

The commissioner, biennially, shall report to the legislature his acts and doings, with recommendation for the improvement or conservation of state parks, state public camp grounds, public access sites, boat launching facilities, state recreation reserves, trails, and state monument sites, and all other recreational lands under the jurisdiction of the department of conservation, and for desirable accessions thereto, such report to include an inventory of the tracts and parcels of land, and rights, interests, and easements therein, held by the state or withdrawn from sale for any of these purposes, with the value thereof. He shall maintain a long range plan governing the use of the public domain under his jurisdiction.

Approved May 16, 1969.

CHAPTER 471—H. F. No. 1574

[Coded in Part]

An act relating to agriculture; licensing and regulation of wholesale produce dealers; amending Minnesota Statutes 1967, Chapter 27, by adding a section; Sections 27.01; 27.04; and 27.06; repealing Minnesota Statutes 1967, Section 27.02.

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

Section 1. Minnesota Statutes 1967, Chapter 27, is amended by adding a section to read:

[27.001] Wholesale produce dealers; licenses; public policy. *The legislature recognizes that perishable agricultural products are important sources of revenue to a large number of citizens of this state engaged in producing, processing, manufacturing, or selling such products and that such products cannot be repossessed in case of default. It is therefore declared to be the policy of the legislature that certain financial protection be afforded those who are producers on the farm; farmer cooperatives exempted from wholesale dealers license by reason of this act; licensed wholesale dealers, including the retail merchant purchasing produce directly from farmers; and non-profit organizations producing agricultural produce for resale. The provisions of this chapter which relate to perishable agricultural commodities shall be liberally construed to achieve these ends and shall be administered and enforced with a view to carrying out the above declaration of policy.*

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

Sec. 2. Minnesota Statutes 1967, Section 27.01, is amended to read:

27.01 **Definitions.** Subdivision 1. **Terms.** Except where otherwise provided, for the purpose of sections 27.02 to 27.15 and 27.19 to 27.20 the terms defined in this section have the meanings given to them.

Subd. 2. **Produce.** The term "produce" includes: the natural products of the farm, except hay, grain, straw, and livestock other than veal; the natural products of the orchard, vineyard, garden, and apiary, raw and manufactured; the raw and finished products of the dairy, creamery, cheese factory, condensery, and dry milk factory; the products of livestock, including wool, mohair, skins, hides, and meats; veal; poultry and poultry products; game and fish:

- (a) *Perishable fresh fruits and vegetables;*
- (b) *Milk and cream and products manufactured therefrom;*
- (c) *Poultry and poultry products;*
- (d) *Wool, hides, and veal.*

Subd. 3. **Person.** The term "person" means an individual, firm, corporation, co-partnership, or association.

Subd. 4. **Voluntary extension of credit.** The term "voluntary extension of credit" means a written agreement between the seller and the licensee wherein the time of payment for the purchase price of produce is extended beyond the due date.

Subd. 5. **Due date.** The term "due date" means seven days from the date of delivery of produce by the seller to the licensee in the case of a sale; in all cases where produce is consigned seven days from the date the sale is made by the broker or handler, except as to ~~creameries and ice cream manufacturers milk processing plants~~, where the due date means 15 days following the monthly day of accounting subsequent to deliveries following the date fixed by each ~~creamery milk processing plant~~ for such accounting.

Subd. 6. **Milk processing plant.** The term "creamery" ²² "milk processing plant" means any establishment where *any or all of the following are manufactured: butter, or cheese are manufactured, dry milk, or ice cream,* or where milk or cream, or any product of milk, is processed or prepared for market.

Subd. 7. **Commissioner.** "Commissioner" means the commissioner of the department of agriculture.

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

Subd. 8. Wholesale produce dealer. (a) The term "wholesale produce dealer" or "dealer at wholesale" includes:

(1) Any person who buys or contracts to buy produce for re-sale;

(2) Any person engaging in the business of a broker or agent, who handles or deals in produce for a commission or fee;

(3) Any truck owner or operator who buys produce for re-sale;

(4) Any person engaged in the business of a cannery, food manufacturer, or food processor, and purchases produce as a part of such business.

