified report of all business transacted by him under such license during the year beginning June 1st of the preceding year and ending May 31 of the current year: *such reports as the commission reasonably may require.*

Such report shall state the gross bushels of all grain of various kinds in the warehouse at the beginning of the year; the net bushels and dockage of all grain received; the net bushels and dockage of all grain shipped or delivered from such warehouse and the gross bushels of all grain remaining in the warehouse at the end of the year; and such report shall particularly specify and account for any overage or shortage in any kind of grain accruing during the year; flour, cereal and feed mills and malhousers; doing a manufacturing business; shall be only required to render a report showing gross bushels of all grain on hand at the beginning of the year; net bushels and dockage of grain received; and gross bushels milled; as well as gross bushels on hand at the end of the year.

All public local grain warehousemen engaged in the handling or sale of any other commodity than grain shall keep an entirely separate account of their grain business and under no circumstances shall their grain account and other accounts be mixed.

The commission may require special reports from such warehousemen at such times as the commission may deem expedient.

No license shall be issued to any public local grain warehouseman who has failed to make the annual report reports as required herein.

The commission may cause each warehouse and the business thereof and the mode of conducting the same to be inspected by one or more of its members or by its authorized agent when deemed proper, and the property, books, records, accounts, papers, and proceedings of every such public or private local grain warehouseman shall at all times during business hours be subject to such inspection. The expense incurred by the commission in carrying out the provisions of this section shall be paid out of the state grain inspection fund.

Sec. 11. Minnesota Statutes 1965, Section 232.13, is amended to read:

232.13 Bonds. Before receiving any grain in any public local grain warehouse for storage, the person, firm, or corporation operating the same shall first apply to and secure from the commis-

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sion a grain storage license for such warehouse. A license fee of \$10 shall be paid to the commission for each license issued and shall be deposited in the state treasury and credited to the general revenue fund. All such licenses shall expire at midnight on the 30th day of June, following their issuance.

Before any such license is issued, the public local grain warehouseman shall file with the commission a bond in such sum as the commission may prescribe, which sum shall not be less than \$1,500. Such bonds shall be filed annually and cover the period of the license. Such bonds shall run to the state of Minnesota and be for the benefit of all persons storing grain in such warehouse. They shall be conditioned upon the faithful performance by the public local grain warehouseman of all the provisions of law relating to the storage of grain by such warehouseman and the rules and regulations of the said commission relative thereto. The commission is authorized to require such increases in the amount of such bonds from time to time as it deems necessary for the protection of the storage receipt holders. The surety on such bonds shall be a surety company authorized to transact business in the state of Minnesota.

Only one bond need be given for any line of elevators, mills, or warehouses owned, controlled, or operated by one individual firm or corporation.

Every such bond shall specify the location of each public local grain warehouse intended to be covered thereby and shall at all times be in a sufficient sum to protect the holders of outstanding storage receipts.

Any public local grain warehouseman who shall violate the provisions of this section shall forfeit to the state for each violation the sum of \$50 and such violation shall be cause for revocation of license.

Sec. 12. Minnesota Statutes 1965, Section 232.14, is amended to read:

232.14 Termination or storage contract. Storage contracts on grain in store at public local grain warehouses shall terminate on ~~June 30 of each year, except storage contracts on shelled corn, which shall terminate on March 31 of each year.~~ *on the expiration date of the storage license under which said warehouse operates, such expiration date must be plainly imprinted on each storage receipt issued by every public local grain warehouse.* Storage on any or all such grain may be terminated by the owner at any time before the date mentioned in this section by the payment or tender of all legal charges and the surrender of the storage receipt together with a demand for delivery of such grain, or notice to the public local

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grain warehouseman to sell the same. In the absence of a demand for delivery, order to sell, or mutual agreement for the renewal of the storage contract, entered into prior to the expiration of such original storage contract, the licensed warehouseman shall, upon the expiration of such contract, sell such stored grain at the local market price on the close of business on that day, deduct from the proceeds thereof all legal accrued charges, and pay the balance of such proceeds to the owner upon surrender of the storage receipt.

Sec. 13. Minnesota Statutes 1965, Section 232.18, is amended to read:

232.18 Must issue scale tickets. Every public *or private* local grain warehouseman, upon receiving grain into his warehouse, shall issue for each load of grain so received a uniform scale ticket. Such tickets shall be bound in books of convenient size; shall be consecutively numbered. and provisions be made in said books for at least one carbon copy of each ticket. One carbon copy of each ticket shall not be detached from said book and shall remain in the possession of the public *or private* local grain warehouseman as a permanent record. The original ticket shall be delivered to the person from whom grain is received upon receipt of each load of such grain. Such tickets shall have printed across the face "This is a memorandum, non-negotiable, possession of which does not signify that settlement has or has not been consummated." Such tickets shall state specifically whether such grain is received on contract, for storage, or for shipment on consignment, or sold. If such grain is received on contract or sold the price shall be indicated on such ticket. All such tickets shall be signed by the public or private local grain warehouseman, or his agent or manager.

