

assessment and award report the same to the court under their hands. *Whenever the state is acquiring property, the commissioners shall show in their report the amount of the award of damages which is to reimburse the owner and tenant or lessee for the value of the land taken, and the amount of the award of damages, if any, which is to reimburse the owner and tenant or lessee for damages to other property involved. The amounts awarded to each person shall also be shown separately.*

Sec. 2. Minnesota Statutes 1949, Section 117.14, is amended to read:

**117.14 Trial; costs.** Such appeal may be noticed for trial as in the case of a civil action, and the court may direct that issues be framed, and require other parties to be joined and to plead therein when necessary for the proper determination of the questions involved. The cause shall be tried by a jury, unless the parties otherwise agree, and the court or jury trying the same shall reassess the damages and apportion the same as justice may require. *Whenever the state is acquiring property, the jury or court shall show in the verdict or order the amount of the award of damages which is to reimburse the owner and tenant or lessee, for the value of the land taken, and the amount of the award of damages, if any, which is to reimburse the owner and tenant or lessee for damages to other property involved. The amounts awarded to each person shall also be shown separately.* Except as herein otherwise provided, the trial shall be conducted and the cause disposed of according to the rules applicable to ordinary civil actions in the district court. The court in its discretion may award to the prevailing party the costs and disbursements of the appeal.

Approved April 24, 1953.

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#### CHAPTER 752—S. F. No. 1129

*An act relating to grade A milk, milk products and goat milk; providing for the issuance of grade A permits, and the collection of inspection fees and the issuance of permits to field service personnel and amending Minnesota Statutes 1945, Section 32.394, as amended by Laws 1949, Chapter 403, Section 1.*

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

Section 1. Minnesota Statutes 1945, Section 32.394, as amended by Laws 1949, Chapter 403, Section 1, is amended by adding thereto seven subdivisions to read:

*Subdivision 1. No person shall sell, offer or expose for sale, any milk, milk products or goat milk labeled Grade A, unless the milk, milk products or goat milk have been produced and processed in accordance with the requirements of Minnesota law and regulation. Any processor desiring to use the Grade A label on milk, milk products or goat milk shall make application for a permit to the commissioner on a form prescribed and furnished by the commissioner. The permit shall be issued by the commissioner when he has determined that the applicant has complied with the requirements of Minnesota law and regulation. Permits shall not be transferable with respect to person or location. A permit may be suspended by the commissioner upon failure by the holder of the permit to comply with any of the terms of Minnesota law and regulation or for interference with inspection, and 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 given a notice in writing of the time and place of such hearing at least seven days before the date of such hearing.*

*Subd. 2. To assure compliance with the laws and regulations governing the production, handling, processing, and sale of Grade A milk, Grade A milk products and Grade A goat milk, the commissioner is hereby authorized to provide a service, to be performed by trained and duly qualified milk sanitarians, for the inspection of such milk, milk products and goat milk, and of the premises and plants where such milk, milk products and goat milk are produced, handled and processed. Such service shall be for acquainting the processor and producers with the requirements for a Grade A milk supply, for preliminary inspection to determine if a processor has brought his farms and plant to the state of compliance which will qualify his products for the Grade A label, and for continuous inspection to assure that any farms and plants so accepted and all products therefrom so labeled shall remain in compliance. Said Grade A processor shall provide a continuous field service to assist the producers, who sell their milk to his plant, to attain and to maintain compliance with Grade A requirements. Any person who performs such field service for such Grade A processor first shall obtain a permit therefor from the commissioner. Any person desiring to secure such permit shall make application therefor on a form provided by the commissioner, and before a permit is issued the commissioner shall determine that the applicant is competent and qualified to perform such field service. Said permit shall not be transferable and may be revoked 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 given a notice in writing of the time and place of such hearing at least seven days before the date of such hearing.

*Subd. 3.* The aforesaid state service shall be available to all processors who wish to use the Grade A label on their milk, milk products and goat milk and who have not available to them substantially equivalent service, imposed with equal effectiveness by a city, village or borough within the state.

*Subd. 4.* Any processor of milk, milk products or goat milk who wishes to acquaint himself and his producers with Grade A requirements may make a request to the commissioner for exploratory inspections and meetings for this purpose. Upon receipt of such request the commissioner at his convenience shall cause such exploratory inspections to be made and such meetings to be held as are necessary to acquaint said processor and producers with such requirements. If, after such exploratory inspections are made and such meetings are held and when in his opinion his field service has brought his producers into compliance with said requirements, said processor wishes to avail himself of further inspection service, he shall so apply on a form furnished by the commissioner stating the number of farms to be inspected. Such application shall be accompanied by a fee payable to the State Treasurer in an amount of not less than \$50 and not more than \$300, which fee is to be charged for preliminary inspection prior to continuous inspection and assessments over \$50 are to be determined by charging \$1.00 for each farm over 50 but shall not exceed \$300 if more than 300 farms are inspected; provided, that if the plant and farms are accepted for continuous inspection, this charge shall be made only once. If the preliminary inspection discloses that the processor is eligible for use of the Grade A label on his products and before he so labels said products, he shall apply for continuous inspection on a form furnished by the commissioner and shall hold a Grade A permit. Such application shall be accompanied by a fee of not less than \$50 nor more than \$100 per plant and of not less than \$15 nor more than \$30 per farm, said fee to be paid annually by the processor. The commissioner, as he deems necessary to more nearly meet the cost of the service, annually may adjust the assessments within the limits set herein.

*Subd. 5.* The amount of such assessments shall be payable by the processor on or before July 1, of each year, and if not paid on or before July 31, following, the service shall be discontinued, and permission to use the Grade A label shall be withdrawn; provided, that such processor may terminate such payment and such service without loss of the Grade A label if

*written notice of such intention is given at least 30 days prior to the due date of the payment of said assessment and if the continuous inspection of said plant and farms is assumed by a city, village or borough whose milk control ordinance is substantially equivalent to Minnesota law and regulation and is enforced with equal effectiveness. The fees for services performed by the activities of this act shall be deposited in the state treasury and shall constitute a separate account to be known as the Grade A inspection service account, which is hereby created, set aside, and appropriated as a revolving fund to be used to help to defray the cost of administration and expenses of the Grade A preliminary and continuous inspection services and shall be in addition to and not in substitution for the sums appropriated or otherwise made available for this purpose to the Department of Agriculture, Dairy and Food.*

*Subd. 6. All rules and regulations heretofore adopted by the commissioner relating to Grade A milk and which are in effect at the time of passage of this act and which are not in conflict with this act shall remain in effect until amended, modified or repealed by the commissioner.*

*Subd. 7. This act shall become effective July 1, 1953.*

Approved April 24, 1953.

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CHAPTER 753—S. F. No. 1152

[Not Coded]

*An act relating to the salaries and compensation of certain officers in counties now or hereafter having a population of 550,000 or more; amending Laws 1951, Chapter 702.*

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

Section 1. Laws 1951, Chapter 702, Section 1, is amended to read:

Section 1. **Hennepin county; salaries, certain officers.** In each county of this state now or hereafter having a population of 550,000 or more, the county officers hereinafter named shall receive as full compensation for all services of every kind or nature performed as such officials whether pursuant to the laws of this state or of the United States, or of any home rule charter adopted pursuant to Article 4, Section 36 of the constitution of this state, stated annual salaries as follows, to-wit: county attorney, \$11,500; county auditor \$8,500, and in addition thereto the county auditor may receive any sum not more than \$500 which may be otherwise provided for services as a member of a municipal building commission; county superin-