

## CHAPTER 374—S.F.No. 1680

*An act relating to Anoka county; providing that Anoka county park ordinances supersede local ordinances; designating Anoka county as an operating agency in the administration and expenditure of an appropriation for the Mississippi Regional Park.*

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

## Section 1. ANOKA COUNTY; PARK ORDINANCES.

Notwithstanding Minnesota Statutes, section 398.34, subdivision 3, ordinances enacted by the Anoka county board under Minnesota Statutes, section 398.34, subdivision 2, supersede any conflicting provisions of home rule charter and statutory city and town ordinances.

## Sec. 2. APPLICATION.

Section 1 applies to ordinances in effect on the effective date of this act in addition to ordinances enacted in the future. However, section 1 shall not apply to city owned park land.

## Sec. 3. MISSISSIPPI REGIONAL PARK APPROPRIATION.

The county of Anoka is designated as an "operating agency," in addition to the Hennepin county park reserve district and the Minneapolis park and recreation board, in the administration and expenditure of funds appropriated for the Mississippi Regional Park by Laws 1985, First Special Session chapter 15, section 5, subdivision 2(b).

## Sec. 4. EFFECTIVE DATE.

Section 1 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the county board of Anoka county. Section 2 is effective the day following final enactment.

Approved March 19, 1986

## CHAPTER 375—S.F.No. 1703

*An act relating to commerce; regulating those who package soft drinks and other nonalcoholic beverages; increasing certain vending machine inspection fees; clarifying authority to inspect vending machines; clarifying rulemaking authority of commissioner of agriculture; amending Minnesota Statutes 1984, sections 28A.05; 28A.09, subdivision 1; 34.03; and 34.09; repealing Minnesota Statutes 1984, section 34.05.*

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

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Section 1. Minnesota Statutes 1984, section 28A.05, is amended to read:

**28A.05 CLASSIFICATION.**

All persons required to have a license under section 28A.04 shall be classified into one of the following classes of food handlers, according to their principal mode of business.

(a) Retail food handlers are persons who sell or process and sell food directly to the ultimate consumer or who custom process meat or poultry. The term includes a person who sells food directly to the ultimate consumer through the use of coin actuated vending machines; ~~unless excluded by section 28A.15, subdivision 6.~~

(b) Wholesale food handlers are persons who sell to others for resale. A person who handles food in job lots (jobbers) is included in this classification.

(c) Wholesale food processors or manufacturers are persons who process or manufacture raw materials and other food ingredients into food items, or who reprocess food items, or who package food for sale to others for resale, or who commercially slaughter animals or poultry. Included herein are persons who can, extract, ferment, distill, pickle, bake, freeze, dry, smoke, grind, mix, stuff, pack, bottle, recondition, or otherwise treat or preserve food for sale to others for resale, cold storage warehousemen as defined in section 28.01, subdivision 3, salvage food processors as defined in section 31.495, subdivision 1, dairy plants as defined in section 32.01, subdivision 6, and nonresident manufacturers of frozen foods as described in section 32.59; and nonresident manufacturers or distributors of nonalcoholic beverages as described in section 34.05.

(d) A food broker is a person who buys and sells food and who negotiates between a buyer and a seller of food, but who at no time has custody of the food being bought and sold.

Sec. 2. Minnesota Statutes 1984, section 28A.09, subdivision 1, is amended to read:

Subdivision 1. **ANNUAL FEE; EXCEPTIONS.** Every coin operated food vending machine is subject to an annual state inspection fee of \$5 at least \$15 for each nonexempt machine, provided that:

(a) Food vending machines may be inspected by either a home rule charter or statutory city, or a county, but not both, and if inspected by a home rule charter or statutory city, or a county they shall not be subject to the state inspection fee, but the home rule charter or statutory city, or the county may impose a reasonable inspection or license fee. A home rule charter or statutory city or county that does not inspect food vending machines shall not impose a food vending machine inspection or license fee.

(b) Vending machines dispensing only gum balls, hard candy, unsorted confections, ~~bottled or canned soft drinks~~ or ice manufactured and packaged by

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another shall be exempt from the state inspection fee, but may be inspected by the state. A home rule charter or statutory city may impose by ordinance a reasonable inspection or license fee on the vending machines described in this paragraph. A county may impose by ordinance a reasonable inspection or license fee on the vending machines described in this paragraph which are not located in a home rule charter or statutory city.

(c) Vending machines dispensing only bottled or canned soft drinks are exempt from the state, home rule charter or statutory city, and county inspection fees, but may be inspected by the commissioner or the commissioner's designee.

Sec. 3. Minnesota Statutes 1984, section 34.03, is amended to read:

#### 34.03 SOFT DRINKS INSPECTED; REGISTRATION.

~~No Soft drinks or other nonalcoholic beverages, not manufactured in this state, shall be sold, offered or exposed for sale, exchanged, or held in possession with intent to sell within this state, unless the same are first inspected and registered with the commissioner that are mixed, compounded, or sold for home consumption are subject to rules established under section 34.09.~~

Sec. 4. Minnesota Statutes 1984, section 34.09, is amended to read:

#### 34.09 SANITATION; RULES AND REGULATIONS.

~~The commissioner shall promulgate, in the manner provided by law, such rules and regulations rules covering those persons licensed under section 28A.04, who manufacture, sell, or dispense soft drinks and other nonalcoholic beverages establishing minimum sanitary requirements as which are reasonably necessary to protect the public health and interest. The rules must include, but are not limited to, sanitary practices involving beverage manufacturing plants, beverage dispensing equipment, and the use of sterile containers in packaging beverages for home consumption. Rules must be adopted in accordance with chapter 14.~~

Sec. 5. **REPEALER.**

Minnesota Statutes 1984, section 34.05, is repealed.

Approved March 19, 1986

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### CHAPTER 376—S.F.No. 1823

*An act relating to financial institutions; providing for open end loan account arrangements; modifying permissible finance charges and annual charges; eliminating alternative credit card plan requirements; amending Minnesota Statutes 1984, section 48.185, subdivisions 1, 3, and 4; repealing Minnesota Statutes 1984, section 48.185, subdivision 4a.*

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