

CHAPTER 30

VEGETABLES, FRUIT

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30.001 DEFINITION. Subdivision 1. Except where the context otherwise indicates, for the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of the department of agriculture.

[1961 c 113 s 1; 1961 c 128 s 13]

ENFORCEMENT

30.002 ENFORCEMENT. It shall be the duty of the commissioner to enforce the provisions of this chapter.

[1931 c 70 s 11; 1933 c 420 s 2; Ex1934 c 41 s 4; 1935 c 164 s 8; 1937 c 282 s 5]
 (3945-11, 3945-18, 3945-18i, 3945-22)

POTATO GRADING, LABELING, AND INSPECTION

30.01 DEFINITIONS. Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the terms defined in subdivisions 2 and 6 shall, for the purposes of sections 30.099 to 30.201, have the meanings given to them.

Subd. 2. **Person.** "Person" means any individual, partnership, association, firm, or corporation.

Subd. 3. [Repealed, 1961 c 145 s 14]

Subd. 4. [Renumbered 30.099]

Subd. 5. [Renumbered 30.159]

Subd. 6. **Container or package.** "Container" or "package" means cloth, burlap, or fibre sacks, barrels, boxes, crates, cartons, hampers, or baskets, or any container which is either sewed, tied, nailed, or otherwise secured.

Subd. 7. [Repealed, 1961 c 145 s 14]

Subd. 8. [Repealed, 1961 c 145 s 14]

[1935 c 164 s 2; 1961 c 145 s 1,4; 1969 c 782 s 1; 1969 c 828 s 1] (3945-13)

30.02 [Repealed, 1961 c 145 s 14]

30.03 [Repealed, 1961 c 145 s 14]

30.04 [Renumbered 30.121]

30.05 [Repealed, 1961 c 145 s 14]

30.06 [Renumbered 30.151]

30.07 [Repealed, 1961 c 145 s 14]

30.08 [Renumbered 30.152]

30.09 [Repealed, 1961 c 145 s 14]

30.099 DEFINITION OF POTATOES. For the purposes of this chapter, "potatoes" means all varieties of the tuber (*solanum tuberosum* L.) commonly known as Irish potatoes offered for sale within the state of Minnesota.

[1935 c 164 s 2; 1961 c 145 s 2; 1969 c 782 s 2; 1969 c 828 s 2] (3945-13)

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. This shall not apply to potatoes sold by the producer directly to the consumer.

[1935 c 164 s 1; 1961 c 145 s 7; 1969 c 828 s 3] (3945-12)

30.101 APPLICATION. Section 30.10 shall not apply to Minnesota grown potatoes sold at retail between July 1 and October 1 in any year.

[1969 c 828 s 6]

30.11 [Repealed, 1969 c 828 s 7]

30.12 [Repealed, 1969 c 828 s 7]

30.121 MARKS AND BRANDS. The marks and brands prescribed in sections 30.10 to 30.13 may be accompanied by additional marks or brands which are not inconsistent with, or more conspicuous than, and which do not in any way obscure, the marks and brands prescribed.

[1931 c 70 s 4; 1961 c 145 s 5] (3945-4)

30.13 NOT TO BE SOLD OR TRANSPORTED UNLESS TAGGED. It shall be unlawful for any person, including but not limited to the grower, to sell, deliver, or consign potatoes which have not been graded and branded or tagged to conform to the requirements of the grade declared. The grade declared shall conform to the provisions of sections 30.10 to 30.15.

It shall be unlawful for any common carrier by railroad, or any person, to transport or deliver in any manner potatoes which have not been tagged or branded, and which tag or brand shall show the claimed grade of the potatoes. This section shall be subject to the conditions of section 30.10.

No person shall transport for sale any potatoes on the highways who is the owner thereof, unless the potatoes are being transported for the purposes set forth in section 30.10, unless the potatoes have been graded and branded to conform to the requirements of the grade declared. The grade declared shall conform to the provisions of sections 30.10 to 30.15.

When potatoes have been graded, branded, or tagged in an unlawful manner, the condition of these potatoes at the time when the tag, label, certificate or brand is found attached to them shall be prima facie evidence of the condition of these potatoes at the time of attaching.