(b) The term "wholesale produce dealer" or "dealer at wholesale" does not include:

(1) Any truck owner and operator who regularly engages in the business of transporting freight, including produce, for a transportation fee only, and who does not purchase, contract to purchase, or sell produce;

(2) Any marketing cooperative association in which substantially all of the voting stock is held by patrons who patronize the association and in which at least 75 percent of the business of the association is transacted with member or stockholder patrons;

(3) Any person who purchases, and pays in full at the time of purchase, Minnesota seasonally grown products defined in subdivision 2 (a);

(4) Any person who handles and deals in canned, packaged, or processed produce only;

(5) Retail merchants who purchase produce, defined in subdivision 2, directly from farmers, which in the aggregate does not exceed \$200 per month.

Subd. 9. Farmer. The term "farmer" means any individual or partnership engaged in the business of producing or growing agricultural produce whether individually, collectively, or as part of a joint growing venture; or any corporation whose principal business is the production of such products.

Sec. 3. Minnesota Statutes 1967, Section 27.04, is amended to read:

27.04 **Licenses; fees; bonds.** License to engage in the busi-

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ness of a dealer at wholesale within the state shall be issued by the commissioner to such reputable persons as apply therefor, pay the prescribed fee, and comply with the conditions herein specified.

The application shall be in writing, accompanied by the prescribed fee and under oath, and shall set forth the place or places where the applicant intends to carry on the business for which the license is desired, the estimated amount of business to be done monthly, the amount of business done during the preceding year, if any, *the full names of the persons constituting the firm, in case the applicant is a copartnership, the names of the officers of the corporation and where incorporated, if a corporation, and a financial statement showing the value and character in a general way, of the assets and the amount of liabilities of the applicant.*

The applicant shall execute and file with the commissioner a corporate surety bond to the state of Minnesota to be approved by the commissioner, the amount and form thereof to be fixed by the commissioner, conditioned for the faithful performance of his duties as a dealer at wholesale for the observance of all laws relating to the carrying on of the business of a dealer at wholesale, for the payment when due of the purchase price of produce purchased by him when notice of default is given the commissioner within ~~30~~ *60* days after the due date; provided, that the bond shall not cover transactions wherein it appears to the commissioner that a voluntary extension of credit has been given on the produce by the seller to the licensee beyond the due date, for the prompt settlement and payment of all claims and charges due the state for services rendered or otherwise, for the prompt reporting of sales, as required by law, to all persons consigning produce to the licensee for sale on commission, and the prompt payment to the persons entitled thereto of the proceeds of such sales, less lawful charges, disbursements, and commissions. The bond shall cover all wholesale produce business, (1) transacted within this state; (2) transacted in part within this state and *in part within* the states and provinces contiguous with this state; (3) transacted in part within this state and *in part within* other states which give the same or similar protection as provided by this section, and the license, or a certified copy thereof, shall be kept posted in the office of the licensee at each place within the state where he transacts business. Every license shall expire one year from the date of issuance of such license. The fee for each license shall be \$12.50 and for each certified copy thereof \$1. When the licensee shall sell, dispose of, or discontinue his business during the lifetime of his license he shall, at the time such action is taken, notify the commissioner, in writing, and shall upon demand produce before the commissioner a full statement

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of all assets and liabilities as of the date of transfer or discontinuance of the business.

All moneys collected from license fees shall be deposited in the state treasury.

Sec. 4. Minnesota Statutes 1967, 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. *Each claimant or his authorized agent shall appear at the hearing in order to verify the complaint filed.* 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 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 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

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bond; and when recovered such amount 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. 5. **Repeal.** *Minnesota Statutes 1967, Section 27.02, is repealed.*

Approved May 16, 1969.

CHAPTER 472—S. F. No. 60

An act relating to courts; district court books and records; amending Minnesota Statutes 1967, Sections 485.07 and 485.08.

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

Section 1. Minnesota Statutes 1967, Section 485.07, is amended to read:

485.07 District courts; books and records; records to be kept. Every clerk shall procure, at the expense of his county, and keep, the following ~~books~~ records:

(1) A register of actions, in which he shall enter the title of each action, whether originally commenced in his said court, or brought there by appeal or transcript of judgment from justice court or from any court of record of the state or the United States, and a minute of each paper filed in the cause, and all proceedings therein;

(2) A judgment ~~book~~ record, in which every judgment shall be entered;

(3) A docket, in which he shall enter alphabetically the name of each judgment debtor, the amount of the judgment, and the precise time of its entry;

(4) Indexes, as described in section 485.08, and such other ~~books~~ records as the court, in its discretion, may direct.

Sec. 2. Minnesota Statutes 1967, Section 485.08, is amended to read:

485.08 Index of records. Every clerk shall keep in separate ~~books~~ a plaintiff's and defendant's index to court records, in

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