

MINNESOTA STATUTES 1977 SUPPLEMENT

17.01 DEPARTMENT OF AGRICULTURE

appointed by the governor under the provisions of section 15.06. Before entering upon the duties of his office, he shall take the oath required of state officials. He may appoint a deputy commissioner.

[1977 c 305 s 12]

17.07 Approval of expenditures.

No expenditure of money for any purpose shall be made from any state appropriation to any agricultural, horticultural, florist, dairymen's crop improvement, poultry, livestock, or livestock breeders' association, society, or corporation, or to any other association, society, or corporation of a similar nature not a part of or connected with the state government, except upon the written approval of the commissioner. The association or society shall reimburse the commissioner of agriculture for all expenses of the commissioner incurred in examining the records and accounts of such association or society. This section shall not apply to the state agricultural society or to county agricultural associations or other societies or associations whose books and records are required by law to be audited by any state official as a prerequisite to such payment.

[1977 c 121 s 1]

CHAPTER 17A. LIVESTOCK MARKET AGENCY AND DEALER LICENSING ACT

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17A.03 Definitions.

[For text of subds 1 to 5, see M.S.1976]

Subd. 6. **Livestock market agency.** "Livestock market agency" means any person who sells consigned livestock for the account of others, but does not include an occasional or special event or disposal sale.

Subd. 7. **Livestock dealer.** "Livestock dealer" means any person, including a packing company, who buys or sells livestock for his own account or for the account of others, except persons buying or selling livestock related to a normal farming operation, and persons licensed under section 28A.04 who are primarily engaged in the sale of meats at retail and persons operating as frozen food processing plants as defined in section 31.185.

[For text of subds 8 to 12, see M.S.1976]

[1977 c 299 s 1,2]

17A.04 Licenses.

Subdivision 1. **Licensing provisions.** Licenses shall be issued to livestock market agencies and public stockyards annually and shall expire on December 31 each year, renewable annually thereafter. The license issued to a livestock market agency and public stockyard shall be conspicuously posted at the licensee's place of business. Licenses shall be required for livestock dealers and their agents for the period beginning July 1 each year and ending June 30. The license issued to a livestock dealer or the agent of a livestock dealer shall be carried by the person so licensed. The livestock dealer shall be responsible for the acts of his agents. The license issued to a livestock market agency, public stockyard or a livestock dealer or agent of a livestock dealer is not transferable. The operation of livestock market agencies, livestock dealers, agents and packers at a public stockyard are exempt from sections 17A.01 to 17A.09, 17A.12 to 17A.15, and 239.27.

[For text of subds 2 to 7, see M.S.1976]

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Subd. 8. **Suspension of license.** Whenever the commissioner finds that the licensee has violated the provisions of sections 17A.04, 17A.05, 17A.07, or 17A.08 and that the continued activity of a licensee may cause irreparable injury or loss to persons engaged in business with the licensee, the commissioner may, without hearing, suspend the license of the licensee, provided that when a license is so suspended, the commissioner shall immediately initiate procedures to afford the licensee a hearing pursuant to subdivision 7 except that the ten days notice required in subdivision 7 may be waived by the licensee.

[1977 c 299 s 3,4]

17A.05 Amount of bonds.

[For text of subd 1, see M.S.1976]

Subd. 2. **Livestock dealers.** The amount of each livestock dealer bond filed with the commissioner shall be not less than \$5,000 or such larger amount as required, based on the commissioner's consideration of the principal's financial statement, the volume of business he reports, or any other factor the commissioner deems pertinent for the protection of the public. Each such bond shall contain the condition clause applicable when the principal buys on commission or as a dealer. A livestock dealer's bond shall be executed on a form furnished by the commissioner or in accordance with the Packers and Stockyards Act, 1921, as amended, (7 U.S.C. 181 et seq.).

If the bond is executed on a form furnished by the commissioner, the bond shall be limited to the protection of claimants whose residence or principal place of livestock business is in the state of Minnesota at the time of the transaction. If the bond is filed on a form in accordance with the Packers and Stockyards Act, the bond shall cover claimants regardless of place of residence.

[1977 c 299 s 5]

17A.06 Claims against bonds.

[For text of subd 1, see M.S.1976]

Subd. 2. **Hearing on claims.** In case of default by the licensee, the commissioner shall have the power to have the matter heard as a contested case pursuant to procedures outlined in chapter 15. No hearing shall be required if all affected parties to a bond claim proceeding waive their right to a hearing and agree to accept the commissioner's determination as to the validity of the claim and the allocation of the proceeds of the bond.