[1935 c 164 s 5; 1961 c 145 s 9] (3945-16)

30.14 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 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.

[1935 c 164 s 6; 1961 c 145 s 10] (3945-17)

30.15 COMMISSIONER TO ENFORCE. The commissioner shall at all times have access to all buildings, yards, warehouses, storage and transportation facilities in which potatoes are kept, stored, handled, or transported, to inspect the same as to grade, quality, condition, and packs, tagging, branding, and labeling.

[1935 c 164 s 8] (3945-18)

30.151 FREEDOM OF CONTRACT NOT IMPAIRED. Nothing in sections 30.10 to 30.15 shall be construed in any manner to impair the freedom of contract between individuals relative to the sale and disposal of potatoes between the owners thereof and the persons purchasing the same. When any seller or buyer of potatoes shall, by a contract in writing, agree to sell and dispose of to any person potatoes in any lots or quantities of the grades and varieties specified herein, or of any other grade and variety or quality concerning which the persons desire to contract, he shall have the legal right to do so and shall be bound by the terms of such contract so entered into, and in case any seller attempts to tender in fulfillment of any such contract potatoes of a lower standard or quality than those specified in such a contract the purchaser of the same shall have the legal right to either reject or accept them upon a tolerance basis commensurate in value between the market price of the grade and quality contracted for and the grade and quality of the potatoes tendered in delivery thereon.

[1931 c 70 s 6; 1961 c 145 s 6] (3945-6)

30.152 NOT TO PAY INSPECTORS. No person shall, directly or indirectly, hire or pay the compensation of any state inspector to determine the grade or quality of potatoes offered or exposed for sale in the state, other than the state of Minnesota, whose duly constituted officers shall, in due form and in accordance with law, issue commissions to inspectors duly authorizing and empowering them to act as such.

Nothing herein shall prevent any person paying the proper inspection fees, duly established, to the proper persons duly authorized to receive the same, but the payment or allowance of any gratuity, commission, or allowance in addition thereto shall constitute the crime of bribery and shall be punished by law as such.

[1931 c 70 s 8; 1935 c 164 s 7; 1969 c 782 s 3] (3945-8) (3945-17a)

30.159 [Repealed, 1969 c 782 s 6; 1969 c 828 s 7]

30.16 POTATOES MAY BE INSPECTED. All potatoes shipped by any person may be inspected by an authorized federal-state inspector to determine the grade, quality, and condition of such shipment. All fees shall be assessed against the inspection certificate applicant and shall be collected by the commissioner from the firm or individual against whom the fee is assessed. An application for inspection service shall be denied if the applicant has not paid all fees for prior inspection service assessed against him, the initial billings for which were deposited in the mail addressed to him more than 30 days before the application in question.

[1937 c 282 s 1; 1941 c 292 s 1; 1957 c 379 s 1; 1963 c 96 s 1; 1967 c 564 s 1; 1971 c 94 s 1] (3945-18e)

30.17 PLACE OF INSPECTION. The commissioner shall designate points at which lots of potatoes may be inspected. If inspection service is requested at other points, mileage costs at the regular rates paid by the state for private car driving may be charged and added to the inspection fee.

[1937 c 282 s 2; 1961 c 145 s 11; 1967 c 564 s 2; 1971 c 94 s 2] (3945-18f)

30.18 [Repealed, 1961 c 145 s 14]

30.19 RULES. The commissioner shall promulgate in the manner provided by law, rules and regulations establishing Minnesota consumer grades for potatoes, appropriate labeling therefor, and such other rules and regulations as may be necessary for the enforcement of this chapter.

[1937 c 282 s 4; 1961 c 145 s 12; 1969 c 828 s 4] (3945-18h)

30.20 FEES. Fees for inspection shall be determined by the commissioner. 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.

[1937 c 282 s 6; 1975 c 204 s 72] (3945-18j)

30.201 PENALTIES. Any person violating any of the provisions of this chapter, or any rules or regulations made thereunder, shall be guilty of a misdemeanor.

