

147.05 **Supplies; secretary, executive secretary, bond, compensation; board member's compensation.** The state board of medical examiners shall provide blanks, books, certificates, and such stationery and assistance as is necessary for the transaction of the business pertaining to the duties of such board and all money received by the secretary shall be paid into the state treasury as provided for by law, to be kept in a separate fund which shall be under the control, and for the use, of the board. *The board may employ, discharge, and fix the compensation of an executive secretary, in the unclassified service, to perform duties prescribed by the board.* The secretary and executive secretary of the board shall each give a bond in the sum of \$10,000 to the state of Minnesota for the faithful performance of his duties. Each member of the board shall receive as compensation for his services the sum of \$50 per day, to be fixed by the board for each day he is in actual attendance at examinations, and, regular and special meetings of the board, and the secretary and other members of the board shall receive all expenses actually and necessarily incurred by them in attending such meetings and examinations. The secretary shall receive a salary of not to exceed ~~\$4,800~~ *\$9,600* per annum, the amount thereof and the manner of payment to be fixed by the board. The salary and expenses of the members of the board shall be paid as determined by the board by the state treasurer on warrants signed by the president or secretary, or other authorized person, drawn by the state auditor on the state treasurer on the funds of said board.

Sec. 4. **Effective date.** *Sections 1 and 2 are effective December 1, 1967. Section 3 is effective on enactment.*

Approved May 15, 1967.

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CHAPTER 417—S. F. No. 1263

[Coded]

*An act relating to the promotion, advertising, research and development of Irish potatoes; providing for area potato councils and prescribing their powers, duties and authority; prescribing a tax on potato production subject to the act; providing for its collection; providing penalties for the violation of this act; repealing Minnesota Statutes 1965, Sections 30.31 to 30.46.*

Be it enacted by the Legislature of the State of Minnesota:

**Changes or additions indicated by italics, deletions by strikeout.**

Section 1. **[30.461] Potato Industry Promotion Act of Minnesota; citation.** This act may be cited as the "Potato Industry Promotion Act of Minnesota".

Sec. 2. **[30.462] Declaration of policy.** It is hereby declared that the production, development, marketing, and promotion of Irish potatoes in Minnesota is important to the general welfare of the people of the state of Minnesota; that it is in the public interest that better methods of production, processing, and marketing of potatoes and the advertising and promoting of potatoes grown in the state of Minnesota be fostered, encouraged, developed, and improved so that the potato industry within the state of Minnesota, the people employed by said industry, directly or indirectly, and the people of the state of Minnesota should be benefited thereby, the accomplishment of which requires and demands provision for the establishment of Minnesota state potato councils for the purposes and with the objectives of contributing to the stabilization and improvement of the agricultural economy of this state. The provisions of this act shall not be construed to abrogate or limit in any way the rights, powers, duties, and functions of the office of the commissioner of agriculture or any other agency of the state but shall be supplementary thereto and in aid and cooperation therewith; nor shall the provisions of this act be constructed to authorize an area potato council to engage in competitive business enterprises, it being the intended purpose of this act that the council through research and advertising shall promote Minnesota grown Irish potatoes.

Sec. 3. **[30.463] Definitions.** Subdivision 1. **Terms.** For the purposes of this act the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. "Council" means a Minnesota area potato council.

Subd. 3. "Grower" means any person who plants, raises, and harvests Irish potatoes from more than ten acres.

Subd. 4. "Potatoes" means any and all varieties of Irish potatoes harvested within the state of Minnesota.

Subd. 5. "Participating grower" means a grower who has not exempted himself from the payment of taxes on potato production under this act for a particular year, or a grower who is not exempt from the payment of taxes on potato production under the terms of this act.

Subd. 6. "Commissioner" means commissioner of agriculture.

Sec. 4. **[30.464] Areas; designation, law governing.** Sub-

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division 1. For the purpose of administration of this act the state is divided into four areas. Area number one includes the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Mahnomen, Clay, Becker, Wilkin and Otter Tail. Area number two includes the counties of Roseau, Lake of the Woods, Beltrami, Clearwater, Itasca, Koochiching, St. Louis, Carlton, Lake and Cook. Area number three includes the counties of Traverse, Grant, Douglas, Big Stone, Stevens, Pope, Swift, Kandiyohi, Lac Qui Parle, Chippewa, Yellow Medicine, Renville, McLeod, Carver, Scott, Dakota, Lincoln, Lyon, Redwood, Sibley, Le Sueur, Rice, Goodhue, Nicollet, Wabasha, Pipestone, Murray, Brown, Waseca, Steele, Dodge, Olmsted, Winona, Cottonwood, Watonwan, Blue Earth, Rock, Nobles, Jackson, Martin, Faribault, Freeborn, Mower, Fillmore and Houston. Area number four includes the counties of Hubbard, Cass, Aitkin, Wadena, Crow Wing, Todd, Pine, Morrison, Mille Lacs, Kanabec, Stearns, Benton, Isanti, Chisago, Sherburne, Anoka, Meeker, Wright, Washington, Hennepin and Ramsey.