NOTE: Subdivision 2 was also amended by Laws 1977, Chapter 299, Section 6, to read:

"Subd. 2. **Hearing on claims.** In case of default by the licensee, the commissioner shall have the power to hear the matter as a contested case pursuant to procedures outlined in Minnesota Statutes, Chapter 15. However, no hearing will be held if all affected parties to a bond claim proceeding waive their rights to a hearing and agree to accept the commissioner's determination as to the validity of the claims and the allocation of the proceeds of the bond."

Subd. 3. **Legal notice.** Prior to a hearing, the commissioner shall notify by certified mail all known potential claimants and publish a notice setting forth the default of the licensee and requiring all claimants to file proof of claim with the commissioner within three months of the date such notice is published or be barred from participating in the proceeds of the bond. Such publication shall be made for three consecutive weeks in a newspaper published at the county seat of the county in which the licensee has his principal place of business. The commissioner shall also fulfill any notice requirements prescribed by chapter 15 and rules of the hearing examiner. No claim shall be allowed unless it is filed with the commissioner within one year of the date of the transaction. If a livestock market agency or livestock dealer has on file a Packers and Stockyards Act bond and is registered with

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the Packers and Stockyards Administration, the terms of the bond or that federal agency's regulations will control in determining the time for filing claims.

[1977 c 299 s 6,7; 1977 c 346 s 2,3]

17A.10 Packing plants, livestock market agencies and stockyards; weighers.

The commissioner shall appoint at public stockyards, packing plants, slaughtering houses, buying stations, or livestock market agencies where the average daily number of livestock weighed for the purpose of establishing a basis for sale is 500 head or more, and the commissioner may appoint at public stockyards, packing plants, slaughtering houses, buying stations, or livestock market agencies on application from such facilities where the average daily number of livestock weighed for the purpose of establishing a basis for sale is less than 500 head, such weighers as may be necessary for weighing livestock, provided that no weighers shall be required at facilities where the only livestock handled has been previously purchased or acquired, and title or terms of ownership already established. The commissioner shall prescribe and follow such reasonable regulations as he deems necessary for determining such daily average. Such weighers shall weigh all livestock coming to these places for sale, and keep a record thereof. Upon request, the weighers shall furnish the interested parties a certificate setting forth the number of animals weighed and the actual weight of such animal or animals. Such certificate shall be prima facie evidence of the facts therein certified. The scales at all such places on which livestock is weighed shall be constructed and maintained in accordance with the requirements of the state division of weights and measures, and be tested up to the maximum draft that may be weighed thereon, at least once every 90 days, and be in compliance with all the statutory requirements and regulations adopted by the state division of weights and measures pertaining to livestock scales and weighing.

[1977 c 299 s 8]

17A.11 Fees for livestock weighing.

The commissioner shall prescribe the fee necessary to cover the cost of such weighing, to be assessed and collected from the seller in such manner as the commissioner may prescribe; provided, that the fee assessed be the same, and the manner of collection thereof be uniform at all facilities, and provided, further, that if at any location, except a public stockyard, where weighing is performed in accordance with Laws 1974, Chapter 347 and the total annual fees collected are insufficient to pay the cost of such weighing, the annual deficit shall be assessed and collected in such manner as the commissioner may prescribe. Additional moneys arising from the weighing of animals by the commissioner, which have been collected and retained by any person, shall be paid on demand to the commissioner. All moneys collected by the commissioner shall be deposited in the state treasury and credited to the livestock weighing fund, and shall be paid out only on the order of the commissioner and the state's warrant.

[1977 c 299 s 9]

CHAPTER 17B. GRAIN INSPECTION; WEIGHING, SAMPLING, AND ANALYSIS ACT

Sec.
17B.15 Fees for inspection and weighing.

Sec.
17B.22 Employee; misconduct; personation.

17B.15 Fees for inspection and weighing.

[For text of subd 1, see M.S.1976]

Subd. 2. The commissioner is directed to review the fee schedule each April and October. If income for the two-year period ending December and June prior to each review period is not equal to 100 percent, or is greater than 110 percent, of expenditures for salaries, overtime and expenses which shall include without limitation, an amount for state retirement and social security contributions, the commissioner shall adjust fees accordingly. Such adjustments shall be effective the first of