

The lease shall be for a minimum term of one year. The building shall contain office space for the books, records and files necessary to conduct the business and maintained with personnel available during normal business hours or automatic telephone answering service during normal working hours.

(3) For a motor vehicle lessor, the following: a ~~permanent enclosed commercial building on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain~~ office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(4) For a motor vehicle broker, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(5) For a motor vehicle wholesaler, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(6) For a motor vehicle auctioneer, the following: a permanent enclosed commercial building, within or without the state, on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(7) If a new or used motor vehicle dealer maintains more than one place of doing business in a county, the separate places shall be listed on the application. If additional places of business are maintained outside of one county, separate licenses shall be obtained for each county.

(8) If a motor vehicle lessor, broker or auctioneer maintains more than one permanent place of doing business, either in one or more counties, the separate places shall be listed in the application, but only one license shall be required.

Sec. 3. This act is effective on the day following final enactment.

Approved April 20, 1977.

CHAPTER 28—H.F.No.235

[Coded in Part]

An act relating to agriculture; soybean research and promotion council; powers of the

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commissioner of agriculture and the council; providing for an increase in fees and specifying the uses thereof; amending Minnesota Statutes 1976, Sections 21A.01; 21A.04; 21A.05; 21A.06; 21A.09; 21A.12; 21A.14; 21A.15; 21A.16, Subdivisions 1 and 2; 21A.17; 21A.19, Subdivision 1; and Chapter 21A, by adding a section; repealing Minnesota Statutes 1976, Section 21A.18.

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

Section 1. Minnesota Statutes 1976, Section 21A.01, is amended to read:

21A.01 AGRICULTURE; SOYBEAN RESEARCH AND PROMOTION; PURPOSE. It is hereby declared that the market development, promotion and advertising, market research and production of soybeans grown in Minnesota is important to the general welfare of the people of Minnesota; that it is in the public interest that better methods of marketing, producing, processing, advertising, and promoting soybeans grown in the state of Minnesota be fostered, encouraged, developed, and improved, so that the soybean industry within the state, the people employed by said industry, directly or indirectly, and the people of the state of Minnesota, should be benefited thereby; and that accomplishment of these purposes requires establishment of a Minnesota soybean research and promotion council for the purpose of contributing to the protection, expansion, stabilization and improvement of the agricultural economy of this state. Sections 21A.01 to 21A.19 shall not be construed to abrogate or limit, in any way, the rights, powers, duties and functions of the commissioner of agriculture or any other agency of the state, but shall be supplementary thereto, and in aid and cooperation therewith.

Sec. 2. Minnesota Statutes 1976, Section 21A.04, is amended to read:

21A.04 TERMS OF MEMBERS. Except as provided herein with respect to initial members of the council, each member shall be elected for a three-year term. Regular elections shall be conducted by the commissioner as provided by section 21A.03 and any ~~regulation rule~~ promulgated pursuant thereto; ~~provided that the council may by majority vote modify any regulation governing the election procedure.~~ Each member shall hold office until his successor is elected and qualified. When a vacancy occurs for any reason the council shall by majority vote appoint a successor to fill the unexpired term. The successor so appointed shall be a grower residing in the same crop reporting unit as the former member whose departure created the vacancy.

Sec. 3. Minnesota Statutes 1976, Section 21A.05, is amended to read:

21A.05 RULES. In administering sections 21A.01 to 21A.19, the commissioner shall have any of the powers conferred upon him by law. He may, after consultation with the council, promulgate such rules and regulations as he may deem ~~are deemed~~ necessary to effectuate the purposes of sections 21A.01 to 21A.19, including but not limited to, administration of the promotional order, establishment of minimal requirements to qualify as a producer, and overseeing the preparation of an annual report of the programs financed in whole or in part by the order.