[1931 c 70 s 9; Ex1934 c 41 s 3; 1961 c 145 s 13; 1969 c 828 s 5] (3945-10)

30.21 [Renumbered 30.50]

30.22 [Renumbered 30.51]

30.23 [Renumbered 30.002]

30.24 Subdivision 1. [Renumbered 30.201]

Subd. 2. [Repealed, 1961 c 145 s 14]

Subd. 3. [Repealed, 1961 c 145 s 14]

30.31 [Repealed, 1967 c 417 s 18]

30.32 [Repealed, 1967 c 417 s 18]

30.33 [Repealed, 1967 c 417 s 18]

30.34 [Repealed, 1967 c 417 s 18]

30.35 [Repealed, 1967 c 417 s 18]

30.36 [Repealed, 1967 c 417 s 18]

30.37 [Repealed, 1967 c 417 s 18]

30.38 [Repealed, 1967 c 417 s 18]

30.39 [Repealed, 1967 c 417 s 18]

30.40 [Repealed, 1967 c 417 s 18]

30.41 [Repealed, 1967 c 417 s 18]

30.42 [Repealed, 1967 c 417 s 18]

30.43 [Repealed, 1967 c 417 s 18]

30.44 [Repealed, 1967 c 417 s 18]

30.45 [Repealed, 1967 c 417 s 18]

30.46 [Repealed, 1967 c 417 s 18]

POTATO INDUSTRY PROMOTION

30.461 CITATION; POTATO INDUSTRY PROMOTION ACT OF MINNESOTA.

Sections 30.461 to 30.477 and 30.479 may be cited as the "Potato Industry Promotion Act of Minnesota."

[1967 c 417 s 1; 1976 c 2 s 8]

30.462 DECLARATION OF POLICY. It is hereby declared that the production, development, marketing, and promotion of Irish potatoes in Minnesota is important to the general welfare of the people of the state of Minnesota; that it is in the public interest that better methods of production, processing, and marketing of potatoes and the advertising and promoting of potatoes grown in the state of Minnesota be fostered, encouraged, developed, and improved so that the potato industry within the state of Minnesota, the people employed by said industry, directly or indirectly, and the people of the state of Minnesota should be benefited thereby, the accomplishment of which requires and demands provision for the establishment of Minnesota state potato councils for the purposes and with the objectives of contributing to the stabilization and improvement of the agricultural economy of this state. The provisions of sections 30.461 to 30.477 and 30.479 shall not be construed to abrogate or limit in any way the rights, powers, duties, and functions of the office of the commissioner of agriculture or any other agency of the state but shall be supplementary thereto and in aid and cooperation therewith; nor shall the provisions of sections 30.461 to 30.477 and 30.479 be constructed to authorize an area potato council to engage in competitive business enterprises, it being the intended purpose of sections 30.461 to 30.477 and 30.479 that the council through research and advertising shall promote Minnesota grown Irish potatoes.

[1967 c 417 s 2; 1976 c 2 s 9]

30.463 DEFINITIONS. Subdivision 1. **Terms.** For the purposes of sections 30.461 to 30.477 and 30.479 the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. **Council.** "Council" means a Minnesota area potato research and promotion council.

Subd. 3. **Grower.** "Grower" means any person who plants, raises, and harvests Irish potatoes from more than ten acres.

Subd. 4. **Potatoes.** "Potatoes" means any and all varieties of Irish potatoes harvested within the state of Minnesota.

Subd. 5. **Participating grower.** "Participating grower" means a grower who has not exempted himself from the payment of taxes on potato production under sections 30.461 to 30.477 and 30.479 for a particular year, or a grower who is not exempt from the payment of taxes on potato production under the terms of sections 30.461 to 30.477 and 30.479.

Subd. 6. **First handler.** "First handler" means any person who initially places potatoes, whether he is an owner, agent, or otherwise, into the channels of trade and commerce, or who is engaged in the processing of potatoes into food for human consumption in any form, except for potato flour or for potato starch. The sale of unharvested potatoes, or the delivery of potatoes from the farm on which they are produced to storage facilities, packing shed, or processing plant shall not be considered to be first handler.

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

Subd. 8. **Hundredweight.** "Hundredweight" means one hundred pound unit or combination of packages making a one hundred pound unit of any shipment of potatoes based on invoice or bill of lading records.

Subd. 9. **Retailer.** "Retailer" means any person who sells directly to the consumer in small quantities or broken lots.

