

WEIGHTS, MEASURES 239.10

CHAPTER 239. WEIGHTS, MEASURES

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239.02 Supervisor; deputies, employees.

The department shall appoint in accordance with chapter 43, a supervisor of weights and measures and such deputies and other employees as may be necessary to carry out the provisions of this chapter.

[1977 c 364 s 12]

239.07 Duties and powers; standard of weights and measures.

The division shall take charge of, keep, and maintain in good order the standard of weights and measures of the state and submit them to the bureau of standards at Washington, D.C., for certification when it is deemed necessary; and keep a seal so formed as to impress the letters "MINN" and the date of sealing upon the weights and measures that are sealed; it shall test, correct, and seal, when found to be accurate, at least once every year and as much oftener as may be necessary, all the copies of the standards used throughout the state for the purpose of testing the weighing or measuring apparatus used in the state and keep a record thereof; it shall have general supervision of the weights, measures, and weighing or measuring devices offered for sale, sold, or in use in the state; and upon the request of any person test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in the state; it shall keep a complete record of the standards, balances, and all testing and sealing apparatus owned by the state.

[1977 c 364 s 13]

239.08 Inspecting, testing, sealing; incorrect weights, measures.

The division or any of its employees shall have power to inspect and test all weights, scales, beams, and measures of every kind, instruments and mechanical devices for measurement, and tools, appliances, or accessories connected with any or all such instruments for measurement that are kept, offered, or exposed for sale, or sold, or used, or employed within this state by any person in determining the size, quantity, extent, area, or measurement of quantities, things, produce, articles for distribution or consumption, offered or submitted by any person for sale, hire, or reward; and it shall as often as necessary, see that the weights, measures, and all apparatus used in the state are correct. In the general performance of this duty the division, or any of its employees, may enter or go into and upon any stand, place, building, or premises to stop any vendor or any dealer and require him, if necessary, to proceed to some place which the scaler may specify for the purpose of making proper tests. Scales, weights, measures, or weighing or measuring instruments that are found, upon inspection, to correspond with the standards in the possession of the division shall be sealed with proper devices to be approved by the department. Any employee shall condemn, seize, and destroy incorrect weights, measures, or weighing or measuring devices which, in the judgment of the division cannot be satisfactorily repaired, and such as are incorrect and yet may be repaired, shall be marked as "condemned for repair," in the manner to be prescribed by the division. The owners or users of any scales, weights, measures, or weighing or measuring instruments which have been so disposed of shall have the same repaired or corrected within 30 days, and the same shall not be used or disposed of in any way without the consent of the division.

[1977 c 364 s 14]

239.10 Annual inspection.

No fee, unless specially scheduled by the department, shall be charged for the regular inspection of scales, weights, measures, and weighing or measuring devices.

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The cost of any other inspection shall be paid by the owner if the inspection is performed at his request, and if the inspection is made at the request of some other person the cost shall be paid by the owner if the scale, weight, measure, or weighing or measuring device is found to be incorrect. The department may fix the fees and expenses for all special services. All moneys collected by the division for special services, fees, and penalties shall be paid into the state treasury, and credited to the state general fund.

[1977 c 364 s 15]

