

# MINNESOTA STATUTES 1977 SUPPLEMENT

## 17A.06 LIVESTOCK MARKET AGENCY

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

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## PLANT AND ANIMAL PEST CONTROL 18.023

January and July following the review. The department shall have a two-year initial period to reach 100 percent of expenditures.

Subd. 3. The schedule of fees shall provide that any elevator, mill, or other business requesting a weighing or inspection service, shall pay a minimum charge per hour for each employee requested or assigned. Any fees earned by the employee shall be credited against the charge made therefor. The minimum charge shall be assessed only after taking into consideration all fees earned and all hours charged. When deemed necessary by the commissioner, a charge for actual over-time costs may be made.

[ 1977 c 296 s 1 ]

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

[For text of subs 1 and 2, see M.S.1976]

Subd. 3. [ Repealed, 1977 c 347 s 9 ]

## CHAPTER 18. PLANT AND ANIMAL PEST CONTROL

Sec.  
18.023 Shade tree disease control.

Sec.  
18.69 Budget; limitations.

### 18.023 Shade tree disease control.

Subdivision 1. **Definitions.** As used in subdivisions 1 to 12 the terms defined in this subdivision shall have the meanings given them.

(a) "Metropolitan area" means the area comprising the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver.

(b) "Commissioner" means the commissioner of agriculture.

(c) "Municipality" means any home rule charter or statutory city or any town exercising municipal powers pursuant to section 368.01, or any general or special law, located in the metropolitan area; or any special park district as organized under chapter 398; or any special purpose park and recreation board organized under the city charter of a city of the first class located in the metropolitan area; or any county in the metropolitan area for the purposes of county owned property or any portion of a county located outside the geographic boundaries of a city or town exercising municipal powers; and any municipality or county located outside the metropolitan area with an approved disease control program.

(d) "Shade tree disease" means Dutch elm disease or oak wilt disease.

(e) "Wood utilization or disposal system" means facilities, equipment or systems used for the removal and disposal of diseased shade trees which includes the collection, transportation, processing or storage of wood and which aids in the recovery of materials or energy from wood.

(f) "Approved disease control program" means the municipal plan as approved by the commissioner to control shade tree disease.

(g) "Disease control area" means an area approved by the commissioner within which a municipality will conduct an approved disease control program.

(h) "Sanitation" means the identification, inspection, disruption of a common root system, girdling, trimming, removal and disposal of dead or diseased wood of elm or oak shade trees, including subsidies for trees removed pursuant to subdivision 4, on public or private property within a disease control area.

(i) "Reforestation" means the replacement of shade trees removed from public property as part of an approved disease control program. For purposes of this clause, "public property" shall include private property within five feet of the boulevard or street terrace in any city which has enacted an ordinance on or before January 1, 1977, that prohibits or requires a permit for the planting of trees in the public right of way.