Subd. 10. **Processor.** "Processor" means a person who is actively engaged in the processing of potatoes for human consumption, except for potato flour or for potato starch.

Subd. 11. **Person.** "Person" means an individual, partnership, corporation, association, grower, cooperative, or any other business unit.

[1967 c 417 s 3; 1971 c 534 s 1; 1976 c 2 s 10,11; 1976 c 149 s 14]

30.464 AREAS; DESIGNATION, LAW GOVERNING. Subdivision 1. For the purpose of administration of sections 30.461 to 30.477 and 30.479 the state is divided into four areas. Area number one includes the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Mahnomen, Clay, Becker, Wilkin, Otter Tail, Roseau, Lake of the Woods, Beltrami, Clearwater, Hubbard, Wadena, and Todd. Area number two includes the counties of Itasca, Koochiching, St. Louis, Carlton, Lake and Cook. Area number three includes the counties of Traverse, Grant, Douglas, Big Stone, Stevens, Pope, Swift, Kandiyohi, Lac qui Parle, Chippewa, Yellow Medicine, Renville, McLeod, Carver, Scott, Dakota, Lincoln, Lyon, Redwood, Sibley, Le Sueur, Rice, Goodhue, Nicollet, Wabasha, Pipestone, Murray, Brown, Waseca, Steele, Dodge, Olmsted, Winona, Cottonwood, Watonwan, Blue Earth, Rock, Nobles, Jackson, Martin, Fairbault, Freeborn, Mower, Fillmore and Houston. Area number four includes the counties of Cass, Aitkin, Crow Wing, Pine, Morrison, Mille Lacs, Kanabec, Stearns, Benton, Isanti, Chisago, Sherburne, Anoka, Meeker, Wright, Washington, Hennepin and Ramsey.

Subd. 2. Sections 30.461 to 30.477 and 30.479 shall apply to and be in force in any area of the state wherein the commissioner of agriculture shall so determine pursuant to, and after approval by, referendum of the potato growers as provided in subdivision 3.

Subd. 3. Upon the filing of a petition with the commissioner signed by 25 growers or 25 percent of the growers, whichever is less, residing in one area praying that sections 30.461 to 30.477 and 30.479 shall apply in all or a stated part of that area, the commissioner shall give seven days public notice to be published in a legal newspaper in each county affected of the time and place or places within the area of a referendum which shall be held in such area and if approved by two-thirds of the voters voting at such referendum such area shall be deemed organized under sections 30.461 to

30.477 and 30.479 and sections 30.461 to 30.477 and 30.479 shall apply thereto. The commissioner shall thereupon file an order finding such facts and such order shall be evidence of the facts so found.

Subd. 4. [Repealed, 1971 c 534 s 11]

[1967 c 417 s 4; 1976 c 2 s 13,14; 1976 c 22 s 1; 1976 c 239 s 11]

30.465 MINNESOTA AREA POTATO COUNCILS; MEMBERSHIP, ELECTION, TERM. There is hereby established in each area subjected to the provisions of sections 30.461 to 30.477 and 30.479 by referendum as provided in section 30.464, subdivision 3, an area potato council. The council shall be composed of the commissioner of agriculture or his designated representative, who shall be chairman of the council except that he shall not have the right to vote, one processor representative and one wash plant representative appointed by the governor and who shall possess the right to vote, and five growers elected from the area. Every elected council member shall be a citizen of the state and a bona fide resident of and grower in the area he represents. The term of each elected member shall be three years and shall begin on July 1 of year of election, except that initially one member shall be elected for a three year term; two members shall be elected for two year terms; and two members shall be elected for one year terms as designated by the commissioner. If at any time during a member's term he shall cease to possess any of the qualifications provided for in sections 30.461 to 30.477 and 30.479, his office shall be deemed vacant and the council shall appoint another qualified grower for the remainder of the term of the office vacated. The commissioner shall conduct all elections under this section in such a manner as he, in his discretion, deems fair and reasonable. All such elections shall be conducted in the month of June. No elected member of the council shall be eligible to serve more than two consecutive three year terms.