239.12 Test meters.

The department may inspect and test all meters, mechanical devices, and measures of every kind, and tools, appliances, and accessories connected therewith, used, employed, kept, sold, or offered or exposed for sale within this state for the purpose of measuring the amount, quantity or extent of electricity, gas, or water furnished, sold, or distributed to the public by any person, association, corporation, or municipality except cities of the first class having meter inspection departments. Upon petition of at least ten consumers of electricity, gas, or water within the territorial limits of any municipality and upon the deposit with the clerk of such municipality by each of such consumers of a fee of 25 cents for each such meter, mechanical device, and measure installed or used upon the premises of each such petitioning consumer, the governing body of such municipality may request the department to make an inspection and test of all such meters, mechanical devices, and measures upon the premises of such petitioning consumers. Thereupon the department, within a reasonable time after the receipt by it of such request, shall proceed to make an inspection and test of all of such meters, mechanical devices, and measures upon the premises of all such petitioning consumers and upon the premises of all other consumers within such municipality who, at the time of such inspection and test, shall have deposited with the clerk of such municipality the fee of 25 cents for each such meter, mechanical device, and measure upon the premises of such consumers. All such fees collected by the clerk of any such municipality shall be remitted by such municipality to the department within 30 days of the completion of such inspection and test, and deposited to the credit of the general fund. All such meters, mechanical devices, and measures found, upon inspection, to be correct and accurate, shall be sealed with proper devices to be approved by the department. The department, or any of its employees, shall condemn, seize and destroy all incorrect and inaccurate meters, mechanical devices, and measures which, in the judgment of the department, cannot be satisfactorily repaired; and such as are incorrect and inaccurate and yet may be repaired shall be marked as "Condemned for Repair," in the manner to be prescribed by the department. The owner of such meters, mechanical devices, and measures which have been so "Condemned for Repair" shall have the same repaired and corrected within 30 days; and such meters, mechanical devices, and measures shall not be disposed of without the consent of the department. In the general performance of its duty, the department, or any of its employees, may enter or go into or upon any premises, building, stand, or place at all reasonable times.

[1977 c 364 s 16]

239.20 [Repealed, 1977 c 364 s 20.]

239.23 Offenses; penalties.

Any person who shall offer or expose for sale, sell or use, or have in his possession a false scale, weight or measure, or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed as provided by sections 239.01 to 239.10, or use the same in the buying or selling of any commodity or thing; or who shall dispose of any condemned weight, measure, or weighing or measuring device, or remove any tag placed thereon by any authorized employee of the division, or sell or offer or expose for sale less than the quantity he represents; or sell or offer or expose for sale any such commodities in the manner contrary to law; or sell or offer for sale or have in his possession for the purpose of selling, any device or instrument to be used to, or calculated to, falsify any weight or measure, or refuse to pay any fee charged for testing and seal-

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ing or condemning any scale, weight, or measure, or weighing or measuring device, shall be guilty of a misdemeanor.

[1977 c 364 s 17]

239.24 Hindering official; penalty.

Any person hindering, impeding, or restricting in any way any employee of the division while in the performance of his official duty shall be guilty of a misdemeanor.

[1977 c 364 s 18]

239.44 Penalty for violation.

Whoever in buying shall take any greater number of pounds or cubic feet to the bushel, barrel, ton, or cord, as the case may be, than is allowed and provided in sections 239.28 to 239.37, or in selling, shall give any less number, shall be guilty of a misdemeanor.

[1977 c 364 s 19]

CHAPTER 241. DEPARTMENT OF CORRECTIONS

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241.55	Crime victim crisis center. [New]	241.63	Duties of commissioner. [New]
241.56	Planning. [New]	241.64	Advisory task force. [New]
241.57	Functions. [New]	241.65	Project coordinator. [New]
241.58	Evaluation. [New]	241.66	Data collection. [New]

241.01 Creation of department.

Subdivision 1. **Commissioner.** The department of corrections is created under the control and supervision of the commissioner of corrections which office is established. The commissioner of corrections shall be selected without regard to political affiliation and shall have wide and successful administrative experience in correctional programs embodying rehabilitative concepts. The commissioner shall be appointed by the governor under the provisions of section 15.06.

Subd. 2. **Divisions; deputies.** The commissioner of corrections may appoint and employ no more than two deputy commissioners. The commissioner may also appoint a personal secretary, who shall serve at his pleasure in the unclassified civil service.

[For text of subds 3a to 8, see M.S.1976]

[1977 c 305 s 28,29]

241.045 Corrections board.

[For text of subds 1 to 3a, see M.S.1976]

Subd. 4. **Compensation; expenses.** Each member of the board other than the chairman shall receive as compensation the sum of \$22,000 per year, payable in the same manner as other employees of the state. The chairman of the board shall receive as compensation his salary as an officer of the department of corrections, which shall not be less than the salary of the other members of the board. In addition to the compensation herein provided, each member of the board shall be reimbursed for all expenses paid or incurred by him in the performance of his official duties in the same manner as other employees of the state. This compensation and these expenses shall be paid out of the general fund in the same manner as the salaries and expenses of other state officers are paid, except that the salary and ex-