

MINNESOTA STATUTES 1977 SUPPLEMENT

DAIRY PRODUCTS 32.394

30.469 Assessment levied.

Commencing July 1, 1977, an assessment at the rate of two cents per hundredweight shall be levied and imposed upon all potatoes grown or sold or delivered to a first handler in this state. The assessment shall not be imposed upon potatoes retained by growers to be used for seed purposes or for their own consumption.

(a) The assessment imposed by sections 30.461 to 30.477 and 30.479 shall be due upon any identifiable lot or quantity of potatoes.

(b) A first handler of potatoes shall file an application with the council on forms prescribed and furnished by the council which shall contain the name under which the handler is transacting business within the state, the place or places of business and location of loading and shipping places of agents of the first handler, the names and addresses of the several persons constituting a firm or partnership, and, if a corporation, the corporate name and the names and addresses of its principal officers and agents within the state. The council shall issue a certificate to the first handler and a first handler shall not sell or ship any potatoes until the certificate is furnished as required by this section.

(c) Each first handler of potatoes shall collect the assessment imposed by sections 30.461 to 30.477 and 30.479 by charging and collecting from the seller the assessment at the rate of two cents per hundredweight by deducting the assessment from the purchase price of all potatoes subject to the assessment and purchased by the first handler.

(d) Every first handler shall keep as a part of his permanent records a record of all purchases, sales, and shipments of raw potatoes, which records shall be open for examination by the commissioner at all reasonable times. Every first handler shall render a report to the council stating the quantity of potatoes received, sold, or shipped by him during the preceding calendar quarter, on forms to be furnished by the council. The report shall be due not later than 15 days after the end of the calendar quarter. The report shall contain such further information as the council shall prescribe. With the filing of the report, each first handler shall pay to the council an assessment at the rate of two cents per hundredweight upon all potatoes reported as purchased, sold, or shipped, as determined by the council.

All moneys levied and collected under sections 30.461 to 30.477 and 30.479 shall be paid to the area council having jurisdiction for deposit to the credit of that area, in a fund designated "Potato Fund", in a bank, or banks, or other depository, approved by the commissioner of banks and shall be disbursed by such officers and employees as may be approved by the commissioner of agriculture with the advice and consent of the area potato council. Such funds are to be used exclusively to carry out the intent and the purposes of sections 30.461 to 30.477 and 30.479 as it relates to that area.

[1977 c 18 s 1]

30.478 [Repealed, 1977 c 234 s 9]

CHAPTER 32. DAIRY PRODUCTS

Sec.
32.394 Grade A pasteurized milk.

Sec.
32.486 Minnesota farmstead cheese. [New]

32.394 Grade A pasteurized milk.

[For text of subds 1 to 7, see M.S.1976]

Subd. 8. 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

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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 applications 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 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 \$100 nor more than \$400 per plant and of not less than \$15 nor more than \$40 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. 8a. A laboratory, before conducting a test the results of which are to be used in the enforcement of requirements for distribution of milk, milk products or goat milk under the Grade A label, must be certified as meeting the requirements for laboratory approval that are established by regulation of the commissioner, and must receive a permit from the commissioner. The permit shall remain valid without renewal unless suspended or revoked by the commissioner for failure to comply with the requirements. Satisfactory analytical procedures and results for split samples, the nature, number and frequency of which shall be in accordance with regulations established by the commissioner, shall be required of a certified laboratory for retention of its certification and permit.

An application for initial certification or for recertification following suspension or revocation of a permit shall be accompanied by a fee of not less than \$100 nor more than \$350. The fee for each set of split samples shall be not less than \$25 nor more than \$75. The commissioner may annually adjust assessments within the limits established by this subdivision to meet the cost of the services required by this subdivision.

A certified laboratory of record on June 5, 1975 shall be issued a permit without having to pay the initial certification fee.