[1967 c 417 s 5; 1971 c 534 s 2; 1976 c 2 s 15]

30.466 MEETINGS, QUORUM, COMPENSATION AND EXPENSES OF COUNCIL. A majority of the voting members of an area council shall constitute a quorum for the transaction of all business in carrying out the duties of the council. All meetings of the council shall be called by the chairman except special meetings which shall be called by the chairman on the petition of three council members within seven days of receiving such a petition. Each member of the council, except the chairman, shall receive the sum of \$25 per day for each day spent in performance of the business of the council, together with traveling expenses while on council business on the same basis as employees of the commissioner.

[1967 c 417 s 6]

30.467 EXPENDITURE OF FUNDS. Amounts credited to an area in the potato fund shall be subject to disbursement for expenses incurred in carrying out the purposes of sections 30.461 to 30.477 and 30.479. Such disbursement shall be by draft or other withdrawal order in form prescribed by the state treasurer signed by a person or persons designated by the council. Any such representative shall provide bond in such manner and amount as the state treasurer may reasonably require. The financial affairs and records of any area shall be subject to audit by an auditing agency of the state of Minnesota when and as the state treasurer may so request.

[1967 c 417 s 7; 1976 c 239 s 12]

30.468 AREA POTATO COUNCIL, POWERS AND DUTIES. In the administration of sections 30.461 to 30.477 and 30.479, the council shall have the following powers and duties:

(a) To contract and cooperate with any person, firm, corporation, or association, or with any local, state or federal department or agency for research, education, publicity, promotion, and transportation for the purposes of sections 30.461 to 30.477 and 30.479;

(b) To expend the funds collected pursuant to the provisions of sections 30.461 to 30.477 and 30.479 and appropriated for its administration;

(c) To appoint, employ, bond, discharge, fix compensation for, and prescribe the duties of such administrative, clerical, technical, and other personnel as it may deem necessary;

(d) To accept donations of funds, property, services, or other assistance from public or private sources for the purpose of furthering the objectives of the council;

(e) To investigate and prosecute in the name of the state of Minnesota any action or suit to enforce the collection or ensure payment of the assessments authorized by the provisions of sections 30.461 to 30.477 and 30.479, and to sue and be sued in the name of the council.

[1967 c 417 s 8; 1971 c 534 s 3; 1976 c 2 s 17-20]

30.469 ASSESSMENT LEVIED. Commencing July 1, 1971, an assessment at the rate of 1 1/4 cents per hundredweight shall be levied and imposed upon all potatoes grown or sold or delivered to a first handler in this state. The assessment shall not be imposed upon potatoes retained by growers to be used for seed purposes or for their own consumption.

(a) The assessment imposed by sections 30.461 to 30.477 and 30.479 shall be due upon any identifiable lot or quantity of potatoes.

(b) A first handler of potatoes shall file an application with the council on forms prescribed and furnished by the council which shall contain the name under which the handler is transacting business within the state, the place or places of business and location of loading and shipping places of agents of the first handler, the names and addresses of the several persons constituting a firm or partnership, and, if a corporation, the corporate name and the names and addresses of its principal officers and agents within the state. The council shall issue a certificate to the first handler and a first handler shall not sell or ship any potatoes until the certificate is furnished as required by this section.

(c) Each first handler of potatoes shall collect the assessment imposed by sections 30.461 to 30.477 and 30.479 by charging and collecting from the seller the assessment at the rate of 1 1/4 cents per hundredweight by deducting the assessment from the purchase price of all potatoes subject to the assessment and purchased by the first handler.

(d) Every first handler shall keep as a part of his permanent records a record of all purchases, sales, and shipments of raw potatoes, which records shall be open for examination by the commissioner at all reasonable times. Every first handler shall render a report to the council stating the quantity of potatoes received, sold, or shipped by him during the preceding calendar quarter, on forms to be furnished by the council. The report shall be due not later than 15 days after the end of the calendar quarter. The report shall contain such further information as the council shall prescribe. With the filing of the report, each first handler shall pay to the council an assessment at the rate of 1 1/4 cents per hundredweight upon all potatoes reported as purchased, sold, or shipped, as determined by the council.

All moneys levied and collected under sections 30.461 to 30.477 and 30.479 shall be paid to the area council having jurisdiction for deposit to the credit of that area, in a fund designated "Potato Fund", 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 of agriculture with the advice and consent of the area potato council. Such funds are to be used exclusively to carry out the intent and the purposes of sections 30.461 to 30.477 and 30.479 as it relates to that area.

