

CHAPTER 32. DAIRY PRODUCTS

DAIRY PLANT LICENSING AND INSPECTION		FROZEN DAIRY FOODS	
Sec.		Sec.	
32.10	Licenses, suspension, revocation.	32.645	Penalties.
32.101	Penalty.		
32.102	Prosecutions.		

DAIRY PLANT LICENSING AND INSPECTION

32.10 Licenses; suspension, revocation

When any person licensed under sections 28A.04 and 32.10 shall have been convicted of a violation of any provision of any law of this state relating to the manufacture or sale of butter or cheese or other dairy products, or the operation of dairy plants, or other establishments in which dairy products or goat milk, as defined in section 32.391, subdivision 1, are manufactured, processed, or handled, or for transportation, or of any provision of any rule or regulation of the commissioner made and promulgated under the provisions of law or there has been a continued course of conduct by such licensee or any agent, representative or employee of such licensee which deceives or defrauds producers or consumers, his license (1) may be suspended for the time stated in order of suspension, (2) may be revoked or canceled by the commissioner, or (3) upon application for a renewal license, the commissioner may refuse to issue the same, upon ten days' written notice with opportunity to be heard. The commissioner shall promulgate procedural rules and regulations governing the notice, hearing, evidence, findings, order, and record to be kept in such hearings, in the manner provided by law. Upon conviction of a second or any subsequent offense, the commissioner may revoke and cancel such license with or without notice of hearing, in his discretion, and in such case the commissioner shall not issue another license for the operation of such plant or establishment for a term of one year from the date of such cancellation or revocation.

[1973 c 35 s 11]

32.101 Penalty

Any person who shall violate any of the provisions of sections 28A.04 and 32.10 shall be guilty of a misdemeanor; and, upon conviction, punished by a fine of not less than \$25, or by imprisonment for not less than 30 days; and for each subsequent offense, by a fine of not less than \$50, or by imprisonment for not less than 60 days.

[1973 c 35 s 12]

32.102 Prosecutions

It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of sections 28A.04 and 32.10 to cause appropriate proceedings to be instituted and to be prosecuted in the proper courts, without delay, for the enforcement as in such cases therein provided. All fines imposed and paid thereunder shall be paid into the state treasury.

[1973 c 35 s 13]

FROZEN DAIRY FOODS

32.645 Penalties

Subdivision 1. Any person licensed under the provisions of sections 28A.04, 28A.14, 32.56, and 32.59, who knowingly violates, or who directs or knowingly permits any officer, agent, or employee to violate section 32.62, subdivision 2, clause (1) or clause (3), shall be guilty of a gross misdemeanor and upon conviction

32.645 DAIRY PRODUCTS:

tion thereof, be punished by a fine of not more than \$1,000, or 30 days imprisonment in the county jail, or both. For each subsequent offense, in addition to any fine or imprisonment imposed under this subdivision, upon conviction thereof, the commissioner of agriculture shall revoke or withhold issuing to such offender any license required under the provisions of sections 28A.04, 28A.14, 32.56, and 32.59, and in such case of revocation of license the commissioner shall not issue any license for the operation of such frozen food manufacturing plant for a period of one year from the date of such revocation.

[1973 c 35 s 14]

[For text of subd., 2, see M.S.1971]

CHAPTER 32B. DAIRY PROMOTION ACT

Sec. 32B.04	Board of directors; creation, membership.	Sec. 32B.09	Refund of fees; milk marketing program.
32B.06	Suspension or termination of milk promotional order.		

32B.04 Board of directors; creation, membership

[For text of subds. 1 to 3, see M.S.1971]

Subd. 4. The board of directors shall meet within 15 days after their election has been certified by the commissioner. The commissioner and board of directors shall formulate a promotional order establishing a program for research and development to promote the marketing of milk and milk products including but not limited to marketing, research, processing, distribution and advertising. The order shall provide for the method of collecting fees from milk producers in Minnesota to finance the proposed activities and the fees shall not exceed one percent of the market value of the product sold by the producer. The exact fee must be stated in the promotional order and can be changed only by a referendum vote, conducted in the same manner as the promotional referendum. For the first two years of this promotional order, the fee shall not exceed one half of one percent of market value of the product sold by the producer. The commissioner, with the advice and consent of the board of directors shall hold a public hearing on the promotional order and shall thereafter conduct a referendum on the final promotional order. For purposes of voting in a referendum on a final order, the vote in the name of a cooperative association of producers shall be deemed the vote of all producer-members of that cooperative association. The commissioner with the advice and consent of the board of directors shall schedule and specify procedures for the referendum. A ballot prepared by the board of directors and the commissioner of agriculture shall be sent by each cooperative to its member and non-member producers with a return envelope addressed to the commissioner of agriculture. The ballot shall indicate that the cooperative association intends to vote in favor or in opposition to the question. In the case of member-producers the ballot shall indicate expiration date of the ballot and state that if not returned by said date, the ballot shall be considered to be the vote of the association. The ballot shall be returned to the commissioner of agriculture. A cooperative association shall not be required to bloc vote its producers but in such event it shall inform each producer of its decision and provide each producer with an individual referendum ballot with a return envelope addressed to the commissioner of agriculture.

Each private processor shall file a list of producers who market their production with said private processor with the commissioner. The commissioner of agriculture will mail each producer who markets through a private processor an individual ballot with a return envelope addressed to the commissioner of agriculture. These ballots shall be returned to the commissioner. The commissioner shall count and tabulate all ballots. The promotional order shall become effective if approved by a majority of those voting in the referendum. The promotional order shall provide amongst other things for the