

↳County Treasurer, \$7,800  
Register of Deeds, \$7,800  
Clerk of District Court, \$7,800

Sec. 2. The salary established by the board of county commissioners shall be in full compensation for all services rendered.

All fees collected by any of the above named officers shall be deposited in the county treasury.

Sec. 3. The Probate Judge in the county of Stearns shall be paid an annual salary of \$10,000.

Sec. 4. Sections 1 and 2 of this act shall be effective upon approval by a majority of the members of the board of county commissioners of Stearns County.

Approved April 24, 1959.

---

CHAPTER 606—H. F. No. 1741

[Coded in Part]

*An act relating to the licensing of food manufacturers, processors, wholesalers, and retailers; providing penalties; amending Minnesota Statutes 1957, Section 31.435, Subdivision 1; repealing Minnesota Statutes 1957, Sections 32.23, 32.24, and 33.05 as amended.*

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

Section 1. [31.59] **Food handlers license law.** *This act shall be known as the food handlers license law.*

Sec. 2. [31.60] **Definitions.** *Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in this act shall, for the purpose of this chapter, be given the meanings subjoined to them.*

*Subd. 2. "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, and includes any trustee, receiver, assignee, or other similar representative thereof.*

*Subd. 3. "Commissioner" means the commissioner of agriculture, dairy, and food.*

*Subd. 4. "Food" includes every article used for, enter-*

ing into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for man, whether simple, mixed, or compound.

Subd. 5. "Food Handler" means any person in the business of manufacturing, processing, or selling foods at wholesale or retail.

Subd. 6. "Establishment" means every location where food is manufactured, processed, or sold including buildings, locations, permanent or portable structures, carnivals, circuses, fairs, or any other permanent or temporary location.

Subd. 7. "Mobile unit" means any vehicle from which food is sold in any form other than as it was produced or grown or which was manufactured, processed, or packaged in a licensed establishment.

Subd. 8. "Manufacturer or Processor" means any person who receives food in a raw or partly processed form for the purpose of canning, extracting, fermenting, distilling, pickling, baking, freezing, drying, smoking, grinding, mixing, stuffing, packing, bottling, or otherwise treating or preserving the same for sale.

Subd. 9. "Wholesaler" means any person who buys, sells, or exchanges food at wholesale for purposes of resale.

Subd. 10. "Retailer" means any person who buys, sells, uses, exchanges, or has in possession with intent to buy, sell, use, or exchange, any article of food at retail in any establishment.

Subd. 11. "Sell and Sale" includes the keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchange of food, the having in possession with intent to sell, use, transport, negotiate, solicit, or exchange the same and the storing, or carrying thereof in aid of traffic therein whether done or permitted in person or through others.

### Sec. 3. [31.61] Licensing; rules and regulations.

Subdivision 1. Every person doing an annual gross business of more than \$400 and engaged in the business of a food handler, except those who handle only pre-packaged food, shall obtain from the commissioner a license for each establishment or mobile unit which is being operated by a food handler, which license shall state the name and address of the food handler, where such business is being engaged in, or the headquarters of the mobile unit, and the category for which he is being licensed. Applications for licenses shall be made

to the commissioner upon such forms as provided by the commissioner, which application shall state the name and address of the applicant, the name and address where such business is being conducted or such mobile unit is headquartered, the nature of the business he is engaged in, and such other pertinent information as the commissioner shall require. Each application shall be accompanied by a fee of \$5; except that applications from licensees who are additionally licensed under the provisions of Minnesota Statutes, Section 157.03 shall be accompanied by a fee of \$1.50. The commissioner and the hotel inspection division under Minnesota Statutes, Section 157.03, may issue a joint license in a manner to be agreed upon to applicants who are licensed under this act and Minnesota Statutes, Section 157.03. The joint license shall be issued upon the payment of the amount of the two licenses under this act and under Minnesota Statutes, Section 157.03. All licenses shall expire annually and no license shall be issued for a term longer than one year. The commissioner may divide persons required to be licensed under this section into such groups by geographical location, type of operation, or other methods of classification as he believes will best promote the economical, effective, and convenient execution of this section and shall determine on what day of each year licenses in each group shall expire. He may change such groups or methods of classification from time to time. A licensee, the period of whose group is shortened by such grouping or change thereof, shall pay only such proportion of the annual license fee as the shortened period bears to one year and receive credit on the fee for the next license year for any overpayment, and if the period of a group is lengthened, a licensee shall pay additional fees proportionate to the time by which it is lengthened. Such license shall be posted or displayed in a conspicuous place at the establishment so licensed. If a license is not applied for on or before the expiration date after such applicant has manufactured, processed, sold or offered for sale, exposed for sale or had in possession with intent to sell food within this state, a penalty of ten percent of the license fee shall be imposed for each month thereafter; provided that in no case shall the penalty exceed the amount of the license fee. All such license fees and penalties collected by the commissioner shall be deposited into the state treasury.

