

## CHAPTER 197—H.F.No. 862

*An act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws; amending Minnesota Statutes 1988, chapters 226; 230; 233; 234; 235; 236; and 366, as amended.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

## REVISOR'S BILL

## ARTICLE 1

Section 1. Minnesota Statutes 1988, chapter 226, is amended to read:

## 226.01 CERTIFICATES ON PRODUCTS; SALE.

Every A person engaged in the slaughter of who slaughters cattle, sheep, or hogs ~~and dealing, deals~~ in the their products thereof, ~~who and~~ owns or controls the building wherein such in which that business is conducted or ~~such those~~ commodities are stored, may issue warehouse certificates for any of the commodities actually in store; and may sell, assign, transfer, pledge, or encumber the ~~same commodities~~ to the amount described therein in the certificate. Such A certificate ~~shall~~ must contain the name and address of the person issuing it, the location of the warehouse, the date of issue, the quantity of each commodity, and its brand or mark of identification, if any, and must be signed by the person issuing the ~~same~~ certificate.

## 226.02 INTEREST IN WAREHOUSE; CERTIFIED COPY.

Before issuing any such a warehouse certificate under section 226.01, the person issuing it shall file with the county recorder of the county where the warehouse is located a written declaration; stating the person's name and residence, that the person intends ~~controlling to control~~ a warehouse for the storage and sale of ~~such~~ commodities covered by section 226.01, a correct description of the warehouse, its location, and the name of any other person in any way interested therein in the warehouse. It ~~shall~~ must be signed, acknowledged, and recorded in a book kept for that purpose; ~~and~~. A certified copy ~~thereof shall~~ of it must be filed with the clerk of the city or town wherein such in which the business is conducted and kept in the same manner as chattel mortgages are required to be filed and kept; ~~and~~. The party making the declaration ~~shall~~ must be indexed as the vendor; and the public as the vendee.

## 226.03 STATEMENT PRINTED ON BACK.

Every such A certificate issued ~~shall~~ under section 226.01 must have printed on ~~the its~~ back thereof a statement that the party issuing it has complied with

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the law, and must give the book, page, and place where the record of such the declaration under section 226.02 may be found, and the day of filing. Such The certificate, when ~~so~~ issued and delivered, shall must transfer to the holder the title to the commodities ~~therein~~ described, shall in it and be assignable by endorsement, and ~~thereupon shall be is then~~ prima facie evidence of title to such the commodities in the endorsee. It shall must be registered by the party issuing the same it in a book kept for that purpose, which shall must show the date, the number and, the name of the party to whom it was issued, the kind and quantity of the commodities, and any brands or marks thereon and, on the commodities. It must be open to inspection by any a person holding any an outstanding certificate in force, or the person's agent or attorney; and. When the commodity specified ~~therein in the certificate~~ has been delivered, or ~~if the certificate~~ has ~~in any other manner~~ become inoperative, that fact, with the date of such delivery or other termination of liability, shall must be entered in the register in connection with the entry of its issuance.

#### 226.04 PROPERTY IN WAREHOUSE.

No person ~~shall may~~ issue such a warehouse certificate under section 226.01 unless the property ~~therein~~ described in it is actually in the warehouse; and it shall. The property must remain there until otherwise ordered by the holder of the certificate, subject to the conditions of the contract between the warehouse operator and the person to whom such the certificate was issued, or the person's assigns, as to the time of ~~its the property's~~ remaining ~~therein; and in the warehouse.~~ No second certificate ~~shall may~~ be issued for the same property or any part ~~thereof of it~~ while the first is outstanding and in force, nor shall the property be sold, encumbered, shipped, transferred, or removed by the warehouse operator without the written consent of the certificate holder.

#### 226.05 PENALTIES.

Every A person who ~~shall~~ (1) willfully ~~alter alters~~ or ~~destroy any destroys~~ a register of such warehouse certificates issued under section 226.01 or issue any issues a receipt of certificates without entering and preserving in such the book the registered memorandum ~~or shall~~; (2) knowingly issue any such certificates issues a certificate under section 226.01 when the commodities ~~therein~~ described are not in the warehouse, ~~or who, with intent to defraud, shall issue;~~ (3) issues, with intent to defraud, a second or other certificate for which a former valid certificate is outstanding, ~~or who shall under such circumstances sell, encumber, ship, transfer, or remove;~~ (4) sells, encumbers, ships, transfers, or removes from the warehouse any such certified property or knowingly ~~permit the same permits~~ it to be done without the written consent of the certificate holder; ~~or who~~ (5) knowingly receives or helps to remove any such certified property shall be, is guilty of a felony and must be punished by imprisonment in the Minnesota correctional facility-Stillwater for not more than five years or by a fine of not more than \$20,000.

#### 226.06 VIOLATIONS; DAMAGES WHEN INJURED BY.

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~~Any A~~ person injured by ~~any a~~ violation of sections 226.03 and 226.04 may recover the actual damages sustained; ~~and,~~ If the violation was willful, ~~an addition thereto~~ the person injured may also recover exemplary damages not exceeding double the actual damages; ~~which shall.~~ Exemplary damages must be found by special verdict.

## ARTICLE 2

Section 1. Minnesota Statutes 1988, chapter 230, is amended to read:

### 230.09 RAILROAD RIGHT-OF-WAY; USE FOR CERTAIN PURPOSES.

~~Any On~~ paying reasonable compensation a person, firm, or corporation shall have the right to use as a site for a ~~public elevator, warehouse, coal shed, icehouse, buying station, selling station, or weighing scales or other instrumentalities for weighing livestock, or use ground space for receiving, storing, or distributing any article of commerce, transported or to be transported, a proper portion of the right-of-way of any a~~ railroad within the outside switches at ~~any a~~ station or siding ~~upon the payment of reasonable compensation therefor, for any of the following purposes:~~

(1) as a site for a public elevator, warehouse, coal shed, icehouse, buying station, or selling station;

(2) as a location for weighing scales or other equipment for weighing livestock; or

(3) for receiving, storing, or distributing an article of commerce that has been or is to be transported.

### 230.10 PROCEDURE UPON DISAGREEMENT WITH RAILROAD.

~~Any such If~~ a person, firm, or corporation ~~desiring~~ (1) desires to construct, operate, or use a public elevator, warehouse, coal shed, icehouse, buying station, selling station, or weighing scales or other ~~instrumentalities~~ equipment for weighing livestock, or ~~to~~ use ground space for receiving, storing, or distributing ~~any an~~ article of commerce ~~transported or that has been or is to be transported, or to continue the use and operation of any such buildings, structures, instrumentalities, or ground space where the same are already constructed or used, upon such on the~~ right-of-way of ~~any a~~ railroad, if ~~unable to and~~ (2) cannot agree with the ~~person, firm, or corporation operating such railroad upon operator on~~ the site for ~~such the~~ buildings, structures, ~~instrumentalities~~ equipment, or ground space or the compensation to be paid ~~therefor, the person, firm, or corporation may file a verified complaint with the department of agriculture setting forth. The complaint must state the facts and requesting it ask the department to establish the location of the site for such the buildings, structures, instrumentalities equipment, or ground space or the compensation to be paid therefor, or~~

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both, as the case may be. ~~Such~~ The complaint shall must be served ~~upon such~~ on the railroad company and 20 days, exclusive of the day of ~~such~~ service, shall must be allowed for answer. After the time for answering has expired, the department shall fix the time and place for a hearing and give at least ten days notice ~~thereof~~ to both parties.

#### 230.11 HEARING; ORDER.

The hearing shall must be held pursuant to ~~such~~ the notice and thereafter, If the department; if ~~it~~ finds that the complainant is entitled thereto; to it, the department may ~~make~~ issue an order establishing the location of the site for ~~such~~ buildings, structures, ~~instrumentalities~~ equipment, or ground space, at a suitable place within the outside switches at any station, or siding, and fixing the reasonable annual compensation to be paid ~~therefor~~ for the space. Where such If buildings, structures, ~~instrumentalities~~ equipment, or ground space are already established or used ~~upon such~~ on the right-of-way and the compensation ~~therefor~~ is not fixed by order of the department or by contract, the department may fix the reasonable compensation to be paid for the occupation ~~thereof~~ of the space.

### ARTICLE 3

Section 1. Minnesota Statutes 1988, chapter 233, is amended to read:

#### 233.01 DEFINITIONS.

Subdivision 1. **SCOPE.** The definitions in this section apply to this chapter.

Subd. 1a. **DEPARTMENT.** Wherever the term "Department" is used in this chapter it shall be construed to mean means the department of agriculture of the state of Minnesota.

Subd. 2. **WAREHOUSE OPERATOR.** Wherever the term "Warehouse operator" is used in this chapter it shall be construed to mean and include means the party, ~~parties~~, copartnership, association, or corporation engaged in the operation of a "public terminal warehouse," as defined in this section.

Subd. 3. **PUBLIC TERMINAL WAREHOUSE.** The term "Public terminal warehouse" wherever used in this chapter shall be construed to mean and include all elevators or warehouses located within the switching limits of St. Paul, Minneapolis, and Duluth, or other points in the state, which are now, or hereafter may be, means an elevator or warehouse designated as a terminal point in which grain not belonging to the warehouse operator is received for storage, whether for hire or without charge, and shall include all. The term includes warehouses where grain stored for different owners is mixed with the grain of other owners and where the identity of the different lots or parcels is not preserved, and shall include all warehouses where grain other than that of the

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warehouse operator is stored in separate bins and the its identity thereof preserved.

#### [233.015] EXCLUSION.

Sections 233.03 and 233.04, and sections 233.06 and 233.09, insofar as relates to the requirements therein, in respect to grade and dockage, and wherever requirements in respect to the same occur in sections 233.06 and 233.09, shall Provisions of sections 233.03, 233.04, 233.06, and 233.09 that relate to grade and dockage do not apply to any such a public terminal warehouse which if:

(1) the warehouse is used and operated exclusively for cleaning, drying, cooling, mixing, and conditioning for the market, of grain belonging to others and storing such that grain until it is disposed of by the its owner thereof, in which warehouse; and

(2) in that warehouse, the grain of each owner or depositor is stored in separate bins or tanks and is kept separate from the grain of every other owner or depositor, and no grain belonging to such that warehouse operator is received, handled, or stored.

#### [233.017] RECEIPT ISSUANCE.

In all cases where such grain is delivered to a terminal elevator the receipt shall be issued in the name of the owner, or owner's agent, unless otherwise ordered in writing.

