

Sec. 16. Minnesota Statutes 1965, Section 112.65, Subdivision 2, is amended to read:

Subd. 2. Construction of all new drainage systems or improvements of existing drainage systems within the district shall be initiated by filing a petition with the managers of the district. *In all proceedings for the improvement of existing drainage systems within the district, the managers shall conform to the provisions of Minnesota Statutes, Section 106.501.*

Sec. 17. **Repealer.** *Minnesota Statutes 1965, Section 112.37, Subdivision 4, is repealed.*

Approved May 22, 1967.

CHAPTER 635—H. F. No. 1712

[Coded]

An act relating to the regulation of the salvaging and reconditioning of food; amending Minnesota Statutes 1965, Chapter 31, by adding a section.

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

Section 1. Minnesota Statutes 1965, Chapter 31, is amended by adding a section to read:

[31.495] Food salvage; regulation of food salvage operations.
Subdivision 1. For the purposes of this section, the terms defined in this subdivision have the meanings given them:

(a) *“Distressed food” means any food, the label of which has been lost, defaced, or obliterated, or food which has been subjected to possible damage due to accident, fire, flood, adverse weather, or to any other similar cause; or food which is suspected of having been rendered unsafe or unsuitable for food use.*

(b) *“Reconditionable or salvageable food” is distressed food which it is possible to reclaim for food, feed, or seed use as determined by examination by the commissioner or his representatives.*

(c) *“Reconditioned or salvaged food” is reconditionable or salvageable food which has been reconditioned or salvaged under supervision of the commissioner so as to comply with the standards established under this section.*

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

(d) *“Reconditioning” or “salvaging” is the act of cleaning, culling, sorting, scouring, labeling, relabeling, or in any way treating “distressed food” so that it may be deemed to be “reconditioned” or “salvaged food” and therefore is acceptable for sale or use as human food, animal feed, or seed as provided therefor by the commissioner.*

(e) *“Salvage food processor” is a person who holds a permit to operate as a salvage food processor and who receives supervision of his salvaging operations from the commissioner.*

(f) *“Labeling” means any legend or descriptive matter or design appearing upon an article of food or its container, and includes circulars, pamphlets and the like, which are packed and go with the article to the purchaser, and placards which may be allowed to be used to describe the food.*

Subd. 2. (a) *It is unlawful for any person either to represent himself to be a salvage food processor, or to engage in the activities of reconditioning or salvaging distressed food, or both, unless he has been issued a salvage food processor’s permit from the commissioner to operate as a salvage food processor, which permit may not be issued until he has complied with all the provisions of this section and all rules and regulations promulgated under this section.*

An applicant for a salvage food processor’s permit shall apply on forms provided by the commissioner and shall supply all information required by the commissioner. If the commissioner finds that the applicant maintains a proper place and the equipment to properly engage in the activities of reconditioning and salvaging distressed food he shall require the filing of a bond pursuant to subdivision 3 of this section before issuing a permit. Salvage food processor’s permits expire on December 31 next following their issuance and are subject to renewal annually in accordance with the requirements of this section and rules and regulations promulgated under this section. Such permits may be revoked by the commissioner for due cause after the holder of the permit has been given the opportunity for a hearing. The holder of the permit shall be notified in writing at least ten days before the date of the hearing of the time and place of the hearing.

(b) *Before issuing a permit, the commissioner shall determine that the applicant’s salvage establishment meets at least the minimum requirements adopted by rule and regulation for such an establishment which shall include but not be limited to adequacy of buildings, location, water supply, waste disposal, equipment, hand washing and toilet facilities, and sanitation practices, as the same relate to the protection of the public health and welfare. The applicant shall contract with the commissioner for supervision of his activities of recon-*

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ditioning and salvaging distressed food as a salvage food processor, with payment for such supervision to be determined pursuant to this section.

(c) The fees to be paid for the supervision furnished by the commissioner are as follows:

(1) Inspector's salary at \$5 per hour for time actually spent in supervision and inspection;

(2) Laboratory personnel, if used, at \$6 per hour for time actually spent in laboratory work;

(3) Meals, if consumed, at the rate established by the state department of administration;

(d) No such fees shall be charged unless and until the distressed food in question has been designated as salvageable by the commissioner and is in the possession of a salvage food processor.

All moneys so collected shall be deposited in the state treasury and credited to the general revenue fund.

Subd. 3. To assure payment of the fees charged by the commissioner for the supervision of food salvage operations, the applicant shall execute and file with the commissioner a corporate surety bond to the state of Minnesota to be approved by the commissioner, the amount and form thereof to be fixed by the commissioner subject to the following conditions: (a) The amount of such bond shall be not less than \$1,000; and (b) no additional bond shall be required of an applicant who is bonded pursuant to Minnesota Statutes, Section 27.04, if the amount of the bond filed pursuant to section 27.04 is at least equal to the amount required by the commissioner for the supervision of the food salvage operation and is not less than \$1,000.

Subd. 4. (a) No salvage food processor shall sell distressed food for human food, animal feed, or seed unless he first has notified the commissioner who shall inspect and examine the distressed food and determine if it needs to be salvaged. If he determines that the distressed food is reconditionable or salvageable, he shall issue a stop sale order which shall require the distressed food to be held inviolate pending supervision of the reconditioning or salvaging of the distressed food by the commissioner. If distressed food is found to be in need of salvage and is salvageable, the commissioner shall direct it to be salvaged by any salvage food processor who holds a valid permit and is duly authorized by the owner of the food or his agent to salvage it, after which the salvaged food shall be released by the commissioner for sale. If it is found not to be salvageable for human food,

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it may be salvaged for animal feed or seed, unless it is not suitable for animal feed or seed, in which case the commissioner shall render such distressed food unsalable for use as human food, animal feed, or seed and order it disposed of under his supervision.

(b) *No person shall offer for sale as human food any distressed food which has been diverted to animal feed or seed use or has been rendered unsalable as human food by the commissioner or his assistants.*

Subd. 5. This section does not apply to: (a) Any food manufacturer, distributor, or processor who in the normal course of his business of manufacturing, processing, or distributing of food engages in the activities of reconditioning and salvaging distressed food manufactured, distributed or processed by or for him and not purchased by him solely for the purpose of reconditioning, salvaging, and sale; or (b) Any person who reassembles or disposes of undamaged food which is from lots in which food or packaging materials or containers are damaged in the normal course of commerce or while in his possession and which is not purchased by him solely for the purpose of reconditioning, salvaging, and sale, or any common carrier or his agent who disposes of or otherwise transfers undamaged or distressed food to a person exempt under this section or to a salvage food processor who holds a valid permit under this section; or (c) Any person who stores, handles or processes grain or oil seeds in the normal course of his business except when such person purchases for the purpose of reconditioning, salvaging, and sale as human food grain or oil seeds contaminated by bird, rodent or animal excreta or by chemicals poisonous, injurious or detrimental to human life or health.

Sec. 2. Effective date. *This act is effective July 1, 1967.*

Approved May 22, 1967.

CHAPTER 636—S. F. No. 2128

[Not Coded]

An act relating to the city of Saint Paul; authorizing the fixing and payment of the annual salaries of its mayor, its comptroller, and six councilmen; repealing Laws 1965, Chapter 791.

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

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