Sec. 14. Minnesota Statutes 1965, Section 236.02, is amended to read:

236.02 Grain bank licensing; bonding of applicants. Any person who (1) operates an establishment which processes grain into feed and (2) is licensed to buy grain as a public *or private* local grain warehouseman under Minnesota Statutes, Section 232.02, and acts amendatory thereof, may obtain a license to operate a grain bank. No person may conduct a grain bank without a grain bank license.

A grain bank license shall be obtained from the commission, which is hereby authorized to issue such a license upon compliance by the applicant with the bond requirements of sections 236.01 to 236.09. Such grain bank license shall be in addition to the license to buy grain as a public *or private* local grain warehouseman and shall empower the licensee to conduct a grain bank in accordance with sections 236.01 to 236.09.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

Every grain bank license shall expire at midnight on the 30th day of June each year, the fee shall be ~~\$10~~ *\$25* for each license and a license shall be required for each location where a grain bank is operated. The fees collected under this section shall be paid into the state treasury and credited to the general revenue fund. Such licenses shall be revocable by the commission for cause upon notice and hearing. All licenses and rules regulating the operation of the grain bank shall be posted in a prominent and easily accessible place in the grain bank.

No license shall be issued for the operation of a grain bank until the applicant has filed with the commission a bond in such sum as the commission may prescribe, which sum shall not be less than \$1,500 for each license and shall at all times be in sufficient sum to cover the local market value of outstanding balances due on grain bank receipts. Such bonds shall be filed annually and cover the period of the grain bank license. Such bonds shall run to the state of Minnesota and shall be for the benefit of all persons storing grain in such grain bank. They shall be conditioned upon the faithful performance by the grain bank operator of all provisions of the law relating to the operation of grain banks by such grain bank operator, and the rules and regulations of the commission relative thereto. The commission is authorized to require such increases in the amounts of such bonds from time to time as it deems necessary for the protection of grain bank receipt holders. The surety of such bonds shall be a corporate surety company authorized to transact business in the state of Minnesota. Any person for whose benefit the bond is given may commence an action thereof in their own name in district court. Any person who is granted a grain bank license at more than one location may, with the commission's approval, file one bond covering all locations in such total amount as the commission may require under sections 236.01 to 236.09 and the rules and regulations made pursuant to sections 236.01 to 236.09.

Sec. 15. Minnesota Statutes 1965, Section 236.07, is amended to read:

236.07 Reports. Every person licensed to operate a grain bank under sections 236.01 to 236.09 shall; ~~on or before the tenth day of June of each year,~~ render to the commission on blanks or forms prepared *prescribed* by it; ~~an itemized and verified report stating the gross bushels of all grain of various kinds on hand at the beginning of the year, the gross bushels received during the year and the gross bushels redelivered to the owners of the grain as feed and otherwise;~~ *such reports as the commission reasonably may require,* and such other information as may be provided for by the rules and regulations of the commission.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

The commission may require special reports from such licensee at such times as the commission may deem expedient.

No license shall be issued to any licensed grain bank operator who has failed to make the annual report reports as required herein.

The commission may cause each grain bank and the business thereof and the mode of conducting the same to be inspected by one or more of its members or by its authorized agent when deemed proper, and the property, books, records, accounts, papers and proceedings of each grain bank shall at all times during business hours be subject to inspection.

Sec. 16. *Sections 10 and 15 are effective July 1, 1967. Sections 1 to 9 and 11 to 14 are effective July 1, 1968.*

Approved May 5, 1967.

CHAPTER 319—S. F. No. 1711

[Not Coded]

An act relating to the conversion of Winona Special School District No. 5 to an Independent School District and the government of such school district; repealing Special Laws 1878, Chapter 155, and Special Laws 1891, Chapter 333.

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

Section 1. **Special School District No. 5; conversion to independent district.** The special school district created by Special Laws 1878, Chapter 155 and enlarged by Special Laws 1891, Chapter 333, which is now designated as Winona Special School District No. 5 and includes the territory within the corporate limits of the city of Winona and the additional territory described in said chapter 333, and the body corporate by which said district is governed, now known as the board of education of the city of Winona, are hereby converted into an independent school district which shall henceforth be governed by all of the general laws of the state relating to such districts, except as otherwise expressly provided in this act.

Sec. 2. The present governing body of the special district shall be the school board of the independent district until the qualification of members of the school board elected at the 1968 annual election, at which two members shall be elected for a term of one year, two for a term of two years, and two for a term of three years,

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.