[For text of subds 8b and 9, see M.S.1976]

[1977 c 120 s 1,2]

32.486 Minnesota farmstead cheese.

Subdivision 1. **Definition.** "Minnesota farmstead cheese" means cheese manufactured within the state of Minnesota on the same farm on which the milk is produced that is used in the manufacture. The milk used to manufacture Minnesota farmstead cheese must be less than 48 hours old when used.

Subd. 2. **Use of name restricted.** No cheese or packaged cheese that is sold, offered, or exposed for sale or held in possession with intent to sell at either retail or wholesale within this state may be labelled or described as "Minnesota farmstead cheese" unless it meets the criteria set forth in subdivision 1, and the manufacturer has obtained a written permit to use the name from the commissioner of agriculture, or his designate.

Subd. 3. **Permit.** The commissioner or his designate shall issue a permit authorizing the use of the name "Minnesota farmstead cheese" upon application made

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therefor on forms furnished by the commissioner, if the commissioner or his designate is satisfied that the cheese manufactured by the applicant meets the requirements prescribed by subdivision 1. The commissioner or his designated agents shall inspect the farm at reasonable times to insure compliance with subdivision 1. The permit may be suspended or revoked by the commissioner if he finds that the permittee is not in compliance with subdivision 1.

[1977 c 114 s 1]

CHAPTER 33. BUTTER SUBSTITUTES

Sec.

33.13 Spoiled or unused stamps to be destroyed.

33.13 Spoiled or unused stamps to be destroyed.

Any spoiled or unused stamps in the possession of the commissioner of revenue shall be destroyed upon joint certificate of the commissioner of revenue and the legislative auditor setting forth the number, denomination, and face value of the same. This certificate shall relieve the accountable officer from accountability in the amount thereof.

[1977 c 347 s 10]

CHAPTER 38. COUNTY AGRICULTURAL SOCIETIES, FAIRS, FARM BUREAUS

Sec.

38.02 Aid, distribution.

38.04 Annual meetings; reports.

Sec.

38.13 Commissioner of agriculture to examine books.

38.02 Aid, distribution.

Subdivision 1. **Pro rata distribution; conditions.** (1) Money appropriated to aid county and district agricultural societies and associations shall be distributed among all county and district agricultural societies or associations in the state pro rata, upon condition that each of them has complied with the conditions specified in clause (2).

(2) To be eligible to participate in such distribution, each such agricultural society or association (1) shall have held an annual fair for each of the three years last past, unless prevented from doing so because of a calamity or an epidemic declared by the local or state board of health to exist; (2) shall have an annual membership of 25 or more; (3) shall have paid out to exhibitors for premiums awarded at the last fair held a sum not less than the amount to be received from the state; (4) shall have published and distributed not less than three weeks before the opening day of the fair a premium list, listing all items or articles on which premiums are offered and the amounts of such premiums and shall have paid premiums pursuant to the amount shown for each article or item to be exhibited; provided that premiums for school exhibits may be advertised in the published premium list by reference to a school premium list prepared and circulated during the preceding school year; and shall have collected all fees charged for entering an exhibit at the time the entry was made and in accordance with schedule of entry fees to be charged as published in the premium list; (5) shall have paid not more than one premium on each article or item exhibited, excluding championship or sweepstake awards, and excluding the payment of open class premium awards to 4H Club exhibits which at this same fair had won a first prize award in regular 4H Club competition; (6) shall have submitted its records and annual report to the commissioner of agriculture on a form provided by the commissioner of agriculture, on or before the first day of November of the current year.

(3) All payments authorized under the provisions of this chapter shall be made only upon the presentation by the commissioner of agriculture with the commissioner of finance of a statement of premium allocations. As used herein the term premium shall mean the cash award paid to an exhibitor for the merit of an exhibit of livestock, livestock products, grains, fruits, flowers, vegetables, articles of domestic science, handicrafts, hobbies, fine arts, and articles made by school pupils, or the cash award paid to the merit winner of events such as 4H Club or Future