

MINNESOTA STATUTES 1977 SUPPLEMENT

21A.16 SOYBEANS

Subd. 2. If the commissioner finds that termination of any promotional order is requested in writing by more than 500 growers, the commissioner shall, after consultation with the council, conduct a referendum to determine whether or not the promotional order shall be continued. He shall terminate the promotional order if a majority of the growers voting in the referendum vote in favor of termination. The referendum shall be conducted in such manner as the commissioner, after consultation with the council, deems fair and reasonable.

[For text of subd 3, see M.S.1976]

[1977 c 28 s 10,11]

21A.17 Refund of fee.

Any grower may, by the use of forms provided by the commissioner and upon presentation of a sworn statement that no security interest in that particular soybean crop remains unsatisfied and such other proof as the commissioner may require by rule, have the fee paid pursuant to sections 21A.01 to 21A.19 refunded to him. A lienholder, secured party or pledgee, or assignee of a lienholder, secured party or pledgee may, by use of the forms provided by the commissioner and upon presentation of a sworn statement that such party has taken title to that particular soybean crop through the exercise of a legal right or that such party has himself paid the required fee and such other proof as the commissioner may by rule or regulation require, have the fee paid pursuant to sections 21A.01 to 21A.19 refunded to him. Any request for refund must be received in the office of the commissioner or the council within 60 days following the payment of such fee. Refund shall be made by the commissioner within 30 days after receipt of the request for refund provided that the fee sought to be refunded has been received.

[1977 c 28 s 12]

21A.18 [Repealed, 1977 c 28 s 14]

21A.19 Nonliability of state; severability.

Subdivision 1. No liability shall be imposed upon the state of Minnesota for any acts or omissions of the commissioner or of the council established pursuant to sections 21A.01 to 21A.19.

[For text of subd 2, see M.S.1976]

[1977 c 28 s 13]

CHAPTER 27. WHOLESALE PRODUCE DEALERS

Sec. 27.06	Complaints to commissioner, hearing; action on bond.	Sec. 27.07	Grades established; inspection.
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27.06 Complaints to commissioner, hearing; action on bond.

Any person claiming himself to be damaged by any breach of the conditions of a bond given by a licensee, as herein provided, may enter complaint thereof to the commissioner, which complaint shall be a written statement of the facts constituting the complaint. Upon filing the complaint in the manner herein provided, the commissioner shall investigate the charges made and have the matter heard as a contested case pursuant to 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 claims and the allocation of the proceeds of the bond.

[1977 c 346 s 4]

27.07 Grades established; inspection.

Subdivision 1. The commissioner shall have power to establish grades on all produce and when deemed necessary shall provide for inspecting and grading pro-

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CONSOLIDATED FOOD LICENSING LAW 28A.03

duce subject to sale at such marketing points within the state as the commissioner may designate.

Subd. 2. The commissioner shall provide for the issuing of certificates of inspection showing the grade, quality, and conditions of the produce, and may charge and collect a reasonable fee therefor, a schedule thereof to be adopted and published from time to time. Such certificates of inspection shall be prima facie evidence in all courts of this state as to the grade, quality, and condition of the produce at the time the inspection was made.

Subd. 3. When any person having produce desires to have it inspected he may apply to the commissioner for the service of an inspector and, if it appears to the commissioner that the volume of the produce is sufficient to justify the request, he may grant the service upon terms and conditions fixed by him and this section.

Subd. 4. The commissioner may require an agreement, prior to the establishment of the inspection service, requiring the user of the inspection service to at all times have on deposit with the department a sufficient amount of money to pay the estimated costs of such inspection service for a period of not less than 15 days in advance. When any such agreement shall terminate by action of either party thereto, the commissioner shall pay to the depositor any moneys remaining to his credit after the deduction of the costs at the time such agreement terminates.

Subd. 5. Fees for inspection shall be determined by the commissioner and shall be reviewed and adjusted every six months. In determining the fees to be charged, the commissioner shall take into consideration fees charged in other states offering similar inspection services to the end that the fees charged will provide a competitive marketing position for Minnesota produce.

[1977 c 234 s 1]

CHAPTER 28A. CONSOLIDATED FOOD LICENSING LAW

Sec.
28A.03 Definitions.

28A.04 License required; custom processing permit applications; renewals.

Sec.
28A.08 License fees; penalties.

28A.13 Power to suspend or revoke licenses.

28A.03 Definitions.

As used in sections 28A.01 to 28A.16 the terms defined in this section shall have the following meanings:

(a) "Commissioner" means the commissioner of agriculture of the state of Minnesota.

(b) "Person" means any individual, firm, corporation, company, association, cooperative or partnership and includes any trustee, receiver, assignee or other similar representative thereof.

(c) "Place of business" means every location where food or food items are manufactured, processed, sold, stored or handled, including buildings, locations, permanent or portable structures, carnivals, circuses, fairs, or any other permanent or temporary location.

(1) Any vehicle or similar mobile unit from which food is sold shall be considered a place of business for purposes of this section if the food therefrom has been manufactured, packaged or dispensed from bulk, or processed in any manner thereon.

(2) Each location which is identified by a separate address, at which one or more vending machines which process or dispense food are located shall be considered a separate place of business for the purposes of this section.

(d) "Food" includes every article used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for man, whether simple, mixed or compound.

(1) "Perishable food" is food which includes, but is not limited to fresh fruits, fresh vegetables, and other products which need protection from extremes of temperatures in order to avoid decomposition by microbial growth or otherwise.