

CHAPTER 535—H. F. No. 1512

An act relating to the employment of public accountants by villages; amending Minnesota Statutes 1949, Section 426.08.

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

Section 1. Minnesota Statutes 1949, Section 426.08, is amended to read:

426.08 Public accountants in villages. The council of any village may employ public accountants on a monthly or yearly basis for the purpose of auditing, examining, and reporting upon the books and records of account of such village. For the purpose of this section public accountants are defined as any individuals who for a period of five years prior to the date of such employment have been actively engaged exclusively in the practice of public accounting. All expenditures for these purposes shall be within the statutory limits upon tax levies in such villages.

Approved April 21, 1953.

CHAPTER 536—H. F. No. 1517

An act relating to and defining milk, cream, fluid milk products and goat milk, the pasteurization of and establishing grades for same; regulating the pasteurization, sale, possession, advertising, labeling and dealing in milk, cream, fluid milk products and goat milk; amending Minnesota Statutes 1949, Section 32.391, Subdivisions 1 and 2, and adding thereto Subdivision 3; amending Minnesota Statutes 1945, Section 32.392, as amended; amending Minnesota Statutes 1945, Section 32.393, as amended; amending Minnesota Statutes 1945, Section 32.394, as amended, and adding thereto Subdivision 4; amending Minnesota Statutes 1949, Section 32.395, and repealing Minnesota Statutes 1945, Section 32.396, as amended.

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

Section 1. Minnesota Statutes 1949, Section 32.391, is amended to read:

32.391 Milk; pasteurization. Subdivision 1. **Milk.** Milk is defined as the whole, fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within 15 days before and five days after calving, or such longer period as may be necessary to render the milk practically colostrum free, and which contains

not less than 3.25 percent of milk fat. The name "milk" unqualifiedly means cow's milk.

Fluid milk products shall be taken to mean and include cream, sour cream, half and half, reconstituted half and half, concentrated milk, concentrated milk products, skim milk, non-fat milk, chocolate flavored milk, chocolate flavored drink, chocolate flavored reconstituted milk, chocolate flavored reconstituted drink, buttermilk, cultured buttermilk, cultured milk, vitamin D milk, reconstituted or recombined milk, reconstituted cream, reconstituted skim milk, homogenized milk, and any other fluid milk product made by the addition of any substance to milk or to any of the above enumerated fluid milk products, when the same is declared to be a fluid milk product by rule or regulation promulgated by the commissioner.

Goat milk is a whole, fresh, clean lacteal secretion free from colostrum, obtained by the complete milking of one or more healthy goats.

Subd. 2. Pasteurization. The terms "pasteurization," "pasteurized," and similar terms shall be taken to refer (a) to the process of heating every particle of milk, *fluid milk products, or goat milk, in properly operated equipment approved by the commissioner, to a temperature of at least 143 degrees Fahrenheit and holding such temperature for at least 30 minutes, or (b) to the process of heating every particle of milk, fluid milk products, or goat milk, in properly operated equipment approved by the commissioner, to a temperature of at least 161 degrees Fahrenheit and holding such temperature for at least 15 seconds.* Nothing contained in this definition shall be construed as excluding any other process which has been demonstrated to be equally efficient and is approved by the commissioner.

Subd. 3. Cooling of milk products. *Immediately following pasteurization, all milk, fluid milk products and goat milk shall be cooled, in properly operated equipment approved by the commissioner, to a temperature of 50 degrees Fahrenheit or lower, and maintained at 50 degrees Fahrenheit or lower until delivered; provided, however, that if the milk, fluid milk products, or goat milk is to be cultured immediately after pasteurization, then such cooling may be delayed until after the culturing process is completed.*

Sec. 2. Minnesota Statutes 1945, Section 32.392, as amended by Laws 1949, Chapter 403, Section 1, is amended to read:

32.392 Approval of plant. No pasteurized milk, fluid milk products, or goat milk which have been processed in this

state may be sold, advertised, offered, or exposed for sale or held in possession for sale in this state unless the plant, equipment, water supply and plumbing system connected with such plant shall have been approved by the commissioner and a permit issued to operate such plant. *At the time of filing the application for a permit, the applicant shall submit to the commissioner duplicate floor plans of such plant which shall show the placement of equipment, the source of water supply and method of distribution, and the location of the plumbing system, including the disposal of wastes.* All new construction or alteration of *any existing* plants shall be made only with the approval of the commissioner and duplicate plans for such construction or alteration shall be submitted to him for approval. *Any permit may be revoked by the commissioner for due cause after the holder of the permit has been given the opportunity for a hearing, in which case the holder of the permit shall be notified in writing, at least seven days prior to the date of such hearing, of the time and place of such hearing.*

Sec. 3. Minnesota Statutes 1945, Section 32.393, as amended by Laws 1949, Chapter 403, Section 1, is amended to read:

32.393 Limitation on sale. Subdivision 1. **Pasteurization.** No milk, fluid milk products, or goat milk shall be sold, advertised, offered or exposed for sale or held in possession for sale for the purpose of human consumption in fluid form in this state unless the same has been pasteurized and cooled, as defined in section 32.391; provided, that this section shall not apply to milk, cream, skim milk, or goat milk occasionally secured or purchased for his personal use by any consumer at the place or farm where the milk is produced.