Subd. 2. The commissioner may adopt such rules and regulations in conformity with law as he deems necessary to effectively carry out the provisions of this act.

Sec. 4. [31.62] **Transfer of business.** A transfer of a business or a discontinuance of its operation by the

*licensee at the address covered by the license voids the license and the license certificate shall be surrendered to the commissioner immediately by such licensee.*

**Sec. 5. [31.63] Violations.** *Any person who does not comply with the provisions of this act shall be guilty of a misdemeanor.*

**Sec. 6. [31.64] Enforcement.** *It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay, for the enforcement of the penalties as herein provided.*

**Sec. 7. [31.65] Convictions of related offenses.** *When any person licensed under this act shall have been convicted of a violation of any provision of any law of this state relating to manufacture, processing, distribution, handling, or sale of food or of any provision of any rule or regulation made and promulgated by the commissioner under provisions of law, the commissioner shall have the power to suspend or revoke any license issued under provisions of this act; or the person licensed under this act and convicted as herein specified may be restrained by injunction from operating such establishment or category of the business for which he is licensed by the commissioner. No injunction shall be issued until after the defendant has had a least five days notice of application therefor, and the time fixed for hearing thereon.*

**Sec. 8. [31.66] Exclusions; farmers, educational, charitable or religious organizations.** *The provisions of this act shall not apply to a producer selling farm products of his own production, or to educational, charitable, or religious organizations not regularly engaged in the business of manufacturing, processing, or selling food.*

**Sec. 9. [31.67] Exclusions; other licensees.** *Any person licensed under the provisions of Minnesota Statutes, Sections 19.19, 19.39, 27.04, 28.02, 29.05, 31.185, 31.21, 31.22, 31.33, 31.52, 32.09, 34.04, and 34.05 is excluded from the requirements of this act.*

**Sec. 10.** Minnesota Statutes 1957, Section 31.435, Subdivision 1, is amended to read:

**31.435 Subdivision 1. Requirements.** *It shall be unlawful for any person to sell, offer or expose for sale, or have in possession with intent to sell, horse meat for human consumption:*

(a) Unless a sign is posted in a conspicuous place both inside and outside the store, *eating establishment*, or building in which said meat is sold or offered or exposed for sale, reading "horse meat sold here";

(b) Unless the counter or container in which the same is offered or exposed for sale is plainly and conspicuously marked with the words "horse meat" and no other meat of any kind shall be placed in the same container with horse meat; if horse meat is placed in the same counter with other cuts of meat each cut shall be plainly labeled "horse meat";

(c) Unless all packages, boxes or containers in which horse meat is delivered to the purchaser shall be plainly and conspicuously marked with the words "horse meat."

Sec. 11. *If any section, subsection, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.*

Sec.—12. *Minnesota Statutes 1957, Sections 32.23, 32.24, and 33.05 are repealed.*

Sec. 13. *The effective date of this act shall be January 1, 1960.*

Approved April 24, 1959.

---

#### CHAPTER 607—S. F. No. 1370

*An act relating to bands, orchestras, or choruses employed or maintained by cities of the second, third, or fourth class or by villages, boroughs, or towns; amending Minnesota Statutes 1957, Sections 449.09, 449.10, 449.12, and 449.13.*

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

Section 1. Minnesota Statutes 1957, Section 449.09, is amended to read:

449.09 **Bands, orchestras or choruses, tax levy.** Cities of the second, third, or fourth class, villages, boroughs, or towns, however organized, may, when authorized as herein-after provided, levy each year a tax not to exceed three mills for the purpose of providing a fund for the maintenance, transportation or employment of a band, *orchestra*, or *chorus* for municipal purposes. No levy by any municipality shall exceed, in any one year, \$10,000 except in cities of the second