If grain is delivered to a public terminal warehouse, the receipt must be issued in the name of the owner or owner's agent unless otherwise ordered in writing.

Subd. 4. ~~WHAT INCLUDED IN DEFINITION OF "PUBLIC TERMINAL WAREHOUSE"~~. All elevators or warehouses included within the foregoing definition of public terminal warehouses are hereby declared to be "public terminal warehouses" and subject to license and regulation as provided in this chapter.

#### 233.02 RULES.

The department shall make such necessary rules as may be necessary in regard to the receipt, care, and delivery of grain, the issuance, cancellation, division, and consolidation of warehouse receipts, and such other matters relative to the management of the business of public terminal warehouses as it shall deem the department considers proper ~~not inconsistent,~~ consistent with the provisions of this chapter.

#### 233.03 DUTIES OF A WAREHOUSE OPERATOR.

Subdivision 1. RECEIPT OF GRAIN; INSPECTION. Every A warehouse operator shall receive for storage and shipment as far as, to the extent of ware-

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house capacity ~~will permit~~, all grain in suitable condition for storage, tendered in the usual course of business, without discrimination of any kind. ~~All Grain shall~~ must be inspected on receipt and stored with other grain of the same grade ~~except as herein otherwise provided~~ subject to other provisions of this chapter.

**Subd. 2. WAREHOUSE RECEIPT; FORM.** At the time of the receipt of the grain, the warehouse operator shall issue and deliver to the owner or consignee a warehouse receipt, authorized by the department, in the following form:

Warehouse Receipt No.....  
..... Elevator Co.  
....., Minn., ..... 19.....  
The ..... Elevator  
Company has received in store in its elevator known  
as .....  
situated at .....  
Minnesota, for storage from .....  
owner, ..... bushels of  
..... which has been duly  
inspected by a duly authorized inspector of grain  
appointed by the department of agriculture of  
Minnesota, or licensed by the Secretary of  
Agriculture of the United States, and has been  
graded by the inspector as No. ....  
and is that grade. This grain, or an equal amount of  
grain of the same kind and grade, is deliverable upon  
the return of this receipt properly endorsed by the  
owner above named and the payment of all lawful  
charges; in case of grain stored separately in a  
special bin, at the request of the owner or consignee,  
the identity of the grain will be preserved while in  
store and the grain will be delivered as a separate  
lot or parcel, in accordance with the law, upon  
surrender of the receipt. Loss by fire, heating or  
the elements is at the owner's risk.

Countersigned by

.....

Secretary

The ..... Elevator Company  
conducts this elevator as a public terminal warehouse  
and receives and stores therein grain of others for  
hire.

..... bushels ..... grade.

.....

By .....

**STUB RECORD**

Initial Car No. Bushels

Receipt No..... 19....

Received in store from

.....

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Bushels.... Lbs.... Grade....

Car No. Bushels Car No. Bushels

**Subd. 3. OTHER DUTIES REGARDING RECEIPTS.** The receipts ~~shall~~ must be consecutively numbered and delivered to the owner immediately upon receipt of each lot or parcel of grain, giving the ~~true and grain's~~ correct grade and weight thereof. The manner of receipt of the grain ~~shall~~ must be stated in the receipt, ~~and along~~ with the number and distinctive mark of each car, and the name of each barge or other vessel. The failure to issue a receipt as directed or the issuance of ~~any a~~ warehouse receipt ~~differing in form or language from that prescribed shall be that does not comply with this section is a misdemeanor; provided that,~~ A warehouse receipt may, at the request of the owner or consignee, ~~may~~ provide for delivery of the grain ~~represented thereby it represents~~ to the depositor; or ~~any other another~~ specified person, and may have printed or stamped ~~thereon on~~ it the words "nonnegotiable."

#### 233.04 GRAIN REDELIVERED ON WAREHOUSE RECEIPT.

Upon return of the receipt for grain not stored in separate bins to the proper warehouse operator, properly endorsed, and upon payment or tender of all advances and legal charges, grain of the same grade and quantity named ~~therein shall in the receipt must~~ be delivered to the holder of ~~such the~~ receipt within 24 hours after facilities for receiving the ~~same grain~~ have been provided. The identical grain, if stored in separate bins, ~~shall must~~ be ~~so~~ delivered. A warehouse operator who fails to deliver it is liable to the owner in damages at the rate of one cent a bushel for each day's delay, unless the property is delivered to the several owners in the order of demand as rapidly as it can be done by ordinary diligence. If the warehouse operator ~~shall fail so fails~~ to deliver ~~such the~~ grain, the person entitled ~~thereto to it~~ may recover ~~the same; it if it is kept~~ in separate bins, ~~or the same amount of grain of like the same grade; if it is~~ stored with other grain, or the value ~~thereof, of the grain~~ in a civil action; ~~and such.~~ A warehouse operator shall also be who fails to deliver grain to the person entitled to it is guilty of theft.

#### 233.05 WAREHOUSE OPERATOR NOT TO SELL WITHOUT AUTHORITY FROM OWNER.

No A warehouse operator ~~shall may not, in violation of this chapter,~~ sell or otherwise dispose of or deliver out of store any grain stored in the warehouse without the express authority of its owner and the return of the storage receipt ~~except as herein provided, nor~~ mix together grain of different grades in store, ~~nor~~ select grain of different qualities; but of the same grade; for storage or delivery, ~~nor~~ tamper with grain of others while in the operator's possession or custody with the purpose of securing ~~any~~ personal profit or a profit for ~~any other another~~ person, or attempt to deliver grain of one grade for that of another. ~~Any A~~ person violating any provision of who violates this section ~~shall must~~ be punished by a fine of not more than \$3,000 or imprisonment in the Minnesota correctional facility-Stillwater for not more than five years, or both.

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**233.06 GRAIN STORED IN SEPARATE BINS.**

At the request of the owner or consignee, ~~such a~~ a warehouse operator shall store ~~any grain of the same an~~ any grain of the same an owner or consignee ~~;~~ in separate bins; ~~which grain shall then bear bearing~~ the name of the owner or consignee. The warehouse operator shall issue to the owner or consignee, distinguishing whether owner or consignee, a warehouse receipt or receipts for all or any part of ~~such the~~ the grain. Every ~~such warehouse~~ warehouse receipt ~~shall give~~ must contain the name of the owner or consignee and state the amount, kind, and grade of grain for which the receipt is issued ~~;~~ and that the grain of ~~such the~~ the owner or consignee is stored separately from the grain of any other owner or consignee. The warehouse operator shall, on presentation and surrender of the warehouse receipt bearing the proper endorsement of the person to whom it was issued, deliver to the person surrendering the receipt ~~such the~~ the amounts of the same grain as ~~may~~ be demanded and of the same grade as called for by receipt. The warehouse operator, at the request of the owner or consignee, shall clean, dry, mix or otherwise improve the condition or value of ~~such the~~ the grain, and it ~~shall~~ must be delivered separately from the grain of any other owner or consignee upon the order of the owner or consignee, in accordance with the terms of the warehouse receipt issued ~~therefor for it~~ for it and endorsed by ~~such the~~ the owner or consignee; ~~provided, that such.~~ A special bin receipt, at the request of the owner or consignee, may have printed or stamped ~~thereon on it~~ on it the words "nonnegotiable" and the delivery of the identical grain described ~~therein shall in it~~ in it must be a sufficient delivery and satisfaction of ~~such the~~ the receipt.

**233.07 INSPECTION AT PUBLIC TERMINAL WAREHOUSE.**

All grains Grain received at a public terminal warehouse ~~shall~~ must be inspected and graded at the time of its receipt by an inspector licensed by the United States department of agriculture under ~~the provisions of the United States grain standards act at the time of its receipt, provided such if the grain has not previously been inspected by an a licensed inspector so licensed, and further provided.~~ the provisions of the United States grain standards act at the time of its receipt, provided such if the grain has not previously been inspected by an a licensed inspector so licensed, and further provided. No inspection ~~shall be~~ is required of grain being moved between elevators owned or operated by the same person, firm, or corporation. Interested parties have the right of reinspection and appeal ~~is hereby expressly preserved to all interested parties.~~

**233.08 LICENSE.**

No public terminal warehouse ~~shall~~ may be operated or receive grain for storage; ~~either to be mixed with the grain of other parties of like grade, or in separate bins;~~ until the owners or parties in charge and operating the warehouse ~~shall first~~ obtain a license from the department authorizing the warehouse operator to operate a warehouse under ~~the provisions of this chapter.~~ the provisions of this chapter. All Licenses issued or renewed annually ~~shall~~ expire at midnight on the 30th day of June 30 next following the date of issuance or renewal. Before ~~any a~~ a license ~~shall~~ may be issued, written application ~~shall~~ must be made to the department for a license specifying the kind of warehouse, the nature of its construction, its capacity and

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location, the name of the firm or corporation operating ~~the same and it~~, each member of the firm or officer of the corporation, and other facts ~~as the department may require shall be contained in the application requires~~. The department shall act on the application shall be acted upon with reasonable dispatch ~~by the department; and~~. If no reason exists for refusing the ~~same~~ application, a license ~~may~~ must be issued upon the payment of the fee set by the commissioner. The amount of the fee ~~shall~~ must be set to cover the costs of administering and enforcing this chapter.

A license ~~shall~~ may be ~~granted~~ issued only upon the warehouse operator furnishing to the department a bond to the state of ~~Minnesota~~, to be approved by the department, in a penal sum to be fixed by the department but not less than \$50,000 for each warehouse; ~~which shall be~~. The bond must be conditioned ~~for~~ on the faithful discharge of the duties of warehouse operator and full compliance with ~~all~~ the laws of the state and rules of the department relative to the operation of public terminal warehouses and ~~for~~ the delivery to parties storing grain in ~~such~~ the warehouses under the terms of this chapter of the grain ~~or~~, an equal amount of the same kind and grade ~~so~~ of grain stored, or the payment ~~therefor~~ of the value of the grain in case of failure to make the delivery.

The A license may be revoked by the department for violation of the law or ~~any a~~ rule prescribed by of the department, but ~~shall~~ may only be revoked upon a written notice or complaint specifying the charges and after a hearing ~~had~~ before the department. A license may be refused to ~~any a~~ warehouse operator whose license has been revoked within the preceding year. If a warehouse operator applies for a license for more than one warehouse in the same county, ~~but~~ only one bond ~~need~~ needs to be furnished but the ~~same~~ shall in all cases bond must be in proportion to the capacity of all warehouses.

Fees collected under this chapter ~~shall~~ must be paid into the grain buyers and storage fund established in section 232.22.

### 233.09 STATEMENT OF GRAIN IN WAREHOUSE; REPORTS.

~~Every terminal~~ A warehouse operator shall post conspicuously in the operator's business office; ~~on or before~~ by Tuesday morning of each week; a statement of the amount of grain of each kind and grade in store in the warehouse at the close of business on the preceding Saturday and ~~render~~ send a ~~like~~ similar statement, verified by the operator or a bookkeeper having personal knowledge of the facts, to the warehouse registrar of the department. The operator shall also make a daily statement to the registrar of:

(1) the amount of each kind and grade of ~~such~~ grain received in store in the warehouse the preceding day;

(2) the amount shipped or delivered, and the warehouse receipt canceled on ~~such~~ the delivery, stating the number of each receipt and the amount, kind, and grade of grain shipped or delivered ~~thereon~~ on it;

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(3) the amount, kind, and grade of grain delivered for which no warehouse receipt was issued and how and when the ~~same~~ grain was received, the aggregate of ~~such~~ reported cancellation and delivery of unreceipted grain corresponding in amount, grade, and kind with the shipments and deliveries reported; and ~~at the same time report~~

(4) the receipts canceled upon issue of new ones, with the number of each ~~such canceled receipt canceled~~ and ~~that~~ the one issued in its place.

The operator shall ~~also~~ furnish the registrar ~~any~~ further information regarding receipts issued or canceled necessary for a correct record of ~~all such~~ the receipts and of grain received and delivered ~~and make a further~~. The operator shall send a verified statement to the department of the condition and management of any each terminal warehouse under the operator's control, at such the times and in such the form as the department may require requires.

#### 233.10 PUBLICATION OF RATES; CHARGES FOR HANDLING AND STORING GRAIN.

Every A warehouse operator operating a "public terminal warehouse" located within the switching limits of St. Paul, Minneapolis, Duluth, or other terminal point ~~pursuant to points under~~ section 233.01, subdivision 3, shall annually, ~~during the first week in July, publish in some newspaper, daily if there be one, published in the place where the warehouse is situated,~~ a schedule of storage rates for the ensuing year; ~~which shall.~~ The schedule must be published during the first week in July in a newspaper published in the place where the warehouse is situated. The newspaper in which the rates are published must be a daily, if there is one. The rates may not be increased during such the year, and no discrimination in the warehouse operator may not discriminate in applying rates shall be made by any such warehouse operator. The charges for receiving, handling, and delivering grain at ~~such a~~ warehouse and the charges for storing grain in ~~such a~~ warehouse ~~shall must~~ be fixed by the department, subject to the provisions of Minnesota Statutes 1969, chapter 15.

#### 233.11 INSPECTION.

Every A person having who has an interest in any grain stored in ~~any such~~ a public terminal warehouse; and every a state grain inspector; ~~shall~~ have the right to examine stored grain and all parts of the warehouse at all times during ordinary business hours ~~any grain so stored; and all parts of such warehouse; and every such.~~ The warehouse operator and the operator's agents and servants shall furnish proper facilities for such an examination under this section.

#### 233.12 RIGHTS OF OWNER AND SHIPPER; EXTENDED TO OTHERS.

Every A right ~~and or~~ privilege granted by this chapter to the owner or shipper of grain for storage in a public terminal elevators warehouse and ~~the rights a right~~ granted to ~~such that~~ owner while the ~~same grain~~ remains in and is

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removed from ~~such elevator~~ the warehouse, ~~shall be and hereby~~ is extended to, and may be exercised by, an individual or association of individuals, copartners, cooperative company or association, or corporation, ~~and every~~. A right and or privilege granted by this chapter ~~granted~~ to citizens, associations, or corporations in this state may be exercised by ~~any a~~ citizen, association, or corporation of ~~any other another~~ state ~~and such citizen, association, or corporation of any other state shall have and who~~ may exercise the same rights and privileges as citizens, associations, or corporations of this state and be subject to the same restrictions and liabilities.

### 233.22 WITHHOLDING GRAIN.

The owner or consignee of grain consigned to a public terminal warehouse may have the ~~same~~ grain withheld from storage and delivered to or at the direction of the owner or consignee by giving notice to the carrier ~~in possession thereof, who possesses the grain~~ and to the warehouse operator to whom ~~such the~~ grain was consigned, and paying all charges that may be a lien ~~thereon~~ on the grain. ~~Such~~ The grain shall ~~must~~ be removed within 24 hours ~~after the~~ car or boat containing ~~the same~~ it is placed in a proper and convenient place for unloading. If the grain ~~be is~~ delivered contrary to ~~such the~~ notice, ~~such the~~ warehouse operator, and the carrier ~~so~~ delivering the ~~same~~, ~~shall be~~ grain are jointly and severally liable to the owner for double its value.

### 233.23 UNAUTHORIZED STORAGE.

No contract, agreement, understanding, or combination ~~shall~~ may be entered into between ~~any public a~~ warehouse operator and ~~any a~~ common carrier or other person for the delivery of ~~any~~ grain at ~~any a~~ public terminal warehouse contrary to the direction of the owner; ~~nor shall any~~. No grain may be ~~so~~ delivered or received contrary to the direction of the owner.

### 233.24 INSPECT SCALES.

All Scales in public terminal warehouses or scales used for weighing grain in railroad yards at terminal points ~~shall be~~ are under the control of the department of agriculture and subject to inspection by it; ~~and are~~ exempt from the jurisdiction of scalers of weights and measures. They ~~shall~~ must be inspected at the request of ~~any a~~ person interested in ~~any~~ grain weighed or to be weighed ~~thereon~~ on them. If scales are found to be incorrect, the cost of inspection ~~shall~~ must be paid by the their owner ~~thereof, otherwise~~ or by the person requesting inspection. No scales found to be incorrect ~~shall~~ may be used until they are reexamined and found correct.

### 233.33 POLICE PROTECTION.

Subdivision 1. **PROTECTION TO GRAIN.** All Railroad companies, warehouse operators, and millers operating at the terminal points of this state shall furnish ~~ample and~~ sufficient police protection at ~~all of their several~~ terminal yards and on their terminal tracks to securely protect all cars containing grain;

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while ~~the same~~ are in their possession, shall prohibit and restrain all unauthorized persons; ~~whether under the guise of samplers, sweepers, or under any other pretext whatever,~~ from entering or loitering in or about their respective railroad yards or tracks and from entering any cars of grain under their control; or removing grain ~~therefrom~~ from the cars, and shall employ and detail ~~such number of security guards as may be necessary for the purpose of carrying out the provisions of to carry out~~ this section.

Subd. 2. **VIOLATIONS AND PENALTIES.** ~~Any~~ A railroad company, warehouse operator, or miller operating at ~~any a~~ terminal point of this state; who ~~shall fail~~ fails to comply with the provisions of this section; and ~~any is~~ is guilty of a misdemeanor. ~~An~~ unauthorized person; who ~~shall remove~~ removes grain from a car before ~~said~~ the car is unloaded; or who ~~shall sweep~~ sweeps or ~~remove any~~ removes grain from a car after it is unloaded at ~~any a~~ terminal point in this state, ~~shall be is~~ guilty of a misdemeanor.

#### ARTICLE 4

Section 1. Minnesota Statutes 1988, chapter 234, is amended to read:

##### 234.01 PURPOSE.

The purpose of this chapter ~~shall be is~~ to provide the owner of grain in this state with means of warehousing ~~same~~ the grain on the farm, under proper restrictions and safeguards, as a basis for credit and to aid in the orderly marketing ~~thereof of the grain~~.

##### [234.015] DEFINITION.

As used in this chapter, "department" means the department of agriculture.

##### 234.03 DUTIES OF DEPARTMENT.

The department ~~is hereby authorized and it is hereby declared to be its duty~~ shall carry out the provisions of this chapter; and ~~to this end it is hereby authorized to may:~~

(1) ~~make and promulgate such rules not inconsistent herewith as shall be~~ that are necessary or desirable ~~effectually to carry out the provisions hereof this chapter and consistent with it;~~

(2) ~~make such reasonable and necessary rules with respect to~~ about the construction and maintenance of granaries, cribs, bins, or other receptacles ~~as may be necessary to protect the grain stored therein in them under the provisions of this chapter; and~~

(3) ~~prepare and have printed under the same conditions as other state printing the necessary blanks, forms, and other printed matter and make such charges to persons desiring such printed matter as shall, charging a fee for the printed matter that will~~ meet the cost of production ~~thereof.~~

New language is indicated by underline, deletions by ~~strikeout~~.

#### 234.04 ~~MAY APPOINT SUPERVISORY BOARDS.~~

The department is ~~authorized to~~ may appoint ~~sueh~~ local supervisory boards for ~~any a~~ county or counties ~~which it may deem when the department considers them necessary for the purpose of supervising generally and to supervise,~~ under the direction of the department, grain in storage, ~~the~~ issuance of certificates against ~~sueh the~~ grain, and carrying out of ~~the purposes and enforcing the provisions of this chapter.~~

Sueh Local supervisory boards shall consist of not less than three nor more than seven members, each of whom ~~shall be is~~ a producer of grain in the state and a Minnesota resident thereof. Each member, upon appointment, shall qualify by taking oath similar to that required of public officials and ~~shall~~ continue in office until a successor is appointed by the department; ~~which shall also have authority to.~~ The department may fill any vacancies arising by reason of the resignation, death, or removal by it of any such a member or members.

Each ~~sueh~~ The members of a local supervisory board shall select ~~sueh~~ officers, keep ~~sueh~~ records, and perform ~~sueh~~ duties as the department ~~may~~ prescribe requires.

#### 234.05 PRIVILEGES OPEN TO ALL.

The privileges of This chapter shall be open to covers all owners ~~upon the same conditions equally.~~ Any An owner desiring to place grain in storage and have certificate or certificates issued against ~~sueh the~~ grain under the provisions of this chapter shall ~~make application therefor~~ apply to the department in the manner and upon the forms provided by it for that purpose.

#### 234.06 MAY APPOINT LOCAL SEALER.

The department may, upon the recommendation of ~~any a local supervisory board appointed by it hereunder,~~ or upon the request in writing of ten or more producers of grain, appoint a local sealer ~~or sealers for any all or part of a county or counties or part thereof, and every sueh.~~ A sealer so appointed shall have under this section has the same authority as a peace officer with respect to the provisions of this chapter, and the rules promulgated hereunder adopted under it, and the its enforcement hereof as any officer of the peace.

#### 234.07 BOND OF SEALER.

Each A sealer shall furnish bond for the faithful performance of all duties in ~~sueh an~~ amount as shall be determined by the department; ~~but in no event shall sueh.~~ The bond may not be in an amount less than \$1,000. The Bonds and sureties thereon shall, in every case, be on bonds are subject to approval of the department and must be deposited with it, and in case it. If a bond is not a personal bond, the premium thereon shall on it must be paid by the department out of the funds collected under this chapter. The sealer shall also qualify by taking take an oath similar to that required of public officials.

New language is indicated by underline, deletions by ~~strikeout~~.

**234.08 DUTIES OF SEALER.**

~~It shall be the duty of the sealer~~ Under the direction of the department ~~to~~, a sealer shall:

- (1) supervise the storage of grain;
- (2) ascertain the amount stored by each owner who ~~shall desire~~ wants to take advantage of the privileges of come under this chapter;
- (3) determine ~~so far as possible upon the basis prescribed in the rules issued hereunder~~ the exact grade and quantity thereof of stored grain, so far as possible under rules made under this chapter;
- (4) ascertain, ~~prior to the issuance of any~~ before issuing a certificate, that the bin, crib, granary, or other receptacle in which ~~the~~ grain is stored is satisfactory for the storage of such that grain and that ~~such the~~ receptacle conforms to the applicable rules applicable thereto promulgated by of the department.

~~The A~~ sealer shall, before delivering a certificate to ~~the an~~ owner, ascertain that there are no other certificates outstanding upon the grain and seal the granary, crib, bin, or other receptacle in which the grain is stored in the manner hereinafter as provided; and thereafter in this chapter. The sealer shall then make periodic inspections of the granaries, cribs, bins, or other sealed receptacles so sealed at such times and in such the manner as the department may determine; requires, but in no event less frequently than at 90-day intervals, rendering at least once every 90 days. The sealer shall send to the department with reference to subsequent inspection, and to the owner when requested, a report or affidavit concerning each periodic inspection in such the form as may be required in regard to by the department. The report must cover the amount and condition of the grain under seal and the condition of the structure within which it is stored.

**234.09 SEALER MAY INSPECT GRAIN.**

The sealer shall have authority at all times to enter ~~upon any~~ premises for the purpose of inspecting to inspect grain in storage or in the granary, crib, bin, or other receptacle in which it ~~shall have~~ has been stored and ~~the~~. Acceptance of a certificate by any an owner ~~shall be deemed~~ is consent thereafter for the sealer or ~~any a~~ person duly authorized ~~thereunto~~ by the department to enter and inspect the sealed grain and the receptacle ~~wherein in which it is~~ stored.

**234.10 SEALS.**

Seals ~~employed hereunder shall~~ under this chapter must be furnished by the department and ~~shall~~ contain the following language:

"Sealed by authority state of Minnesota, department of agriculture.

Any person tampering with this seal or removing any grain herein shall be subject to a fine and imprisonment as provided by law.

New language is indicated by underline, deletions by ~~strikeout~~.

Consecutive No.....”

#### 234.11 CERTIFICATES.

Certificates shall must be upon forms ~~to be~~ prepared and furnished by the department and every certificate ~~must embody within its written or printed terms~~ contain:

- (1) the date and consecutive number ~~thereof of the~~ certificate;
- (2) a particular description of the ~~granary, crib, bin, or other~~ receptacle in which the grain is stored and of the premises on which it is located;
- (3) a description of the grain as ~~may be required by the rules issued hereunder~~ made under this chapter;
- (4) the name of the owner or owners, whether ownership is sole, joint, or in trust, and in case of tenants, the date of the expiration of the lease;
- (5) a statement that no other certificates are outstanding on the grain represented ~~thereby~~ by the certificate;
- (6) a statement whether grain will be delivered to the bearer, to a specified person, or to a specified person or the person's order, and at what place it will be delivered;
- (7) a facsimile signature of each of the members of the department and the counter signature of the sealer;
- (8) a statement of ~~any~~ loans or other indebtedness ~~which that~~ in any manner constitutes a lien, whether statutory or contractual, including ~~both a~~ mortgage and or landlord's lien upon the grain; and
- (9) the form of waivers of liens.

#### 234.12 OWNER TO EXERCISE REASONABLE CARE.

No term or condition shall may be inserted in ~~any a~~ certificate, whether negotiable or otherwise, ~~which shall in any manner purport that purports~~ to relieve the owner from exercising that degree of care in the safekeeping of the grain in storage ~~which~~ a reasonably prudent person would exercise with regard to similar property that person owns.

#### 234.13 MAY ISSUE MORE THAN ONE CERTIFICATE.

The sealer may issue to the owner one or more certificates; ~~as herein provided;~~ under this chapter but each ~~such~~ certificate shall must cover a separate granary, crib, or bin.

#### 234.14 CERTIFICATE TO BE IN QUADRUPLICATE.

New language is indicated by underline, deletions by ~~strikeout~~.

All Certificates issued hereunder shall under this chapter must be issued in quadruplicate, with three copies marked "Duplicate — No Value." The original and one duplicate copy shall must be delivered to the owner and the other duplicate copies shall must be filed with the department; or the local supervisory warehouse board for the county in which the grain is stored if ~~any such a~~ board has been established hereunder in the county under section 234.04.

#### 234.15 OWNER TO DELIVER DUPLICATE.

An owner who negotiates the original certificate shall at the same time deliver to the assignee the duplicate or the receipt of the county recorder for the ~~same certificate.~~ Such The assignee may file the duplicate in the office of the county recorder of the county in which the grain is located ~~which.~~ The duplicate shall must remain in the custody of the county recorder, except as hereinafter provided subject to exceptions in this chapter.

#### 234.16 DUPLICATE FILED WITH COUNTY RECORDER.

~~When If~~ a duplicate is filed in the office of the county recorder, the recorder shall index ~~the same it~~ in the chattel mortgage index or other suitable index book showing the date of the certificate, ~~the its~~ number thereof, to whom ~~it was~~ issued, and the kind, quantity, and location of the grain. The recorder shall collect 35 cents for each certificate indexed. The filing and indexing of ~~such a~~ certificate ~~shall impart gives~~ the same notice as the filing and indexing of a chattel mortgage.

#### 234.17 ASSIGNMENTS MAY BE FILED.

~~When If~~ the owner or holder of a certificate ~~makes written assignment thereof assigns it in writing,~~ the county recorder shall on request of the assignee enter a copy of ~~such the~~ assignment ~~upon on~~ the duplicate in the recorder's office and enter ~~upon in~~ the index book the date of the assignment; and the names of the assignor and the assignee. The recorder shall collect 25 cents for each assignment entered.

#### 234.18 CANCELLATION OF CERTIFICATES.

The owner may ~~secure the cancellation of~~ have a certificate canceled by delivering the original to the department or the board by which it was issued with the request that it be canceled. The department or board shall stamp the original "canceled" with the date of ~~such the~~ cancellation and ~~retain same keep~~ it. Upon notice in writing from the department or board issuing ~~the a~~ certificate that it has been canceled, the county recorder shall release the duplicate filed of record without charge.

#### 234.19 OWNER TO DELIVER GRAIN.

~~The owner shall,~~ In the absence of ~~some a~~ lawful excuse provided by this chapter, the owner shall deliver the grain stored upon demand by the holder of the certificate of the grain, if ~~such the~~ demand is accompanied by an offer to surrender the certificate.

New language is indicated by underline, deletions by ~~strikeout~~.



**234.20 EXCUSE FOR REFUSAL.**

~~In case~~ If the owner refuses or fails to deliver the goods in compliance with a demand by the holder of a certificate ~~so accompanied~~ that complies with section 234.19, the burden ~~shall be~~ is upon the owner to establish the existence of a lawful excuse for ~~such~~ the refusal.

**234.21 EXPENSE OF SUPERVISION.**

~~For the purposes of defraying~~ To defray the expenses of supervision, the owner shall pay a fee at the time of sealing to the department or the local supervisory board of the county in which the grain is stored; ~~if any, at the time of sealing and.~~ The amount of the fee must be determined by the rules issued hereunder, but in no event to made under this chapter, but may not exceed one cent per bushel for grain inspected and sealed by the sealer. Out of the funds thus created, the compensation of the sealer as fixed by the department shall must be paid by it or by the board of the county in which the grain is stored, subject to its approval.

**234.22 FEES FOR SEALER.**

In the exercise of the power and functions of ~~an officer of the~~ a peace officer in connection with ~~the provisions of~~ this chapter, the sealer is entitled to the same fees as ~~are~~ provided by law for the performance of similar duties.

**234.23 VIOLATION; PENALTY.**

Any A person unlawfully removing, breaking, or ~~in any manner~~ interfering or tampering with any a seal, lock, or other fastening placed upon ~~any a~~ granary, crib, bin, or other receptacle for grain under ~~the provisions of~~ this chapter, except when ~~such the~~ removal ~~shall be rendered is~~ imperative to prevent the damage, loss, or destruction of ~~stored grain stored therein,~~ shall be is guilty of a crime and punishable by a fine of not less than \$100 or more than \$700 or by imprisonment in the county jail for not more than six months, or ~~by both such fine and imprisonment.~~

**234.24 FRAUDULENT CERTIFICATES.**

An owner, the agent or servant of an owner, ~~or any a~~ member of any a board, or any a sealer, who fraudulently issues or aids in fraudulently issuing a certificate for grain, knowing that it contains any a false statement, ~~shall be is~~ guilty of a crime; ~~and, upon conviction, punished for each offense.~~ Each offense is punishable by imprisonment in the county jail ~~not exceeding for up to~~ one year or by a fine ~~not exceeding of up to~~ \$3,000, or ~~by both.~~

**234.25 VIOLATIONS; PENALTIES.**

Subdivision 1. **UNLAWFUL DELIVERY.** An owner, or any an officer, agent, or servant of an owner, who delivers grain out of the possession of ~~such the~~ owner, knowing that a negotiable certificate, the negotiating of which would

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transfer the right to the possession of ~~such the~~ grain, is outstanding and uncanceled without obtaining the possession of ~~such the~~ certificate at or before the time of ~~such the~~ delivery shall, ~~except when ordered by the court as hereinbefore provided,~~ be found ~~is~~ guilty of a crime; and ~~on conviction punished for each offense.~~ Each offense is punishable by imprisonment in the county jail ~~not exceeding for up to~~ one year or by a fine ~~not exceeding of up to~~ \$3,000, or by both ~~such imprisonment and fine.~~

Subd. 2. **OTHER UNLAWFUL ACTS.** ~~Any owner who shall,~~ After the issuance and negotiation of a certificate for grain in storage, ~~take, sell, mortgage, pledge, hypothecate~~ an owner who takes, sells, mortgages, pledges, hypothecates, or otherwise ~~encumber encumbers,~~ or ~~attempt attempts~~ to take, sell, mortgage, pledge, or otherwise encumber, the said grain, or who ~~shall take or remove removes~~ it from the ~~its~~ receptacle ~~where standing,~~ shall be ~~is~~ guilty of a crime; and ~~upon conviction thereof subject to.~~ Each offense is punishable by a fine of not less than \$100 nor more than \$3,000 or be ~~imprisoned by imprisonment~~ in the county jail for not more than one year, or be ~~punished by both such fine and imprisonment.~~

#### 234.27 UNIFORM COMMERCIAL CODE TO APPLY.

~~All~~ The provisions of article 7 of the uniform commercial code, relative to the negotiation, transfer, sale, or endorsement of warehouse receipts, ~~shall, so far as possible,~~ apply, to the extent possible, to the negotiation, transfer, sale, or endorsement of the certificates ~~provided for herein under this chapter.~~

For the purpose of application of the uniform commercial code:

(a) A certificate authorized by the department which evidences the storing of grain under ~~the provisions~~ of this chapter is a document of title as defined in section 336.1-201, clause (15); ~~and.~~

(b) A person who has title to and possession of ~~any~~ grain stored under ~~the provisions~~ of this chapter is a warehouse operator as defined in section 336.7-102, clause (1)(h).

### ARTICLE 5

Section 1. Minnesota Statutes 1988, chapter 235, is amended to read:

#### 235.01 SUPERVISION OVER GRAIN.

The department of agriculture shall ~~exercise general supervision over~~ super- ~~vide~~ the grain interests of the state ~~and of,~~ buying, selling, handling, and storage of grain; ~~and of the~~ management of public warehouses and public grain markets, including chambers of commerce, boards of trade, and grain exchanges; The department shall investigate, on complaint or ~~upon~~ its own motion, all

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cases of fraud and injustice in the grain trade, unfair practices, or unfair discrimination in the buying or selling of grain; ~~have the power to.~~ The department may compel the discontinuance of ~~such~~ unfair practices or unfair discrimination; in grain transactions and make ~~all proper~~ rules for carrying out and enforcing the provisions of all state laws of the state relating to ~~such~~ subjects covered by this section.

#### 235.02 GRAIN INCLUDES FLAX SEED AND SOYBEANS.

The term "grain" wherever used in chapters 216 to 235, "grain" includes flax seed and soybeans.

#### 235.04 OVERLOADING GRAIN CARS.

Every A railway company shall place painted lines inside of each of its cars used for the carriage of grain, indicating the height to which the various kinds of grain may be loaded ~~therein, and in that car.~~ No car ~~shall may~~ be loaded with ~~any~~ a kind of grain above its appropriate line. The person loading ~~such a~~ car shall state in the bill of lading, ~~prior to its being~~ before it is signed by the agent of the railway company, that the car is loaded to or below the line, and ~~such the~~ railway agent, before signing the bill, shall verify the statement. ~~The A signed~~ bill of lading, so signed, shall be is prima facie evidence of the loading, and no charges for loading in excess of the quantity so limited ~~shall be~~ may be made against ~~such that~~ car.

No A railway company that fails to equip ~~any a~~ car as aforesaid ~~shall in~~ accordance with this section may not collect ~~any~~ charges for the transportation of grain in the car above the regular tariff rates for carload lots. Every A person who ~~shall load any loads a~~ car above the appropriate line and ~~every an~~ agent of ~~any a~~ railway company who ~~shall refuse~~ refuses to sign ~~any such a~~ bill of lading ~~shall be is~~ guilty of a misdemeanor and ~~punished, punishable~~ by a fine of not less than \$10 nor more than \$25.

#### 235.05 CARRIERS' RECEIPTS; PENALTY FOR FAILURE TO GIVE.

Every A common carrier transporting grain shall give the shipper on request a receipt for the number of pounds of grain received from the shipper and deliver ~~such that~~ quantity to the consignee or proper connecting carrier, less loss from transportation; ~~not to exceed of no more than~~ 60 pounds ~~to each per~~ car.

Such The carrier ~~shall forfeit~~ forfeits to the state for each refusal to give ~~such a~~ receipt not less than \$10 nor more than \$50 and for each failure to deliver the proper quantity of grain not less than \$50 nor more than \$200.

#### 235.06 ELEVATOR CHARGES, WHEN FORBIDDEN.

No railroad company ~~shall may~~ charge or collect elevator or other charges for handling grain or for the use of ~~any an~~ elevator when ~~such~~ grain is loaded by the shipper and not passed through an elevator, or make ~~any a~~ distinction in charges of ~~any kind~~ against a person shipping grain otherwise than through an elevator.

New language is indicated by underline, deletions by ~~strikeout~~.

**235.07 DELIVERY FOR STORAGE A BAILMENT.**

The delivery of grain to ~~any~~ a warehouse operator for storage, although it ~~be~~ is mingled with that of others; or shipped or removed from the original place of storage, shall be deemed is a bailment; and not a sale.

**235.08 WAREHOUSE RECEIPTS; NUMBERING.**

All Warehouse receipts for grain issued by the same warehouse ~~shall~~ must be consecutively numbered; ~~and~~. No two receipts bearing the same number ~~shall~~ may be issued from the same warehouse during ~~any one~~ a year, except in case of a lost or destroyed receipt; ~~In which that case,~~ the new receipt ~~shall~~ must bear the same date and number as the original; and ~~shall~~ must be plainly marked on its face "Duplicate."

**235.09 UNLICENSED WAREHOUSES.**

~~Any~~ A person or corporation operating ~~such~~ a warehouse without a license ~~shall forfeit forfeits~~ to the state for each day's operation \$50 and ~~such~~ the operation may be enjoined upon complaint of the department.

**235.10 UNLAWFUL DISCRIMINATION IN SALE OR PURCHASE OF GRAIN.**

~~Any~~ A person, firm, copartnership, or corporation engaged in the business of buying grain, either for itself or others, ~~who shall may not,~~ with the intention of creating a monopoly or destroying the business of a competitor, discriminate between different ~~sections; localities, communities; or cities~~ of this state; by purchasing ~~such~~ grain of a particular grade and condition at a higher price or rate in one locality than ~~is paid for grain of same grade and condition by the purchaser~~ in another locality after making due allowance for the difference, if any, in actual cost of transportation from the locality of purchase, to the locality of manufacture, use, or distribution; ~~shall be deemed guilty of.~~ Violation of this section is unfair discrimination; and upon conviction thereof punished, punishable by a fine ~~not exceeding up to~~ \$700 or by imprisonment in the county jail ~~not to exceed up to~~ six months.

**235.13 VIOLATIONS; PENALTIES.**

~~Any person who shall violate any of the provisions~~ Violation of chapters 216 to 235, ~~where if no specific penalty is prescribed shall be guilty of,~~ is a gross misdemeanor; ~~and upon conviction punished, punishable~~ by a fine of not less than \$50 nor more than \$700. ~~Any corporation which shall violate any such provision shall forfeit to the state for each violation not less than \$50 nor more than \$700.~~

**235.18 ENFORCEMENT.**

The department shall enforce ~~the provisions of section 235.10 and, in so doing, shall have and exercise using~~ all the its legal powers heretofore conferred upon it by law.

New language is indicated by underline, deletions by ~~strikeout~~.

## ARTICLE 6

Section 1. Minnesota Statutes 1988, chapter 236, is amended to read:

## 236.01 DEFINITIONS.

Subdivision 1. **SCOPE.** ~~For the purposes of~~ The definitions in this section apply to sections 236.01 to 236.09; ~~the following terms shall have the following meanings.~~

Subd. 2. **PERSON.** "Person" ~~includes any~~ means an individual, partnership, association, corporation, or joint venture ~~or combinations thereof a combination of these.~~

Subd. 3. **GRAIN BANK.** "Grain bank" means a feed-processing plant ~~which that~~ that receives and stores grain, the equivalent of which, except as is otherwise permitted by section 236.04, it processes and returns to the grain's owner ~~thereof~~; in ~~such~~ such amounts, at ~~such~~ such intervals, and with ~~such~~ such added ingredients; ~~as that~~ as that are mutually agreeable to the grain's owner ~~thereof~~ and the person operating the plant.

Subd. 4. **GRAIN BANK RECEIPT.** "Grain bank receipt" means a non-negotiable receipt issued to the owner of the grain or the owner's agent.

Subd. 5. **DEPARTMENT.** "Department" means the ~~Minnesota~~ department of agriculture.

## 236.02 GRAIN BANK LICENSING; BONDING OF APPLICANTS.

~~Any~~ Subdivision 1. **LICENSING REQUIREMENT.** A person who (1) operates an establishment ~~which that~~ that processes grain into feed and (2) is licensed to buy grain as a public or private local grain warehouse operator under section 232.22 may obtain a license to operate a grain bank. No person may conduct a grain bank without a grain bank license.

Subd. 2. **ISSUANCE.** A grain bank license ~~shall~~ must be obtained from the department; ~~which is hereby authorized to.~~ The department may issue ~~such~~ a grain bank license ~~upon compliance by when~~ the applicant has complied with the bond requirements of sections 236.01 to 236.09. ~~Such~~ A grain bank license ~~shall be is required~~ in addition to the a license to buy grain as a public or private local grain warehouse operator and ~~shall empower~~ permits the licensee to conduct a grain bank in accordance with sections 236.01 to 236.09.

Every Subd. 3. **EXPIRATION; POSTING; REVOCATION.** Grain bank license ~~shall~~ licenses expire at midnight on the ~~30th day of June 30~~ 30th day of June 30 each year. A license ~~shall be is~~ is required for each location where a grain bank is operated. ~~Such~~ Such Licenses ~~shall be~~ are revocable by the department for cause upon notice and hearing. ~~All~~ All Licenses and rules regulating the operation of the grain bank ~~shall~~ must be posted in a prominent and easily accessible place in the grain bank.

New language is indicated by underline, deletions by ~~strikeout~~.

**Subd. 4. FEES.** The license fee ~~shall~~ must be set by the commissioner in an amount sufficient to cover the costs of administering and enforcing this chapter. Fees collected under this chapter ~~shall~~ must be paid into the grain buyers and storage fund established in section 232.22.

**No Subd. 5. BOND.** A license ~~shall~~ may not be issued for the operation of a grain bank until the applicant has filed with the department a bond in ~~such a~~ sum as set by the department may prescribe, which sum shall. The bond ~~may~~ not be less than \$1,500 for each license and ~~shall~~ must at all times be ~~in sufficient sum large enough~~ to protect the holders of outstanding grain bank receipts. ~~Such Bonds shall~~ must be filed annually and cover the period of the grain bank license. ~~Such Bonds shall~~ must run to the state of Minnesota and ~~shall~~ be for the benefit of all persons storing grain in ~~such a~~ grain bank. They ~~shall~~ must be conditioned upon the faithful performance by the grain bank operator of ~~all the provisions of the law relating to the operation of grain banks by such the grain bank operator, and the related rules of the department relative thereto.~~ The department is ~~authorized to~~ may require ~~such~~ increases in the amounts of ~~such~~ bonds ~~from time to time as it deems considers~~ necessary for the protection of grain bank receipt holders. The surety of ~~such grain bank~~ bonds ~~shall~~ must be a corporate surety company authorized to transact business in the state of Minnesota.

**Any Subd. 6. ACTION ON BOND.** A person for whose benefit the bond is given ~~may~~ commence an action ~~thereof in their own name~~ in district court.

**Any Subd. 7. SINGLE BOND.** A person who is granted a grain bank license at more than one location may, with the department's approval, file one bond covering all locations in ~~such a~~ total amount as the department may require requires under sections 236.01 to 236.09 and ~~the rules made pursuant to under~~ sections 236.01 to 236.09. ~~Any~~ A person, firm, or corporation licensed as a public local grain warehouse operator and bonded under ~~the provisions of~~ section 232.13 may include liability for outstanding nonnegotiable grain bank receipts under the coverage of ~~such that~~ bond in lieu of securing a separate grain bank bond ~~as provided in under~~ this section.

#### 236.03 GRAIN BANK RECEIPT; CONTENTS.

A grain bank receipt, authorized by the department, ~~shall~~ must be issued for each delivery of grain to the grain bank. Each receipt ~~shall~~ must contain the name and address of the grain bank establishment, the ~~name or~~ names of the ~~person or~~ persons for whom the grain is delivered to the grain bank, the kind, quantity, and grade of grain ~~which shall~~ to be redelivered to the owner of the grain, and other relevant factors ~~as may~~ be required by the rules of the department.

#### 236.04 CHARGES.

Grain for which a grain bank receipt is issued ~~shall~~ must be received and stored for processing. Storage charges ~~shall~~ must be paid by the owner at rates

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prescribed by section 232.23; and acts amendatory thereof, from ten days after the date on which the grain is delivered to the grain bank until the date the grain or processed grain represented by a grain bank receipt is redelivered to the owner of the grain. Storage charges ~~shall~~ must be computed and recorded at the time of the redelivery of grain or processed grain to the owner or at the time of sale by the owner. If grain evidenced by a grain bank receipt is not processed or is not sold to the operator of the grain bank, the grain's owner thereof or the owner's authorized agent may obtain redelivery of grain of the kind, quantity, and grade shown on the grain bank receipt ~~which evidences such~~ covering that grain, if the owner or the authorized agent pays to the grain bank operator a delivery charge ~~in an amount prescribed for delivery charges in public local warehouses by section 232.06, subdivision 1, and acts amendatory thereof.~~ Nothing in Sections 236.01 to 236.09; however, shall do not authorize the storage of grain or the issuance of a grain bank receipt for any grain which that is not intended, when received at the grain bank, to be redelivered to the owner of the grain or an authorized agent as a part of mixed or as otherwise processed feeds within a reasonable time after ~~such~~ receipt.

#### 236.05 DUTIES OF GRAIN BANK OPERATOR.

Subdivision 1. **INSURANCE.** The operator of the grain bank shall keep all stored grain ~~storage~~ insured against loss by fire, windstorm, and extended coverage risks for the account of the owner and ~~shall~~ furnish the department with ~~such~~ the evidence as it ~~shall require~~ requires that ~~such~~ the insurance is in force.

Subd. 2. **RECEIPT AND STORAGE OF GRAIN.** The grain bank operator shall determine the quantities, kinds, and grades of grain to be received from a depositor, and grain equal to the grade shown on the receipt to be due the owner of the grain on redelivery ~~shall~~ must be used in the delivery back to the owner. ~~However, nothing herein shall prohibit~~ Commingling of like kinds of grain ~~or~~ and the addition to the grain of materials used in the lawful formulation of mixed feeds are permitted as ~~may~~ be required by the depositor of the grain. ~~Where~~ If, through no fault of the grain bank operator, redelivery of grain equal to the grade shown on the receipt cannot be made, then redelivery to the owner of a lesser grade may be made; provided if the operator pays to the owner in money the difference in market value between the two grades.

Subd. 3. **DELIVERIES OF PROCESSED FEEDS.** Deliveries of mixed or otherwise processed feeds formulated from grain bank stocks ~~shall~~ must be at ~~such~~ intervals of time and in ~~such~~ quantities as that are mutually agreeable to the grain owner thereof and the grain bank operator.

Subd. 4. **SEPARATE RECORDS.** The operator of ~~the a~~ grain bank shall keep separate records for each customer of the balances ~~which~~ that remain between the grain bank operator and the owner of grain who has deposited grain in the grain bank, including but not limited to the charges made under section 236.04 and the figures ~~which~~ that support all balances shown.

Subd. 5. **GRAIN ON HAND.** The operator of the grain bank ~~must~~ shall

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keep on hand at all times grain sufficient to cover all outstanding storage receipts and outstanding grain bank receipts balances.

#### 236.06 GRAIN BANK'S POSSESSORY LIEN.

The operator of a grain bank ~~shall have~~ has a possessory lien against grain represented by a grain bank receipt for all charges and ~~moneys~~ money owed the operator by the owner of ~~said~~ the grain as a result of the receiving, storing, processing, and other activities performed by the operator for the owner as part of the grain bank operation. In the event of ~~any~~ inconsistency between ~~the provisions of~~ this section and ~~those of~~ the uniform commercial code ~~the provisions of~~ this section ~~shall apply~~ applies.

#### 236.07 REPORTS.

~~Every~~ A person licensed to operate a grain bank under sections 236.01 to 236.09 shall ~~render to give~~ the department on ~~blanks or~~ forms prescribed by it ~~such~~ the reports as the department reasonably ~~may require~~, requires and ~~such~~ other information as ~~may be provided for~~ required by the rules of the department.

No license ~~shall~~ may be issued to ~~any~~ a licensed grain bank operator who has failed to make the reports as required ~~herein~~ in this section.

The department may ~~cause~~ have each grain bank and ~~the~~ its business ~~thereof~~, and the mode of conducting ~~the same~~ to be its business inspected by one or more of its members or by its authorized agent when ~~deemed~~ inspection is considered proper; ~~and~~. The property, ~~books~~, records, ~~accounts~~, papers and proceedings of each grain bank ~~shall~~ are subject to inspection at all times during business hours ~~be subject to inspection~~.

#### 236.08 RULES BY DEPARTMENT.

The department is hereby authorized to promulgate in the manner provided by law ~~such~~ may make rules that are reasonably necessary relative to grain bank operations as are reasonably necessary.

#### 236.09 PENALTIES FOR VIOLATIONS.

~~Any~~ A person who ~~shall violate the provisions of~~ violates sections 236.01 to 236.09 or ~~the valid~~ rules made by the department under sections 236.01 to 236.09 ~~shall be is~~ guilty of a misdemeanor. If the department ~~may~~, ~~whenever~~ it finds after a hearing that ~~any of the provisions of~~ a person licensed to operate a grain bank in this state has violated sections 236.01 to 236.09 or ~~its valid~~ rules made under sections 236.01 to 236.09 ~~have been violated by any person holding a license to operate a grain bank in this state~~, the department may suspend or revoke ~~such~~ the license; ~~and~~. In case of a revocation, no new license ~~shall~~ may be granted to the person whose license is ~~so~~ revoked nor to anyone directly or indirectly engaged in ~~the said~~ that business for a ~~period of~~ one year.

New language is indicated by underline, deletions by ~~strikeout~~.



## ARTICLE 7

Section 1. Minnesota Statutes 1988, chapter 366, as amended by Laws 1989, chapter 1, section 3, is amended to read:

## 366.01 POWERS.

Subdivision 1. The supervisors of each town shall constitute a board to be designated "The Town Board of ....." ~~and any~~ Unless provided otherwise, two supervisors shall constitute ~~be~~ a quorum ~~except.~~ In towns operating under option A ~~in which case any,~~ three shall constitute ~~be~~ a quorum ~~and except when otherwise provided.~~ The supervisors shall have charge of all the town affairs of the town not by law committed to other officers by law. They shall draw orders on the treasurer ~~for the disbursement of~~ to disburse money to pay the town expenses, and ~~for all~~ to disburse money raised by the town ~~to be disbursed~~ for any other purpose. They may pay the premium upon the bond of a town officer ~~where~~ if the surety is a corporation authorized by law to be a surety. In lieu of individual bonds, the town board may provide for a blanket position ~~bonds furnished~~ bond by a surety company ~~to cover officers required to furnish a bond~~ if all the obligations required by law or ordinance to be assumed by the principals and the principals' sureties by ~~an individual bond~~ bonds are included in the blanket position bond.

Subd. 2. They may by ordinance prohibit or license and regulate the keeping of billiard, pool, and pigeonhole tables, games of amusement, games of skill, juke boxes, roller skating rinks, bowling alleys, circuses, shows, and theatrical performances. They may fix the price and time of continuance duration of the license; ~~and,~~ When in their opinion the public interest requires it, they may revoke the license. Within any platted residential area of the town, they may license and regulate the presence or keeping of dogs or domestic animal pets and ~~may~~ regulate or prohibit the discharge of firearms, when deemed to be in the public interest.

Subd. 3. They may appropriate out of the general fund of the town and draw orders on the treasurer ~~for the disbursement of~~ to disburse money to pay the annual dues in the Minnesota association of townships or a county unit that belongs to the state association and to pay the actual and necessary expenses of ~~township town~~ officers for meetings relating to town business including meetings of ~~township town~~ associations.