Subd. 2. **Labels.** All pasteurized milk, fluid milk products, or goat milk sold, offered or exposed for sale or held in possession for sale shall be labeled or otherwise designated as pasteurized milk, pasteurized fluid milk products, or pasteurized goat milk, and in case of pasteurized fluid milk products the label shall also state the name of the specific product.

Sec. 4. Minnesota Statutes 1945, Section 32.394, as amended by Laws 1949, Chapter 403, Section 1, is amended to read:

32.394 Grade A milk. Subdivision 1. Grade A pasteurized milk, fluid milk products and goat milk are Grade A raw milk, fluid milk products and goat milk for pasteurization which have been pasteurized, cooled and prepared for distribution in a plant approved by the commissioner, the bacterial count of which at no time after pasteurization and until de-

livery exceeds 30,000 bacteria per milliliter, standard plate count, as determined by *averaging the logarithms of the results of the last four consecutive tests of samples taken on separate days, except that such average may be over 30,000 bacteria per milliliter if the last individual result is 30,000 bacteria per milliliter or lower, and not more than one of the last four coliform counts of which shall exceed 10 per milliliter unless the last individual result is 10 per milliliter or lower; provided, that the standard plate count standard shall be omitted in the case of sour cream, cultured buttermilk, other cultured fluid milk products and cultured goat milk.*

Subd. 2. *Grade A raw milk or goat milk for pasteurization purposes is raw milk or goat milk which complies with all the requirements for its production, the bacterial count of which does not exceed 200,000 bacteria per milliliter, standard plate count or direct microscopic clump count, as determined by averaging the logarithms of the results of the last four consecutive tests of samples taken on separate days, except that such average may be over 200,000 bacteria per milliliter if the last individual result is 200,000 bacteria per milliliter or lower.*

Subd. 3. *Nothing in this section shall be construed to mean compulsory grading of pasteurized milk, pasteurized fluid milk products, pasteurized goat milk, raw milk for pasteurization, or raw goat milk for pasteurization; such grade shall apply only to pasteurized milk, pasteurized fluid milk products, pasteurized goat milk, raw milk for pasteurization, or raw goat milk for pasteurization on which the grade is declared on the label.*

Subd. 4. *The commissioner shall by regulation promulgate production and processing standards for Grade A pasteurized milk, fluid milk products and goat milk, Grade A raw milk for pasteurization and Grade A raw goat milk for pasteurization.*

Sec. 5. Minnesota Statutes 1949, Section 32.395, is amended to read:

32.395 Milk other than Grade A. *Subdivision 1. Pasteurized milk, fluid milk products and goat milk, other than Grade A, are raw milk, fluid milk products and goat milk for pasteurization which have been pasteurized, cooled and prepared for distribution in a plant approved by the commissioner, the bacterial count of which at no time after pasteurization and until delivery, exceeds 50,000 bacteria per milliliter, standard plate count, as determined by averaging the logarithms of the results of the last four consecutive tests of samples taken on separate days, except that such average may be over 50,000*

bacteria per milliliter if the last individual result is 50,000 bacteria per milliliter or lower, and not more than one of the last four coliform counts of which shall exceed 10 per milliliter unless the last individual result is 10 per milliliter or lower; provided, that the standard plate count standard shall be omitted in the case of sour cream, cultured buttermilk, other cultured fluid milk products and cultured goat milk.

Subd. 2. Raw milk or raw goat milk for pasteurization purposes, other than Grade A, is raw milk or raw goat milk which complies with all the requirements for its production, the bacterial count of which does not exceed 500,000 bacteria per milliliter, standard plate count or direct microscopic clump count, as determined by averaging the logarithms of the results of the last four consecutive tests of samples taken on separate days, except that such average may be over 500,000 bacteria per milliliter if the last individual result is 500,000 bacteria per milliliter or lower.

Subd. 3. The commissioner is authorized to promulgate by regulation production and processing standards for pasteurized milk, pasteurized fluid milk products, pasteurized goat milk, raw milk for pasteurization and raw goat milk for pasteurization.

Subd. 4. The commissioner in his discretion may authorize, in respect to raw milk or raw goat milk for pasteurization purposes, any other method or methods of determining bacterial count.

Sec. 6. Minnesota Statutes 1945, Section 32.396, as amended by Laws 1949, Chapter 403, Section 1, is repealed.

Approved April 21, 1953.

CHAPTER 537—H. F. No. 1520

An act providing for the issuance of permits to prospect for gold, silver, copper, cobalt, coal, graphite, petroleum, sand, gravel, stone, natural gas and all minerals, excepting iron ore, under the waters of any meandered public lake or river or for the issuance of leases for the mining of such minerals; amending Minnesota Statutes 1949, Section 93.08, Subdivision 2.

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

Section 1. Minnesota Statutes 1949, Section 93.08, Subdivision 2, is amended to read:

Subd. 2. **Scope of regulations.** It shall be provided in such regulations, among other things: