
 CHAPTER 234—H.F.No.1172

[Coded in Part]

An act relating to agriculture; clarifying the commissioner's authority to establish certain produce inspection fees to grade potatoes; prohibiting certain sales of artificially colored potatoes; amending Minnesota Statutes 1976, Sections 27.07; 30.10; 30.20; and Chapter 30, by adding sections; repealing Minnesota Statutes 1976, Sections 30.121; 30.13; 30.14; and 30.478.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 27.07, is amended to read:

27.07 AGRICULTURE; POTATOES; GRADES ESTABLISHED; INSPECTION.

Subdivision 1. 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~~.

Subd. 2. ~~The commissioner shall~~ 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.

Subd. 3. 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 and this section.~~ Any inspection service so ordered and maintained shall be self supporting.

Subd. 4. The commissioner may require a ~~deposit an agreement,~~ 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 deposits are requiring the user of the inspection service to at all times have on deposit with the department a sufficient at all time amount of money~~ to pay the estimated costs of such inspection service for a period of not less than 15 days in advance. When any such agreement shall terminate by action of either party thereto, the commissioner shall pay to the depositor any moneys remaining to his credit after the deduction of the costs at the time such agreement terminates.

Subd. 5. ~~Fees for inspection shall be determined by the commissioner and shall be reviewed and adjusted every six months. In determining the fees to be charged, the commissioner shall take into consideration fees charged in other states offering similar inspection services to the end that the fees charged will provide a competitive marketing position for Minnesota produce.~~

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Sec. 2. Minnesota Statutes 1976, Chapter 30, is amended by adding a section to read:

[30.003] DECLARATION OF POLICY. The intent and purpose of this section and sections 30.01 to 30.201 is to regulate the grade and to improve the quality of potatoes offered for sale in Minnesota.

Sec. 3. Minnesota Statutes 1976, Section 30.10, is amended to read:

30.10 POTATO GRADES. The intent and purpose of sections 30.10 to 30.15 is to regulate the grade of potatoes and improve the quality thereof when the potatoes are offered for sale by any person, grower, firm, dealer, trucker, association, organization, or corporation, either by wholesale or retail, or in any other manner. All potatoes sold or offered for sale at retail in a closed container must be graded and clearly labeled according to the Minnesota consumer grades as established by regulation of the commissioner section 4 of this act. This shall not apply to potatoes grown by a producer and sold by the producer directly to the consumer.

Sec. 4. Minnesota Statutes 1976, Chapter 30, is amended by adding a section to read:

[30.102] STANDARD GRADES. The commissioner shall establish by rule standard grades for potatoes offered for sale in Minnesota. The standard grades shall conform insofar as practical to the latest generally accepted grades in use throughout the United States, except that additional consumer grades may be established if deemed necessary.

Sec. 5. Minnesota Statutes 1976, Chapter 30, is amended by adding a section to read:

[30.103] SEED POTATOES EXEMPT. Seed potatoes inspected and certified under authority of the commissioner are not affected by the provisions of section 1 of this act and sections 30.01 to 30.201, but shall be inspected, certified and tagged as required under sections 21.111 to 21.122.

Sec. 6. Minnesota Statutes 1976, Chapter 30, is amended by adding a section to read:

[30.104] SALE OF ARTIFICIALLY COLORED POTATOES PROHIBITED. No person, firm, corporation or officer, employee or agent thereof shall sell at retail to a consumer any potato which is artificially colored. The commissioner shall by regulation prescribe the meaning of "artificially colored".

Sec. 7. Minnesota Statutes 1976, Chapter 30, is amended by adding a section to read:

[30.161] CERTIFICATE OF INSPECTORS. In determining controversies and standards between the parties, including but not limited to growers, as to the quality and condition of potatoes offered for sale or tendered in performance of contracts for sale in

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this state, the certificates of a fully authorized and commissioned inspector of the commissioner shall be prima facie evidence both of the grade and quality of the potatoes offered for sale or tendered in performance of any such contract.

Sec. 8. Minnesota Statutes 1976, Section 30.20, is amended to read:

30.20 FEES. Fees for inspection shall be determined by the commissioner as provided in section 27.07. ~~Fees shall be reviewed and, if necessary, adjusted each six months to the end that such fees shall, insofar as it is practicable, cover the cost of the services rendered.~~

Sec. 9. REPEALER. Minnesota Statutes 1976, Sections 30.121; 30.13; 30.14; and 30.478, are repealed.

Approved May 20, 1977.

CHAPTER 235—H.F.No.1194

[Not Coded]

An act relating to the city of Marshall; authorizing the issuance of general obligation airport bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **MARSHALL, CITY OF; AIRPORT BONDS.** The city council of the city of Marshall, Lyon county, Minnesota, may by resolution authorize, sell and issue general obligation bonds of the city in an amount not exceeding \$175,000, and maturing not more than three years from their date of issue, to temporarily finance the acquisition and betterment of land and facilities for its municipal airport. The bonds shall be authorized, sold and issued in accordance with Minnesota Statutes, Chapter 475, except that in authorizing the bonds, the city council shall adopt an initial resolution stating the amount, purpose and, in general, the security to be provided for the bonds; and shall publish the resolution once each week for two consecutive weeks in the official newspaper. The bonds so authorized may be issued without the submission of the question of their issuance to the electors unless within 30 days after the second publication of the resolution a petition requesting an election signed by more than five percent of the qualified electors voting in the city at the last general election is filed with the city clerk. In the event a petition is filed, no bonds shall be issued under this subdivision unless authorized by a majority of the voters of the city voting on the question. The proceeds of all grants to be received from the United States and the state of Minnesota with respect to the acquisition and betterment shall be pledged to and used for the payment of the bonds and the interest thereon when due.

Sec. 2. This act is effective the day following its final enactment.

Approved May 20, 1977.

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