[1967 c 417 s 9; 1971 c 534 s 4; 1976 c 2 s 21,23; 1976 c 239 s 13]

30.47 FINANCING REFERENDUMS. Any petitioners for a referendum to organize under sections 30.461 to 30.477 and 30.479 filing such petition after June 30, 1969, shall deposit with the commissioner of agriculture sufficient funds to pay the costs of such referendum and such funds shall be used by the commissioner for that purpose. If an area council is created pursuant to such a referendum it may reimburse petitioners for the amount of such deposit from any funds received by the council.

[1967 c 417 s 10; 1976 c 2 s 24]

30.471 [Repealed, 1971 c 534 s 11]

30.472 NONPARTICIPATING GROWERS; REFUNDS. Growers may become nonparticipating growers and claim exemption from the provisions of sections 30.461 to 30.477 and 30.479. To claim exemption, a nonparticipating grower shall notify the council, in writing, on or before July 15 of each year, at the time of the initial report as provided in section 30.469 of his intention not to participate under the program and

to claim refund of the assessments herein levied for that crop year. Such grower, if he has notified the council of his intention not to participate, as herein provided, shall be eligible between July 1 and July 30 of each year, to claim a refund of the assessments paid for the preceding crop year, paid pursuant to this enactment. Upon the receipt of a written claim for refund from an eligible, nonparticipating grower, the council shall refund the assessments paid in such crop year.

[1967 c 417 s 12; 1971 c 534 s 5; 1973 c 35 s 9; 1976 c 2 s 25]

30.473 REFERENDUM BY GROWERS. Whenever 15 percent of the participating growers in all areas activated under sections 30.461 to 30.477 and 30.479, as disclosed by the records of the area councils for the preceding year, shall petition the councils, the councils shall conduct a referendum among all the participating growers of the state to determine whether they wish the legislature to raise or lower the assessment imposed by section 30.469. Such referendum shall be conducted only among participating growers who have paid all assessments assessed pursuant to this enactment for the preceding year, and the ballots shall be prepared by the councils and mailed to each participating grower at least 30 days prior to the last date for filing ballots. In addition, each ballot shall be accompanied by a notice to each participating grower:

(a) Of the date of the filing of the petition by the growers for the referendum and the number of signatures contained thereon;

(b) Of the date and place where the councils will open and tabulate the ballots, which date shall be not less than five days after the last date for filing the ballots;

(c) Of the last date upon which ballots shall be filed with the council, or post-marked if delivered to the council by mail;

(d) That any participating grower may attend the meeting of the council at the time the ballots are opened and the votes tabulated.

If a majority of the participating growers voting upon the question are in favor of the proposed change, the council shall certify the result to the commissioner with the request that the department prepare a bill to submit to the legislature at the next legislative session to modify sections 30.461 to 30.477 and 30.479 in conformity therewith. The results of such referendum shall be advisory only and the legislature shall in no way be obligated to adopt legislation enacting the proposals contained in any referendum.

[1967 c 417 s 13; 1973 c 35 s 10; 1976 c 2 s 26,27]

30.474 COLLECTION OF UNPAID ASSESSMENTS. If a first handler fails to collect the assessment provided herein, the collection thereof may be enforced by the council against the grower or first handler in any court with competent jurisdiction within this state.

[1967 c 417 s 14; 1971 c 534 s 6]

30.475 VIOLATIONS. Any person who wilfully violates the provisions of sections 30.461 to 30.477 and 30.479 or who falsifies any affidavit, record, receipt, voucher, or any information required to be maintained by sections 30.461 to 30.477 and 30.479, is guilty of a misdemeanor.

[1967 c 417 s 15; 1971 c 534 s 7; 1976 c 2 s 28]

30.476 PENALTY FOR NONPAYMENT OF ASSESSMENTS. Any first handler who fails to make collection or to file a return or to pay any assessment within the time required by or pursuant to sections 30.461 to 30.477 and 30.479, or files a falsified return, shall be liable to the council the amount due plus a penalty of six percent of the amount due, as provided in sections 30.461 to 30.477 and 30.479, plus one percent of such amount for each month of delay. If satisfied that the delay was excusable, the council may remit all or any part of the penalty. The penalty shall be paid to the council and disposed of as provided with respect to moneys derived under sections 30.461 to 30.477 and 30.479.