Subd. 4. They may ~~select and~~ designate a bank as the depository of town money for a time not extending beyond their official term, ~~on~~ after the execution by ~~such the~~ bank of a sufficient bond to the town to be approved by the board and filed in the office of the town clerk; ~~and thereupon,~~ They may then require the treasurer to deposit all or ~~any~~ part of the town money in ~~such that~~ bank. ~~Such~~ The designation shall be in writing, and set forth all the terms ~~and conditions~~ upon which the deposits are made. It shall be signed by the chair and clerk, and filed with the clerk. The town treasurer shall not be liable for the loss of money while ~~so~~ deposited; ~~and in the bank.~~ All interest ~~thereon~~ on the money shall belong to the town.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 5. They may acquire by gift or purchase, in the name of the town, a tract of land, either within or ~~without the limits of~~ outside the town for public dumping ground for the use of the inhabitants of the town ~~but~~. ~~No such lands shall land for public dumping ground may be acquired without the limits of outside the town without the approval of the governmental unit in which such lands are where the land is located.~~ They may ~~thereafter~~ maintain the dumping ground and, by resolution, adopt rules ~~and regulations~~ for its use.

Subd. 6. They may make ~~such~~ agreements with other counties, towns, statutory cities, governmental subdivisions, individuals or corporations as they shall deem necessary for the ~~location, construction to locate, construct, or maintenance of any such maintain the~~ dumping ground.

Subd. 7. They may provide for the prosecution or defense of actions at law or other proceedings in which the ~~township town~~ may be interested, and ~~they~~ may employ counsel for the purpose. Nothing ~~contained~~ in this subdivision shall limit ~~any~~ powers conferred on town boards of supervisors by ~~any~~ other provision of law.

Subd. 8. They shall designate one or more places in the town as public places ~~at which where~~ legal notices shall be posted, and provide facilities for posting notices ~~at the places; provided, that there.~~ In a town ~~which is~~ located ~~within in~~ the geographical limits of a city, one or more notices may be posted in the city. The town board may waive the posted notice requirements of any law but shall then ~~instead~~ provide for notice to be published once each week for two successive weeks in a newspaper of general circulation in the town.

Subd. 9. They may sell and convey or lease real or personal property belonging to the town, not ~~conveyed to and~~ required to be held by the town for a special purpose.

Subd. 10. They may declare that a violation of an ordinance ~~shall be is~~ a penal offense and ~~may~~ prescribe the penalties for violations, except as otherwise provided by law. No penalty shall exceed that ~~which is~~ provided by law for a misdemeanor, but the costs of prosecution may be added.

Subd. 11. **OPEN MEETING LAW; EXEMPTION.** Except for the notice requirements, section 471.705 does not apply to a gathering of town board members to perform on-site inspections, if the town has no employees or other staff able to perform the inspections and the town board is acting essentially in a staff capacity.

#### 366.015 VOTE REQUIRED ON WEED DESTRUCTION.

Subdivision 1. **BALLOT, CONTENTS.** The town board at the annual town meeting may submit to a vote by ballot the following question: "Shall persons owning who own or ~~occupying~~ occupy real estate adjoining that adjoins a town road and is not a part of an incorporated municipality be required to remove rocks ~~in excess of~~ larger than five inches in diameter from and to cut, destroy or

New language is indicated by underline, deletions by ~~strikeout~~.

remove all weeds, grass and other plants of up to three inches in diameter growing that grow upon the town road adjacent to their land?

Yes .....

No ....."

Subd. 2. **COST, LIEN ON LAND.** If a majority of the electors voting on the question vote "Yes," a person ~~owning~~ who owns or ~~occupying~~ occupies real estate ~~adjoining~~ that adjoins a town road and is not a part of an incorporated municipality shall cut, destroy or remove the material described on the ballot located upon the town road adjacent to the owner's land. A person who erects or maintains a mailbox on land not owned by the person shall cut, destroy or remove the material within five feet of ~~such~~ the mailbox. If ~~any such~~ a person fails to comply with this provision, the town board of the town in which the real estate is located may, after ten days notice in writing, order the local weed inspector or other person to cut, destroy or remove the weeds or grass ~~and~~. The expense ~~thus~~ incurred shall be a lien on ~~such~~ the real estate. The town board shall certify to the county auditor an itemized statement of the amount of the expense paid by the town ~~and~~. The county auditor shall enter ~~such~~ the amount on the tax books as a tax upon the land, which shall be collected in the same manner as other real estate taxes.

#### 366.03 REPAIR STATUTORY CITY STREETS.

If ~~any~~ a statutory city included in the limits of a town neglects to keep its streets in repair, the town board of ~~such~~ the town may ~~cause~~ make repairs and improvements ~~to be made on any such~~ a city street needed as a highway.

#### 366.04 TRANSFER FUNDS.

The ~~A~~ town board of ~~any town in this state~~ by unanimous vote thereof may transfer ~~any~~ a surplus beyond the needs of the current year in ~~any~~ a town fund to any other town fund to supply a deficiency ~~therein~~.

#### 366.05 PROSECUTE BONDS, PENALTIES, AND FORFEITURES.

The town board shall prosecute, in the name of the town and for its benefit, all actions upon bonds given to the town; or ~~to it;~~ the board or its predecessors in office for its benefit; ~~and~~. The board shall sue for and collect all penalties and forfeitures, ~~in respect to~~ for which no other provision is made, incurred by any officer or inhabitant of the town; ~~and in like manner~~. The board shall prosecute for any trespass on town property. ~~All moneys~~ The money collected under this section shall be paid to the town treasurer.

#### 366.07 TREASURER MAY SELECT DEPOSITORY.

If the town board ~~refuses or~~ fails to act, as provided in section 366.01, subdivision 4, within 30 days after the annual town meeting, the treasurer shall select ~~one or more depositories~~ a depository for the deposit ~~and the safekeeping~~ of town funds and deposit ~~town funds~~ them in the name of the town, obtaining security ~~for the funds~~ as provided in section 366.01, subdivision 4.

New language is indicated by underline, deletions by ~~strikeout~~.

**366.08 TREASURER NOT LIABLE, WHEN.**

The town treasurer, in the absence of negligence, shall not be liable for the loss of ~~moneys while so~~ money deposited within the limits above specified occasioned by the closing or insolvency of a designated depository.

**366.09 INTEREST ON FUNDS.**

All interest ~~received~~ on funds deposited under ~~the provisions of~~ sections 366.06 to 366.09 shall be credited to the respective town funds.

**366.095 AUTHORITY TO ISSUE CERTIFICATES OF INDEBTEDNESS.**

Subdivision 1. **CERTIFICATES OF INDEBTEDNESS.** The town board may issue certificates of indebtedness within the ~~existing~~ debt limits for a town purpose otherwise authorized by law. The certificates shall be payable in not more than five years and ~~shall~~ be issued on the terms and in the manner as the board may determine. If the amount of the certificates to be issued exceeds 0.25 percent of the market value of the town, they shall not be issued for at least ten days after publication in a newspaper of general circulation in the town of the board's resolution determining to issue them; ~~and~~. If ~~before the end of~~ within that time, a petition asking for an election on the proposition signed by voters equal to ten percent of the number of voters at the last regular town election is filed with the clerk, the certificates shall not be issued until ~~the proposition of~~ their issuance has been approved by a majority of the votes cast on the question at a regular or special election. A tax levy shall be made ~~for the payment of~~ to pay the principal and interest on the certificates as in the case of bonds.

Subd. 2. **BONDS; OTHER OBLIGATIONS.** Any A town authorized to exercise powers under section 368.01 may issue bonds or other obligations ~~for the acquisition to acquire or betterment of better~~ warning systems. Bonds or other obligations authorized by this subdivision must be sold, issued, and secured ~~in the manner as~~ as provided in chapter 475.

**366.10 ZONING REGULATIONS.**

The board of supervisors of ~~any town~~ may submit to the legal voters of the town ~~for their approval or rejection at any an~~ annual or special town meeting, the question ~~as to whether or not such the~~ board shall adopt building and zoning regulations and restrictions in the town. The board ~~of supervisors in any a~~ town which has within its borders a hospital established in accordance with Laws 1955, chapter 227, may submit to the voters ~~of the town for their approval or rejection at any an~~ annual or special town meeting, the question ~~as to whether or not such the~~ board shall adopt building and zoning regulations and restrictions in the town regulating the type of buildings that may be built or occupations carried on within a radius of one-half mile of ~~such the~~ hospital.

**366.11 BALLOTS.**

New language is indicated by underline, deletions by ~~strikeout~~.

~~There~~ The following question shall be printed on the ballots for the election the following:

"Shall the board of supervisors adopt zoning and related regulations and restrictions?

Yes.....

No....."

The voters shall place a cross-mark ~~in~~ after one of the ~~above squares~~ alternatives to express their choice. The ballot shall be cast and counted during the same hours and in the same manner as ballots for the election of the town officers of the town and. Except as ~~herein expressly provided in sections 366.10 to 366.18,~~ such the meeting and election shall be subject to ~~all the laws of this state~~ regulating town meetings and elections of town officers in the town.

### 366.12 REGULATIONS.

If a majority of the voters voting on ~~such~~ the question vote "Yes," the town board ~~shall be authorized and empowered to~~ may regulate:

(1) the location, height, bulk, number of stories, size of buildings and other structures,

(2) the location of roads and schools,

(3) the percentage of lot which may be occupied,

(4) the sizes of yards and other open spaces,

(5) the density and distribution of population,

(6) the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and

(7) the uses of lands for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, or other purposes; ~~and~~.

To carry out ~~the provisions of this grant~~ section it shall issue building permits, ~~and~~. It shall be unlawful to erect, establish, alter, enlarge, use, occupy, or maintain ~~any a~~ building, structure, improvement, or premises without ~~first~~ having obtained such a building permit.

Before adopting ~~any a~~ regulation under this section the board shall hold a public hearing on the matter with notice ~~in the manner~~ as provided in section 366.15.

This section is subject to ~~the provisions and limitations~~ of section 366.13.

### 366.13 ZONING DISTRICTS.

New language is indicated by underline, deletions by ~~strikeout~~.

For any or all of these the purposes the board of supervisors of any such town where of sections 366.10 to 366.18, if a majority of the legal voters voting thereon on the question have voted "Yes" at such an election under section 366.12, the town board may divide the portions of the town into districts or zones of such the number, shape, and area as may be deemed it deems best suited to carry out the purposes of sections 366.10 to 366.18; and, Within such the districts or zones it may regulate and restrict:

(1) the location, height, bulk, number of stories, size of buildings and other structures,

(2) the location of roads and schools,

(3) the percentage of lot which may be occupied,

(4) the sizes of yards and other open spaces,

(5) the density and distribution of population,

(6) the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and

(7) the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, or other purposes.