Subd. 2. This act shall apply to and be in force in any area of the state wherein the commissioner of agriculture shall so determine pursuant to, and after approval by, referendum of the potato growers as provided in subdivision 3 of this section.

Subd. 3. Upon the filing of a petition with the commissioner signed by 25 growers or 25 percent of the growers, whichever is less, residing in one area praying that this act shall apply in all or a stated part of that area, the commissioner shall give seven days public notice to be published in a legal newspaper in each county affected of the time and place or places within the area of a referendum which shall be held in such area and if approved by two-thirds of the voters voting at such referendum such area shall be deemed organized under this act and this act shall apply thereto. The commissioner shall thereupon file an order finding such facts and such order shall be evidence of the facts so found.

Subd. 4. When an area or a designated part thereof has been organized under this act for at least one year the applicability of the provisions of this act thereto may be terminated by referendum proceedings instituted by petition and carried out exactly as prescribed in subdivision 3 for organizing the area under the act.

Sec. 5. [30.465] **Minnesota area potato councils; membership, election, term.** There is hereby established in each area subjected to the provisions of this act by referendum as provided in section 4, subdivision 3, an area potato council. The council shall be composed of the commissioner of agriculture or his designated representative, who shall be chairman of the council except that he shall

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not have the right to vote, and five participating growers elected from the area. Every elected council member shall be a citizen of the state and a bona fide resident of and participating grower in the area he represents. The term of each elected member shall be three years and shall begin on July 1 of year of election, except that initially one member shall be elected for a three year term; two members shall be elected for two year terms; and two members shall be elected for one year terms as designated by the commissioner. If at any time during a member's term he shall cease to possess any of the qualifications provide for in this act, his office shall be deemed vacant and the council shall appoint another qualified participating grower for the remainder of the term of the office vacated. The commissioner shall conduct all elections under this section in such a manner as he, in his discretion, deems fair and reasonable. All such elections shall be conducted in the month of June. No elected member of the council shall be eligible to serve more than two consecutive three year terms.

Sec. 6. **[30.466] Meetings, quorum, compensation and expenses of council.** A majority of the voting members of an area council shall constitute a quorum for the transaction of all business in carrying out the duties of the council. All meetings of the council shall be called by the chairman except special meetings which shall be called by the chairman on the petition of three council members within seven days of receiving such a petition. Each member of the council, except the chairman, shall receive the sum of \$25 per day for each day spent in performance of the business of the council, *together with traveling expenses while on council business on the same basis as employees of the commissioner.*

Sec. 7. **[30.467] Expenditure of funds.** Amounts credited to an area in the potato fund shall be subject to disbursement for expenses incurred in carrying out the purposes of this act. Such disbursement shall be by draft or other withdrawal order in form prescribed by the state treasurer signed by a person or persons designated by the council. Any such representative shall provide bond in such manner and amount as the state treasurer may reasonably require. The financial affairs and records of any area shall be subject to audit by an auditing agency of the state of Minnesota when and as the state treasurer may so request.

Sec. 8. **[30.468] Area potato council powers and duties.** In the administration of this act, the council shall have the following powers and duties:

(a) To contract and cooperate with any person, firm, corporation, or association, or with any local, state or federal depart-

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ment or agency for research, education, publicity, promotion, and transportation for the purposes of this act;

(b) To expend the funds collected pursuant to the provisions of this act and appropriated for its administration;

(c) To appoint, employ, bond, discharge, fix compensation for, and prescribe the duties of such administrative, clerical, technical, and other personnel as it may deem necessary;

(d) To accept donations of funds, property, services, or other assistance from public or private sources for the purpose of furthering the objectives of the council;

(e) To investigate and prosecute in the name of the state of Minnesota any action or suit to enforce the collection or ensure payment of the taxes authorized by the provisions of this act, and to sue and be sued in the name of the council.