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Sec. 4. Minnesota Statutes 1976, Section 21A.06, is amended to read:

21A.06 PROMOTIONAL ORDER. The council shall meet as it may determine, or upon call of the chairman or any three members. Promptly after its election, the council shall meet and, with the commissioner, shall formulate a promotional order establishing a program including, but not limited to, market development, promotion, advertising, market research, production and distribution of soybeans grown in Minnesota. The order shall establish fees a fee to be paid by growers to finance the proposed activities; ~~which.~~ Except as provided herein, the fee shall not exceed be less than one-half cent per bushel upon all soybeans grown in the state of Minnesota and sold in commercial channels, beginning with and including soybeans harvested in the marketing year beginning September 1, 1973, and each and every marketing year thereafter. The order shall also indicate the maximum assessment rate which shall not exceed one-half percent of the market value of the year's production of all participating producers. Any increase in the assessment provided for in the promotional order must be within the limit herein prescribed in increments of not more than one-half cent per bushel annually and must be approved by a majority of voting participating producers in a referendum held for that purpose after reasonable notice of such proposed increase. Any decrease in the assessment shall be by decision of the council, however, such decrease shall not establish an assessment of less than one-half cent per bushel unless approved by a majority of voting participating producers in a referendum held for that purpose after reasonable notice of such proposed decrease. The order may also authorize the collector of the fee to retain an amount specified by the council for the expenses of collecting the fee.

The commissioner, after consultation with the ~~advice and consent~~ of the council, shall hold a public hearing on the proposed promotional order and shall thereafter hold a referendum on the final promotional order among growers. The commissioner, after consultation with the ~~advice and consent~~ of the council, shall specify the time and procedure for the referendum. The commissioner shall count and tabulate the ballots. The promotional order shall become effective if approved by a majority of those voting in the referendum.

Sec. 5. Minnesota Statutes 1976, Section 21A.09, is amended to read:

21A.09 DEPOSIT OF FEES; USE. Subdivision 1. Fees collected pursuant to sections 21A.01 to 21A.19 shall be deposited in a bank or banks or other depository approved by the commissioner of banks and shall be disbursed by such officers and employees as may be approved by the commissioner, with the advice and consent of the council, for the necessary expenses incurred in the administration of sections 21A.01 to 21A.19, and said funds are hereby appropriated for the purposes of sections 21A.01 to 21A.19. Fees collected shall be used exclusively for the specific purpose for which collected and not for legislative or political activities.

Subd. 2. Fees collected shall be used exclusively for the purposes described in section 21A.01, and no part thereof may be used to support any political party or candidate for public office. However, the council may utilize a portion of such fees not to exceed ten percent of the fees collected annually to expand or maintain soybean markets in any of the following ways: (a) to oppose any foreign or domestic barriers to free trade;

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(b) to maintain liaison with and furnish data and information to all interested governmental branches, departments and personnel relative to the interests of soybean growers.

Subd. 3. All persons authorized to control, handle, or disburse funds shall provide bond in such form and amount as may be required from time to time by the council.

Sec. 6. Minnesota Statutes 1976, Chapter 21A, is amended by adding a section to read:

[21A.115] COOPERATION. The commissioner is authorized to cooperate and enter into agreements with any appropriate agency of any state for the purpose of carrying out the provisions of sections 21A.01 to 21A.19, and in securing uniformity of administration and enforcement.

Sec. 7. Minnesota Statutes 1976, Section 21A.12, is amended to read:

~~21A.12 ADDITIONAL POWERS OF COUNCIL. In addition to the other duties and powers of the council, as herein set forth, it may draft and administer promotional orders; recommend to the commissioner administrative rules and regulations relating to promotional orders; recommend amendments to such orders; submit to the commissioner an annual estimated budget for the operation and implementation of promotional orders;~~

(1) Assess growers and provide a procedure for the collection of funds to finance promotional orders;

(2) Collect such necessary information and data as the commissioner and council may deem necessary to the proper administration of sections 21A.01 to 21A.19;

(3) Prepare and submit to the commissioner an annual estimated budget for the operation of the promotional order;

(4) Prepare an annual report on the programs of the order, said report to be made available to the producers concerned;

(5) Provide for an annual audit of funds to be made by a qualified auditing entity;

(6) Expend the funds collected pursuant to provisions of sections 21A.01 to 21A.19 and appropriated for its administration;

(7) Accept donations of funds, property, services, or other assistance from public or private sources for the purposes of furthering the objectives of sections 21A.01 to 21A.19;

(8) Investigate and prosecute in the name of the state of Minnesota any action or suit to enforce the collection or insure payment of the fees authorized by the provisions of sections 21A.01 to 21A.19 and to sue and be sued in the name of the council; ~~to~~ and

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(9) Do all other things necessary to the administration and implementation of sections 21A.01 to 21A.19.