All such The regulations shall be uniform for each class and kind of buildings and for the use of land throughout each district, but ~~the~~ regulations in one district may differ from those in other districts.

~~No such The~~ board of supervisors may not make any a regulation prohibiting the erection, establishment, alteration, enlargement, use, occupancy or maintenance of any a landing area or airport as defined by the ~~act of Congress known as the federal~~ Civil Aeronautics Act of 1938, owned by any a municipality, political subdivision, or public corporation created in and for any two or more municipalities, the operation and use of which has been approved by the department of transportation or by the Civil Aeronautics Board of the United States; ~~nor shall any and no~~ permit under the ~~provisions of sections 366.10 to 366.18~~ shall be required for any such its erection, establishment, alteration, enlargement, use, occupancy or maintenance. ~~Any Regulations heretofore made by any a board of supervisors before April 20, 1943~~ prohibiting such erection, establishment, alteration, enlargement, use, occupancy or maintenance of airports are hereby ~~abrogated and annulled~~.

Before adopting any a division or regulation under this section the board shall hold a public hearing on the matter with notice ~~in the manner as~~ provided in section 366.15.

#### 366.14 PURPOSE OF REGULATIONS.

~~These~~ Regulations shall be made in accordance with the comprehensive

New language is indicated by underline, deletions by ~~strikeout~~.

plan; ~~designed and enacted for the purpose of promoting to~~ promote the health, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of ~~any such~~ the town, including, among other things;

(1) lessening congestion in streets or roads ~~or~~;

(2) reducing the wastes of excessive amounts of roads;

(3) securing safety from fire and other dangers;

(4) providing adequate light and air;

(5) ~~preventing, on the one hand,~~ excessive concentration of population and; ~~on the other hand,~~ excessive and wasteful scattering of population or settlement; and

(6) promoting such a distribution of population and such classification of land uses and distribution of land development and utilization ~~as that will tend to facilitate and conserve provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility, food supplies, and protection of both urban and nonurban development.~~

#### 366.15 DISTRICTS OR ZONES, AMENDMENT.

The board of supervisors of any such town where a majority of the legal voters voting thereon have voted "Yes" at such election may, from time to time, amend the number, shape, boundary, or area of ~~any a~~ district or zone, or ~~any a~~ regulation of area within ~~such a~~ zone, or ~~any a~~ provision of the zoning resolution. Before finally adopting ~~any such an~~ amendment the board of supervisors shall hold a public hearing ~~thereon on it~~, after giving at least ten days notice of the time and place of the hearing, ~~which notice shall be given~~ by at least one publication in a newspaper of general circulation in the county ~~in which such where the~~ town is located; ~~provided, that,~~ No such change shall may be made in the boundary line of zones or districts unless at least 50 percent of the owners of the lands proposed to be changed shall file a petition for ~~such the~~ change.

#### 366.16 TOWN BUILDING COMMISSIONER.

The town board of supervisors of any such town where the majority of legal voters voting thereon have voted "Yes" at such an election may enforce ~~these the~~ regulations by withholding building permits; ~~and,~~ For ~~such the~~ purposes of sections 366.10 to 366.18 it may establish ~~and fill~~ the position of town building commissioner and fix ~~the its~~ compensation ~~attached to such position.~~ In case ~~any~~ if a building or structure is or is proposed to be erected, constructed, reconstructed, altered, or used or any land is or is proposed to be used in violation of sections 366.10 to 366.18 or ~~of any a~~ regulation or provision enacted or adopted by the board of supervisors of any town under the authority granted by sections 366.10 to 366.18, ~~and such election,~~ such the board, the attorney of the county ~~wherein such where the~~ town is situated, the town attorney, the town building commissioner, or any adjacent or neighboring property owner may

New language is indicated by underline, deletions by ~~strikeout~~.

institute ~~an injunction, mandamus, abatement,~~ or any appropriate action to prevent ~~or~~ enjoin, abate, or remove ~~such~~ the unlawful erection, construction, reconstruction, alteration, maintenance, or use.

#### 366.17 PLANNING AND ZONING COMMISSION.

For the purpose of carrying To carry out the provisions of sections 366.10 to 366.18, the town board of supervisors of any such town where the majority of legal voters voting thereon have voted "Yes" at such election may appoint a planning and zoning commission, all of whom shall be freeholders. The number of ~~such~~ commissioners to shall be determined by the board. The planning and zoning commission shall act as an adviser to ~~such~~ the town board; ~~and~~. The commission may be empowered to employ a civil engineer or city planner as ~~may be required for establishing to establish~~ the districts or zones of any parts of ~~such towns~~ the town.

#### 366.18 EXISTING BUILDINGS NOT CHANGED.

The zoning resolution, as adopted by the board of supervisors of any such town or as subsequently amended, shall not prohibit the continuance of the use of a building for any trade or industry for which ~~such building it~~ was used at the time when the resolution took effect or the alteration of or addition to any an existing building or structure for the purpose of carrying to carry on any a prohibited trade or industry within in the zone where ~~such structures are~~ it is located.

#### 366.181 VIOLATIONS; PENALTIES.

Any A person who shall knowingly violate, ~~infract,~~ or disobey any of the provisions violates a provision or the ~~rules~~ rule of zoning regulations adopted by any town board pursuant to Minnesota Statutes 1945, sections 366.10 to 366.18, shall be is guilty of a misdemeanor.

#### 366.19 LICENSES.

Any A person who shall exhibit ~~any~~ exhibits a circus, theatrical performance, or show of any kind, or who shall ~~keep~~ keeps a billiard, pool, or pigeonhole table, or a bowling alley in ~~any~~ a town, without first obtaining a license ~~therefor~~ for it, as provided in section 366.01, shall be is guilty of a misdemeanor.

#### 366.20 MEETINGS.

The town board shall ~~constitute~~ be a board of audit and shall meet each year, on a date fixed by the town board, ~~for the purpose of auditing to audit and settling~~ settle all charges against the town. All unpaid accounts of town officers for services rendered since the last annual meeting of the board shall be presented at the meeting. It may also meet at ~~any~~ other times ~~for the purpose of auditing to audit and settling~~ settle charges against the town. No allowance of ~~any~~ an account shall be made which does not specifically itemize the account. A quorum for ~~transacting business~~ by the board of audit shall be the same as for the board of supervisors.

New language is indicated by underline, deletions by ~~strikeout~~.



**366.21 DUTIES.**

It shall be the duty of the board of audit:

(1) To examine and audit the accounts separately of each town officer authorized by law to receive or disburse money;

(2) To examine and audit every account presented against the town, and to endorse ~~thereon~~ and state on it the amount allowed and disallowed; ~~stating the items; and.~~ No allowance shall be made on any account which does not specifically give each item, with ~~the its~~ its date, amount, and nature ~~thereof, separately.~~ ~~(Such~~ The statement shall be verified by the claimant, the claimant's agent or attorney, and filed with the town clerk; and. No ~~such claim against any town shall be considered or acted upon unless such the statement shall be is~~ such claim against any town shall be is made and filed);

(3) To examine ~~into~~ the character and circumstances of every other demand presented against the town which it is not authorized to audit, and in its report ~~to give a summary thereof of it,~~ with its recommendations in regard thereto to it;

(4) To report in detail the items of accounts audited and allowed or disallowed, the nature of each, and the person to whom allowed; ~~and the same in respect to accounts or~~ disallowed.

~~Such~~ The report shall ~~also~~ contain a statement of the fiscal affairs of the town, with an estimate of the sum necessary to be raised for the current expenses or other authorized purpose for the ensuing year, and ~~such other~~ other recommendations as it may deem advisable.

**366.22 POSTING AND READING REPORT; FEE.**

The clerk shall post a copy of the report at the place of ~~holding~~ the annual meeting at least half an hour before the time for the annual meeting to convene. The report shall also be publicly read by the clerk to the meeting; ~~and.~~ The whole report or any portion thereof part of it may be referred by the meeting to a committee, which shall examine ~~the same~~ and report to the meeting ~~thereon on it.~~ For making the report the clerk shall receive one-half of the fees allowed by law for making the original report.

**366.27 FIREFIGHTERS' RELIEF; TAX LEVY.**

The town board of any a town in this state having therein with a platted portion ~~on which there reside where~~ 1,200 or more people; reside and wherein a ~~duly an~~ incorporated firefighters' relief association is located may each year at the time when the town tax levies for the support of the town are made and in addition thereto also levy a tax not to exceed one-third of one mill on all taxable property within the town for the benefit of ~~such relief the~~ the association.

New language is indicated by underline, deletions by ~~strikeout~~.

## ARTICLE 8

## Section 1. EFFECT OF CHANGES.

The legislature intends the changes in the language of the laws amended by this act to be exclusively changes in style. No change is intended to alter or shall be construed by a court or other authority to alter the meaning of a law.

If a section is amended by this act and also by another act adopted in 1989 and the amendments cannot be edited together in the next publication of Minnesota Statutes, the amendment by this act shall be without effect.

Presented to the governor May 18, 1989

Signed by the governor May 19, 1989, 11:00 p.m.

## CHAPTER 198—H.F.No. 268

*An act relating to commerce; clarifying legislative intent regarding unfair practices under a franchise agreement; amending Minnesota Statutes 1988, sections 80C.14, subdivision 1; and 80C.21.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1988, section 80C.14, subdivision 1, is amended to read:

Subdivision 1. **PROHIBITION.** No person, whether by means of a term or condition of a franchise or otherwise, shall engage in any unfair or inequitable practice in contravention of such rules as the commissioner may adopt defining as to franchises the words "unfair and inequitable." For the purpose of rules defining the words "unfair and inequitable," the commissioner may specifically recognize classifications of franchises including but not limited to the classifications of motor vehicle fuel franchises, motor vehicle franchises, hardware franchises, and franchises which require that the franchisee make an initial, unfinanced investment in excess of \$200,000. A violation of this section is enjoined by a court of competent jurisdiction. Irreparable harm to the franchisee will be presumed if there is a violation of this section by a person who is required to register under section 80C.02, but who fails to do so.

A temporary injunction may be granted under this section without requiring the posting of any bond or security. A bond or security is required if a temporary restraining order is granted.

Sec. 2. Minnesota Statutes 1988, section 80C.21, is amended to read:

**80C.21 WAIVERS VOID.**

New language is indicated by underline, deletions by ~~strikeout~~.