Sec. 9. [30.469] **Tax levied.** There is hereby levied and imposed upon all land subjected to the provisions of this act by referendum and from which potatoes are harvested by a grower as defined herein an annual tax of \$1 per acre. Every potato grower in such area or areas shall report to the council by August 15 following the effective date of this act and on July 15 of each year thereafter, on forms provided by the council, the acreage of potatoes planted in such area or areas, on acreages controlled by him. On or before November 15 of each year every such grower shall file with the council, on forms furnished by it, a statement reporting the acres of potatoes harvested. The remittance of the tax at the rate as provided in this section shall accompany the report. All moneys levied and collected under this act shall be paid to the area council having jurisdiction for deposit to the credit of that area, in a fund designated "Potato Fund", in a bank, or banks, or other depository, approved by the commissioner of banks and shall be disbursed by such officers and employees as may be approved by the commissioner of agriculture with the advice and consent of the area potato council. Such funds are to be used exclusively to carry out the intent and the purposes of this act as it relates to that area.

Sec. 10. [30.47] **Financing referendums.** Any petitioners for a referendum to organize under this act filing such petition after June 30, 1969, shall deposit with the commissioner of agriculture sufficient funds to pay the costs of such referendum and such funds shall be used by the commissioner for that purpose. If an area council is created pursuant to such a referendum it may reimburse petitioners for the amount of such deposit from any funds received by the council.

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Sec. 11. [30.471] **Storage breakdown loss; tax refund.** A grower who sustains a complete storage breakdown may file a claim for a refund of that portion of the tax for the crop year affected based upon the acreage from which the yield was lost. Growers claiming relief under this section shall make application in writing to the council on or before April 1 of such crop year. All claims for refund under this section shall be under oath and attested by three other growers informed of the facts.

Sec. 12. [30.472] **Nonparticipating growers; refunds.** Growers may become nonparticipating growers and claim exemption from the provisions of this act. To claim exemption, a nonparticipating grower shall notify the council, in writing, on or before July 15 of each year, at the time of the initial report as provided in section 9 of his intention not to participate under the program and to claim refund of the taxes herein levied for that crop year. Such grower, if he has notified the council of his intention not to participate, as herein provided, shall be eligible between December 1 and December 15 of each year, to claim a refund of the taxes paid in that crop year, paid pursuant to this enactment. Upon the receipt of a written claim for refund from an eligible, nonparticipating grower, the council shall refund the taxes paid in such crop year.

Sec. 13. [30.473] **Referendum by growers.** Whenever 15 percent of the participating growers in all areas activated under this act, as disclosed by the records of the area councils for the preceding year, shall petition the councils, the councils shall conduct a referendum among all the participating growers of the state to determine whether they wish the legislature to raise or lower the tax imposed by section 9. Such referendum shall be conducted only among participating growers who have paid all taxes assessed pursuant to this enactment for the preceding year, and the ballots shall be prepared by the councils and mailed to each participating grower at least 30 days prior to the last date for filing ballots. In addition, each ballot shall be accompanied by a notice to each participating grower:

(a) Of the date of the filing of the petition by the growers for the referendum and the number of signatures contained thereon;

(b) Of the date and place where the councils will open and tabulate the ballots, which date shall be not less than five days after the last date for filing the ballots;

(c) Of the last date upon which ballots shall be filed with the council, or postmarked if delivered to the council by mail;

(d) That any participating grower may attend the meeting

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of the council at the time the ballots are opened and the votes tabulated.

If a majority of the participating growers voting upon the question are in favor of the proposed change, the council shall certify the result to the commissioner with the request that the department prepare a bill to submit to the legislature at the next legislative session to modify this act in conformity therewith. The results of such referendum shall be advisory only and the legislature shall in no way be obligated to adopt legislation enacting the proposals contained in any referendum.

Sec. 14. [30.474] **Collection of unpaid taxes.** If a participating grower fails to pay the tax provided herein, the collection thereof may be enforced by the council in any court with competent jurisdiction within this state.

Sec. 15. [30.475] **Violations.** Any person who willfully violates the provisions of this act is guilty of a misdemeanor.

Sec. 16. [30.476] **Penalty for nonpayment of taxes.** Any participating grower who shall fail to pay any tax levied by this act on the date that the same becomes due shall be delinquent and the council shall levy a penalty on such delinquent payment of 10 percent of the tax due, plus interest at the rate of 6 percent per annum from the due date, which penalty and interest shall be collected in the manner as described in section 14.

Sec. 17. [30.477] **Record of council; inspection.** All of the records of the council, including acreage reports, tax returns, claims of exemption, and any other data, records, or information retained by the council shall be public information and shall be available for the inspection of any person for any lawful purpose; provided, however, that the council shall be empowered to make reasonable rules and regulations concerning the inspection of such information or data, and the time or place of such inspection or the manner which the information shall be made available.

Sec. 18. **Repealer.** Minnesota Statutes 1965, Sections 30.31 to 30.46 are hereby repealed.

Approved May 15, 1967.

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