

## CHAPTER 552—H. F. No. 612

*An act relating to livestock buyers; amending Minnesota Statutes 1961, Section 239.18, Subdivisions 3 and 4.*

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

Section 1. Minnesota Statutes 1961, Section 239.18, Subdivision 3, is amended to read:

**Subd. 3. Livestock buyers; surety bonds; termination and cancelation of licenses.** Each applicant shall file with his application a surety bond naming him as principal, issued by a responsible surety company in ~~the~~ *a principal sum of \$5,000, which shall be fixed by the commission on a graduated scale based on the amount of business the applicant has done during the preceding twelve month period, but which shall be not less than the sum of \$5,000. The commission shall by rule after public hearing fix a formula for determining the graduated amount of all bonds in excess of \$5,000, which formula shall be based on a percentage of the gross business of the licensee in a preceding twelve month period. If the licensee has not previously engaged in business as a livestock buyer or dealer, the commission shall require a financial statement from the applicant and on the basis of the financial statement, and on any other factor it may deem pertinent, shall fix the bond at a sum which in its judgment will protect the public. The commission may at any time raise or lower such bond requirements if it appears from an audit of the licensee's books and his financial statement that a modification of such bond requirements is justified.* ~~in which the~~ *The railroad and warehouse commission shall be the obligee named as trustee in the bond but which bond shall be for the purpose of protecting any person dealing with such applicant the licensee, or his or their agent or agents, within the state of Minnesota, from loss by reason of acts of fraud, dishonesty, forgery, and theft on the part of the principal the failure to pay when due to the person or persons entitled thereto the purchase price of all livestock purchased from such persons by said principal or his or their agents and representatives. Such bond shall run for the duration of the license and shall terminate upon the expiration of the license continuously during the period such license shall be in force and effect. In case of default by the licensee the commission shall have the power to require the licensee and the surety company to appear before it at a hearing held for the purpose of determining all liability of the licensee under the terms of his bond, and after said hearing, based on the evidence adduced thereat, the commission shall make its order fixing and determining the liability of the licensee and of the surety company because of the licensee's default and if the bond is insufficient to cover the liability of all claimants, the commission shall prorate the*

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

*proceeds of the bond among the claimants on a percentage basis. Before such hearing the commission shall publish a notice setting forth the licensee's default and requiring all claimants to file proof of claim with the commission within three months of the date such notice is published or be barred from participating in the proceeds of such bond. Such publication shall be made in a newspaper published at the county seat of the county in which the licensee has his principal place of business and if the licensee maintains an auction pavilion which is not located at his principal place of business, publication shall also be made in a newspaper at or near the location of such livestock pavilion. The order of the commission may be enforced by appropriate proceedings in the district court of Ramsey county and any party aggrieved by the order of the commission may appeal to said district court in the manner provided for appeal from other proceedings before the commission. The commission shall thereupon issue to such applicant, on payment of the sum of \$7.50; Upon the filing of the bond as required by the commission and the payment of the sum of \$15, a license entitling the applicant to conduct the business of buying livestock at the places named in the application until July 1 shall be issued. Such licenses shall run until the succeeding July 1, at which time they may be renewed by the payment of the aforesaid fee. In lieu of the bond required under the provisions of this subdivision, the applicant may file with the commission the dealer's bond filed by him with the United States department of agriculture and in effect pursuant to the provisions of the Packers and Stockyards Act, as amended, (7 U.S.C. 181 et seq.) the minimum amount of which is \$5,000, unless the commission shall determine that the amount of the federal bond is insufficient in any instance, in which event the commission shall by order fix the reasonable amount of the bond required to protect the public interest. A similar license shall be required of and shall be issued to each agent of the licensee upon the payment of \$7.50 \$15, and no agent shall engage in the buying or dealing in livestock without first securing a such license.*

No surety bond shall be required of any agent or employee of a livestock commission merchant, person, firm, or corporation, licensed under this section. Unless otherwise canceled by the commission or the licensee, the license of all agents or employees shall terminate with the expiration of the principal's license. An agent's or employee's license may be canceled by the principal when such cancelation has been approved by the commission.

Sec. 2. Minnesota Statutes 1961, Section 239.18, Subdivision 4, is amended to read:

Subd. 4. **Withholding of licenses; revocation.** The commission may decline to grant or may revoke a license when it is

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satisfied that (1) the applicant or licensee has violated the laws of this state governing the shipment or transportation of livestock; (2) that the applicant or licensee has been guilty of fraudulent practices in the purchase of livestock or in dealing in livestock; ~~or~~ (3) that the applicant or licensee has violated or failed to comply with the provisions of sections 239.13 to 239.22, 239.26, and 239.27; *or (4) that the applicant or licensee has violated or failed to comply with the provisions of Minnesota Statutes, Chapter 35, or the rules and regulations of the state livestock sanitary board.* Before any license shall be revoked the licensee shall be furnished with a statement of the complaints made against him and a hearing shall be had before the commission upon at least ten days notice to the licensee to determine whether such license shall be revoked or declined, which notice may be served either by registered mail addressed to the address of the licensee as shown in his application or in the manner provided by law for the service of a summons. At the time and place fixed for hearing the commission or any official, employee, or agent of the commission authorized by the commission shall receive evidence, administer oaths, examine witnesses, and hear the testimony, and thereafter file an order either dismissing the proceedings or revoking the license.

*The provisions of this act shall take effect and be in force from and after July 1, 1963.*

Approved May 7, 1963.

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#### CHAPTER 553—H. F. No. 773

*An act relating to county auditors; increasing fee to be charged for search for tax liens and tax sales; amending Minnesota Statutes 1961, Section 272.46.*

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

Section 1. Minnesota Statutes 1961, Section 272.46, is amended to read:

**272.46 County auditor to furnish statement of tax liens and tax sales; fees; application.** The county auditor, upon written application of any person, shall make search of the records of his office, and ascertain the existence of all tax liens and tax sales as to any lands described in the application, and certify the result of such search under his hand and the seal of his office, giving the description of the land and all tax liens and tax sales shown by such records, and the amount thereof, the year of tax covered by such lien, the date of tax sale, and the name of the purchaser at such tax sale.

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