[1967 c 417 s 16; 1971 c 534 s 8; 1976 c 2 s 29]

30.477 RECORD OF COUNCIL; INSPECTION. All of the records of the council shall be public information 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 information or

data, and the time or place of such inspection or the manner which the information shall be made available.

[1967 c 417 s 17; 1971 c 534 s 9]

30.478 SALE OF ARTIFICIALLY COLORED POTATOES PROHIBITED; PENALTY. 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 of agriculture shall by regulation prescribe the meaning of "artificially colored." Any person who violates this section is guilty of a misdemeanor.

[1969 c 1035 s 1]

30.479 REFERENDUM ON REFUNDS. After July 1, 1972 the council, upon receipt of a petition signed by 25 percent of the growers, may request a referendum to be conducted on discontinuance of the refunds provision of Laws 1971, Chapter 534, in the area affected. The referendum will be conducted by mail ballot. The ballot shall be mailed at least two weeks prior to the date of election. If two-thirds of the growers voting on the question approve the change, the council shall certify to the commissioner that the refunds provision is null and void. Further the refund provision may be reinstated in the above manner.

[1971 c 534 s 10]

STRAWBERRIES AND RASPBERRIES

30.50 SALE OF STRAWBERRIES AND RASPBERRIES REGULATED. All fresh strawberries and raspberries that are offered for sale, packed for sale, or shipped for sale, by any person other than the grower thereof, in the state shall be handled and sold under rules and regulations made and designated by the commissioner. The grades and the regulations controlling the handling of strawberries and raspberries shall be only determined by the commissioner after due notice and public hearings with the producers of the same have been held.

[1933 c 420 s 1] (3945-21)

30.51 LICENSE REVOKED. The commissioner may revoke any license issued under his authority upon proof of violation of the provisions of section 30.50 and any rules and regulations made in pursuance thereof.

[1933 c 420 s 3] (3945-23)

APPLES

30.55 APPLES, STANDARD GRADES. The commissioner shall by rule establish official standards for grading and classifying all apples offered for sale in Minnesota.

[1941 c 371 s 1; 1953 c 94 s 1; 1955 c 435 s 1]

30.56 APPLES, PACKAGES PLAINLY MARKED. All apples offered for retail sale and each closed package of apples offered or exposed or packed for retail sale shall be conspicuously marked with a label bearing the name and address of the grower or packer, the name of the variety, the minimum size and the grade, except that when apples are sold at retail from open bins, open containers, or in bags, each bin or display of such containers or bags shall be marked with a label bearing the name of the variety and the grade. All apples which fail to meet the requirements of any of the established Minnesota grades shall be plainly and conspicuously marked with a label bearing the word "utility" in letters of a size and form to be prescribed by the commissioner.

[1941 c 371 s 2; 1955 c 435 s 2]

30.57 ENFORCEMENT. The commissioner shall be charged with the enforcement of the provisions of sections 30.55 to 30.57 and for that purpose has the power:

(1) To enter and inspect personally, or through any authorized representative, any place within the state where apples are sold, offered or exposed or packed for sale, and to inspect such places and all apples and apple containers found in any such place.

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(2) To make, publish, and enforce such uniform rules and regulations as are necessary for carrying out the provisions of sections 30.55 to 30.57.

[1941 c 371 s 3; 1955 c 435 s 3]

30.58 APPLICATION. Sections 30.55 to 30.57 shall not apply to any grower or producer selling less than 25 bushels of apples in any year.

[1941 c 371 s 5; 1955 c 435 s 4]

30.59 PENALTY. Any person violating any of the provisions of sections 30.55 to 30.58 shall be guilty of a misdemeanor. In addition, any apples found to be offered or exposed or packed for sale in violation of these sections may be ordered temporarily withdrawn from sale by the commissioner pending either (1) informal adjustment according to law between the commissioner, or his duly authorized representative, and the person in charge of the apples in question, or (2) by the filing of a formal complaint, without undue delay, with the attorney general or prosecuting attorney.

[1941 c 371 s 6]