Sec. 8. Minnesota Statutes 1976, Section 21A.14, is amended to read:

21A.14 RECORDS OF COUNCIL. All of the records of the council shall be public records and shall be available for the inspection of any person for any lawful purpose, provided however, that the council shall be empowered to make reasonable rules ~~and regulations~~ concerning the inspection of such records and the time or place of such inspection, or the manner in which the information shall be made available.

Sec. 9. Minnesota Statutes 1976, Section 21A.15, is amended to read:

21A.15 MISDEMEANOR TO VIOLATE PROVISIONS OF SECTIONS 21A.01 TO 21A.19. Any person who violates any provision of sections 21A.01 to 21A.19 or rule ~~or regulation~~ of the commissioner promulgated pursuant hereto, is guilty of a misdemeanor.

Sec. 10. Minnesota Statutes 1976, Section 21A.16, Subdivision 1, is amended to read:

21A.16 SUSPENSION OR TERMINATION OF SOYBEAN PROMOTIONAL ORDER. Subdivision 1. The commissioner, ~~after consultation with the consent of the council,~~ shall suspend or terminate a promotional order whenever he finds, after a public hearing, that an order is contrary to or does not tend to effectuate the declared purposes or provisions of sections 21A.01 to 21A.19, provided that such suspension or termination shall not become effective until the expiration of the current marketing year.

Sec. 11. Minnesota Statutes 1976, Section 21A.16, Subdivision 2, is amended to read:

Subd. 2. If the commissioner, ~~with the advice and consent of the council,~~ finds that termination of any promotional order is requested in writing by more than 500 growers, the commissioner shall, after consultation with the council, conduct a referendum to determine whether or not the promotional order shall be continued. He shall terminate the promotional order if a majority of the growers voting in the referendum vote in favor of termination. The referendum shall be conducted in such manner as the commissioner, after consultation with the advice and consent of the council, deems fair and reasonable.

Sec. 12. Minnesota Statutes 1976, Section 21A.17, is amended to read:

21A.17 REFUND OF FEE. Any grower may, by the use of forms provided by the commissioner and upon presentation of a sworn statement that no security interest in that particular soybean crop remains unsatisfied and such other proof as the commissioner may require by rule ~~or regulation~~, have the fee paid pursuant to sections 21A.01 to 21A.19 refunded to him. A lienholder, secured party or pledgee, or assignee of a lienholder, secured party or pledgee may, by use of the forms provided by the commissioner and upon presentation of a sworn statement that such party has taken title

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to that particular soybean crop through the exercise of a legal right or that such party has himself paid the required fee and such other proof as the commissioner may by rule or regulation require, have the fee paid pursuant to sections 21A.01 to 21A.19 refunded to him. Any request for refund must be received in the office of the commissioner or the council within 60 days following the payment of such fee. Refund shall be made by the commissioner within 30 days after receipt of the request for refund provided that the fee sought to be refunded has been received.

Sec. 13. Minnesota Statutes 1976, Section 21A.19, Subdivision 1, is amended to read:

21A.19 **NONLIABILITY OF STATE; SEVERABILITY.** Subdivision 1. No liability shall be imposed upon the state of Minnesota for any acts or omissions of the commissioner or of the ~~soybean~~ council established pursuant to sections 21A.01 to 21A.19.

Sec. 14. **REPEALER.** Minnesota Statutes 1976, Section 21A.18, is repealed.

Approved April 20, 1977.

CHAPTER 29—H.F.No.262

An act relating to veterans; commissioner of veterans affairs; changing residency requirements for the commissioner, certain officers and employees of the department of veterans affairs, and veterans service officers; amending Minnesota Statutes 1976, Sections 196.02, Subdivision 1; and 197.601.

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

Section 1. Minnesota Statutes 1976, Section 196.02, Subdivision 1, is amended to read:

196.02 **VETERANS AFFAIRS; COMMISSIONER OF VETERANS AFFAIRS.** Subdivision 1. **APPOINTMENT; QUALIFICATIONS.** The department shall be under the supervision and control of a commissioner of Veterans' Affairs who shall be appointed by the governor by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. The commissioner shall be in unclassified service. No person shall be eligible to receive appointment as commissioner unless he has the following qualifications:

(1) Residence in the state of Minnesota ~~for at least five years prior to his appointment;~~

(2) Citizenship in the United States;

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